City of Phoenix

Minutes

186285

City Council Formal Meeting

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

Wednesday, December 14, 2022 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, Dec. 14, 2022 at 2:38 p.m. in the Council Chambers.

Present: 8 - Councilwoman Yassamin Ansari, Councilmember Carlos Garcia, Councilwoman Betty Guardado, Councilwoman Ann O'Brien, Councilwoman Debra Stark, Councilman Jim Waring, Vice Mayor Laura Pastor and Mayor Kate Gallego

Absent: 1 - Councilman Sal DiCiccio

Councilmember Garcia and Councilwoman O'Brien attended the meeting virtually. Councilwomen Guardado and Stark temporarily left and returned to the voting body during Citizen Comments.

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

The City Clerk confirmed copies of the titles of Ordinances G-7064, S-49240 through S-49285, and Resolutions 22088 through 22091 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.

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

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/reappointment by Mayor Gallego and Councilwoman Stark:

North Mountain Village Planning Committee

Appoint Michael Lenz, filling a vacancy, for a term to expire Nov. 19, 2023, as recommended by Councilwoman Stark.

Phoenix Employment Relations Board

Reappoint Joseph Diggs, representing the Maricopa Area Labor Federation, for a seventh term, to expire Dec. 15, 2025, as recommended by Mayor Gallego.

Reappoint Fernando Ortega, representing the Public, for a seventh term to expire Dec. 15, 2025, as recommended by Mayor Gallego.

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

Yes:	8 -	Councilwoman Ansari, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego
No:	0	
Absent:	1 -	Councilman DiCiccio

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

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

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Stark, that Items 2-25 be recommended for approval. The motion carried by the following voice vote:

Yes: 8 - Councilwoman Ansari, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

Absent: 1 - Councilman DiCiccio

2 **Liquor License - Special Event - Our Lady of Czestochowa Roman Catholic Parish Phoenix**

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

Summary

Applicant
Kinga Hoffmann

Location
2828 W. Country Gables Drive
Council District: 1

Function
Dinner and Dance

Date(s) - Time(s) / Expected Attendance
Dec. 31, 2022 - 7 p.m. to 2 a.m. / 180 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

3 **Liquor License - Anzio's Italian Restaurant**

Request for a liquor license. Arizona State License Application 214959.

Summary

Applicant
Amy Nations, Agent

License Type
Series 12 - Restaurant

Location
12418 N. 28th Drive, Ste. 1
Zoning Classification: C-1
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 location requires a Use Permit to allow alcohol sales.

The 60-day limit for processing this application is Dec. 30, 2022.

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

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

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
“The new owners of Anzios Italian Restaurant have owned and operated many successful businesses in many states. They have owned restaurants with liquor license in Nevada. Their employee will attend basic liquor law training to ensure compliance with all 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:
“Anzios Italian Restaurant has been in operation with a liquor license since 1986. Their customers expect the great food and bottle of wine or drinks with their meals. We would like to continue to offer alcoholic beverages if our customers choose to have them.”

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 - Anzio's Italian Restaurant
Liquor License Map - Anzio's Italian Restaurant

This item was recommended for approval.

4 Liquor License - Sofia's Mexican Cuisine

Request for a liquor license. Arizona State License Application 214198.

Summary

Applicant
Jared Repinski, Agent

License Type
Series 12 - Restaurant

Location
4323 W. Cactus Road, Ste.1 and 2
Zoning Classification: C-1
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.

The 60-day limit for processing this application is Dec. 25, 2022.

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 been representing liquor licensed establishments in Arizona for over 15 years.”

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

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Sofia's Mexican Cuisine
Liquor License Map - Sofia's Mexican Cuisine

This item was recommended for approval.

5 Liquor License - Plaza Bonita Family Mexican Restaurant

Request for a liquor license. Arizona State License Application 12078813.

Summary

Applicant
Theresa Morse, Agent

License Type
Series 12 - Restaurant

Location
2815 W. Carefree Highway, Ste. 101
Zoning Classification: C-2 PCD NBCCOD
Council District: 2

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

The 60-day limit for processing this application is Dec. 17, 2022.

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

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.

Plaza Bonita Family Mexican Restaurant (Series 12)
21141 N. John Wayne Pkwy, Maricopa
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
“I have been a manager with my husband (now deceased) at this location. His recent passing prompted this transfer of the corporation. I have hired a manager and all my staff will be attending liquor law training including myself to ensure compliance with all state, city and county laws and regulations. This restaurant is a family atmosphere which caterers to the

community."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

6 Liquor License - Clearwater Mayo

Request for a liquor license. Arizona State License Application 206950.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
6650 E. Mayo Blvd.
Zoning Classification: R-3A PCD
Council District: 2

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

The 60-day limit for processing this application is Dec. 31, 2022.

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:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Clearwater Mayo is an active senior living community that offers fine dining and resort-style amenities. Applicant would like to continue to offer alcoholic beverages to its residents as an incident to the meals served."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Clearwater Mayo
Liquor License Map - Clearwater Mayo

This item was recommended for approval.

7 Liquor License - First Watch Restaurant #0203

Request for a liquor license. Arizona State License Application 213354.

Summary

Applicant
Joanne Feinstein, Agent

License Type
Series 12 - Restaurant

Location
34948 N. North Valley Parkway
Zoning Classification: C-2 PCD NBCC
Council District: 2

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 Jan. 3, 2023.

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:
"As Chief Legal Officer and Secretary of First Watch Restaurants, Inc., I personally have 20 plus years of management experience in the hospitality industry starting with Hard Rock Cafe International in 1997 and then at First Watch Restaurants beginning in 2018. First Watch Restaurants, Inc. is a publicly traded company with 430+ restaurants in 28 states, and currently holds more than 262 liquor licenses in numerous jurisdictions across the United States. To date, First Watch has never had a citation or violation against one of those liquor licenses. First Watch participates in responsible server training as required by law and as a matter of good practice where optional in all our locations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The issuance of liquor licenses enhance First Watch's already successful business model and supports additional jobs in the restaurant. First watch continues to be a family-oriented restaurant company with closing hours daily at 2:30 pm. The addition of alcoholic beverages on the menu provides a wider selection and enhanced experience for legal drinking age customers. First Watch's primary revenue generator continues to be food/meals, and the addition of alcoholic beverages to the menu provides additional options for customers."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - First Watch Restaurant #0203

Liquor License Map - First Watch Restaurant #0203

This item was recommended for approval.

8 Liquor License - Lux Max Annex

Request for a liquor license. Arizona State License Application 214871.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
16220 N. Scottsdale Road, Ste. 140
Zoning Classification: CP/GCP PCD
Council District: 2

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 Dec. 31, 2022.

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.

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

includes: information about any 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.

Lux (Series12)
4402 N. Central Ave., Ste. 2, Phoenix
Calls for police service: 8
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Lux Max Annex is a sophisticated, casual cafe located on the ground floor of a 6-story class A office building, offering delicious, fresh meals, snacks, and specialty coffees to tenants, guests, and neighbors. Applicant would like to expand its menu to include dinner options and alcoholic beverages to guests 21 and over."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Lux Max Annex

Liquor License Map - Lux Max Annex

This item was recommended for approval.

9 Liquor License - Playa II

Request for a liquor license. Arizona State License Application 06070702.

Summary

Applicant
Lindsey Welsh, Agent

License Type
Series 6 - Bar

Location
3217 E. Shea Blvd.
Zoning Classification: C-2
Council District: 3

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

The 60-day limit for processing this application is Dec. 20, 2022.

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

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

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
“I am a responsible and reliable member of my community. I've never so much as had a traffic ticket, nor less any other criminal offenses. Myself and my partner, Sandi Zerlaut, own and operate Playa II. Sandi has been managing Playa II for the last 2 1/2 years. We are on property 7 days a week."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

10 Liquor License - First Watch Restaurant #42

Request for a liquor license. Arizona State License Application 204269.

Summary

Applicant
Joanne Feinstein, Agent

License Type
Series 12 - Restaurant

Location
9645 N. Black Canyon Highway
Zoning Classification: A-1
Council District: 3

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

The 60-day limit for processing this application is Dec. 31, 2022.

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:
"As Chief Legal Officer and Secretary of First Watch Restaurants, Inc., I personally have 20 plus years of management experience in the hospitality Industry starting with Hard Rock Cafe International in 1997 and the a First Watch Restaurants beginning in 2018. First Watch Restaurants, Inc. Is a publicly traded company with 430+ restaurants in 28 states, and currently holds more than 262 liquor licenses in numerous jurisdictions across the United States. To date, First Watch has never has a citation or violation against one of those liquor licenses. First Watch participates in responsible server training as required by law and as a matter of good practice where optional in all our locations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “The issuance of liquor licenses enhance First Watch's already successful business model and supports additional jobs in the restaurant. First Watch continues to be a family-oriented restaurant company with closing hours daily at 2:30 pm. The addition of alcoholic beverages on the menu primary revenue generator continues to be food/meals, and the addition of alcoholic beverages to the menu provides additional options for customers.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - First Watch Restaurant #42
Liquor License Map - First Watch Restaurant #42

This item was recommended for approval.

11 Liquor License - Mariscos Empalme

Request for a liquor license. Arizona State License Application 214716.

Summary

Applicant
Theresa Morse, Agent

License Type
Series 12 - Restaurant

Location
2301 E. Bell Road
Zoning Classification: C-2
Council District: 3

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

permit.

The 60-day limit for processing this application is Dec. 27, 2022.

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 been operating a food truck since 2017 and have had many customers request a beer to drink with their food. I told them I could not sell it to them because I did not have a liquor license. I found the opportunity to lease this location and would like to be able to sell beer to complement the service of my food. I will attend liquor law training and will have any and all employees attend to comply with the 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 is a small restaurant in this area. There are many customers who patronize nearby businesses that would enjoy breakfast lunch or dinner. I will not be open late. I am excited to own a restaurant in Phoenix. I believe the neighborhood would like the atmosphere of a small restaurant such as mine.”

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 - Mariscos Empalme
Liquor License Map - Mariscos Empalme

This item was recommended for approval.

12 Liquor License - Shea Cheese

Request for a liquor license. Arizona State License Application 209678.

Summary

Applicant
Izaak Myers, Agent

License Type
Series 10 - Beer and Wine Store

Location
10880 N. 32nd St., Ste. 19
Zoning Classification: C-1
Council District: 3

This request is for a new liquor license for a convenience store that does not sell 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.

The 60-day limit for processing this application is Jan. 3, 2023.

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 over 16 years experience in project management in the finacial service industry and a co owner in Shea Cheese. I am currently enrolled in Title 4 Management training and will complete my certification prior to December 14."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “Shea Cheese takes its responsibility to follow all regulations seriously and serve to community that Jenny and I live in as community members ourselves . As a small cheese shop we want to offer wine and beer sales to our customers as convientient pairing options to pick up along with their cheese orders.”

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 - Shea Cheese
Liquor License Map - Shea Cheese

This item was recommended for approval.

13 Liquor License - Special Event - Brophy College Preparatory

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

Summary

Applicant
Julie Peterson

Location
4701 N. Central Ave.
Council District: 4

Function
Fellowship Dinner

Date(s) - Time(s) / Expected Attendance
March 11, 2023 - 5 p.m. to 9 p.m. / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

14 Liquor License - First Watch Restaurant #0041

Request for a liquor license. Arizona State License Application 213035.

Summary

Applicant
Joanne Feinstein, Agent

License Type
Series 12 - Restaurant

Location
61 W. Thomas Road
Zoning Classification: C-2 TOD-1, P-1 TOD-1
Council District: 4

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 Dec. 30, 2022.

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:
"As Chief Legal Officer and Secretary of First Watch Restaurants, Inc., I personally have 20 plus years of management experience in the hospitality industry starting with Hard Rock Cafe International in 1997 and then at First Watch Restaurants beginning in 2018. First Watch Restaurants, Inc. is a publicly traded company with 430+ restaurants in 28 states, and currently holds more than 262 liquor licenses in numerous jurisdictions across the United States. To date, First Watch has never had a citation or violation against one of those liquor licenses. First Watch participates in responsible server training as required by law and as a matter of good practice where optional in all our locations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The issuance of liquor licenses enhance First Watch's already successful business model and supports additional jobs in the restaurant. First watch continues to be a family-oriented restaurant company with closing hours daily at 2:30 pm. The addition of alcoholic beverages on the menu provides a wider selection and enhanced experience for legal drinking age customers. First Watch's primary revenue generator continues to be food/meals, and the addition of alcoholic beverages to the menu provides additional options for customers."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - First Watch Restaurant #0041
Liquor License Map - First Watch Restaurant #0041

This item was recommended for approval.

15 Liquor License - First Watch Restaurant #0202

Request for a liquor license. Arizona State License Application 213055.

Summary

Applicant
Joanne Feinstein, Agent

License Type
Series 12 - Restaurant

Location
3110 N. Central Ave., Ste. 179
Zoning Classification: WU T6:HWR MT
Council District: 4

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 Dec. 30, 2022.

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:
"As Chief Legal Officer and Secretary of First Watch Restaurants, Inc., I personally have 20 plus years of management experience in the hospitality industry starting with Hard Rock Cafe International in 1997 and then at First Watch Restaurants beginning in 2018. First Watch Restaurants, Inc. is a publicly traded company with 430+ restaurants in 28 states, and currently holds more than 262 liquor licenses in numerous jurisdictions across the United States. To date, First Watch has never had a citation or violation against one of those liquor licenses. First Watch participates in responsible server training as required by law and as a matter of good practice where optional in all our locations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The issuance of liquor licenses enhance First Watch's already successful business model and supports additional jobs in the restaurant. First watch continues to be a family-oriented restaurant company with closing hours daily at 2:30 pm. The addition of alcoholic beverages on the menu provides a wider selection and enhanced experience for legal drinking age customers. First Watch's primary revenue generator continues to be food/meals, and the addition of alcoholic beverages to

the menu provides additional options for customers."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - First Watch Restaurant #0202
Liquor License Map - First Watch Restaurant #0202

This item was recommended for approval.

16 Liquor License - JC Convenience Store

Request for a liquor license. Arizona State License Application 214219.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 10 - Beer and Wine Store

Location
6104 N. 27th Ave.
Zoning Classification: C-2
Council District: 5

This request is for a new liquor license for a convenience store that does not sell 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 has plans to open in January 2023.

The 60-day limit for processing this application is Dec. 30, 2022.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the

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

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"JC Convenience Store has operated in the same center since 2014, and proposes to move its store to the south end of the center. Applicant would like to continue to offer beer and wine to customers 21 and over."

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 - JC Convenience Store
Liquor License Map - JC Convenience Store

This item was recommended for approval.

17 Liquor License - Jimmy's Quick Stop

Request for a liquor license. Arizona State License Application 206940.

Summary

Applicant
Karla Castro, Agent

License Type
Series 10 - Beer and Wine Store

Location
2344 W. Glendale Ave.
Zoning Classification: C-2
Council District: 5

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 Dec. 31, 2022.

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 taken all courses necessary to run this establishment and make a friendly family grocery store. I am very responsible and will be maintaining in compliance with all applicable laws. All Managers and staff will be trained and certified in Arizona Title 4 and to be responsible in alcohol sales and service."

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 will have all in one stop for family gatherings or just on daily needs for household. Jimmy's Quick Stop will offer customers a unique experience."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Jimmy's Quick Stop
Liquor License Map - Jimmy's Quick Stop

This item was recommended for approval.

18 Liquor License - Rum Runner's Bar

Request for a liquor license. Arizona State License Application 06070163.

Summary

Applicant
James Desmond, Agent

License Type
Series 6 - Bar

Location
8355 N. 7th St.
Zoning Classification: C-2
Council District: 6

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

The 60-day limit for processing this application is Dec. 26, 2022.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been involved in the operation/management of Rum Runners Bar for 3 years. I have owned and operated successful businesses for the last 12 years. Have no criminal background. Have never been involved in a bankruptcy and am financially stable and responsible."

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

This item was recommended for approval.

19 Liquor License - Clearwater Ahwatukee

Request for a liquor license. Arizona State License Application 206937.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
15815 S. 50th St.
Zoning Classification: C-2 MR
Council District: 6

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

The 60-day limit for processing this application is Dec. 31, 2022.

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:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Clearwater Ahwatukee is an active senior living community that offers fine dining and resort-style amenities. Applicant would like to continue to

offer alcoholic beverages to its residents as an incident to the meals served."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Clearwater Ahwatukee
Liquor License Map - Clearwater Ahwatukee

This item was recommended for approval.

20 Liquor License - Sudhalle Taphouse

Request for a liquor license. Arizona State License Application 213422.

Summary

Applicant
Drew Pool, Agent

License Type
Series 12 - Restaurant

Location
4025 E. Chandler Blvd., Ste. 1-2
Zoning Classification: C-2 PCD
Council District: 6

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in February 2023.

The 60-day limit for processing this application is Dec. 23, 2022.

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.

Wren House Brewing Company (Series 3)
2125 N. 24th St., Phoenix
Calls for police service: 9
Liquor license violations: None

Wren House Brewing Co (Series 3)
6396 Lear Lane, Prescott
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have demonstrated and role-modeled responsibility with holding this

priveledge for Wren House Brewing since 2015."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "Based on our customer feedback and date, there us substantial demand for this business concept in Phoenix and specifically in the Ahwatuke area."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Sudhalle Taphouse
Liquor License Map - Sudhalle Taphouse

This item was recommended for approval.

21 Liquor License - Sushi Friend

Request for a liquor license. Arizona State License Application 214615.

Summary

Applicant
Kevin Min, Agent

License Type
Series 12 - Restaurant

Location
8727 N. Central Ave.
Zoning Classification: C-2
Council District: 6

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 Dec. 27, 2022.

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've established myself as an asset in the community, to be responsible and by the book. I have never had a dui, or any other felonies. I'm a daytime business and close by 7pm."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The community, who are my guests, are the ones that requested it. I want to provide them what they would like to have without being irresponsible."

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 - Sushi Friend
Liquor License Map - Sushi Friend

This item was recommended for approval.

22 Liquor License - Special Event - Children's Cancer Network

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

Summary

Applicant
Patricia Luttrell

Location
200 W. Monroe St.
Council District: 7

Function
Entertainment Event

Date(s) - Time(s) / Expected Attendance
Feb. 10, 2022 - 5 p.m. to 11 p.m. / 500 attendees
Feb. 11, 2022 - 1 p.m. to 10 p.m. / 1,200 attendees
Feb. 12, 2022 - Noon to 9 p.m. / 800 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

23 Liquor License - 805 Wine Shop

Request for a liquor license. Arizona State License Application 214874.

Summary

Applicant
Janeiro Cathey, Agent

License Type
Series 10 and 10S - Beer and Wine Store with Sampling Privileges

Location
1344 W. McKinley St., Ste. 114
Zoning Classification: C-2 M-R DNS/WVR
Council District: 7

This request is for a new liquor license for a beer and wine store with sampling privileges. 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 has plans to open in January 2023.

The 60-day limit for processing this application is Jan. 3, 2023.

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 of age, sound mind and experience working for several liquor license holders."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"They'll have the opportunity to experience some hard to find wines from the central coast California region. without having to drive to California and visit the wineries."

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 - 805 Wine Shop
Liquor License Map - 805 Wine Shop

This item was recommended for approval.

24 Liquor License - X Club Phoenix

Request for a liquor license. Arizona State License Application 214618.

Summary

Applicant
Ryan Anderson, Agent

License Type
Series 6 - Bar

Location
200 W. Monroe St.
Zoning Classification: DTC Business Core
Council District: 7

This request is for a new liquor license for a bar. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor liquor service as an accessory use to a bar.

The 60-day limit for processing this application is Dec. 31, 2022.

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

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

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
“The manager has completed on basic and management liquor training, and key staff will receive liquor training as well. The applicant desires to be a good neighbor and to make sure all Title 4 liquor laws are enforced.”

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 and social amenity space is located in a new and unique housing complex that provides much needed housing in the central Phoenix core. The restaurant and amenity area will provide additional food and social options in an area with fewer choices. The liquor license will complete the dining and amenity experience.”

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 - X Club Phoenix
Liquor License Map - X Club Phoenix

This item was recommended for approval.

25 Liquor License - Yogis Grill

Request for a liquor license. Arizona State License Application 214131.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
1 E. Washington St., Ste. 175
Zoning Classification: DTC - Business Core
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 is Dec. 26, 2022.

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:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Yogi's Grill is a casual family-friendly restaurant offering a variety of healthy and fresh Japanese cuisine menu items, salads, rice bowls, sushi, and more. Applicant would like to offer alcoholic beverages as an incident to the menus served."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Yogis Grill
Liquor License Map - Yogis Grill

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Stark, that Items 26-99 be approved or adopted, except Items 45, 50, 65, 67, 74-76 and 83; and continuing Item 64 to the Jan. 25, 2023 City Council Formal Meeting. The motion carried by the following vote:

Yes:	8 -	Councilwoman Ansari, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego
No:	0	
Absent:	1 -	Councilman DiCiccio

Items 26-32, Ordinance S-49240 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.

26 North American Region of the Airports Council International doing business as Airports Council International - North America

For $172,287.00 in payment authority for 2023 Airports Council International - North America (ACI-NA) membership dues for the Aviation Department. ACI-NA is an organization that represents state, local, and regional governing bodies that own and operate commercial airports in North America and the world, with a focus on supporting industry issues such as finance, safety, operations, environmental, sustainability, business and regulatory issues, as well as interpreting and coordinating regulatory policy and rule-making with the Federal Aviation Administration, Transportation Security Administration, Customs and Border Protection, and the Environmental Protection Agency.

This item was adopted.

27 eRAD Inc.

For $14,100.00 in payment authority for a new contract, entered on or about Jan. 1, 2023, for a term of five years for server and software maintenance and support services for the Phoenix Fire Department. The current server and software are used by the Fire Department's Health and Wellness Center to store diagnostic x-ray imaging for annual physicals and industrial injury tracking and reporting. The x-ray images have a legal requirement to be stored for up to 30 years after a member retires and current server storage system is set to max out in less than two years. The contract will provide an upgraded server and software system to accommodate the large volume of images required to be stored and will provide enhanced viewing capabilities with increased user role-based security features.

This item was adopted.

28 QCM Technologies, Inc.

For $45,000.00 in payment authority to purchase IBM Informix Enterprise

software license, maintenance, and professional services for the Municipal Court. The software is the database engine used to operate the Municipal Court's case management system. It is critical for the Municipal Court to continue to have access to this software, maintenance and support to provide the Municipal Court with the ability to operate its primary business application.

This item was adopted.

29 Archer Western Construction, LLC

For $386,503.16 in additional payment authority for Contract 154493, Change Order 1 for Project WS90500302-4 for the 38th Street Relief Sewer: Phase 2 - 38th Street Design/Bid/Build for the Water Services Department. The change order is for unforeseen changes for hard rock excavation: traffic control devices; extra asphalt removal and replacement; remove and replace sidewalk; sawcut and remove Asphalt Concrete pavement; placement of 24-inch Corrugated Metal Pipe storm drain; additional sewer manhole; hard rock excavation unit price negotiation; new river rock; and additional landscaping requested by the effected homeowners association. The work was not included as part of the original bid. The project will use Water Services Department Capital Improvement funds.

This item was adopted.

30 Settlement of Claim(s) Williams v. City of Phoenix

To make payment of up to $500,000.00 in settlement of claim(s) in *Williams v. City of Phoenix*, CV2020-000025, 18-0810-004, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a bodily injury claim arising from a motor vehicle accident on Jan. 23, 2019, involving the Police Department.

This item was adopted.

31 Settlement of Claim(s) Quintero v. City of Phoenix

To make payment of up to $100,000.00 in settlement of claim(s) in *Quintero v. City of Phoenix*, CV2021-011549, 20-1093-001, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a bodily injury claim arising from a motor vehicle accident on Nov. 30, 2020, involving the Planning and Development Department.

This item was adopted.

32 Settlement of Claim(s) Adams v. City of Phoenix

To make payment of up to $150,000.00 in settlement of claim(s) in *Adams v. City of Phoenix*, CV2018-055406, 18-0085-002-005, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a bodily injury claim arising from an incident on Jan. 24, 2018, involving the Street Transportation Department.

This item was adopted.

33 Runoff Election - March 14, 2023 - Amend Election Precinct Legal Descriptions (Ordinance S-49282)

Request City Council approval of an ordinance amending Ordinance S-39341, as amended, which establishes voting precincts within the City of Phoenix by district for all elections, and repealing all ordinances in conflict.

Summary

This ordinance is needed to amend the precinct legal descriptions for City Council Districts 1, 2, 3, 4, 5, 6, 7, and 8 to reflect technical changes and corrections, including recent changes made by Maricopa County related to precinct names and precinct boundaries.

The City's voting precincts are based on combinations of County voting precincts. There are 125 City precincts and the requested changes will not alter that number.

This item was adopted.

34 Reappointment of a Municipal Court Judge

This item requests to reappoint the following individual as a judge of the Phoenix Municipal Court: Cynthia Certa to a term expiring on Jan. 19, 2027.

Summary

On Dec. 2, 2022, the Judicial Selection Advisory Board recommended Judge Cynthia Certa to be reappointed by the Public Safety and Justice Subcommittee.

On Dec. 14, 2022, the Public Safety and Justice Subcommittee recommended Cynthia Certa to be reappointed as a judge of the Phoenix

Municipal Court.

This item was approved.

35 American Rescue Plan Act Reallocation Funds - The Moreland, XWings, and Affordable Housing and Homelessness Projects

Request to authorize the City Manager, or his designee, to allocate $21.2 million in American Rescue Plan Act (ARPA) reallocated funds for The Moreland project, XWing Non-Congregate Shelters, and hotel acquisitions. Funding is available through the City's allocation of the ARPA and will be added to the Affordable Housing and Homelessness Projects programs of the Council-approved strategic plan.

Summary

As presented in the Dec. 8, 2022, General Information Packet, staff is reviewing unused, underspent, and reprioritized ARPA funding. This review resulted in identifying ARPA funds totaling approximately $21.2 million that can be repurposed. Staff has identified three projects which can address immediate needs for homelessness and affordable housing using these repurposed funds.

The Moreland

Staff requests approval to reallocate $4 million to fully fund The Moreland project Phase I and add an additional 132 units to the affordable supply in the City of Phoenix. The Housing Department, through gap financing, is using $6 million of previously allocated ARPA funding to complete The Moreland project Phase I, a City co-development project with Native American Connections. This project will provide 132 units in downtown Phoenix. The current $6 million allocation does not cover the complete $10 million financing gap for the first phase of the project, so this $4 million will close the funding gap for Phase I.

XWing Non-Congregate Shelter Project

Staff requests approval to reallocate $5.5 million for this project to increase the supply of non-congregate shelter units in the City. A top priority of the City is to find creative solutions to address homelessness as rapidly as possible. Adapting shipping containers to become non-congregate shelter units is a unique, efficient solution and staff recommends installing four refurbished shipping container pods designed in the shape of an ‘X’ to create private sleeping areas at the

city-owned site at 3000 S. 22nd Ave. Each XWing consists of four 40-foot shipping containers that can sleep up to 20 people in a 5 by 8 private space. The site will also contain Sprung Structures that will be used for congregate shelter, communal spaces, bathrooms and showers, shaded outdoor areas, amenities for pets, storage, laundry, and other amenities.

Hotel Acquisition and Renovation

Staff requests approval to reallocate $11.7 million for the purchase and renovation of a hotel to support the City's efforts to assist residents experiencing homelessness. The acquisition and renovation of a hotel will provide additional beds and potential affordable housing resources.

Concurrence/Previous Council Action

The City Council previously approved the ARPA Strategic Plan during the June 8, 2021, and June 7, 2022, Policy Sessions.

This item was approved.

36 XWing Non-Congregate Shelter - EXC 22-0049 - Request for Award (Ordinance S-49284)

Request to authorize the City Manager, or his designee, to enter into contract with Steel & Spark, LLC., to provide XWing non-congregate shelter units for the Office of Homeless Solutions. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $3 million. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) and this program will be added to the Affordable Housing and Homelessness section in the ARPA strategic plan. The XWings will be installed at 3000 S. 22nd Ave. in conjunction with planned congregate shelter.

Summary

This contract will provide non-congregate shelter units which provide a unique and efficient solution to address homelessness rapidly. Each XWing consists of four 40-foot pods made from converted shipping containers that can sleep up to 20 people in a private space. The units are sustainable and made of corten steel which eliminates the need for maintenance. The XWings are non-combustible, built with life safety systems, have centralized heat and air conditioning and have a Modular

Manufacturer for residential Factory Built Buildings (FBB) through the State of Arizona. The contract will also include the purchase of storage units for belongings.

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. As a result of extensive research, Steel & Spark, LLC., was selected for their ability to provide sustainable units, ability to meet project implementation deadline, and being a local vendor.

Contract Term
The contract will begin on or about Dec. 15, 2022 for a one-year term, with a one-year option to extend.

Financial Impact
The aggregate contract value will not exceed $3 million for the one-year term. Funding is available through the City's allocation of the ARPA.

Location
3000 S. 22nd Ave.
Council District: 7

This item was adopted.

37 Acceptance of a Traffic Control Easement at 18th Street and McDowell Road (Ordinance S-49241)

Request for the City Council to accept a traffic control easement from Warren and Jeanette Goldfarb, as Trustees of The W&J Goldfarb Living Trust, an undivided 50 percent interest, Leona Goldfarb, as Trustee of The Leona Goldfarb Trust, a 25 percent interest, and David Goldfarb, as Trustee of The David Goldfarb Trust, a 25 percent interest, as tenants in common; further ordering the ordinance recorded.

Summary
The permanent easement for traffic signal modernization was donated by Warren and Jeanette Goldfarb, as Trustees of The W&J Goldfarb Living Trust, an undivided 50 percent interest, Leona Goldfarb, as Trustee of The Leona Goldfarb Trust, a 25 percent interest, and David Goldfarb, as Trustee of The David Goldfarb Trust, a 25 percent interest, as tenants in

common. The approximate 93 square foot traffic control easement is located at the southeast corner of 18th Street and McDowell Road within Maricopa County Assessor's parcel number 116-13-151 and is more fully described in the legal description to be recorded with the ordinance.

Location
18th Street and McDowell Road
Council District: 8

This item was adopted.

38 Acceptance of an Easement for Water Purposes (Ordinance S-49259)

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

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

Easement (a)
Applicant: Nasir Sulaiman, its successor and assigns
Purpose: Water
Location: 2700 E. Greenway Parkway
File: FN 220101
Council District: 2

This item was adopted.

39 Acceptance and Dedication of Easements for Sidewalk and Public Utility Purposes (Ordinance S-49251)

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

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

Easement (a)

Applicant: Job 867 Investments, LLC, its successor and assigns
Purpose: Public Utility
Location: 1918 N. 22nd Place
File: FN 220096
Council District: 8

Easement (b)
Applicant: Abelardo Sandoval and Maria De La Luz Sandoval, its successor and assigns
Purpose: Sidewalk
Location: 647 E. Carter Road
File: FN 220089
Council District: 8

This item was adopted.

40 Grant of a Public Utility Easement on City-owned Property Near Central Avenue and Deer Valley Drive (Ordinance S-49243)

Request the City Council to grant a public utility easement for consideration of $1 and/or other valuable consideration, for installation of an underground distribution electrical line to a new booster pump station on City-owned property for the Drought Pipeline Program in the Arizona Public Service Company service area; further ordering the Ordinance recorded.

Summary
This public utility easement is more fully described in the legal description ("Easement Premises") to be recorded with this Ordinance and will be granted to all public service corporations and telecommunication corporations (collectively "Grantee") providing utility service to the property located near Central Avenue and Deer Valley Drive in perpetuity, so long as the Grantee uses the Easement Premises for the purposes herein specified, subject to the following terms and conditions:

Grantee is hereby granted the right to construct, reconstruct, replace, repair, operate and maintain utility facilities together with appurtenant fixtures for use in connection therewith (collectively "Grantee Facilities") to, through, across and beyond Grantor's property within the Easement Premises. Subject to the notice requirements provided

in paragraph "I," Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified. Grantee acknowledges and accepts that Grantee shall share the Easement Premises with other Grantees and shall use such Easement Premises with other Grantees in accordance with and consistent with industry standards and customs for shared use. Grantor agrees to coordinate the location of Grantee's Facilities within the Easement Premises and to pay costs for relocation of Grantee's Facilities as provided in paragraph "F."

Grantor shall not locate, erect or construct, or permit to be located or erected or constructed, any building or structure within the limits of the Easement Premises. However, Grantor reserves all other rights, interests, and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of Easement Premises without the prior written consent by the Grantee whose facilities will be affected by the change of elevation.

Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate or maintain the Grantee Facilities.

Grantor shall maintain an appropriate three-foot clear area around all edges of all equipment pads for Grantee Facilities in addition to a clear operational area that extends 12 feet immediately in front of all transformer or switching cabinet openings, within the Easement Premises. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed or permitted by Grantor within said areas. Grantee is hereby granted the right to trim, prune, cut, and clear away trees, brush, shrubs or other obstruction within said areas.

Grantee shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon and agrees that following any work or use by Grantee within the Easement Premises, the affected area, including without limitation, all pavement, landscaping, concrete and other improvements permitted within the Easement Premises pursuant to this easement will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's property; provided however, that: 1) Grantor pays the entire cost of redesigning and relocating existing Grantee Facilities to the new location; and 2) Grantor provides Grantee with a new and substantially similar public utility easement at no cost to Grantee. After relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement without cost or consequence to Grantor.

Each public service corporation and telecommunication services corporation as a Grantee shall coordinate and work with other Grantees in the use of the Easement Premises. In the event that a third party or other Grantee requests the relocation of existing Grantee Facilities to a new location (whether or not) within the Easement Premises, the requesting party shall pay the entire cost of redesigning and relocating the existing Grantee Facilities.

Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation or other entity without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of any proposed transfer, conveyance or assignment of any rights granted herein at address listed below.

Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where the Easement Premises are located: 1) on a site that includes Aviation Department facilities; 2) water and wastewater treatment facilities; 3) Police Department headquarters located at 620 W. Washington St.; 4) Fire Department headquarters located at 150 S. 12th St.; 5) City Hall located at 200 W. Washington St.; 6) City Court Building located at 300 W. Washington St.; 7) Calvin C. Goode Building located at 251

W. Washington St.; 8) Transit Operations Center located at 320 N. 1st Ave. or West Transit Facility located at 405 N. 79th Ave.; or 9) in a secured or fenced area.

Location

Near Central Avenue and Deer Valley Drive, within Maricopa County Assessor Parcel Number 209-10-005G.
Council District: 1

This item was adopted.

41 Building and Plumbing Materials - ADSPO14-00003936 - Amendment (Ordinance S-49246)

Request to authorize the City Manager, or his designee, to execute amendments to contracts 147240 with Browns Partsmaster, Inc; 147235 with Ferguson US Holdings, Inc. dba Ferguson Enterprises, LLC; 147239 with Six Points Hardware, Inc; 147256 with Pauls Ace Hardware, Inc and 147344 with Border Construction Specialties, LLC to extend the term for the purchase of Building and Plumbing Parts and Supplies for Citywide use. Further request authorization for the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-48138.

Summary

These contracts provide a broad range of building supplies, such as concrete, composites, cement, masonry, carpentry, lumber, drywall, fasteners, hardware, plumbing supplies, metals, tools, electrical, and other facility operation products and equipment. The contracts are available for Citywide use and primary users are the Aviation, Fire, Parks and Recreation, Public Works, Street Transportation, Housing, and Water Services departments. Locations are throughout the City and the requested products are critical to Citywide facility operations. The extension of these contracts will ensure continued supply of necessary products.

Contract Term

Upon approval, the contract will be extended through June 30, 2023.

Financial Impact

The aggregate value of the contract will not exceed $13,500,000 and no

additional funds are needed.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• Building and Plumbing Materials 147240, 147235, 147239, 147256, 147344 (S-44428) on April 4, 2018; and
• Building and Plumbing Materials 147240, 147235, 147239, 147256, 147344 (S-48138) on Dec. 1, 2021.

This item was adopted.

42 Office Moving Services - IFB 17-184 - Amendment (Ordinance S-49250)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146046 with Beltmann Relocation Group to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-43880.

Summary
This contract will provide office moving or relocation services for Citywide departments, including moving of various types of equipment, on-site or off-site, at various City locations. Additional time is needed to allow completion of a new procurement.

Contract Term
Upon approval the contract will be extended through June 30, 2023.

Financial Impact
The aggregate value of the contract will not exceed $305,000 and no additional funds are needed.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• Office Moving Services - Contract 146046 (Ordinance S-43880) on Sept. 6, 2017.

This item was adopted.

43 Crane Rentals - IFB 16-004 - Amendment (Ordinance S-49255)

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

amendment to Contract 141829 with Southwest Industrial Rigging to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-42151.

Summary

This contract will provide crane rentals, as required, for various facility operations projects requiring heavy lifting and hauling. The extension is needed to ensure the operational needs of various departments using this contract, so that operations are not interrupted while a new procurement is completed.

Contract Term

Upon approval the contract will be extended through Dec. 31, 2023.

Financial Impact

The aggregate value of the contract will not exceed $250,000 and no additional funds are needed.

Concurrence/Previous Council Action

The City Council previously approved this request:
• Crane Rentals, Contract 141829 (Ordinance S-48078) on Nov. 3, 2021;
• Crane Rentals, Contract 141829 (Ordinance S-42151) on Nov. 18, 2015.

This item was adopted.

44 Plants, Cacti, Succulents, and Trees Contracts - RFQu 23-026 - Request for Award (Ordinance S-49257)

Request to authorize the City Manager, or his designee, to enter into Citywide contracts with Western Tree Co. and Dream With Colors, Inc. to purchase plants, cacti, succulents, and trees, on an as-needed basis. This contract supports the City's Neighborhoods and Livability Strategic Plan to preserve healthy, vibrant, diverse and safe neighborhoods that enhance the quality of life for all Phoenix residents. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $700,000.

Summary

These contracts will provide the ability to purchase plant material for Citywide departments. Plants, cacti, succulents, and trees are planted by

staff in various facilities, parks and landscapes across the City, in places such as Phoenix-owned and -operated airports, City parks, and along various street landscapes and roadways. In addition, these contracts will allow staff to maintain and replace damaged trees and plants lost to storms and vandalism. Plants and trees benefit the quality of life for all Phoenix residents by improving air quality, storm water management, shade and aesthetics.

Procurement Information
A request for qualifications procurement was processed in accordance with Administrative Regulation 3.10 to establish a qualified vendor list.

Two applicants submitted qualifications and were deemed to be responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following minimum qualifications: experience, capacity, and quality control.

After reaching consensus, the evaluation committee recommends award to the following applicants:
Western Tree Co.;
Dream With Colors, Inc.

Contract Term
The contracts will begin on or about Jan. 1, 2023, for a five-year term.

Financial Impact
The aggregate contracts value will not exceed $700,000. Funding is available in the various department budgets.

This item was adopted.

46 Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49267)

As part of an evaluation of the organizational structure within the Communications Office, formerly the Public Information Department, the following amendment to the Pay Ordinance [S-47689] is proposed in accordance with the recommendation of Human Resources Committee

616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Classification Plan [S-5815], which will be processed under a separate ordinance.

Reactivate and regrade the classification of Deputy Public Information Director, Job Code 06410, Salary Plan 013, Grade 840, Benefit Category 009, Labor Unit Code: 008, EEO-4 Category: Officials & Administrators, FLSA Status: Exempt to Grade 842 ($83,845 - $134,139/annually).

Summary

BACKGROUND

Since 2012, the Communications Office has functioned with a Special Project Administrator at the middle manager level. With the change to a federated reporting structure, the needs of the Communications Office have evolved. Due to the centralized reporting of City departments' Public Information positions, many employees are now reporting through the Communications Office. The Special Project Administrator classification no longer reflects the true scope of duties required for this role in the Communications Office, and there is a clear need to distinctly identify a deputy-level classification.

RECOMMENDATIONS

In 2012, per HRC 592 and as a matter of housekeeping, the Deputy Public Information Director classification was abolished because there were no incumbents. The Classification and Compensation Section recommends reactivating the classification and regrading it from pay grade 840 to 842, which is consistent with most Deputy Director classifications citywide.

The Deputy Public Information Director will be responsible for planning, organizing, reviewing, and evaluating Citywide public information/communications and multimedia/marketing programs, functions, and strategies in support of the Public Information Director. The position's responsibilities will include developing and implementing policies and procedures for assigned programs, budget administration and reporting, and program evaluation. This class will serve as a professional-level resource for organizational, managerial, and operational analyses, and will assist in the management and the effective

use of division resources to improve organizational productivity and customer service in the new federated reporting structure.

Based on internal equity, reinstating the Deputy Public Information Director at pay grade 842 is warranted due to the greater level of complexity, visibility and accountability in facilitating communications between City management and elected officials and the community. Reinstating the position at pay grade 842 will also provide an adequate pay differential above the generic classification of Special Projects Administrator, pay grade 840.

Financial Impact

There is no budgetary impact associated with this action.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

This item was adopted.

47 Amendments to Classification Plan S-5815 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49268)

As part of an evaluation of the organizational structure within the Communications Office, formerly the Public Information Department, the following amendment to the Classification Plan [S-5815] is proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Pay Ordinance [S-47689] which will be processed under a separate ordinance.

Reactivate and regrade the classification of Deputy Public Information Director, Job Code 06410, Salary Plan 013, Grade 840, Benefit Category 009, Labor Unit Code: 008, EEO-4 Category: Officials & Administrators, FLSA Status: Exempt to Grade 842 ($83,845 - $134,139/annually).

Summary

BACKGROUND

Since 2012, the Communications Office has functioned with a Special

Project Administrator at the middle manager level. With the change to a federated reporting structure, the needs of the Department have evolved. Due to the centralized reporting of City departments' Public Information positions, many employees are now reporting through the Communications Office. The Special Project Administrator classification no longer reflects the true scope of duties required for this role in the Communications Office, and there is a clear need to distinctly identify a deputy-level classification.

RECOMMENDATIONS

In 2012, per HRC 592 and as a matter of housekeeping, the Deputy Public Information Director classification was abolished because there were no incumbents. The Classification and Compensation Section recommends reactivating the classification and regrading it from pay grade 840 to 842, which is consistent with most Deputy Director classifications citywide.

The Deputy Public Information Director will be responsible for planning, organizing, reviewing, and evaluating Citywide public information/communications and multimedia/marketing programs, functions, and strategies in support of the Public Information Director. The position's responsibilities will include developing and implementing policies and procedures for assigned programs, budget administration and reporting, and program evaluation. This class will serve as a professional-level resource for organizational, managerial, and operational analyses, and will assist in the management and the effective use of division resources to improve organizational productivity and customer service in the new federated reporting structure.

Based on internal equity, reinstating the Deputy Public Information Director at pay grade 842 is warranted due to the greater level of complexity, visibility and accountability in facilitating communications between City management and elected officials and the community. Reinstating the position at pay grade 842 will also provide an adequate pay differential above the generic classification of Special Projects Administrator, pay grade 840.

Financial Impact

There is no budgetary impact associated with this action.

Concurrence/Previous Council Action
This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

This item was adopted.

48 Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49270)

At the request of the City Manager's Office, the following amendments to the Pay Ordinance [S-47689] are proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Classification Plan [S-5815], which will be processed under a separate ordinance.

Establish the classification of OAT Monitor, Job Code 06860, Salary Plan 001, Grade 036 ($61,110 - $92,893/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: General Administration, FLSA Status: Exempt.

Establish the classification of OAT Senior Monitor, Job Code 06870, Salary Plan 001, Grade 038 ($67,538 - $102,565/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: General Administration, FLSA Status: Exempt.

Establish the classification of OAT Supervising Monitor, Job Code 06880, Salary Plan 001, Grade 040 ($74,630 - $113,589/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: General Administration, FLSA Status: Exempt.

Summary
BACKGROUND
The City Council responded to community concerns in 2020 by allocating $3 million to fully fund the approved Office of Accountability and Transparency (OAT) to provide police oversight. The first three classifications, the OAT Director, the Attorney, and an Executive Administrative Assistant, were approved by the Council in September

2020.

FINDINGS AND CONCLUSION

The Monitor job family classifications were modeled after similar positions in other municipalities across the country, and similar classifications within the City such as Performance Auditors, Internal Auditors, and Crime Scene Supervisors. The grades were selected to be externally competitive in the labor market, and internally equitable with similar roles in other parts of the City structure. Job duties of these classifications require that they be confidential and unrepresented positions.

Financial Impact

There are no budgetary impacts associated with these actions.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

This item was adopted.

49 Amendments to Classification Plan S-5815 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49271)

At the request of the City Manager's Office, the following amendments to the Classification Plan [S-5815] are proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Pay Ordinance [S-47689] which will be processed under a separate ordinance.

Establish the classification of OAT Monitor, Job Code 06860, Salary Plan 001, Grade 036 ($61,110 - $92,893/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: General Administration, FLSA Status: Exempt.

Establish the classification of OAT Senior Monitor, Job Code 06870, Salary Plan 001, Grade 038 ($67,538 - $102,565/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: General

Administration, FLSA Status: Exempt.

Establish the classification of OAT Supervising Monitor, Job Code 06880, Salary Plan 001, Grade 040 ($74,630 - $113,589/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: General Administration, FLSA Status: Exempt.

Summary

BACKGROUND

The City Council responded to community concerns in 2020 by allocating $3 million to fully fund the approved Office of Accountability and Transparency (OAT) to provide police oversight. The first three classifications, the OAT Director, the Attorney, and an Executive Administrative Assistant, were approved by the Council in September 2020.

FINDINGS AND CONCLUSION

The Monitor job family classifications were modeled after similar positions in other municipalities across the country, and similar classifications within the City such as Performance Auditors, Internal Auditors, and Crime Scene Supervisors. The grades were selected to be externally competitive in the labor market, and internally equitable with similar roles in other parts of the City structure. Job duties of these classifications require that they be confidential and unrepresented positions.

Financial Impact

There are no budgetary impacts associated with these actions.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

This item was adopted.

51 Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49275)

At the request of Unit II AFSCME 2384 and as part of their negotiated contract to conduct a market study, the following amendments to the Pay

Ordinance [S-47689] are proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Classification Plan [S-5815], which will be processed under a separate ordinance.

Modify the classification of Operations & Maintenance Technician Trainee (NC), Job Code 50360, Salary Plan 004, Grade 214 ($36,150 - $46,758/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Grade 218 ($41,475 - $55,328/annually).

Modify the classification of Operations & Maintenance Technician, Job Code 50370, Salary Plan 005, Grade 219 ($46,758 - $57,741/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 222 ($53,102 - $64,771/annually).

Modify the assignment of Operations & Maintenance Technician*SCBA, Job Code 50371, Salary Plan 005, Grade 220 ($48,797 - $59,925/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 223 ($50,856 - $67,413/annually).

Modify the classification of Senior Utility Operator, Job Code 50340, Salary Plan 005, Grade 222 ($53,102 - $64,771/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 225 ($55,328 - $74,069/annually).

Modify the assignment of Senior Utility Operator*SCBA, Job Code 50341, Salary Plan 005, Grade 223 ($55,328 - $67,413/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 226 ($57,741 - $77,875/annually).

Modify the classification of Operations & Maintenance Supervisor, Job Code 50380, Salary Plan 001, Grade 032 ($49,878 - $76,107/annually),

Benefit Category 007, Labor Unit Code: ASPTEA, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Grade 035 ($58,032 - $88,379/annually).

Summary

BACKGROUND

Currently, 214 positions are allocated to the various levels of the job family shown above. The Water Services Department and the labor groups in that area both expressed concerns about the Department's difficulty recruiting and retaining skilled employees in the job family. The department has a vacancy rate of nearly 21.5 percent. In addition, some positions are underfilled at the trainee level and other positions are underfilled at the base classification. The Department's desire is that all employees obtain and maintain certification for Self-Contained Breathing Apparatus (SCBA), and thus qualify for the assignment at one grade higher.

Staff conducted market research, drawing heavily upon local salary information from public sector employers in the valley performing similar work. Staff also assessed internal alignment of this job family with another job family (Utility Technicians) that was studied in 2021. The Utility Technician job family was increased by three grades (approved by City Council Jan. 6, 2021), which impacted the alignment of these two job families within the Water Services Department.

FINDINGS

The job duties of the various classifications in the Operations & Maintenance Technician job family are difficult to compare to other municipalities in the valley. Other organizations may separate jobs that focus on operations from jobs that focus on maintenance. Fortunately, most public sector organizations have requirements for certification from the Arizona Department of Environmental Quality at various levels in the different disciplines, which allows for meaningful comparisons across jurisdictions.

Market data supports a three-grade increase for most classifications in the job family, and a four-grade increase for the trainee level.

RECOMMENDATION

Staff recommends increasing the grades of the Operations & Maintenance Technician job family to restore internal alignment with other job families in the Water Services Department and provide a meaningful and attractive career path.

CONCLUSION

The City of Phoenix needs to attract talent in the Operations & Maintenance Technician job family to continue to provide seamless service of a critical function. These recommendations are expected to move this job family into a competitive position within the local job market and assist the City with attracting qualified candidates in a highly competitive atmosphere. This job family will also be included in the Citywide classification and compensation study that is underway, and future grade changes may be considered as a result of those findings.

Financial Impact

The total estimated cost for this request is $272,100.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

This item was adopted.

52 Amendments to Classification Plan S-5815 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49276)

At the request of Unit 3 AFSCME Local 2960 and as part of their negotiated contract to conduct a market study, the following amendments to the Classification Plan [S-5815] are proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Pay Ordinance [S-47689] which will be processed under a separate ordinance.

Modify the classification of Police Assistant, Job Code 62160, Salary Plan 006, Grade 325 ($36,213 - $52,728/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Administrative Support, FLSA Status: Nonexempt to Grade 328 ($41,454 - $60,840/annually).

Abolish the assignment of Police Assistant*Special Detail, Job Code 62162, Salary Plan 006, Grade 326, Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Administrative Support, FLSA Status: Nonexempt.

Modify the classification of Detention Officer, Job Code 62130, Salary Plan 006, Grade 328 ($41,454 - $60,840/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt to Grade 330 ($45,635 - $67,101/annually).

Modify the classification of Detention Supervisor, Job Code 62150, Salary Plan 001, Grade 031 ($47,674 - $72,342/annually), Benefit Category 007, Labor Unit Code: ASPTEA, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt to Grade 032 ($49,878 - $76,107/annually).

Establish the assignment of Police Assistant*Detention Officer Trainee (NC), Job Code 62163, Salary Plan 006, Grade 328 ($41,454 - $60,840/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt.

Establish the classification of Detention Officer Trainee (NC), Job Code 62120, Salary Plan 006, Grade 328 ($41,454 - $60,840/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt.

Summary

BACKGROUND

Police Assistants and Police Assistants*Special Detail are used throughout the Police Department in support of law enforcement activities. The Department has filled 107 of the 120 budgeted Police Assistant positions, and 21 of the 29 budgeted Police Assistant*Special Detail assignments.

The *Special Detail assignment was created for employees to spend most of their time “performing fact finding in support of law enforcement activities.” Police Assistants also “perform light investigations, conduct

follow-ups as well as prepare or update reports." Since the classification specifications for Police Assistant and Police Assistant*Special Detail were last updated in 2008, the overlap increased between them, particularly relating to their investigation functions. Additionally, Police Civilian Investigators were introduced in August 2022. This Unit 7 classification exists to "perform a variety of tasks of a police nature in support of law enforcement activities in an investigative bureau of the Department." With the creation of the Police Civilian Investigator classification, the overlap between the three classifications increased and distinctions were not clear. Additionally, the *Special Detail assignment was used to underfill Detention Officer positions when candidates did not meet the minimum qualifications of completing the Maricopa County Detention Officer Academy and having one year of detention experience. Underfilling was a quick, reasonable way to assist the Department in filling positions in the Detention Officer classification, which has a 45.2 percent vacancy rate. Moving forward, it would be optimal to have a classification specifically designed to advance into the Detention Officer classification.

Staff conducted a compensation review for Police Assistants and Detention Officers using data from eCHRIS and a local public sector salary survey. Results of the compensation review are summarized in this report.

FINDINGS

Police Assistant compensation was found to be 16 percent below market. Moving from grade 325 to 328 would close that gap and put the City at the market rate. Merging the *Special Detail assignment and its duties with the Police Assistant base class would mirror the local market and clearly distinguish the Police Assistant and Police Civilian Investigator classifications. Creating a Detention Officer Trainee (NC) classification would eliminate the need to use the *Special Detail assignment as a Detention Officer underfill. Grade 328 for Detention Officer Trainee (NC) places the City at the market rate for similar classifications. Additionally, creating a Police Assistant*Detention Officer Trainee classification would allow current Police Assistants to make a lateral move to a new career path leading to a promotion to Detention Officer.

The Detention Officer classification is currently below market at a grade 328 and moving it to grade 330 places it slightly above market. However, moving the Detention Officer classification to grade 330 would create compression with the Detention Supervisor classification. Moving the Detention Supervisor classification to grade 032 would eliminate that compression.

CONCLUSION

The City of Phoenix needs to attract Police Assistant and Detention Officer talent and make clear distinctions between the job duties of Police Assistants and Police Civilian Investigators. These recommendations would align the City with compensation practices in our local job market and assist the City with attracting qualified candidates in a competitive atmosphere. The job families and classifications referenced in this report will also be included in the Citywide classification and compensation study that is underway, and future grade changes may be considered as a result of those findings.

Financial Impact

The total estimated cost for this request is $361,171.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

This item was adopted.

53 Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49277)

At the request of Unit 3 AFSCME Local 2960 and as part of their negotiated contract to conduct a market study, the following amendments to the Pay Ordinance [S-47689] are proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Classification Plan [S-5815], which will be processed under a separate ordinance.

Modify the classification of Police Assistant, Job Code 62160, Salary

Plan 006, Grade 325 ($36,213 - $52,728/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Administrative Support, FLSA Status: Nonexempt to Grade 328 ($41,454 - $60,840/annually).

Abolish the assignment of Police Assistant*Special Detail, Job Code 62162, Salary Plan 006, Grade 326, Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Administrative Support, FLSA Status: Nonexempt.

Modify the classification of Detention Officer, Job Code 62130, Salary Plan 006, Grade 328 ($41,454 - $60,840/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt to Grade 330 ($45,635 - $67,101/annually).

Modify the classification of Detention Supervisor, Job Code 62150, Salary Plan 001, Grade 031 ($47,674 - $72,342/annually), Benefit Category 007, Labor Unit Code: ASPTEA, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt to Grade 032 ($49,878 - $76,107/annually).

Establish the assignment of Police Assistant*Detention Officer Trainee (NC), Job Code 62163, Salary Plan 006, Grade 328 ($41,454 - $60,840/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt.

Establish the classification of Detention Officer Trainee (NC), Job Code 62120, Salary Plan 006, Grade 328 ($41,454 - $60,840/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt.

Summary

BACKGROUND

Police Assistants and Police Assistants*Special Detail are used throughout the Police Department in support of law enforcement activities. The Department has filled 107 of the 120 budgeted Police Assistant positions, and 21 of the 29 budgeted Police Assistant*Special Detail assignments.

The *Special Detail assignment was created for employees to spend most of their time “performing fact finding in support of law enforcement activities.” Police Assistants also “perform light investigations, conduct follow-ups as well as prepare or update reports.” Since the classification specifications for Police Assistant and Police Assistant*Special Detail were last updated in 2008, the overlap increased between them, particularly relating to their investigation functions. Then in August 2022, Police Civilian Investigators were introduced. This Unit 7 classification exists to “perform a variety of tasks of a police nature in support of law enforcement activities in an investigative bureau of the Department.” With the creation of the Police Civilian Investigator classification, the overlap between the three classifications increased and distinctions were not clear. Additionally, the *Special Detail assignment was used to underfill Detention Officer positions when candidates did not meet the minimum qualifications of completing the Maricopa County Detention Officer Academy and having one year of detention experience. Underfilling was a quick, reasonable way to assist the Department in filling positions in the Detention Officer classification, which has a 45.2 percent vacancy rate. Going forward, it would be optimal to have a classification specifically designed to feed into the Detention Officer classification.

Staff conducted a compensation review for Police Assistants and Detention Officers using data from eCHRIS and a local public sector salary survey. Results of the compensation review are summarized below.

FINDINGS

Police Assistant compensation was found to be 16 percent below market. Going from grade 325 to 328 would close that gap and put the City at the market rate. Merging the *Special Detail assignment and its duties with the Police Assistant base class would mirror the local market and clearly distinguish the Police Assistant and Police Civilian Investigator classifications. Creating a Detention Officer Trainee (NC) classification would eliminate the need to use the *Special Detail assignment as a Detention Officer underfill. Grade 328 for Detention Officer Trainee (NC) places the City at the market rate for similar classifications. Additionally, creating a Police Assistant*Detention Officer Trainee classification would allow current Police Assistants to make a

lateral move to a new career path leading to a promotion to Detention Officer.

The Detention Officer classification is currently below market at a grade 328 and moving it to grade 330 places it slightly above market. However, moving the Detention Officer classification to grade 330 would create compression with the Detention Supervisor classification. Moving the Detention Supervisor classification to grade 032 would eliminate that compression.

CONCLUSION

The City of Phoenix needs to attract Police Assistant and Detention Officer talent and make clear distinctions between the job duties of Police Assistants and Police Civilian Investigators. These recommendations would align the City with compensation practices in our local job market and assist the City with attracting qualified candidates in a competitive atmosphere. The job families and classifications referenced in this report will also be included in the Citywide classification and compensation study that is underway, and future grade changes may be considered as a result of those findings.

Financial Impact

The total estimated cost for this request is $361,171.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

This item was adopted.

54 Stop-Loss Insurance for Active Employee Medical and Pharmacy Benefits (Ordinance S-49280)

The Human Resources Department requests payment authority in the amount of $2,250,000 for Stop-Loss Insurance for active employee medical and pharmacy benefits.

Summary

Under the Trust Agreement for the Phoenix Health Care Benefits Trust, the Trustee (the Trust Board), appointed by the City, is required to obtain and maintain stop-loss insurance. Effective Jan. 1, 2023, the Stop-Loss

Insurance policy will be under The Union Labor Life Insurance Company (Ullico).

Procurement Information

A competitive Request for Quotes was conducted by the contracted benefits consultant Foster & Foster, a licensed insurance broker, and Ullico was selected. The Health Care Benefits Trust Board approved the selection of Ullico for Stop-Loss Insurance.

Contract Term

This Stop-Loss Insurance policy is effective from Jan. 1, 2023 through Dec. 31, 2023.

Financial Impact

The annual insurance premium for the 2023 term is estimated at $2,250,000. The annual premium is based on data submitted by the City relevant to underwriting the risk. There is no impact to the City of Phoenix General Fund since the annual premium is paid through the Health Care Benefits Trust Fund.

This item was adopted.

55 Benefits Consultant for Solicitation Services - RFP HR 22-007 - Request for Award (Ordinance S-49266)

Request to authorize the City Manager, or his designee, to enter into an agreement with The Segal Company (Western States), Inc. to provide professional consultant services for the Human Resources Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $320,000.

Summary

The Contractor will provide benefits consulting services to the Human Resources Department during the development of Request for Proposals. Deliverables will include scope of work development, review and analysis of offers, negotiations and contract development.

Procurement Information

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

Five Offerors submitted proposals, which were deemed responsive and responsible. An evaluation committee of City staff evaluated those offers, based on the following criteria with a maximum possible point total of 1,000:

Qualifications, Experience and References (250 points)
Method of Approach (450 points)
Price (300 points)

After reaching consensus, the evaluation committee recommends award to the following Offeror:

The Segal Company (Western States), Inc. - 805 Points

Contract Term
The agreement will begin on or about Dec. 15, 2022, for a three-year term through Dec. 14, 2025. There are two additional one-year options to extend.

Financial Impact
The aggregate contract value will not exceed $320,000. These costs are paid by the City's Health Care Benefits Trust Fund. There is no impact to the City's General Fund.

This item was adopted.

56 Request for City Council to Meet in Executive Session on Dec. 16, 2022 at 10 a.m.

Request for the City Council to call to meet in Executive Session pursuant to Arizona Revised Statutes, section 38-431.03.A, on Friday, Dec. 16, 2022 at 10 a.m. at 100 W. Washington St., Phoenix, Arizona, with an online option to join the meeting.

Public Outreach
The Notice and Agenda for the Executive Session will be posted no later than 10 a.m. on Thursday, Dec. 15, 2022.

This item was approved.

57 **Request for City Council to Call to Meet in Executive Session on Specific Dates January through December 2023**

Request for the City Council to call meetings for the purpose of holding an Executive Session pursuant to Arizona Revised Statutes, section 38-431.03.A, on the following dates at noon in the Central Conference Room, on the 12th Floor of Phoenix City Hall, located at 200 W. Washington St.:

Jan. 10
Jan. 24
Feb. 21
March 7
March 21
April 11
May 2
May 16
June 13
Sept. 12
Sept. 26
Oct. 24
Nov. 28
Dec. 12

Public Outreach
The Notice and Agenda for these Executive Sessions will be posted no later than 24 hours before each scheduled meeting.

This item was approved.

58 **Authorization to Apply, Accept, Disburse Funds and Enter into Agreements for an Urban and Innovative Agriculture Community-Based Organization Fund Grant (Ordinance S-49285)**

Request approval for the City Manager, or his designee, to submit a grant application in partnership with the University of Arizona Cooperative Extension of Maricopa County (UA) to increase supply chain resiliency by providing funding to underserved, small and urban farmers through outreach, education, research, technical assistance, and providing funds to assist farmers with implementing climate friendly practices to

strengthen resilience. The Office of Environmental Programs will receive $250,000 of the total $1.5 million award. Further request the City Manager to execute all contracts and Memorandums of Agreement (MOA), if awarded. Additionally, request to authorize the City Treasurer to accept, and the City Controller to disburse, grant funds.

Summary

The U.S. Department of Agriculture (USDA), Farm Service Agency (FSA) is investing up to $40 million of American Rescue Plan Act (ARPA) funding to increase services and outreach to urban producers to understand their needs and connect them to available programs and resources. USDA has identified Phoenix as a pilot location for this funding. These funds are available through the FSA Urban and Innovative Agriculture Community-Based Organization fund and are focused on urban, underserved farmers including beginning, socially disadvantaged, limited resource, and military veteran farmers. These awards will focus on assisting urban producers in areas where FSA historically has not had a presence.

The UA Cooperative Extension of Maricopa County as the lead applicant will be applying for a total of $1.5 million and will be the primary provider of outreach, technical assistance, education, and research and is allocated $1 million. The grant application will also include Local First Arizona Foundation who will provide two annual events specifically for urban farmers for $250,000. The remaining $250,000 is allocated for the Office of Environmental Programs (OEP) to provide Resilient and Sustainable Agriculture (RSA) grants directly to farmers and to provide two grant writing workshops. This work will enhance the existing grant program that OEP offers to help local growers navigate, build, and succeed in the ever-changing environment and ensure a resilient local food system. The program will be open to private and nonprofit growers and aggregators within our local food system with a goal of 60 percent of the funding awarded to Black, Indigenous, and People of Color (BIPOC) to implement projects designed to accelerate the transition toward a more resilient, sustainable, equitable and thriving food system.

The RSA grant program will fund projects that:

1. Promote efforts to reduce the impact of local food production and

distribution on our changing climate (mitigation).
2. Enhance the resiliency of the farm or aggregator and local food system in the face of various shocks and disruptions (adaptation).
3. Adopt new and/or expand existing sustainable food production and/or aggregator practices.
4. Adopt variety of urban agricultural innovations into operations.
5. Grow product line through the implementation of agri-food technologies/innovations.
6. Develop product prototypes.
7. Create new jobs to implement food production or aggregation related projects.
8. Strengthen the economic viability of the farm/aggregator by increasing the ability to grow and sell products locally.
9. Applicants should outline how partnering with the City on implementing resilience and sustainability measures will help the entity continue to grow and/or distribute food in an increasingly arid urban environment subject to extreme heat and drought.
10. Advance equity within the local food system.

The RSA grant program will also offer a Farmer Grant Writing Workshop that will provide an opportunity to understand the intricacies of writing a grant application.

The grant proposal deadline was Dec. 5, 2022. Award announcements will be made Spring 2023.

Contract Term
The grant term is for up to five years.

Financial Impact
The program is funded through USDA and there is no financial impact to the City.

This item was adopted.

59 Additional Choice Neighborhoods Program Resources (Ordinance S-49244)

Request to authorize the City Manager, or his designee, to implement additional Choice Neighborhoods Program resources, initiatives, and

program amendments, including any U.S. Department of Housing and Urban Development (HUD) approved amendments or revisions. Further request to authorize the City Treasurer to accept and the City Controller to disburse all funds for the life of the grant(s).

Summary

Choice Neighborhoods is a federal initiative through HUD that is designed to transform distressed neighborhoods and public housing into mixed-income neighborhoods linking housing and neighborhood improvements with appropriate services, transportation, and access to jobs. In July 2018, the City of Phoenix was awarded a $30 million Choice Neighborhoods Implementation Grant to revitalize the Edison-Eastlake Community (EEC) bounded by the I-10 Freeway on the north and east, 16th Street on the west, and the Union Pacific Railroad on the south.

In addition to any authority already granted in relation to the Choice Neighborhoods Planning and Action, and Implementation grants (the "Grants"), the City Manager, or City Manager's designee, is authorized to:

Appropriate, expend and disburse up to $1 million in federal Economic Development Initiative/Community Project Funding and up to $5 million in federal American Rescue Plan Act (ARPA) funds for the pre-development, development, rehabilitation, programming, and/or operations of the future Edison Impact Hub, located at 1855 E. Garfield St., a community services hub located in the EEC that will provide medical and behavioral health services;

Appropriate, expend and disburse up to $2 million in federal ARPA funds to provide access to Wi-Fi and internet connectivity, digital literacy training, Wi-Fi and digital broadband infrastructure, and other digital initiatives to address the needs of households living in the EEC;

Apply for additional Choice Neighborhoods funding from HUD to supplement the existing Implementation Grant in an amount up to $10 million. If awarded the additional grant funds, accept, appropriate, expend and disburse for housing improvements, or other activities that support the implementation of the Choice Neighborhoods program as deemed eligible by HUD;

Appropriate, expend and disburse up to $2 million in Choice Neighborhoods Program Income funds and up to $6.5 million Section 18 Public Housing Proceeds for neighborhood and/or housing

improvements, or other activities that support the implementation of the Choice Neighborhoods program;

Provide relocation assistance and benefits;

Form new City-controlled non-profit corporations with the Housing Director as sole incorporator;

Form a new corporate entity or entities to serve as ownership entities for the sites;

Procure and/or engage in funding transactions to finance capital needs, including submitting applications and accepting awards of Low-Income Housing Tax Credits (LIHTC), seeking a LIHTC equity investor, and obtaining other grants and/or loans;

Enter into agreements and convey or grant fee title or lesser interests including easements, leases, licenses and/or use agreements in EEC site(s) to the corporations, LLCs, public utilities, Grants and Edison Impact Hub partners and other third parties as necessary or appropriate to facilitate financing, construction, rehabilitation, operations, and implementation of the housing development sites, Grants and Edison Impact Hub;

Procure, award, execute and submit all contracts, documents, and agreements necessary to implement the Grants, ARPA and other funding as detailed in this report including agreements with the co-developer, other government and quasi-government entities, financing partners, Grant partners, design and development contractors, Wi-Fi providers and partners, service and training providers and other parties as appropriate to carry out the terms of the Grants, ARPA and other funding;

Allocate an additional 377, for a total of up to 577, Section 8 Project-Based Vouchers, amend HUD Annual Plans, and enter into or execute associated contracts, documents, and agreements, as necessary to facilitate activities for the application and implementation of the Grants; and

Amend and extend the Intergovernmental Agreement (IGA) with Phoenix Elementary School District #1 for five years through May 2027. Provide school-based caseworkers at two Choice Neighborhoods adjacent schools; track test scores and identify at-risk youth needing additional services.

Financial Impact

There is no impact to the General Fund.

Concurrence/Previous Council Action
On Oct. 4, 2017, through Ordinance S-43959, the City Council authorized applying for and implementing a $30 million HUD Choice Neighborhoods Implementation Grant for the EEC, that also included approval to apply for and accept grants and to expend matching funds, in-kind and other funding sources to support and implement the Grant.

Location
The Edison-Eastlake Community is bounded by the I-10 Freeway on the north and east, 16th Street on the west, and the Union Pacific Railroad on the south.
Council District: 8

This item was adopted.

60 Additional Resources for Public Housing Capital and Other Improvements (Ordinance S-49245)

Request to authorize the City Manager, or his designee, to implement additional Rental Assistance Demonstration (RAD), Capital Fund Program (CFP), and other Public Housing resources, initiatives, and program amendments, including any U.S. Department of Housing and Urban Development (HUD) approved amendments or revisions. Further request to authorize the City Treasurer to accept and the City Controller to disburse all funds for the life of the grant(s).

Summary
The RAD program was created by HUD to give Public Housing Authorities (PHAs), such as the City's Housing Department, a powerful tool to preserve and improve aged public housing properties and address the $26 billion nationwide backlog of deferred maintenance and capital improvements, as well as provide future financial sustainability and continued affordability. Another tool HUD uses is the CFP, where funding is provided annually to PHAs for the development, financing, and modernization of public housing developments and for management improvements. Both programs aid in providing renovations to sites that also benefit residents. For example, outdated units can be upgraded to include modern appliances and unit amenities.

In addition to any authority already granted in relation to the RAD and CFP Programs (the "Grants"), the City Manager, or City Manager's designee, is authorized to:

Appropriate, expend and disburse up to $12 million in Public Housing, CFP and/or Affordable Housing Program funds to provide pre-development, development, rehabilitation, programming, and/or operations funding to implement the Maryvale Parkway Terrace substantial rehabilitation project to renovate 108 outdated units and community center, common area improvements, replace major systems, upgrade exterior paint and asphalt, etc.;

Provide relocation assistance and benefits for residents of Maryvale Parkway Terrace and other public housing communities in conjunction with substantial rehabilitation and/or RAD, as federally mandated, and to execute agreements to minimize relocation costs and allow occupants time to relocate, as may be necessary;

Appropriate, expend and disburse up to $3 million in federal American Rescue Plan Act (ARPA) funds to provide access to Wi-Fi and internet connectivity, digital literacy training, Wi-Fi and digital broadband infrastructure, and other digital initiatives to address the needs of households living in the following public housing and Section 8 communities:

Maryvale Parkway Terrace, 4545 N. Maryvale Parkway (108 units)
Washington Manor, 1123 E. Monroe St. (112 units)
Pine Towers, 2936 N. 36th St. (156 units)
Fillmore Gardens, 802 N. 22nd Place (120 units)
Sunnyslope Manor, 205 E. Ruth Ave. (116 units)
McCarty on Monroe, 1130 E. Monroe St. (69 units)
Aeroterra Senior Village, 675 N. 16th St. (60 units)
Aeroterra Family Phases II and III, 1775 E. McKinley St. (130 units)
Marcos de Niza, 305 W. Pima St. (374 units)
The Summit, 12830 N. Paradise Village Parkway (206 units); and

Procure, award, execute and submit or deliver all contracts, documents, and agreements necessary to implement the Grants and ARPA Wi-Fi

funds including, but not limited to, agreements with other government and quasi-government entities, financing partners, design and development contractors, Grant partners, Wi-Fi providers and partners, service and training providers and other parties as appropriate to carry out the terms of the Grant.

Financial Impact
There is no impact to the General Fund.

Concurrence/Previous Council Action
On Jan. 9, 2019, through Ordinance S-45290, the City Council authorized implementing the RAD Program at various Public Housing communities.

Location
Maryvale Parkway Terrace and other various properties, as identified above in the report.
Council Districts: 3, 5, 6, and 8

This item was adopted.

61 Library Media Materials and Related Services Contract - RFQu 22-148 - Request for Award (Ordinance S-49254)

Request to authorize the City Manager, or his designee, to enter into contracts with the Contractors listed on **Attachment A** to provide library media materials and related services to the Library Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $25,000,000.

Summary
These contracts will fulfill the Phoenix Public Library's needs for physical, print, and audio-visual materials, periodicals, and related services. The Library system consists of 16 branch libraries and the Central Library, which also houses technical services, operations, and administrative offices. The Library's holdings number more than 1,530,000 items and it maintains more than 900,000 registered borrowers. Library media materials and related services support the City Manager's Strategic Plan by promoting early literacy and preparing young children for academic success and achieving excellence for all Phoenix residents.

Procurement Information

A Request for Qualifications procurement was processed in accordance with Administrative Regulation 3.10 to establish a Qualified Vendor List.

Fourteen offerors submitted qualifications and were deemed to be responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following minimum qualifications:

Provided library media resources and services for a minimum of one year.
Provided an executive summary of the firm's experience, qualifications, and expertise in each of the categories proposed.
Provided an executive summary of the firm's capabilities to provide the goods or services, describing capacity in each proposed category.

After reaching consensus, the evaluation committee recommends award to the offerors in **Attachment A**.

Contract Term

The contracts will begin on or about Jan. 1, 2023, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed $25,000,000.

Funding is available in the Library Department's Operating budget.

This item was adopted.

62 Amendment to the 2020-24 Consolidated Plan's 2022-23 Annual Action Plan

Request City Council approval of an amendment to the 2020-24 Consolidated Plan's 2022-23 Annual Action Plan to include the reallocation of prior year 2021-22 Emergency Solutions Grant (ESG) funds to eligible activities and the revised HOME Investment Partnerships (HOME) Program homeownership value limits.

Summary

The City of Phoenix Annual Action Plan details the funding strategy for the Community Development Block Grant, ESG, HOME, and Housing

Opportunities for Persons with AIDS programs. Additionally, the Annual Action Plan describes how funds will be used to address the priorities and goals outlined in the 2020-24 Consolidated Plan.

This amendment to the 2022-23 Annual Action Plan includes the reallocation of prior-year 2021-22 ESG funds to eligible activities and the revised maximum homeownership purchase price for the HOME program.

Revised allocations for prior-year 2021-22 ESG funds to eligible activities for the purposes of providing homelessness assistance and supportive services are as follows:

Rapid Re-Housing: $243,737
Homeless Prevention: $243,737
Total 2021-22 ESG funds reallocated: $487,474

Revised HOME homeownership value limits, up to 95 percent of the median purchase price for Maricopa County, have been approved by the United States Department of Housing and Urban Development (HUD) and are increasing from $296,000 to $467,000.

Financial Impact
These programs are federally funded by HUD. There is no impact to the General Fund.

Concurrence/Previous Council Action
The Community and Cultural Investment Subcommittee recommended approval of the 2022-23 Annual Action Plan on May 4, 2022, by a 4-0 vote.
City Council approved the 2022-23 Annual Action Plan on May 11, 2022.
The Community and Cultural Investment Subcommittee recommended approval of this item on Dec. 7, 2022, by a 3-0 vote.

Public Outreach
The City's HUD required Citizen Participation Plan states amendments will be made public and provide for a 30-day public comment period. The City of Phoenix published a 30-day comment period advertisement on

Oct. 28, 2022. The public comment period is open from Nov. 11, 2022, to Dec. 10, 2022.

This item was approved.

63 Request to Amend Contract with Wilson Elementary School District #7 (Ordinance S-49252)

Request to authorize the City Manager, or his designee, to amend Contract 156924 with Wilson Elementary School District #7 to extend the term of the contract for an additional 10 months through June 30, 2023. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

In June 2022, the City Council approved Community Development Block Grant (CDBG) Neighborhood Enhancement program funding for the Wilson Elementary School District #7. The U.S. Department of Housing and Urban Development (HUD) funds the Neighborhood Enhancement Program to address community infrastructure needs and improvements including parks, playgrounds, landscaping, and other critical projects.

Wilson Elementary School is located in low- and moderate-income areas of Phoenix. The playground directly supports the children attending the public school and, due to a lack of City operated play areas in the neighborhood, the playground also supports the local area by providing a play area after school hours and on weekends. During a recent safety review, the playground surface was deemed unsafe and in need of replacement.

Wilson Elementary School District #7 applied for funds to replace the playground surfacing through the Neighborhood Enhancement Program. The project will remove the existing surfaces and install new synthetic turf and rubber surfaces. The project will provide a safe and inviting playground for the public school and the neighborhood.

The requested contract extension is necessary to allow the Wilson Elementary School District complete this project and address significant material delays experienced by the selected contractor.

Contract Term

The original six-month contract term started July 1, 2021, through Dec. 31, 2022, with an option to extend through March 2023. If this item is approved, the term of this contract will be extended through June 30, 2023.

Financial Impact

There is no impact to the General Fund. The contract is funded by HUD CDBG funds.

Concurrence/Previous Council Action

On June 15, 2022, the City Council approved the award of $200,000 in CDBG funds for this project.

Location

2929 E. Fillmore St.
Council District: 8

This item was adopted.

64 Enter Into an IGA with the Cities of Avondale, Buckeye, Goodyear, Mesa, and Tempe, Maricopa County, Gila River Indian Community, Salt-River Pima Indian Community, Salt River Project Agricultural Improvement and Power District, MAG and Arizona Board of Regents for the Rio Reimagined Urban Waters Ambassador (Ordinance S-49265)

Request to authorize the City Manager, or his designee, to enter into an intergovernmental agreement with the City of Avondale, City of Buckeye, City of Goodyear, City of Mesa, City of Tempe, Maricopa County, Gila River Indian Community, Salt-River Pima Indian Community, Salt River Project Agricultural Improvement and Power District, Maricopa Association of Governments and the Arizona Board of Regents for and on behalf of Arizona State University for the creation of an Urban Waters Ambassador, a full-time regional leader who will be tasked with identifying federal funding and technical assistance to support and actualize local community projects and priorities related to the Rio Reimagined - Rio Salado Urban Waters Federal Partnership Project. Further request to authorize the City Controller to disburse all funds related to this item. Additionally request to authorize the City Manager, or his designee, to enter into Intergovernmental Agreements (IGAs) as necessary and

appropriate to coordinate efforts and funding related to this project.

Summary

On Sept. 1, 2020, the United States Environmental Protection Agency designated Arizona's Rio Reimagined - Rio Salado as the 20th Urban Waters Federal Partnership Project. With this designation, federal, local and tribal partners work collaboratively to improve surface water quality and achieve economic, environment, health, wellness and recreation goals for the benefit of community residents, all while protecting the river ecosystem as a valued natural and cultural asset. The Rio Reimagined - Rio Salado project spans 58 miles of the Lower Salt and Gila Rivers, including six cities and two Native American communities. The Urban Waters Ambassador is a new full-time regional leader position who be will tasked with identifying federal funding and technical assistance to support and actualize local community projects and priorities. As part of the designation, the Urban Waters Ambassador will act as the regional representative for Rio Reimagined - Rio Salado and will oversee the collaborations with federal agencies and stakeholders in connection with the designation.

The Maricopa Association of Governments (MAG) will hire and house the Urban Waters Ambassador, providing in-kind office support and fiscal services. Representatives from all funders will sit on an Advisory Council to help draft annual work plan/scope for the Ambassador. The individual occupying the position will be engaged by MAG as an independent contractor and will report to a MAG-designed staff person.

Contract Term

The agreement will begin on or about Jan. 1, 2023 for a term of four years. Thereafter, the agreement may be renewed and updated, subject to available funding support and mutual written agreement of the parties for an additional two-year term.

Financial Impact

The total value of the City's share of the agreement is $15,000 per year, for four years, for an aggregate value of $60,000. MAG will serve as a fiscal agent to receive and process total compensation funding, as well as federal or other funding sources in support of the Ambassador as needed or recommended by the Rio Advisory Board. Funding is

available from the City Manager's Office budget.

Location
This project spans 58 miles between 19th and 83rd Avenues, which includes the Loop 202 South Mountain Freeway.
Council Districts: 7, 8 and Out of City

This item was continued to the Jan. 25, 2023 City Council Formal Meeting.

66 Development Agreement with Chevelle Properties LLC for Installation of Public Infrastructure (Ordinance S-49260)

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 Chevelle Properties LLC, or its City-approved designee (Developer), for the installation of public infrastructure improvements. Further request to authorize the City Controller to disburse all funds associated with this request.

Summary
Developer is planning to bring a 32-acre destination office employment campus to Phoenix that will add or retain 1,100 high-wage jobs. Phase 1 of the campus will include approximately 300,000 square feet of new development representing a capital investment estimated at $198 million (Project). Developer is a national leader in its industry with annual revenues in the billions and thousands of locations across the United States. After a national search the Project is still contingent upon several items that will be finalized before the end of the year at which time the project will be publicly announced.

The City recognizes the resulting substantial economic impacts to the City and region by the Developer. This established and well known company will be able to call Phoenix home and provide thousands of quality jobs to residents. Nationally this project would be one of the first large scale office employment announcements since the pandemic and signifies a return to normal business and recovery from the COVID-19 pandemic. To support this new headquarters Project and expand the package that has been provided at the State level, staff recommends the following business terms:

Developer agrees to build a 32-acre 300,000 square feet destination office employment campus estimated at $198 million in Phoenix.
Developer intends to create or retain approximately 1,100 jobs.
Within 24 months from execution of the Agreement, Developer shall satisfy all requirements for issuance of the public infrastructure permits for Phase 1 of the Project, pay all applicable fees related to the initial phase of development, and obtain the first infrastructure permit for Phase 1.
City will reimburse Developer (upon completion of construction and acceptance by the City of public infrastructure improvements), up to $5 million maximum reimbursement amount from the General Fund portion of City's Transaction Privilege Tax.
City will also use up to $1 million from the Strategic Economic Development Fund as a reimbursement source for the public infrastructure improvements, in the amount of $100,000 per year for up to 10 years. City's total reimbursement from all sources will not exceed $5 million.
Public infrastructure improvements include street frontage and intersection upgrades as required by the Street Transportation Department, water and sewer main extensions along the frontage of the Project, any other floodplain and other regional traffic improvements as detailed in the Agreements.

1. Reimbursements from the City's Transaction Privilege Tax shall be paid on an annual basis in arrears and shall not exceed the amount of the City's General Fund portion of the Transaction Privilege Tax collected that year that the City verifies were collected and received from the Project. These taxes shall be comprised primarily of the taxes relating to the construction and installation of the public infrastructure improvements, private infrastructure improvements, and build-out of the Project. In order to track Transaction Privilege Taxes eligible for reimbursement, all contractors and subcontractors must secure an independent City of Phoenix Transaction Privilege Tax (TPT) License related solely to the Project.
2. Reimbursement from the Strategic Economic Development Fund shall be reimbursed in the amount of $100,000 annually and shall not exceed $1 million.
3. Reimbursement shall not exceed actual verifiable costs for the

approved public infrastructure improvements and combined reimbursement will not exceed $5 million.
4. Reimbursement would not begin until after the Developer completes the public infrastructure improvements at the Site and the City has accepted those improvements. Reimbursements would be made annually, in arrears, with additional details to be specified in the Agreements.
5. Years 1 through 10: City will reimburse 100 percent of the eligible General Fund TPT revenue generated from new activity at the Project.

No other sources of funds would be used if the above resources are not adequate to meet the projected construction expenses.
Agreements will include other terms and conditions as deemed necessary by the City.

Contract Term
The development agreement will terminate 10 years after the Developer's completion and the City's acceptance of public infrastructure improvements.

Financial Impact
The City's financial impact will not exceed $5 million, combined, from the Strategic Economic Development Fund and the City's General Fund portion of eligible TPT revenue generated from the Site for 10 years. Financial terms of the Agreements will be reviewed by the Budget and Research Department to verify funding availability prior to execution.

Location
Developer is conducting due diligence on locations in the city of Phoenix and a final site will be selected prior to entering into a development agreement.

This item was adopted.

68 Amend Current Ordinance to Add Paseo Hills Elementary to 2022-23 List of School Districts (Ordinance S-49278)

Request to authorize the City Manager, or his designee, to amend the current Ordinance (S-48726) to add Paseo Hills Elementary to the 2022-23 list of school districts for funding a School Resource Officer

(SRO). Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item.

Summary

The Police Department enters into Intergovernmental Agreements with various school districts (at the school district's request) to assist with the cost of SROs deployed in schools. Funding for these SROs is provided through partnerships with the Arizona Department of Education and individual school districts. Through this partnership, school district funds reimburse the City for 75 percent of the SRO's salary, while the remaining 25 percent is paid by the City.

The amended ordinance will add Paseo Hills Elementary to the 2022-23 list of school districts. All other terms will remain unchanged.

Contract Term

The terms of these agreements are one year, with varying start and end dates to coincide with each school's 2022-23 school year.

Financial Impact

Cost to the City is 25 percent match for the SRO salary and fringe benefits. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

Ordinance S-48726 was approved by the City Council at the June 15, 2022 meeting.

This item was adopted.

69 Authorization to Enter into an Agreement with the Police Executive Research Forum for Training (Ordinance S-49262)

Request for retroactive authorization for the City Manager, or his designee, to allow the Police Department to enter into an agreement with the Police Executive Research Forum (PERF) to provide Integrating Communications, Assessment, and Tactics (ICAT) training for a total not to exceed $57,500. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The PERF is an independent research organization that focuses on critical issues in policing and has identified best practices on developing

community and problem-oriented policing; using technologies to deliver police services to the community; evaluating crime reduction strategies; and conducting training focused on resolving critical incidents without using force. The ICAT training is a 12-16 hour course designed to help officers safely and professionally resolve critical incidents involving individuals who may pose a danger to themselves or others, but who are not armed with firearms. Reducing the need to use deadly force, upholding the sanctity of life, building community trust, and protecting officers from physical, emotional and legal harm are the cornerstones of ICAT. Also, the PERF will observe two departmental ICAT training sessions at the beginning of the departmental rollout of ICAT to provide quality control. The training will be held in 2023 and the Police Department will pay a fixed fee of $57,500.

If authorization is denied, the agreement will be rescinded.

Contract Term
Requesting retroactive approval for Nov. 14, 2022 through Dec. 31, 2023.

Financial Impact
Funds will be used for training and supplies and are in the Police Department's budget.

This item was adopted.

70 Spartan Vehicle Robot (Ordinance S-49281)

Request to authorize the City Manager, or his designee, to enter into a contract with Peraton Remotec, to rebuild the F6B Robot transforming it into an upgraded vehicle with the latest technology and increased load capacity for the Police Department. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate agreement value will not exceed $228,826.

Summary
The purpose of this contract is to upgrade the F6B Robot, for the Police Department's Bomb Squad Unit to use for bomb responses and added security during planned Super Bowl activities. The Spartan Vehicle upgrade will refurbish and rebuild the F6B, with the latest technology and increased load capacity. The Spartan Vehicle will incorporate a dual PAN

disruptor system for use in mitigation of suspected Improvised Explosive Devices (IEDs) from a safe distance. Completing the Spartan Vehicle upgrade will enhance reliability, usability, functionality, and longevity of the vehicle, resulting in decreased deployment times.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved Determination Memo for Special Circumstances Without Competition as Peraton Remotec is the manufacturer and sole warranty provider of the F6B Robot. Refurbishing this robot will meet the needs of the Police Department.

Contract Term

The one-year contract term will begin on or about Dec. 15, 2022.

Financial Impact

The aggregate contract value will not exceed $228,826. Funds are available in the Police Department's budget.

This item was adopted.

71 Paraclete Ballistic Shields - IFB 18-029 - Amendment (Ordinance S-49248)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146909 with FX Tactical, LLC to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $948,180.

Summary

This contract will provide the Police Department with Paraclete Ballistic Shields to protect community members during evacuations, as well as protect officers during containment and contact phases of fluid tactical incidents. The additional funds will allow for necessary purchases through the extended contract term as additional time is needed to complete the new procurement.

Contract Term

Upon approval, the contract will be extended through Jan. 10, 2024.

Financial Impact

Upon approval of $948,180 in additional funds, the revised aggregate value of the contract will not exceed $1,515,230. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed and approved this request:
Paraclete Ballistic Shields - Contract 146909 (Ordinance S-44162) on Jan. 10, 2018.

This item was adopted.

72 Ammunition Products Statewide - AZ State Cooperative CTR043473 - Amendment (Ordinance S-49264)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 150510 with Diamondback Police Supply Co., Inc. for the purchase of ammunition products for the Police Department. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $700,000.

Summary

The Patrol Less Lethal Pilot Program was created to evaluate the effects of providing front-line officers with alternative tools to use during high stress incidents, with a goal of reducing lethal force encounters. A review of the pilot program results indicated overall success of the program and community support of the expanded use of these products to resolve volatile incidents without the use of lethal force. The additional funds are required to equip all precincts with less lethal tools and supplies.

The Patrol Less Lethal Program, requires additional funding for (400) Pepperball launchers, (400) 40mm launchers, and the ammunition and accessories (optic, light, sling) for both systems over two years. The weapons are assigned to officers and will provide equipment to (400) officers in FY 2022-23 and (400) officers in FY 2023-24. The Department's Patrol Division currently has (49) 40mm launchers and will have (80) Pepperball launchers by mid-December.

Contract Term

The contract term remains unchanged, ending on June 25, 2024.

Financial Impact

Upon approval of $700,000 in additional funds, the revised aggregate value of the contract will not exceed $1,525,000. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

The City Council previously approved this request:

Ammunition Products Statewide, Contract 150510, Ordinance S-45871 on June 26, 2019.

Ammunition Products Statewide, Contract 150510, Ordinance S-48644 on May 25, 2022.

This item was adopted.

73 Bus and Dial-a-Ride Public Transportation Agency Safety Plan - Request for Approval

This report requests City Council approval of the Public Transit Department's federally required Public Transportation Agency Safety Plan for the operation of the city's fixed route bus and paratransit (Dial-a-Ride) operations.

Summary

On July 19, 2019, the Federal Transit Administration (FTA) published the Public Transportation Agency Safety Plan (PTASP) Final Rule, requiring public transportation systems that receive federal grant funds to develop safety plans that include Safety Management Systems (SMS) and to set safety performance measure targets by Dec. 31, 2020, which the City of Phoenix accomplished. Since that time, the FTA informed transit industry partners nationwide about Bipartisan Infrastructure Law changes to the PTASP requirements and the associated compliance deadlines for implementing the new provisions. This report provides revisions to the Department's PTASP in order to comply with the new requirements.

The purpose of the FTA's Final Rule is to ensure operational safety within public transit systems nationwide. SMS elements include:

Safety Management Policy - A documented commitment to safety defining the system's objectives and its employees' responsibilities to safety;

Safety Risk Management - An established process for identifying, analyzing, documenting, and mitigating safety risks and hazards;
Safety Promotion - Establishes a process for safety training and communications; and
Safety Assurance - Includes safety performance monitoring and measurement, management of change, and continuous improvement.

Safety Performance Measures outlined by the National PTASP include specific definitions for "reportable events" as they pertain to having occurred within the transit environment or are otherwise related to transit service, vehicles, or facilities. Those "reportable events" are as follows:

Fatalities
Total number of reportable fatalities; and
Rate per total vehicle revenue miles by mode.

Injuries
Total number of reportable injuries; and
Rate per total vehicle revenue miles by mode.

Safety Events
Total number of reportable events; and
Rate per total vehicle revenue miles by mode.

System Reliability
Mean distance between major mechanical failures by mode.

Additional Information
On Feb. 17, 2022, the FTA informed transit industry partners nationwide about Bipartisan Infrastructure Law changes to the PTASP requirements and the associated compliance deadlines for implementing the new provisions, which include the following:
Establish a safety committee, comprised of an equal number of front-line employees and representatives within the Public Transit Department and its contracted service providers, to annually evaluate and approve the department’s safety plan. A component of the region's plans allows each of the City’s contractors to form and maintain their own

safety committees to meet the new federal guidance;
Establish a risk reduction program and targets to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers; and
Outline strategies consistent with guidelines of the Centers for Disease Control and Prevention, or a state health authority, to minimize the exposure of the public, personnel, and property to infectious diseases and unsafe conditions.

The City's draft PTASP (**Attachment A**) was developed through a collaborative process between staff from PTD and the T2050 project management consultant (PMC) team. The summary plan of the City's operations contractors are appendices of the plan and were developed in collaboration with the City's bus and Dial-a-Ride providers (Transdev, First Transit, and MV Transportation and their respective employees). The safety plan follows previous and new federally mandated processes and procedures, including SMS principles and methods.

The City of Phoenix worked with its three service providers and their employees to operate and maintain the City's bus and Dial-a-Ride services to ensure compliance with the new guidance. As a result, each contractor has also developed respective safety plans unique to their operations, facilities, and workforces. Under the new FTA rule, the Public Transit Department is responsible for overseeing the safety of its bus and paratransit systems, including oversight of the three service providers under contract with the Department to provide those services.

The Maricopa Association of Governments coordinates and provides guidance to regional transit agencies, while the Arizona Department of Transportation provides assistance to other transit agencies across the state. The City's regional partners, the Regional Public Transportation Authority, Valley Metro Rail, Scottsdale, Glendale and Peoria, also fall under the new FTA rule and have created safety plans specific to their transit operations.

The plans of the City and its contractors and subrecipients are reviewed annually. The FTA requires each to annually self-certify that they have PTASPs that meet the requirements of the applicable rule. The FTA also

intends to use its triennial oversight review program to assess compliance with the requirements of the rule.

Per federal requirements, the PTASP must be approved by Phoenix's City Council by Dec. 31, 2022.

Concurrence/Previous Council Action
On Nov. 2, 2022, the attached plan was approved by the Public Transit Department's safety committee, which is federally required and is made up of 12 PTD employees that are a mixture of front-line workers, field staff, and supervisory and management positions.

This item was approved by the Transportation, Infrastructure and Planning Subcommittee on Nov. 16, 2022, by a vote of 4-0.

This item was approved.

77 Contract Amendment for Market Rate Adjustment to First Transit, Inc. Fixed Route Transit Services Agreement (Ordinance S-49272)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 146890 with First Transit, Inc. to address wage rate challenges in the regional labor market for bus operators, mechanics, and utility workers. Further request to exercise the two-year option to extend the agreement through June 30, 2025, including the amended contract rate pricing. The contract amendment will result in additional costs of $7,549,730. Further request to authorize the City Controller to disburse all funds related to this item. The contract's total not-to-exceed amount will increase to $303,838,157.

Summary
Ongoing challenges in the labor market have made it difficult for many industries to hire and retain workers. The workforce shortage is especially acute for the transit industry. In February 2022, the American Public Transportation Association conducted a survey of its member transit agencies. Key takeaways from that survey include:

92 percent stated they are having difficulty hiring new employees, with bus operations positions the most difficult to fill.

66 percent indicated they are having difficulty retaining employees.

71 percent said they have either had to cut services or delay service increases because of worker shortage issues.

52 percent have increased their starting pay in response to worker shortages.
38 percent have implemented sign-on bonuses, 39 percent implemented referral bonuses, and 17 percent have implemented retention bonuses.

In January 2018, Phoenix City Council awarded the West Transit Facility Fixed Route Services contract to First Transit, Inc. and provides local and circulator bus service throughout the region. The five-year contract started July 1, 2018, and continues through June 30, 2023, with a two-year option to extend the agreement through June 30, 2025. The contractor is responsible for all aspects of transit service provision including personnel administration, operations, and maintenance. First Transit also performs the selection and hiring of personnel qualified for the operations and maintenance of the facility, vehicles, and equipment.

Locally, Phoenix's fixed route transit operations contractors, including First Transit, have experienced operator, mechanic, and utility worker shortages since July 2020. This labor shortage has resulted in deficiencies in transit performance, including service delays and missed trips, as both contractors are finding it challenging to hire and retain operators to complete service and maintenance personnel to keep vehicles in a state of good repair. Prior to the pandemic, First Transit's percentage of missed service was consistently between 0.5 percent to one percent (between 3,000-5,000 miles) of scheduled miles a month. Since the pandemic, missed service has increased to between four percent and eight percent (23,000 to 46,000 miles) a month, with some months as high as 10 percent (55,000 miles) missed a month. The resulting delays and missed service have also resulted in increased passenger complaints, climbing from an average of about 4.6 to 6.7 per 10,000 boardings.

Despite increased vacancy rates for bus operators and mechanics, First Transit has demonstrated a commitment to maintaining maximum service levels with an increased level of effort to recruit and retain staff, including instituting recruitment and retention bonuses, and attendance and performance bonuses for existing employees.

The preceding efforts have helped recruiting efforts by First Transit, but the company has a 7 percent vacancy rate for bus operators and 12 percent vacancy rate for their maintenance staff. Because the contract remains under-resourced, and transit performance levels continue to be adversely impacted, the City of Phoenix Public Transit and Valley Metro staffs have been working with the region's service providers to develop contract amendments to bring the wages into closer alignment with the current labor market.

Operating under similar labor circumstances, and experiencing unprecedented levels of missed service, the Valley Metro/Regional Public Transportation Authority and Valley Metro Rail boards recently approved contract increases for their bus and light rail operating contractors. Phoenix's review and acceptance of each contractor's price proposals would serve to help bring parity to transit personnel wage rates across the region.

Financial Impact

The increase in the cost per mile (local) for the for the remainder of each year of the contract is shown below. Bus operator wage rates in the West Valley have historically trailed the rest of the region due to differences in contracting cycles and differing costs of living.

Contract Year 5
LOCAL
Original Cost Per Mile: $6.634
Proposed Cost Per Mile: $7.198

Contract Year 6
LOCAL
Original Cost Per Mile: $6.898
Proposed Cost Per Mile: $7.482

Contract Year 7
LOCAL
Original Cost Per Mile: $7.199
Proposed Cost Per Mile: $7.811

The amendment includes revised special event service and bus bridging pricing, should the City require ad hoc services during the term of the contract agreement. Such services vary in duration and are reimbursed at an hourly rate. Special event service and bus bridging cost considerations are already factored into the overall amended pricing.

First Transit operates over 6.5 million service miles on the City's behalf. As such, the proposed increase to the cost per mile equates to a $7,549,730 increase over the remaining 2.5 years of the contract, necessitating a need to increase the contract authority by this amount.

The original contract funding is in an amount not to exceed $296,288,427 for seven years, with the contract amendment bringing the contract total to $303,838,157. The wage rate and contract amendment would take effect retroactively on Dec. 1, 2022.

Due to budget savings from missed Fixed Route service, the FY 2022-23 budget will be unaffected by this price change.

Concurrence/Previous Council Action
The Citizens Transportation Commission recommended approval of this item on Nov. 17, 2022, by a vote of 9-0.

The City Council previously approved the West Transit Facility Fixed Route Services agreement with First Transit, Inc. on Jan. 24, 2018 (Ordinance S-44210).

This item was adopted.

78 Contract Amendment for Market Rate Adjustment to MV Transportation, Inc. Paratransit Services Agreement (Ordinance S-49273)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 155931 with MV Transportation, Inc. (MV) to address wage rate challenges in the regional labor market for paratransit operators, mechanics, and utility workers. The contract amendment will result in additional costs of $3,053,666. Further request to authorize the City Controller to disburse all funds related to this item. The contract's

total not-to-exceed amount will increase to $156,508,261.

Summary

Ongoing challenges in the labor market have made it difficult for many industries to hire and retain workers. The workforce shortage is especially acute for the transit industry. In February 2022, the American Public Transportation Association conducted a survey of its member transit agencies. Key takeaways from that survey include:

92 percent stated they are having difficulty hiring new employees, with bus operations positions the most difficult to fill.

66 percent indicated they are having difficulty retaining employees.

71 percent said they have either had to cut services or delay service increases because of worker shortage issues.

52 percent have increased their starting pay in response to worker shortages.

38 percent have implemented sign-on bonuses, 39 percent implemented referral bonuses, and 17 percent have implemented retention bonuses.

In March 2022, Phoenix City Council awarded the Paratransit Services contract to MV. The contract term is for a five-year base period starting July 1, 2022 and continuing through June 30, 2027. In addition to the initial term, there is a two-year option to extend the agreement through June 30, 2029.

MV provides paratransit services to the residents of Phoenix. The contractor is responsible for all aspects of paratransit service provision including personnel administration, operations, and vehicle maintenance. MV also performs the selection and hiring of personnel qualified for the operations and maintenance of the facility, vehicles, and equipment.

Locally, Phoenix’s paratransit services contractor, MV, has experienced operator, mechanic, and utility worker shortages since July 2020. This labor shortage has resulted in deficiencies in transit performance, including decreased on-time performance and reduced call center performance during and following the pandemic.

Despite increased vacancy rates for bus operators and mechanics, MV has demonstrated a commitment to maintaining maximum service levels

with an increased level of effort to recruit and retain staff, including instituting recruitment and retention bonuses, and attendance and performance bonuses for existing employees.

The preceding efforts have helped recruiting efforts by MV, but the company has a 3 percent vacancy rate for operators and 29 percent vacancy rate for maintenance staff. Because the contract remains under-resourced, and transit performance levels continue to be adversely impacted, the City of Phoenix Public Transit and Valley Metro staffs have been working with the region's service providers to develop contract amendments to bring the wages into closer alignment with the current labor market.

Operating under similar labor circumstances, and experiencing historic levels of missed service, Valley Metro/Regional Public Transportation Authority and Valley Metro Rail boards recently approved contract increases (and associated operator wage rate increases) for their bus, rail, and paratransit operating contractors. Phoenix's consideration and acceptance of MV's price proposal would serve to bring parity to transit personnel wage rates across the region.

Financial Impact
The increase in the cost per service hour and fixed costs of components for the remainder of each year of the contract is shown below.

Contract Year 1
Original Cost Per Service Hour: $33.48
Proposed Cost Per Service Hour: $34.35
Increase in Fixed Costs of Components: 1.484 percent

Contract Year 2
Original Cost Per Service Hour: $33.94
Proposed Cost Per Service Hour: $34.81
Increase in Fixed Costs of Components: 1.479 percent

Contract Year 3
Original Cost Per Service Hour: $34.71
Proposed Cost Per Service Hour: $35.59

Increase in Fixed Costs of Components: 1.473 percent

Contract Year 4
Original Cost Per Service Hour: $35.76
Proposed Cost Per Service Hour: $36.67
Increase in Fixed Costs of Components: 1.470 percent

Contract Year 5
Original Cost Per Service Hour: $37.02
Proposed Cost Per Service Hour: $37.96
Increase in Fixed Costs of Components: 1.459 percent

Contract Year 6
Original Cost Per Service Hour: $38.54
Proposed Cost Per Service Hour: $39.51
Increase in Fixed Costs of Components: 1.486 percent

Contract Year 7
Original Cost Per Service Hour: $39.94
Proposed Cost Per Service Hour: $40.95
Increase in Fixed Costs of Components: 1.476 percent

MV operates over 320,000 service hours annually on the City's behalf. As such, the proposed increase to the cost per service hour equates to $3,053,666 over the life of the contract, necessitating a need to increase the contract authority by this amount.

The original contract funding is in an amount not to exceed $153,454,595 for seven years, with the contract amendment bringing the contract total to $156,508,261. The wage rate and contract amendment would take effect retroactively on Dec. 1, 2022.

Due to budget savings from missed Fixed Route service, the FY 2022-23 Budget will be unaffected by this price change.

Concurrence/Previous Council Action
The City Council previously approved the Paratransit Services (Phoenix Dial-a-Ride) agreement with MV Transportation, Inc. on March 2, 2022

(Ordinance S-48370).

This item was adopted.

79 Solid Waste Yard Container Management Services Agreement (Ordinance S-49247)

Request to authorize the City Manager, or his designee, to enter into an agreement with Cart One, LLC, for the cleaning, organizing, repair, and management of refuse and recycle containers at the City's solid waste container yards. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the agreement will not exceed $955,642.

Summary

The Public Works Department Solid Waste Division is responsible for the proper storage, maintenance, repair, and tracking of various refuse and recycle containers. Currently, more than 700,000 containers are in service and this agreement will provide management of the container yards that includes cleaning, organizing, and repairing the containers as needed. This will help maintain a quick turnaround time for staff to place the containers back into service. This agreement will also maintain the inventory of the containers so they can be placed back into service, sent for warranty, or recycled due to the end of lifecycle.

Procurement Information

Invitation for Bid (IFB) 23-SW-027 was conducted in accordance with Administrative Regulation 3.10. Three offers were received by the Public Works Department Procurement Services Division on Oct. 12, 2022. The offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offer submitted by Cart One, LLC was deemed fair and reasonable.

Cart One, LLC: $28.70 bid total

Contract Term

The initial one-year term of the agreement will begin on or about Jan. 1, 2023. The agreement will include four one-year options to extend the term, for a total agreement term of up to five years if all options are exercised.

Financial Impact

The aggregate value of the agreement, including all option years, is $955,642, including all applicable taxes. Funding is available in the Public Works Department's budget.

Location

Salt River Service Center - 3045 S. 22nd Ave.
Employee Driver Training Academy - 3535 S. 35th Ave.
27th Avenue Transfer Station - 3060 S. 27th Ave.
Union Hills Service Center - 138 E. Union Hills Drive
Council Districts: 2 and 7

This item was adopted.

80 Fuel System Service and Parts Contract Amendment (Ordinance S-49258)

Request to authorize the City Manager, or his designee, to allow additional expenditures under contracts with Eaton Sales and Service, LLC (Contract 150183) and Northwest Pump and Equipment Co. (Contract 150178) to provide fuel system maintenance, service, and parts for the Public Works Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $125,000.

Summary

These contracts ensure City refueling stations are maintained in the best operational condition and in compliance with county, state, and federal regulations. There are currently 85 fuel facilities that include 76 underground storage tanks and 87 above ground storage tanks in operation. These contracts perform inspections, maintenance and various testing for potential leaks and hazardous waste spills. The additional expenditures are needed to support unforeseen fuel site repairs at the city's aging fuel sites, many of which now exceed 20 years of service life.

Contract Term

The initial one-year term of the contracts began on July 1, 2019, with four one-year options to extend, for a total contract term of up to five years.

Financial Impact

Upon approval of $125,000 in additional funds for the Public Works Department, the revised aggregate value of the contract will not exceed $775,000. Funds are available in the Public Works Department's budget.

Concurrence/Previous Council Action

The City Council previously approved:
Fuel System Service and Parts Contracts 150183 and 150178 (Ordinance S-45681) on June 5, 2019.

This item was adopted.

81 Contract Amendment with Ameresco, Inc. for SR85 Landfill Gas Processing (Ordinance S-49261)

Request to authorize the City Manager, or his designee, to amend Contract 153826, Ameresco, Inc. (Ameresco), or its City-approved designee for landfill gas-to-energy development. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

Landfill gas has been collected at the SR85 Landfill since 2006. Under this agreement, Ameresco will take the gas collected at the landfill, convert it to energy and sell it. Ameresco will return to the City a percentage of gross revenue derived from sales. Actual revenues will depend on a number of factors, including landfill gas quantity and quality, processing costs and market conditions.

By amending this agreement, the City agrees to share 20 percent of costs associated for a one-time design and installation of vertical wells for the third liquids return line, and Ameresco, Inc. agrees to cover the remaining 80 percent. This cost share arrangement is consistent with the revenue share. The City’s 20 percent share of costs would be deducted annually from the landfill gas payments, which are expected to be higher as a result of the installation of these additional landfill gas collection wells. The City will not be providing any upfront costs and Ameresco, Inc. will be responsible for the work completion.

Contract Term

The initial contract term is 20 years, with five two-year options, which may be exercised by the City Manager or his designee.

Financial Impact

There is no cost to the City for this agreement. The City's 20 percent share of costs would be deducted annually from the landfill gas payments. The City will not be providing any upfront costs and Ameresco, Inc. will be responsible for the work completion.

Concurrence/Previous Council Action

Contract 153826 was approved by City Council on July 6, 2017 (Ordinance S-43776).

Location

The SR85 Landfill is located at 28361 W. Patterson Road, Buckeye, Ariz. Council District: Out of City

This item was adopted.

82 Intergovernmental Agreement with Flood Control District of Maricopa County for 27th Avenue and Olney Avenue Storm Drain Project - Amendment 3 (Ordinance S-49253)

Request to authorize the City Manager, or his designee, to amend Intergovernmental Agreement (IGA) 148280 with the Flood Control District of Maricopa County for the 27th Avenue and Olney Avenue Storm Drain Project. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The request is to amend the original IGA to increase the overall estimated cost of the project and to modify the cost share agreement between the City of Phoenix and the Flood Control District of Maricopa County. The City's increased additional costs are $1,440,792.68, and the City's contribution to the total project costs will not exceed $7 million.

Summary

In late 2015, the Flood Control District of Maricopa County (FCDMC), in partnership with the City of Phoenix (City), initiated a study to update the Laveen Area Drainage Master Plan for the South Phoenix/Laveen area using mapping and comprehensive flood model software. One of the projects identified through that study effort was the 27th Avenue and

Olney Avenue Storm Drain project. The storm drain project will construct a 72-inch diameter storm drain in Olney Avenue from about 24th Drive west to 27th Avenue, then north on 27th Avenue to the existing 27th Avenue and South Mountain Avenue regional basin. This storm drain would have inlets at multiple locations along Olney Avenue and 27th Avenue to intercept drainage, including a large inlet for the subdivision retention basin just south of the Western Canal. The FCDMC has been leading development of the storm drain project through the design phase and will manage project construction.

The terms of the original IGA entered into between the City and the FCDMC in 2018 include a 50/50 joint cost share for project development, including design, right of way acquisition, temporary construction easements, utility relocations, storm drain construction, construction management, post design, materials testing, and other related costs necessary to implement the 27th Avenue and Olney Avenue Storm Drain Project.

The FCDMC completed final design for the project and solicited construction bids through a fully open and competitive process. The FCDMC received five construction bids on the project, and the low bidder submitted a bid that was nearly 30 percent higher than the engineer’s estimate.

The total estimated cost of the project has increased significantly since 2015. The increased costs are primarily due to higher construction labor and material costs, but also due to construction phasing and access issues that were identified through the design process. The current total project cost estimate is $18,092,471.50. Based on the terms of the IGA, the City's total contribution to the project would be $9,046,235.75, which represents a significant cost increase and has exceeded the City’s project budget and estimated project contribution.

Therefore, the FCDMC and City agreed to modify the project cost share for a portion of the increased project costs and to apply cost savings from another FCDMC project, all in an effort to reduce the City's additional contribution to the project. Together, these significantly reduce the City's contribution to the project to less than the original 50/50 cost

share.

Financial Impact

The current total project costs for the 27th Avenue and Olney Avenue Storm Drain Project are $18,092,471.50. Based on the original 50/50 cost share terms of the IGA, the City's portion of the project costs would be $9,046,235.75. Due to these increased costs, the FCDMC has agreed to cover $2,095,557.10 of the City's share of the total project costs. The City's contribution is not anticipated to exceed $7 million.

In 2011, the FCDMC and City entered into an IGA for the $14 million Durango Regional Conveyance Channel (DRCC) project, and included a City contribution of $5.5 million. The DRCC project was completed and realized a savings of $2,559,207.32 to the City's approved contribution. The FCDMC agreed to apply these savings as a credit to the City's portion of the 27th Avenue and Olney Avenue Storm Drain Project costs, further reducing the City's contribution to $4,391,471.33.

With the City's initial $3 million estimated contribution to the project approved with the IGA, an additional $1,391,471.33 is now required to fund the City's contribution to the 27th Avenue and Olney Avenue Storm Drain Project. The request for $1,440,792.68 includes the required amount of the City's contribution, plus an additional $49,321.35 as an allowance for any potential change orders.

These funds are available in the Street Transportation Department's capital improvement program budget to cover these additional costs.

Concurrence/Previous Council Action

The Transportation and Infrastructure Subcommittee recommended Council approval to enter into IGA 148280 for the 27th Avenue and Olney Avenue Storm Drain project, including a City contribution of $3 million, at its Feb. 13, 2018 meeting by a vote of 4-0.

The City Council approved entering into IGA 148280 for the 27th Avenue and Olney Avenue Storm Drain Project, including a City contribution of $3 million, on March 7, 2018 (Ordinance S-44314).

The City Council approved Amendment 1 to IGA 148280 for the 27th Avenue and Olney Avenue Storm Drain Project to allow the City to

advance construct three storm drainage basins ahead of the rest of the Project on March 20, 2019 (Ordinance S-45471).

The City Council approved Amendment 2 to IGA 148280 for the 27th Avenue and Olney Avenue Storm Drain Project to reflect an increase in the estimated cost of the project, to apply the DRCC credit to the City's share of project costs, and for FCDMC to perform right-of-way and easement acquisition for the project on June 24, 2020 (Ordinance S-46790).

Location

The project is generally located along Olney Avenue and 27th Avenue going north to the 27th Avenue and South Mountain Avenue Regional Drainage Basin.
Council District: 8

This item was adopted.

84 Licensing for Bridge Management Software - American Association of State Highway and Transportation Officials - Amendment (Ordinance S-49279)

Request to authorize the City Manager, or his designee, to amend an existing agreement with the American Association of State Highway and Transportation Officials (AASHTO) for bridge management software licensing for the Street Transportation Department in an amount not to exceed $47,000 for one year. Further request authorization for the City Controller to disburse all funds related to this item.

Additionally, request the City Council to grant an exception to Phoenix City Code section 42-18 to allow the city under Phoenix City Code section 42-20 to limit its rights to legal redress or compensation by waiving specific indemnity, insurance, and venue rights under the continuation of this agreement.

Summary

The AASHTOWare Bridge Rating analytical software allows the City to perform bridge load ratings for determining maintenance needs, assuring public safety, scheduling retrofit or replacement elements, and assessing overload for Federal reporting purposes. The City has utilized this software and has renewed the software license annually for the last 10 years. This request will authorize the City to enter into an agreement for

the next year of software products and license usage until the City executes a cooperative agreement with the Arizona Department of Transportation (ADOT) for sharing of information. ADOT currently uses AASHTOWare for the same purposes. Consolidating efforts and sharing information will provide operational efficiencies and savings to the City upon license renewal.

With few exceptions, Phoenix City Code section 42-18 prohibits the City from limiting its rights to legal redress for negligence, product liability, design defects, and other similar conduct exposing the City to a potential loss of property or personal injury damages recoverable by law. Notwithstanding, the City Attorney may act in the best interest of the City where indicated and Phoenix City Code section 42-20 allows for the City to provide coverage of any claim brought against the City through self-insurance with council approval.

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

Financial Impact

The total estimated cost, which includes one year of license usage fees, is an amount not to exceed $47,000. Funds are available in the Street Transportation Department's budget.

Concurrence/Previous Council Action

The City Council previously approved the licensing agreement for use of the AASHTOWare Bridge Rating analytical software on March 18, 2020 (Ordinance S-46445).

This item was adopted.

85 Odor and Corrosion Control Services - Amendment (Ordinance S-49242)

Request to authorize the City Manager, or his designee, to execute amendment to Agreement 139903 with EWT Holdings III Corporation to provide additional time and funding to the agreement. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in this amendment will not exceed

$5,800,000.

Summary

The purpose of the amendment is to extend the term of the agreement for an additional two years to continue to provide chemicals, services, methodology, supplies and equipment necessary for an odor and corrosion control program for specific target locations as determined by the City. The additional time and funds will allow EWT Holdings III Corporation (EWT) to continue to provide the required goods and services necessary to prevent disruption in maintaining a proper odor and corrosion control program for the City of Phoenix Water Services Department.

Procurement has conducted a thorough evaluation of influential market prices and the supply/demand challenges facing the industries related to this agreement. Due to rising costs in the market for the goods and services provided through this agreement, Procurement has determined that an extension with EWT in lieu of a new solicitation will allow for minimal disruption in maintaining the required services at a fiscally responsible cost.

Agreement Term

The amendment will extend the end date of the agreement term from Dec. 30, 2022 to Dec. 30, 2024.

Financial Impact

The initial authorization for Odor and Corrosion Control Services was for an expenditure not-to-exceed $10,097,717.88. An amendment increased the authorization for the agreement by $6,500,000. This amendment will increase the authorization for the agreement by an additional $5,800,000, for a new total not-to-exceed agreement value of $22,397,717.88.

Funding is available in the Water Services Department's Operating budget.

Concurrence/Previous Council Action

The City Council approved:

Odor and Corrosion Control Services Agreement 139903 (Ordinance S-41365) on Dec. 17, 2014;

Odor and Corrosion Control Services Amendment (Ordinance S-46059) on Oct. 2, 2019.

This item was adopted.

86 Citywide General Construction Job Order Contracting Services - Amendment - 4108JOC209 (Ordinance S-49283)

Request to authorize the City Manager, or his designee, to execute an amendment to authorize execution of a Job Order Agreement under Master Agreement 156749 with BRYCON Corporation in an amount up to $12 million for the Homeless Solutions Navigation Center project. Further request to authorize execution of amendments to Master Agreement 156749 as necessary within the City 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 $12 million. The job order agreement amount will not change the original Master Agreement Council-approved not-to-exceed amount.

Summary

The purpose of this project is to provide construction of the Navigation Center to include shelter spaces, modular facilities, and supporting infrastructure.

The Office of Homeless Solutions has architectural and engineering designs to construct a warm shell, insulated congregate shelter space along with supporting modular facilities for showers and restrooms to offer respite, sleeping quarters, and services infrastructure for individuals experiencing homelessness.

This amendment is necessary because the use of the JOC construction services contract allows the City to address the timeline requirements and specialized aspects of the project. This amendment will allow for issuance of a job order agreement to BRYCON Corporation for an amount not to exceed $12 million for the Homeless Solutions Navigation Center project. The JOC contractor will still be responsible for fulfilling the Small Business Enterprise program requirements.

Contract Term

The term of the agreement remains unchanged. Work scope identified and incorporated into the agreement prior to the end of the term may be

agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The initial master agreement for Job Order Contracting (JOC) Services was approved for an amount not-to-exceed $15 million, including all subcontractor and reimbursable costs.

Funding for this amendment is available from the Arizona Department of Housing and the American Rescue Plan Act. The Budget and Research Department will separately review and approve funding availability prior to the execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The City Council approved:
Master Agreement 156749 (Ordinance S-48850) on July 1, 2022.

Location

3000 S. 22nd Ave.
Council District: 7

This item was adopted.

87 Final Plat - Deer Valley-Building A & B - PLAT 220051 - North of Alameda Road and East of 19th and 15th Avenues

Plat: 220051
Project: 21-3801
Name of Plat: Deer Valley-Building A & B
Owner: Deer Valley Industrial Venture, LLC
Engineer: Eric L. Sostrom, RLS
Request: A Two-Lot Commercial Plat
Reviewed by Staff: Aug. 31, 2022
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 210068. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

Location

Generally located north of Alameda Road and east of 19th and 15th avenues

Council District: 1

This item was approved.

88 Final Plat - Deer Valley-Building C - PLAT 220052 - North of Alameda Road and East of 19th Avenue

Plat: 220052
Project: 21-3802
Name of Plat: Deer Valley-Building C
Owner: Deer Valley Industrial Venture, LLC
Engineer: Eric L. Sostrom, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: Aug. 31, 2022
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 210067. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

Location

Generally located north of Alameda Road and east of 19th Avenue

Council District: 1

This item was approved.

89 Final Plat - 4338 W. Thomas Road - PLAT 220056 - 4338 W. Thomas Road

Plat: 220056
Project: 99-35022
Name of Plat: 4338 W. Thomas Road
Owner: Lekarz Rodzinny, LLC

Engineer: David S. Klein, RLS
Request: A Two-Lot Commercial Plat
Reviewed by Staff: Nov. 10, 2022
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 4338 W. Thomas Road
Council District: 4

This item was approved.

90 Final Map of Dedication - 59th Avenue Spectrum - MOD 220004 - 59th Avenue and North of Baseline Road

MOD: 220004
Project: 19-4395
Name of MOD: 59th Avenue Spectrum
Owner: Lines Brothers Land and Cattle, LLC
Engineer: Michael J. Thompson, RLS
Request: Map of Dedication
Reviewed by Staff: Nov. 14, 2022
Final Map of Dedication requires Formal Action Only

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

Location
Generally located on 59th Avenue and north of Baseline Road
Council District: 7

This item was approved.

91 Final Plat - 67th Avenue & Broadway - PLAT 220041 - Southwest Corner of 67th Avenue and Broadway Road

Plat: 220041
Project: 21-1876

Name of Plat: 67th Avenue & Broadway
Owner: BTR at 67th & Broadway, LLC
Engineer: Douglas B. Toney, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: Nov. 15, 2022
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the southwest corner of 67th Avenue and Broadway Road
Council District: 7

This item was approved.

92 Final Plat - NEC of 7th Ave & McKinley - PLAT 220079 - Northeast Corner of 7th Avenue and McKinley Street

Plat: 220079
Project: 20-4407
Name of Plat: NEC of 7th Ave & McKinley
Owner: Danazl LLC; ARG Ventures, LLC; and Nuggets, LLC
Engineer: Jeffrey K. Bauer, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: Nov. 16, 2022
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 northeast corner of 7th Avenue and McKinley Street
Council District: 7

This item was approved.

93 **Final Plat - Haven at Washington - PLAT 220030 - Northeast Corner of 11th Street and Jefferson Street**

Plat: 220030
Project: 21-3857
Name of Plat: Haven at Washington
Owner: Haven at Washington, LLC
Engineer: Jared Hansmann, RLS
Request: A One-Lot Commercial Subdivision Plat
Reviewed by Staff: Nov. 14, 2022
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 220029. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

Location

Generally located at the northeast corner of 11th Street and Jefferson Street.
Council District: 8

This item was approved.

94 **Final Plat - Sanctuary at South Mountain - PLAT 220074 - South of Olney Avenue and East of 22nd Avenue**

Plat: 220074
Project: 06-1929
Name of Plat: Sanctuary at South Mountain
Owner: AMH Development, LLC
Engineer: Robert J. Blake, RLS
Request: A 46-Lot Residential Plat
Reviewed by Staff: Nov. 16, 2022
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 south of Olney Avenue and east of 22nd Avenue
Council District: 8

This item was approved.

95 Abandonment of Easement - ABND 220029 - Northeast Corner of Jefferson and 11th Streets (Resolution 22090)

Abandonment: ABND 220029
Project: 21-3857
Applicant(s): Richard Owen, Guefen Development Partners, Haven at Washington LLC
Request: To abandon a portion of the 25-foot public utility easement located between 11th and 12th and Washington and Jefferson streets, as illustrated in the attached exhibit.
Date of Decision/Hearing: June 3, 2022

Location
Northeast corner of Jefferson and 11th streets
Council District: 8

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

This item was adopted.

96 Waiver of Federal Patent Easement - ABND 210051 - 25300 N. 17th Ave. (Resolution 22091)

Abandonment: ABND 210051
Project: 21-4561
Applicant(s): Emil Pop and Emilia Pop
Request: To waive patent easement located along the perimeter of GLO LOT 41 on the north, west, and south sides.
Date of Decision/Hearing: Nov. 18, 2021

Location
25300 N. 17th Ave.
Council District: 1

Financial Impact

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

This item was adopted.

97 Waiver of Federal Patent Easement - ABND 210067 - 1750 W. Alameda Road (Resolution 22088)

Abandonment: ABND 210067
Project: 21-3802
Applicant: Matt Visnansky, The Opus Group
Request: To waive the 33-foot federal patent easement bordering the west, north, and east property lines of the parcel located at 1750 W. Alameda Road.
Date of Decision/Hearing: Feb. 3, 2022

Location
1750 W. Alameda Road
Council District: 1

Financial Impact
No consideration fee was required as a part of this waiver of federal patent easement, although filing fees were paid.

This item was adopted.

98 Waiver of Federal Patent Easement - ABND 210068 - Parkview Lane and 17th Avenue (Resolution 22089)

Abandonment: ABND 210068
Project: 21-3802
Applicant: Matt Visnansky, The Opus Group
Request: To waive portions of 8, 33-foot federal patent easements running north to south on parcels identified by Assessor Parcel Numbers 210-07-002, -026A, -026B, 210-08-002, -007, -017.
Date of Decision/Hearing: Feb. 3, 2022

Location
Parkview Lane and 17th Avenue
Council District: 1

Financial Impact
None. No consideration fee was required as a part of this waiver of federal patent easement, although filing fees were paid.

This item was adopted.

99 Amend City Code - Official Supplementary Zoning Map 1239 (Ordinance G-7064)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1239. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-43-A-98 and the entitlements are fully vested.

Summary

To rezone a parcel located approximately 450 feet east of the southeast corner of Cave Creek Road and Tatum Boulevard
Application No.: Z-43-A-98
Zoning: C-2 PCD SP
Owner: GDC Storage TCC, LLC
Acreage: 2.91

Location

Approximately 450 feet east of the southeast corner of Cave Creek Road and Tatum Boulevard
Address: 29640 N. Tatum Blvd.
Council District: 2

This item was adopted.

45 Public Comment on Proposed Changes to Memoranda of Understanding Submitted by Authorized Employee Organizations

This item is to provide public comment on proposals submitted by employee organizations.

Summary

Under the terms of the Meet and Confer Ordinance, employee organizations are offered the opportunity to make a presentation to the City Council regarding proposed changes to the existing Memoranda of Understanding (MOUs), which occurred this year on Dec. 7, 2022.

The Meet and Confer Ordinance provides that at the next City Council meeting following presentations by employee organizations, the public shall be afforded an opportunity to comment on the proposals. This item on the agenda provides that opportunity.

Discussion

Mayor Gallego declared the public hearing open.

Mario Barajas provided Spanish interpretation for Ms. Abarca.

Blanca Abarca expressed concern about transparency and suggested an expense report be provided, especially for the Police Department. She asserted residents needed to be part of these meetings between the Police Department and the City due to lack of transparency in this process.

Councilmember Garcia requested staff explain this process.

Mayor Gallego interjected staff would provide an explanation after the public hearing.

Mr. Barajas provided Spanish interpretation for Ms. Avendano.

Martha Avendano expressed concern about the lack of transparency with the police budget.

Rebecca Denis expressed concern about the public's lack of access to the Police Department's Memorandum of Understanding (MOU) negotiations. She remarked this year the public did not have an opportunity to review the proposal and provide feedback on policy changes and money spent. She demanded negotiations not take place behind closed doors, no salary increases for police officers and no contract changes.

Ben Laughlin spoke in opposition to PLEA's proposal because the public did not have an opportunity to review and provide feedback on police officer protections, pay and benefits. He emphasized employee organizations were required to submit their proposed MOU in writing and it becomes public record then Council provides an opportunity for public comment on the proposals. He said PLEA's negotiation process should not move forward until the public has an opportunity to review their proposal.

Chaz Salazar stated he was opposed to this item, specifically as it relates to PLEA's contract negotiations. He expressed the public needed to know what was being negotiated in the agreement, noting he could not consent to a contract he did not have access to review.

Anna Hernandez, senator-elect for Legislative District 24, expressed concern about speaking to the PLEA MOU since it was not made public. She said the public needed to know what accountability measures were included in the contract for the Police Department. She urged Council to listen to the community regarding the lack of transparency.

Twenty-three electronic comments were submitted for the record as follows: 20 in opposition, 1 in support and 2 with no position.

Noting there was no one else to speak, Mayor Gallego declared the public hearing closed.

Assistant City Manager Lori Bays advised the City Code outlined the Meet and Confer process which indicated each Meet and Confer group, the five unions the City negotiated with, was required to submit their proposed MOUs in writing to the City by December 1 and file a copy with the City Clerk. She conveyed letters were submitted by the five unions indicating their intent to negotiate with the City in the next Meet and Confer process which was an item on last week's agenda. She emphasized none of the unions submitted proposed changes to their MOUs with the letters, so there were no MOUs to share for the public to comment on at this meeting.

Councilmember Garcia asked if there was another point when people could see what the unions were proposing.

Ms. Bays replied there were other points in the process where public discussions would be held regarding points of contention between the City and the labor unions if there was disagreement. She conveyed after impasse there would be a fact-finding process as well as an opportunity for management and the unions to present points of contention at a Council meeting which would also allow for public comment. She stated the final contracts were presented to Council for review and approval.

Councilmember Garcia asked if the intent of the process required the labor groups to submit their MOUs at this meeting.

Ms. Bays responded the intent of the City Code was for each of the groups to present their MOUs at this point in the process, but they chose not to do so.

Vice Mayor Pastor asked what the timeline was for this process and whether staff could provide each step of the process to the public.

Ms. Bays affirmed staff could share it, though it was a detailed process as outlined in the City Code. She stated the next step was to begin the negotiation process at the table with the five Meet and Confer groups which would occur on or before January 5 per City Code. She indicated the City had until March 1 to reach an agreement before impasse was declared and the rest of that process, as previously mentioned, started.

Vice Mayor Pastor inquired at what point in the City Code does a group submit their MOU for public comment.

Ms. Bays replied that should have happened last week, but the groups chose not to submit their MOUs and instead submitted letters of intent. She advised staff would not have a draft MOU to present to Council for consideration until April or May, when negotiations conclude at the table.

Vice Mayor Pastor wanted confirmation the public could see the MOU in April or May.

Ms. Bays affirmed that was correct.

Vice Mayor Pastor asked when Council saw the MOU.

Ms. Bays replied the MOU comes back to Council when it was ready for approval or, as she stated earlier, if there were points of contention between management and a particular group after fact-finding that MOU would be presented to Council prior to the final MOU which would occur in April.

Vice Mayor Pastor said she understood Council would not see the final MOU until the end, but there were points in the process that Council would know about the MOU. She questioned when the public would know about the MOU.

Ms. Bays responded the MOU would come back for public comment after the fact-finding process when the final points were presented or if there was no disagreement the final MOU would be presented.

Vice Mayor Pastor asked how the public could comment on the MOU.

Ms. Bays replied it would be presented in the Council agenda prior to the formal meeting where it would be considered by Council.

Vice Mayor Pastor wanted confirmation there was no space for the public or staff to make comments until the MOU was published in the agenda on Thursday.

Ms. Bays affirmed that was correct.

Public Comment was heard.

50 Amendments to Classification Plan S-5815 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49274)

At the request of Unit II AFSCME 2384 and as part of their negotiated contract to conduct a market study, the following amendments to the Classification Plan [S-5815] are proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Pay Ordinance [S-47689] which will be processed under a separate ordinance.

Modify the classification of Operations & Maintenance Technician Trainee (NC), Job Code 50360, Salary Plan 004, Grade 214 ($36,150 - $46,758/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Grade 218 ($41,475 - $55,328/annually).

Modify the classification of Operations & Maintenance Technician, Job Code 50370, Salary Plan 005, Grade 219 ($46,758 - $57,741/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 222 ($53,102 - $64,771/annually).

Modify the assignment of Operations & Maintenance Technician*SCBA, Job Code 50371, Salary Plan 005, Grade 220 ($48,797 - $59,925/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 223 ($50,856 - $67,413/annually).

Modify the classification of Senior Utility Operator, Job Code 50340, Salary Plan 005, Grade 222 ($53,102 - $64,771/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 225 ($55,328 - $74,069/annually).

Modify the assignment of Senior Utility Operator*SCBA, Job Code 50341, Salary Plan 005, Grade 223 ($55,328 - $67,413/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 226 ($57,741 - $77,875/annually).

Modify the classification of Operations & Maintenance Supervisor, Job Code 50380, Salary Plan 001, Grade 032 ($49,878 - $76,107/annually), Benefit Category 007, Labor Unit Code: ASPTEA, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Grade 035 ($58,032 - $88,379/annually).

Summary

BACKGROUND

Currently, 214 positions are allocated to the various levels of the job family shown above. The Water Services Department and the labor groups in that area both expressed concerns about the Department’s difficulty recruiting and retaining skilled employees in the job family. The department has a vacancy rate of nearly 21.5 percent. In addition, some positions are underfilled at the trainee level and other positions are

underfilled at the base classification. The Department's desire is that all employees obtain and maintain certification for Self-Contained Breathing Apparatus (SCBA), and thus qualify for the assignment at one grade higher.

Staff conducted market research, drawing heavily upon local salary information from public sector employers in the valley performing similar work. Staff also assessed internal alignment of this job family with another job family (Utility Technicians) that was studied in 2021. The Utility Technician job family was increased by three grades (approved by City Council Jan. 6, 2021), which impacted the alignment of these two job families within the Water Services Department.

FINDINGS

The job duties of the various classifications in the Operations & Maintenance Technician job family are difficult to compare to other municipalities in the valley. Other organizations may separate jobs that focus on operations from jobs that focus on maintenance. Fortunately, most public sector organizations have requirements for certification from the Arizona Department of Environmental Quality at various levels in the different disciplines, which allows for meaningful comparisons across jurisdictions.

Market data supports a three-grade increase for most classifications in the job family, and a four-grade increase for the trainee level.

RECOMMENDATION

Staff recommends increasing the grades of the Operations & Maintenance Technician job family to restore internal alignment with other job families in the Water Services Department and provide a meaningful and attractive career path.

CONCLUSION

The City of Phoenix needs to attract talent in the Operations & Maintenance Technician job family to continue to provide seamless service of a critical function. These recommendations are expected to move this job family into a competitive position within the local job market and assist the City with attracting qualified candidates in a highly

competitive atmosphere. This job family will also be included in the Citywide classification and compensation study that is underway, and future grade changes may be considered as a result of those findings.

Financial Impact

The total estimated cost for this request is $272,100.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

Discussion

A motion was made and seconded to approve this item.

Councilwoman Guardado thanked the AFSCME 2384 leadership for working with the Human Resources Department to address the issue of wages and compensation for their members. She said it was important the City continue addressing employee wages and compensation, especially with inflation in Phoenix over 12 percent. She recalled employees worked through the pandemic and provided exceptional service as well as critical services to residents. She expressed the City needed to lead on wages and compensation as the fifth largest city in the country.

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

Yes:	8 -	Councilwoman Ansari, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego
No:	0	
Absent:	1 -	Councilman DiCiccio

65 Parks and Recreation Department and Arizona State University Intergovernmental Agreement for Phoenix Afterschool Center Tutoring Program (Ordinance S-49263)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement with Arizona State University (ASU)

Lodestar Center for Philanthropy and Nonprofit Innovation to provide tutoring and educational support for youth within the Phoenix Afterschool Center (PAC) program in which the City has partnered with 12 Phoenix school districts and 2 charter schools to operate 33 PAC sites on school campuses throughout the academic year. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The ASU Lodestar Center for Philanthropy and Nonprofit Innovation Experience Matters AmeriCorps State program (Program) places AmeriCorps members in support of agencies serving elementary school children, with the goal of helping students succeed in school and life. The Program proposes to place AmeriCorps members at 33 PAC sites located at 12 Phoenix elementary school districts and 2 charter schools throughout the City of Phoenix. The AmeriCorps members can serve as a mentor/tutor and/or supervise mentors/tutors, as well as support administrative tasks related to program delivery, training and consistency. The AmeriCorps members will serve Monday thru Friday from school release time (including early dismissal) until 6 p.m. for an average of 10 hours per week when the program is in session. A minimum of 300 hours of service including onboarding and training will be performed.

Contract Term

The term of the contract will begin on or about Dec. 15, 2022 and end on Dec. 14, 2025.

Financial Impact

The aggregate value of the contract will not exceed $100,650. Funding is available in the Parks and Recreation Department's budget.

Discussion

A motion was made and seconded to approve this item.

Councilwoman Guardado thanked the Parks and Recreation Department for bringing this item forward as parents in her district were looking for safe and affordable places for their children to get tutoring after school. She noted this partnership with Arizona State University would serve 33

Phoenix Afterschool Center sites by bringing in mentors and tutors for students. She expressed the pandemic affected working-class children the hardest by not being in school and getting help from teachers, so she hoped this opportunity would help these children catch up. She said she was excited to support this item.

Mayor Gallego thanked Councilwoman Guardado for making this program a priority.

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

Yes:	8 -	Councilwoman Ansari, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego
No:	0	
Absent:	1 -	Councilman DiCiccio

67 Authorization to Accept Donation of Lock Boxes from Phoenix Realtors

Request authorization for the City Manager, or his designee, to accept a donation of 100 lock boxes from the Phoenix Realtors.

Summary

An ongoing challenge for the Phoenix Fire Department is accessing the homes of seniors or individuals with special needs. Fire staff is often called to the residence of an individual who is too ill to grant access, or in response to a concerned family member requesting staff to check welfare. When this occurs and no one is available to answer the door, Fire staff are faced with the dilemma of having to use force in order to access the residence. In order to address these challenges, staff requests authorization to accept donation of 100 lock boxes from the Phoenix Realtors to establish the Residential Lock Box Access Program. This program will provide lock boxes to seniors and individuals with special needs in order to avoid using force to access their residence.

The Fire Department's Community Involvement Section will process applications, install the lock boxes, maintain a database of installations,

and ensure the Phoenix Fire Regional Dispatch Center codifies the data in a premise alter for responding units. The Residential Lock Box Access Program will use the donated lock boxes to implement a pilot program in City Council District 1. This will allow the program managers to determine scope, challenges, and logistics to best serve the community then expand access citywide.

Financial Impact

There is no impact to the City's General Fund.

Concurrence/Previous Council Action

This item was approved at the Public Safety and Justice Subcommittee meeting on Dec. 14, 2022.

Discussion

A motion was made and seconded to approve this item.

Councilwoman O'Brien thanked Fire staff for creating a policy and program she suggested to them earlier this year. She pointed out the partnership with the Phoenix Association of Realtors made her suggestion a reality, noting the Public Safety and Justice Subcommittee heard a presentation about this program at their meeting this morning. She explained this was a pilot program to install lock boxes to pre-determined exterior locations on homes of senior citizens and special need adults who applied through the Fire Department's website which would be live on January 1. She stated the lock boxes would have a key to the home with medical information, such as allergies or conditions, and access key cards needed. She added the code to the lock boxes would be archived in the 9-1-1 dispatch system and be available to public safety officials responding to emergency calls at the address. She remarked the intent of this program was to prevent damage from forced entry into homes where the homeowner was unable to open the door in an emergency situation. She conveyed the Phoenix Association of Realtors donated 100 lock boxes to start the pilot program and committed to partner with the City at full roll-out of the program. She expressed her appreciation as her district would serve as the testing ground for this pilot program and was confident it would be successful.

Mayor Gallego thanked Councilwoman O'Brien for her leadership in this

area.

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

Yes:	8 -	Councilwoman Ansari, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego
No:	0	
Absent:	1 -	Councilman DiCiccio

Discussion

A motion was made and seconded to approve Item 74.

Mayor Gallego announced testimony could be taken on Items 74 and 75 as they were related.

JoAnna Strother, Senior Director of Advocacy with American Lung Association, spoke in support of both agenda items which were critical measures to protect public health from harmful vehicle emissions. She specified Phoenix ranked fifth for most polluted ozone, eleventh in unhealthy particle pollution days and eighth for most annual particle pollution levels according to their 2022 State of the Air report. She expressed those levels of air and climate pollution exacerbated respiratory and heart conditions, especially in children. She stated the widespread transition to clean electricity and zero-emission cars, trucks and buses could lessen those conditions as well as public health benefits in Arizona. She applauded Council's approval of the City's Transportation Electrification Plan earlier this year, noting transitioning the bus fleet to zero-emission before 2040 was her organization's goal.

Diane Brown, Executive Director with Arizona Public Interest Research Group (Arizona PIRG), spoke in favor of Items 74 and 75. She said she appreciated staff's continued work and policy advancements for cleaner transportation options from Council. She mentioned the Electric Vehicle (EV) Road Map established a path that focused on equity, education and outreach, and leading by example, noting these items contributed to that path. She conveyed over the last several years Arizona PIRG had released reports listing the financial, air

quality and public health benefits of shifting to a cleaner transit system with electric buses. She recalled a letter from 15 entities was sent to the City last year urging Phoenix to establish a goal of 100 percent electric buses by 2030 and requested the City expedite the timeline as barriers to reaching that goal were reduced. She asked that Council vote yes on both items.

Councilwoman Ansari expressed her excitement on how far the City had come in the past year. She recalled a year ago staff presented a five-year plan to Council to purchase fossil-fuel buses for about $145 million. She explained Item 74 was a cooperative contract to order zero- and low-emission buses for the City and Item 75 was a plan to transition the City to 100 percent zero-emission bus fleet by 2040. She said she wanted the City to re-evaluate and accelerate this plan as technology improved, costs went down and supply chains stabilized. She emphasized this plan ensured the City would only order hybrid and zero-emission buses after 2024 which would end the City's dependence on fossil-fuel transit regarding new purchases. She thanked community members and organizations that came out a year ago to push the City's commitment to clean transportation. She also thanked staff for looking at the broader EV Road Map, but especially this transition plan over the last year searching for innovative opportunities and cooperative contracts to accelerate the City's transition.

A motion was made and seconded to approve Item 75.

Mayor Gallego confirmed both items could be approved together.

Mayor Gallego thanked staff for their work on this item, noting Phoenix had a unique system with 500 miles and long north-south routes. She remarked the system required technical expertise and charging infrastructure which were in high demand, not to mention the supply chain issue, and expressed her appreciation for staff's thoughtfulness on making this work for Phoenix. She stated the City would work closely with utility partners to make sure power was zero-emission. She also thanked the federal government for the Bipartisan Infrastructure Law which provided $1.6 billion to nearly double the number of clean transit buses on America's roads. She wished to especially thank the Federal Transit Administration for $16.3 million for greener buses and supporting infrastructure in Phoenix. She expressed the community had an ozone problem and Phoenix was stepping up to do its part.

A motion was made by Councilwoman Ansari, seconded by Councilwoman Stark, that Items 74-75 be approved or adopted. The motion carried by the following vote:

Yes:	8 -	Councilwoman Ansari, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego
No:	0	
Absent:	1 -	Councilman DiCiccio

74 Heavy-Duty Zero to Low Emission Buses Contract - COOP 22-107 - Request for Award (Ordinance S-49249)

Request to authorize the City Manager, or his designee, to enter into contracts with three vendors: El Dorado National (California), Inc.; Gillig LLC.; and New Flyer of America Inc. to provide heavy-duty, zero- to low-emissions transit buses as needed by the Public Transit Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $102,021,451.

Summary

This contract will provide heavy-duty transit buses, including zero- and low-emissions buses. The Public Transit Department (PTD) is seeking to procure various bus types, such as battery electric, hybrid electric, and hydrogen fuel cell electric. The cooperative contracts will support the Green Transit Technology Pilot Program for PTD, as directed by City Council. The Pilot Program will allow PTD to operate and evaluate a sub-fleet of heavy-duty buses that produce low or no emissions.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Alternative Competition. On Nov. 17, 2021, City Council, in considering a bus-purchase agenda item for PTD, directed the addition of zero- and low-emission buses to the City's heavy-duty bus fleet. The Washington State Transit Bus Cooperative is available for use by the City and complies with all City procurement requirements for competition and price reasonableness.

The cooperative contract also adheres to all necessary Federal Transit Administration regulations and certifications required for the use of federal funding.

Contract Term

The initial contract term will be for a two-year term, beginning in December 2022. Provisions of the contract include an option to extend up to an additional three years in one-year increments, if needed.

Financial Impact

The aggregate contract value, for all contracts combined, will not exceed $102,021,451 for the five-year aggregate term. Buses are funded 85 percent with federal funds and 15 percent with regional funds. Funds are available in the Public Transit Department Five-Year Capital Improvement Program.

This item was adopted.

75 Transition to Zero Emission Heavy-Duty Bus Fleet

This report requests City Council approval of the Public Transit Department's Heavy-Duty Bus Purchasing Strategy and Zero Emission Fleet Transition Plan for the next five years to advance the City toward a goal of achieving a 100 percent zero-emissions bus fleet by 2040.

Background

The City of Phoenix Public Transit Department (PTD) provides public transportation for approximately half of the Phoenix metropolitan area, including 38 local bus routes, 4 circulator routes, and 6 RAPID (commuter) routes. PTD's heavy-duty fleet is comprised of 500 40- and 60-foot buses, all of which are powered with cleaner-burning fuels, amounting to 335 compressed natural gas (CNG) and 165 biodiesel buses.

Under Council's direction, PTD has worked over the years to ensure that its fleet has the most up-to-date, environmentally friendly buses with the best proven technology available and the ability to operate in Phoenix's harsher climate. Key vehicle factors include range (the distance buses can travel) and operations during Phoenix's extreme summer temperatures (including both robust air conditioning and available power

for multiple on-board systems to provide a high-quality passenger experience year-round). These considerations remain at the forefront of departmental decision-making as the City transitions to a greener, more sustainable heavy-duty transit fleet.

Summary

In January 2022, City Council approved the issuance of a solicitation that allows PTD to implement an initial five-year plan to operate a sub-fleet of near-zero and zero emission heavy-duty buses, during which time staff will evaluate the performance of newer charging/fueling technologies and propulsion systems.

To advance PTD's goal to begin converting its heavy-duty transit fleet to 100 percent zero-emissions buses (ZEB) by 2040, a bus replacement plan and infrastructure phasing strategy will guide the long-term planning and capital improvement project goals. Key considerations that factor into the long-term mix of ZEBs in PTD's fleet are: (1) additional federal and regional funding commitments for the purchase and maintenance of capital assets, as transit vehicles are 85 percent federally funded and 15 percent regionally funded; (2) evaluation of the year-round performance of Battery Electric Buses (BEB) and Fuel-Cell Electric Buses (FCEB) in our climate; (3) vehicle production timelines, which currently estimate longer lead times for newer-technology buses and shorter lead times for existing technologies; and (4) commitments to transit passengers and our contracted service providers to continue the acquisition of new vehicles to ensure resiliency of the transit fleet and keep maintenance costs low.

As a result, PTD's ZEB transition plan is envisioned to occur in two phases:

Phase I - FY 2023-27: PTD will begin purchasing BEB and FCEB vehicles to initiate the acquisition and testing of the City's ZEB sub-fleet, while also purchasing a mix of hybrid-electric buses (HEB) and CNG-fueled buses in the initial years to ensure the fleet continues to provide reliable service year-round for our transit riders. The acquisition of low-emission (natural gas) buses will be phased out within the first three years of the plan. As part of citywide efforts to begin transitioning the City's fleets to electric vehicle options, a facilities and infrastructure study has also been initiated as part of

Phase I to determine the needs of current and future transit facilities. Staff will return to Council with detailed information and costs regarding these capital investments at a later date. As a result, this study will provide a cost estimate for PTD's Capital Improvement Program (CIP) program. Phase I includes infrastructure improvements in order to fuel the ZEBs, which is anticipated to be partially funded through the Bipartisan Infrastructure Law.

Phase II - FY 2028-40: Once the evaluation of ZEB vehicles is complete, PTD will continue converting the heavy-duty fleet to 100 percent ZEBs.

WORKFORCE TRAINING

PTD is poised to leverage both existing and new resources to train and develop the existing workforce, while building the foundation for a sustainable source of incoming workers to ensure the success of ZEB deployment. Training will include a comprehensive curriculum, detailed schedule, and occur in various formats to support diverse learner needs, such as in-person instructor-led sessions, hands-on exercises, computer-based training, knowledge checks, reference materials, and operational manuals.

Procurement Information

PTD and Finance Department staff have been working to procure new ZEBs by cooperative purchasing agreements through the State of Washington. Additionally, an RFP solicitation was issued by PTD earlier this year for the contractual purchase of ZEBs. Both the cooperative purchasing agreements and the RFP solicitation are expected to be completed by first quarter 2023. During this process, PTD staff was informed by various bus manufacturers that no ZEBs or HEBs can be delivered prior to calendar year 2025 because of ongoing supply chain disruptions and the resulting backlog of buses already ordered. Due to these lead times, PTD has adjusted its bus procurements to ensure the arrival of buses as quickly as possible to maintain the existing fleet by replacing buses that have met the end of their useful lives.

Bus costs: Current estimated costs for each bus type are as follows:
40-foot BEB - $1.1 million
40-foot FCEB - $1.2 million

40-foot HEB - $750,000
40-foot CNG - $551,000

The following is a projected schedule of replacement bus purchase orders during Phase I:

FY 2022-23
40-foot BEB - 6
40-foot FCEB - 6
40-foot HEB - 20
40-foot CNG - 18
Total estimated cost: $38.7 million for 50 buses

FY 2023-24
40-foot BEB - 6
40-foot FCEB - 6
40-foot HEB - 25
40-foot CNG - 17
Total estimated cost: $41.9 million for 54 buses

FY 2024-25
40-foot BEB - 10
40-foot FCEB - 10
40-foot HEB - 8
40-foot CNG - 0
Total estimated cost: $29.0 million for 28 buses

FY 2025-26
40-foot BEB - 10
40-foot FCEB - 10
40-foot HEB - 8
40-foot CNG - 0
Total estimated cost: $29.0 million for 28 buses

FY 2026-27
40-foot BEB - 12
40-foot FCEB - 20
40-foot HEB - 8

40-foot CNG - 0
Total estimated cost: $43.2 million for 40 buses

At the completion of Phase I, PTD's zero/near-zero fleet will consist of the following:
44 BEBs
52 FCEBs
69 HEBs

By the end of Phase I, PTD will have purchased 96 ZEBs and 69 HEBs, accounting for one-third of the total fleet, with additional plans for ZEB infrastructure at both the South and West bus operations and maintenance facilities to support these new vehicles. For the first two years of Phase I, PTD will reduce its typical annual order of 40 CNG buses to 18 and 17, respectively. However, given the long lead times for the delivery of ZEBs and HEBs, PTD may need to retain a contingent of CNG buses beyond their useful life until ZEB and HEB replacements are received. This is due to the fact that lead times for the manufacture and delivery of CNG buses is between 12 to 14 months, while ZEB and HEB lead times are over 24 months.

Phase II of the plan will not include the purchase of any low-emission (i.e., natural gas) buses, but will focus on the continued acquisition of ZEBs. All procurements starting in FY 2028 will be ZEBs and ZEB-related infrastructure, with the specific ZEB-types to be determined following the results of Phase I evaluations and anticipated technological improvements in ZEB range and efficiency.

Financial Impact
The anticipated cost of buses ordered during Phase I is $182 million: $48.4 million for BEB, $62.4 million for FCEB, $51.8 million for HEB, and $19.3 million for CNG. Buses are funded with federal and regional funds.

All buses will be purchased utilizing future contract awards and CIP budgets.

This item was approved.

76 Contract Amendment for Market Rate Adjustment to Transdev

Services, Inc. Fixed Route Transit Services Agreement (Ordinance S-49269)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 152502 with Transdev Services, Inc. to address wage rate challenges in the regional labor market for bus operators, mechanics, and utility workers. The contract amendment will result in $20,856,956 of additional costs. The existing cost savings for the contract will offset this increase, leaving the contract's total not-to-exceed amount of $790,191,716 unchanged.

Summary

Ongoing challenges in the labor market have made it difficult for many industries to hire and retain workers. The workforce shortage is especially acute for the transit industry. In February 2022, the American Public Transportation Association conducted a survey of its member transit agencies. Key takeaways from that survey include:

92 percent stated they are having difficulty hiring new employees, with bus operations positions being the most difficult to fill.

66 percent indicated they are having difficulty retaining employees.

71 percent said they have either had to cut services or delay service increases because of worker shortage issues.

52 percent have increased their starting pay in response to worker shortages.

38 percent have implemented sign-on bonuses, 39 percent implemented referral bonuses, and 17 percent have implemented retention bonuses.

In June 2020, Phoenix City Council awarded the North and South Transit Facilities Fixed Route Services contract to Transdev Services, Inc. (Transdev) and provides local and circulator bus service throughout the region. The five-year contract started July 1, 2020, and continues through June 30, 2025, with a two-year option to extend the agreement through June 30, 2027. The City may also extend on a month-to-month basis for up to six months beyond the five-year initial term or two-year option term at its sole discretion. The contractor is responsible for all aspects of transit service provision including personnel administration, operations, and maintenance. Transdev also performs the selection and hiring of personnel qualified for the operations and maintenance of the facility,

vehicles, and equipment.

Locally, Phoenix's fixed route transit operations contractors, including Transdev, have experienced operator, mechanic, and utility worker shortages since July 2020. This labor shortage has resulted in deficiencies in transit performance, including service delays and missed trips, as both contractors are finding it challenging to hire and retain personnel to complete service and maintenance to keep vehicles in a state of good repair. Prior to the pandemic, Transdev's percentage of missed service was consistently between 0.5 percent to one percent (between 5,000-10,000 miles) of scheduled miles a month. Since the pandemic, missed service has increased to between four percent and eight percent (45,000 to 90,000 miles) a month, with some months as high as eight percent (90,000 miles) missed a month. The resulting delays and missed service have also resulted in increased passenger complaints, climbing from an average of about 4.6 to 6.7 per 10,000 boardings.

Despite increased vacancy rates for bus operators and mechanics, Transdev has demonstrated a commitment to maintaining maximum service levels with an increased level of effort to recruit and retain staff, including instituting recruitment and retention bonuses, and attendance and performance bonuses for existing employees.

The preceding efforts have helped recruiting efforts by Transdev, but the company has a 3 percent vacancy rate for bus operators and 18 percent vacancy rate for their maintenance staff. Because the contract remains under-resourced, and transit performance levels continue to be adversely impacted, the City of Phoenix Public Transit and Valley Metro staffs have been working with the region's service providers to develop contract amendments to bring the wages into closer alignment with the current labor market.

Operating under similar labor circumstances, and experiencing unprecedented levels of missed service, the Valley Metro/Regional Public Transportation Authority and Valley Metro Rail boards recently approved contract increases for their bus and light rail operating contractors. Phoenix's review and acceptance of each contractor's price

proposals would serve to help bring parity to transit personnel wage rates across the region.

Financial Impact

The increase in the cost per mile for the service modes (local and RAPID) for the remainder of each year of the contract is shown below.

Contract Year 3
LOCAL
Original Cost Per Mile: $7.11
Proposed Cost Per Mile: $7.3988

RAPID
Original Cost Per Mile: $9.10 (rate for 30.01 percent to 40 percent decreased service)
Proposed Cost Per Mile: $9.3888

Contract Year 4
LOCAL
Original Cost Per Mile: $7.38
Proposed Cost Per Mile: $7.6688

RAPID
Original Cost Per Mile: $9.34 (rate for 30.01 percent to 40 percent decreased service)
Proposed Cost Per Mile: $9.6288

Contract Year 5
LOCAL
Original Cost Per Mile: $7.69
Proposed Cost Per Mile: $7.9788

RAPID
Original Cost Per Mile: $8.65
Proposed Cost Per Mile: $8.9388

Contract Year 6
LOCAL

Original Cost Per Mile: $7.90
Proposed Cost Per Mile: $8.2138

RAPID
Original Cost Per Mile: $8.88
Proposed Cost Per Mile: $9.1938

Contract Year 7
LOCAL
Original Cost Per Mile: $8.14
Proposed Cost Per Mile: $8.4538

RAPID
Original Cost Per Mile: $9.15
Proposed Cost Per Mile: $9.4638

The amendment includes revised special event service and bus bridging pricing, should the City require ad hoc services during the term of the contract agreement. Such services vary in duration and are reimbursed at an hourly rate. Special event service and bus bridging cost considerations are already factored into the overall amended pricing.

Transdev operates over 14 million service miles on the City's behalf. As such, the proposed increase to the cost-per-mile equates to a $20,856,956 increase over the remaining 4.5 years of the contract. However, due to service reductions and service not operated due to the pandemic, there are cost savings in the contract to offset the increase. The original contract value is in an amount not to exceed $790,191,716 for seven years, therefore there is sufficient contract authority to absorb the increased cost. The wage rate and contract amendment would take effect retroactively on Dec. 1, 2022.

Due to budget savings from missed Fixed Route service, the FY 2022-23 budget will be unaffected by this price change.

Concurrence/Previous Council Action
The Citizens Transportation Commission recommended approval of this

item on Nov. 17, 2022, by a vote of 9-0.

The City Council previously approved the North/South Transit Facilities Fixed Route Services agreement with Transdev Services, Inc. on May 6, 2020 (Ordinance S-46592).

Discussion

A motion was made and seconded to approve this item.

Councilwoman Ansari thanked staff for moving this item quickly, noting Council pushed earlier this fall regarding bus driver wages to improve recruitment and retention. She recalled staff telling her the main reason routes could not be expanded was due to bus driver shortage, so she hoped this improved that issue to expand bus service across the City, including night service. She said she was excited to vote yes on this item.

Mayor Gallego thanked everyone who worked hard on this item, noting Vice Mayor Pastor represents Phoenix at Valley Metro so she was voting on this matter in multiple capacities.

Vice Mayor Pastor thanked her colleagues who assisted on this matter and understood why it was needed. She stated there was a bus driver shortage due to low wages, noting she found out after looking at the regional system and where Phoenix was in the competitiveness. She mentioned dialogue started with a push to be competitive throughout the bus line which was important for staff to show the data to recruit bus drivers as trips were being dropped. She remarked earlier this month she voted in support of the wage increase across the bus line.

Councilwoman Guardado emphasized bus drivers were front-line workers as they provided service during COVID-19 and thanked staff for providing shields on buses to protect the drivers. She also thanked everyone who made this happen to better wages and hire more bus drivers. She pointed out these drivers were critical in moving people across the City and said she was happy to support this item.

Mayor Gallego noted this item was related to Transdev and other transit provider contracts regarding market rate adjustments that were heard previously on this agenda.

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

Yes: 8 - Councilwoman Ansari, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

Absent: 1 - Councilman DiCiccio

83 **Shared Micromobility Revenue Contract Solicitation - Request for Award - RCS 63-2213 (Ordinance S-49256)**

Request to authorize the City Manager, or his designee, to 1) enter into separate agreements with Neutron Holdings, Inc. d/b/a Lime, and Skinny Labs, Inc. d/b/a Spin, to provide shared micromobility services to include electric bikes, electric scooters, adaptive transportation options, and pedal bikes in Phoenix; and 2) authorize one additional Street Transportation Department position funded by permit and ridership revenues paid to the City through the agreements. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The gross revenues, based on ridership over the five-year aggregate term is estimated to result in $1 million in revenue to the City.

Additionally, request the City Council to grant an exception to Phoenix City Code section 3-8 to allow off-site (off-premise) advertising on the parking corral areas and on the micromobility units within the public right-of-way.

Summary

Since September 2019, Phoenix has been operating a Downtown Shared Electric Scooter Pilot Program (E-Scooter Program), which has logged over 328,000 trips. City Council and downtown stakeholders have expressed a desire for a permanent program and the return of bike share. Based on this feedback, the Street Transportation Department (Streets) developed a Shared Micromobility Program which will diversify transportation options and promote active transportation while also generating additional revenue to the City.

Building on the success of the E-Scooter Program, award of these contracts will add traditional bicycles, electric bikes (e-bikes), adaptive vehicles, and increase the overall fleet cap. The new program will include requirements to address equity, safety, and parking concerns. The operational boundaries will be expanded beyond the current downtown E-Scooter Program boundaries. The initial phase will cover the area shown in **Attachment A**. With the expansion of the operating area of the shared micromobility program, the current boundaries for the E-Scooter Program will continue to utilize the established parking corrals. However, in the expanded operational areas, shared micromobility devices will be parked with lock-to requirements. Under the terms of the agreement, each contractor will provide and maintain parking corrals in the downtown core, as well as micromobility racks outside of the downtown core. In order for the program to remain cost neutral to the City, revenue will be used to cover the cost of staff time and resources used to manage the program. Additional revenue will go toward bike infrastructure and expansion of the program.

With a few exceptions, Phoenix City Code section 3-8 prohibits advertising in public right-of-way. The shared micromobility units that will be operated and maintained by Lime and Spin will be installed in the public right-of-way. As approved, the parking corrals in the public right-of-way would be granted an exception to Phoenix City Code section 3-8 to allow off-site (off-premise) advertising.

Procurement Information

Streets issued a Revenue Contract Solicitation (RCS) for shared micromobility services on Sept. 9, 2022. Four firms responded to RCS 63-2213 on Oct. 17, 2022; three of them are incumbents of the existing E-Scooter Program. Following a review of the proposals, in consideration of the RCS criteria, the evaluation panel deemed Lime and Spin to have the most responsive and responsible proposals.

The selection was made using a competitive procurement process in accordance with Phoenix City Code chapter 43 and Administrative Regulation 3.10.

The evaluation panel consisted of staff from the Public Transit, Street Transportation, and Community and Economic Development departments and a representative from Downtown Phoenix, Inc. Each proposal was evaluated and scored on the following criteria (1,000 total possible points):
Method of Approach - 400 Points
Equity - 200 Points
Company's Experience, Operations Team, and Staffing - 175 Points
Program Financing - 100 Points
Marketing and Community Engagement - 75 Points
Data - 50 Points

The evaluation committee recommendations were reached by consensus in consideration of the published selection criteria. The results are as follows:

Selected Firms
Skinny Labs, Inc. d/b/a Spin: Rank 1
Neutron Holdings, Inc. d/b/a Lime: Rank 2

Additional Proposers
Bird Rides, Inc.: Rank 3
GBike USA, Inc.: Rank 4

Contract Term
The initial term will be for three years, with an option for one two-year extension.

Financial Impact
This is a revenue-generating contract only with no capital outlay required by the City. The minimum annual permit fee is $15,000 per firm and a trip surcharge fee not to exceed 25 cents per trip, per Phoenix City Ordinance G-6835, subject to change should Council adopt a different fee structure. Based on ridership estimates, over $1 million of revenue is anticipated over the life of the contract with extensions included.

All expenses will be borne by the selected firms. Streets will utilize the annual revenues to cover the costs of the additional staff time for the City

to manage, administer, and grow the program.

The one additional Streets position requested will be funded entirely by revenues paid to the City through the Shared Micromobility agreements. Any additional ridership or advertising revenues are anticipated to be used by Streets for downtown area street-related projects and expansion of the program.

Concurrence/Previous Council Action

The Transportation, Infrastructure and Planning Subcommittee:
Was provided an update on the Comprehensive Micromobility Program on Oct. 20, 2021; and
Recommended approval to issue a solicitation for the program on April 20, 2022, by a vote of 4-0.

The City Council:
Approved staff to move forward with the procurement process for a Comprehensive Micromobility Program on May 11, 2022.

The Economic Development and Equity Subcommittee:
Was provided an update on this item on Dec.13, 2022.

Public Outreach

Staff conducted extensive outreach in November 2021 to gather feedback from the community on the proposed program. Streets staff collected 209 responses through the online survey and recorded over 830 dot poll interactions from community members at four in-person outreach events. The public strongly supports a boundary expansion with the implementation of new parking requirements.

Location

Council Districts: 7 and 8

Discussion

A motion was made and seconded to approve this item.

Cyndy Gaughan, Senior Director with Phoenix Community Alliance (PCA), spoke in support of the micromobility program becoming permanent as well as this contract award. She remarked the expanded boundaries and

scope, including traditional pedal bikes, were needed in Phoenix. She expressed PCA was excited two members were selected as vendors, but requested a third member be considered in the future. She asked that Council support this program and award these contracts.

Sean Auyash, a representative of Bird Rides, Inc., spoke in opposition as the City chose to select only two operators to provide services over the next five years. He expressed choosing two operators risked the long-term viability of micromobility in Phoenix and urged the City to reconsider and allow three operators. He remarked the City should account for changes in the industry as there was uncertainty in this market. He specified a third operator could provide services if another operator dropped out and did not permit one operator to monopolize these services. He indicated additional competition provided benefits to residents and visitors with more choices, geographic coverage and technological innovation. He stated the City's new regulations were complex and required more resources for compliance, so if one of the three operators could not comply there would still be two compliant operators available. He suggested the City conduct quarterly check-ins on the status, level of compliance and performance of operators to allow the City to adjust the program to meet its goals. He asked the City to move forward with a three-operator program and include Bird Rides, Inc.

Kylee Floodman, a representative of Bird Rides, Inc., spoke in opposition. She recalled the Council voted earlier this year to expand the existing micromobility pilot program and include additional providers. She pointed out the current program started with two providers and now had four providers due to Council direction. She emphasized the City had the option to select two or three providers based on the future design of this five-year program, but the City chose to select just two providers to operate a larger geographic program area. She remarked residents and visitors had embraced micromobility as evidenced by the program's expansion, noting three providers would ensure access to micromobility if there was service disruption. She asked the City to move forward with a three-operator program and include Bird Rides, Inc.

Kevin Olson, a fleet manager for Bird Rides, Inc., spoke in opposition as the City chose to select only two operators for the micromobility program.

He requested that Council reconsider and allow three operators which would provide more transportation options for residents and visitors. He explained Bird Rides, Inc. had a fleet manager program where they partner and run his business, noting his success was based on how well he managed the vehicles and allowed him to become an entrepreneur. He urged Council to see the value in having three operators who could ensure the City provided transportation.

Michael McCullough, a fleet manager for Bird Rides, Inc., said he was opposed to the City's recommendation of operating the micromobility program for five years with only two providers. He emphasized Bird Rides, Inc. fleet manager program had helped himself and many others to be self-employed business owners whose success was the result of how efficient and effective they ran operations and maintained the vehicles. He expressed it would be beneficial for the micromobility program to add a third provider to more effectively service the community. He encouraged Council to add a third provider to this program as well as support local small businesses.

Vice Mayor Pastor recalled this item was discussed at the Economic Development and Equity Subcommittee meeting yesterday. She asked if another company could be added to this Request for Proposal (RFP).

Deputy City Manager Mario Paniagua advised the RFP included language for two to three potential vendors so a third vendor could be added now or later, noting staff wanted to recommend additional conditions if that was Council's decision.

Vice Mayor Pastor recalled previous testimony that if one of the vendors fell through it would just be one vendor who monopolized the program, so she wanted staff to look at the competition aspect. She also remembered comments about compliance and wanted to know what a full fleet was for Phoenix.

Mr. Paniagua stated Mr. Knudson would respond to what a full fleet mix was for the micromobility program as well as discuss staff's concerns about recommending just two vendors at this time.

Street Transportation Director Kini Knudson conveyed it was important the City expand this program from an e-scooter program to a micromobility program with additional vehicles, such as e-scooters, e-bikes and pedal bikes. He noted staff also wanted offerings the vendors had for people with mobility challenges or disabilities. He pointed out the two vendors that staff was recommending for award would provide all of these vehicles in different variations. He conveyed Bird Rides, Inc. did not provide all of those vehicle options in their proposal and only offered e-scooters and e-bikes.

Vice Mayor Pastor suggested in the next six months that the City work with Bird Rides, Inc. or other companies to expand vendor opportunities.

Mr. Knudson stated there were many new changes with this micromobility program and staff wanted to test and evaluate the new program. He emphasized if the program was successful staff would come back to Council in six months and start talking about expanding the program beyond the new operating boundaries.

Mr. Paniagua advised that would be the opportunity to add a third vendor when looking at expanding the program during the six-month review.

Mayor Gallego thanked staff for focusing on adaptive vehicles, including pedal bikes, since Phoenix was recognized as a community that was friendly to people with all mobility preferences. She requested when doing the six-month review staff should not just focus on the vendor list, but also look at other available technologies.

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

Yes:	8 -	Councilwoman Ansari, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego
No:	0	
Absent:	1 -	Councilman DiCiccio

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 CITIZEN COMMENTS

City Attorney Julie Kriegh stated during Citizen Comments, members of the public may address the City Council for up to three minutes on issues of interest or concern to them. She advised the Arizona Open Meeting Law permits the City Council to listen to the comments, but prohibits council members from discussing or acting on the matters presented.

NOTE: Councilwomen Guardado and Stark temporarily left the voting body.

Kim Baker thanked staff for helping an individual who had a medical condition at the last formal meeting. He submitted a citizen petition requesting the City Manager investigate and determine if two police officers were related. He expressed the speaker guidelines outlined by Ms. Kriegh should also be followed by council members when addressing the public.

NOTE: Councilwomen Guardado and Stark returned to the voting body.

Gustavo Berber said he lived in a trailer park near 19th Avenue and Buckeye Road and was being forced to move. He asked for Council's help as he did not know why it was happening.

Mario Barajas provided Spanish interpretation for Ms. Montes.

Beatriz Montes stated she lived in Weldon Court and asked for Council's support for time to look for another place to live, plus compensation for her mobile home. She requested an answer as there had been no resolution and recognized Vice Mayor Pastor for her support.

Carmen Prieto said she also lived in Weldon Court and noted residents received assistance from two organizations. She thanked Vice Mayor Pastor for holding a meeting and helped people retain lawyers. Ms. Prieto recalled at a previous meeting this would be an item on the agenda and wanted to know when that would happen.

Mayor Gallego announced staff would either send an email or call residents when that meeting was scheduled.

Salvador Reza expressed people had come before Council the several months asking that their issue be placed on the formal agenda. He mentioned time was running out for residents, noting people appreciated the help from organizations. He said he wanted the City to resolve the displacement situation and place mobile home zoning in these areas.

Alondra Ruiz stated she lived in Periwinkle mobile home park where residents were still being displaced by Grand Canyon University. She expressed residents needed Council's help as they had no options or resources.

NOTE: Councilwoman Guardado temporarily left the voting body.

Eric Hagstrom said he wanted Council's help in addressing a street flooding issue due to water diversion to a drain that could not handle the volume. He conveyed the street floods which then goes onto his property and into his house, noting that occurred multiple times per year. He said he contacted street maintenance to clean the storm channel, but the street still flooded so that alone was not resolving the issue. He asked the City to send a civil engineer to assess the situation and was provided a report but no action was taken to address the problem. He requested the City do an assessment and come up with a solution.

NOTE: Councilwoman Guardado returned to the voting body.

Mayor Gallego stated Councilwoman Guardado would work with Maricopa County Flood Control and have staff follow-up with him.

Jennifer Leon Hagstrom represented two neighbors who also had flooding issues from the same storm drain which could not handle the volume. She mentioned this problem was presented to the City ten years ago, noting the same flooding issue happened after storms over the last three months. She appreciated Council paying attention to this matter and coming up with a solution for the neighborhood.

Sylvia Herrera expressed people had come before Council the past several

months requesting the City address the displacement of low-income residents from mobile home parks. She acknowledged the City offered programs and services to residents, but those did not resolve the displacement situation. She emphasized the City needed to come up with solutions for this involuntary relocation of low-income residents, noting the impact this also had on school districts and small businesses.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 4:00 p.m.

MAYOR

ATTEST:

CITY CLERK

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CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 14th day of December, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of September, 2024.

CITY CLERK