City of Phoenix

City of Phoenix

Minutes

City Council Formal Meeting

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

Wednesday, April 21, 2021 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, April 21, 2021 at 2:34 p.m. in the Council Chambers.

Present: 9 - Councilwoman Yassamin Ansari, Councilman Sal DiCiccio, Councilmember Carlos Garcia, Councilwoman Ann O'Brien, Councilwoman Laura Pastor, Councilwoman Debra Stark, Councilman Jim Waring, Vice Mayor Betty Guardado and Mayor Kate Gallego

The Mayor and Councilmembers attended the meeting virtually. Councilman DiCiccio joined the voting body during Item 31. Councilman DiCiccio and Councilwoman Pastor left the voting body during discussion on Item 83.

Mayor Gallego welcomed the two new council members, Councilwoman Ansari and Councilwoman O'Brien.

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-6834 through G-6840, S-47465 through S-47505, and Resolutions 21916 through 21918 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.

MINUTES OF MEETINGS

1 For Approval or Correction, the Minutes of the Formal Meeting on

Dec. 18, 2019

Summary
This item transmits the minutes of the Formal Meeting of Dec. 18, 2019, for review, correction and/or approval by the City Council.

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

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

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

2 **For Approval or Correction, the Minutes of the Formal Meeting on Jan. 8, 2020**

Summary
This item transmits the minutes of the Formal Meeting of Jan. 8, 2020, for review, correction and/or approval by the City Council.

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

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

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

City Attorney Cris Meyer stated members of the public may speak for up to two

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

BOARDS AND COMMISSIONS

3 Mayor and Council Appointments to Boards and Commissions

Summary

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

The following individuals were recommended for appointment by Mayor Gallego and Councilmembers:

Fast Track Cities Ad Hoc Committee
Appoint Chad Stecher, as recommended by Mayor Gallego

Human Trafficking Task Force
Appoint Libby Dwyer, as recommended by Mayor Gallego

Paradise Valley Village Planning Committee
Appoint Abram Bowman, for a term to expire Nov. 19, 2022, as recommended by Councilman Waring

Phoenix Business and Workforce Development Board
Appoint Allison Benezra, filling the Business Financial Services vacancy, for a term to expire June 30, 2023, as recommended by Mayor Gallego
Appoint Ben Miller, filling a Business vacancy, for a term to expire June 30, 2023, as recommended by Mayor Gallego
Appoint Luke Tate, filling a Business vacancy, for a term to expire June 30, 2023, as recommended by Mayor Gallego

South Mountain Village Planning Committee
Appoint Edward Aldama, replacing Matthew Aguilar, for a partial term to expire Nov. 19, 2021, as recommended by Mayor Gallego

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

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

No: 0

Absent: 1 - Councilman DiCiccio

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

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Stark, that Items 4-11 be recommended for approval. The motion carried by the following voice vote:

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

No: 0

Absent: 1 - Councilman DiCiccio

4 Liquor License - Times 3 Sports Grille

Request for a liquor license. Arizona State License Application 06070175.

Summary

Applicant
Peter Schelstraete, Agent

License Type
Series 6 - Bar

Location
6525 W. Happy Valley Road, Ste. C109
Zoning Classification: C-2
Council District: 1

This request is for an acquisition of control of an existing liquor license for a bar. This location is currently licensed for liquor sales with a Series 6

- Bar, liquor license.

The 60-day limit for processing this application is May 8, 2021.

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:
"Have extensive experience in the liquor industry and will comply with all laws including Title IV and rules."

Staff Recommendation
Staff recommends approval of this application.
This item was recommended for approval.

5 **Liquor License - Kasai Asian Grill**

Request for a liquor license. Arizona State License Application 012070003708.

Summary

Applicant
Kevin Kramber, Agent

License Type

Series 12 - Restaurant

Location
14344 N. Scottsdale Road
Zoning Classification: C-2 PCD
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 with a Series 12 - Restaurant, liquor license.

The 60-day limit for processing this application is May 2, 2021.

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 currently represent over 180+ liquor licenses in the state of Arizona. Current on site manager has approved Title IV liquor training. There have been no violations of Title IV law at the restaurant since opening. All controlling persons should clear background with no issues."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

6 Liquor License - Dodey's Bar

Request for a liquor license. Arizona State License Application 06070605.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 6 - Bar

Location
3114 E. Cactus Road
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 with a Series 6 - Bar, liquor license.

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

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 was managing this bar for several years and am now the owner. I will continue to abide by Title 4 liquor laws."

Staff Recommendation
Staff recommends approval of this application.
This item was recommended for approval.

7 **Liquor License - Inches Tacos**

Request for a liquor license. Arizona State License Application 141858.
Summary

Applicant
Jared Repinski, Agent

License Type
Series 12 - Restaurant

Location
3108 W. McDowell Road
Zoning Classification: C-3
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 May 8, 2021.

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been representing liquor licensed establishments in Arizona for over 15 years."

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

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Inches Tacos
Liquor License Map - Inches Tacos

This item was recommended for approval.

8 **Liquor License - Wok N'Roll**

Request for a liquor license. Arizona State License Application 139439.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
2801 N. Central Ave.
Zoning Classification: C-2 HRI TOD-1
Council District: 4

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 April 26, 2021.

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

Other Active Liquor License Interest in Arizona
The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Wok N'Roll (Series 12)
4412 N. Miller Road, Scottsdale
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 am a current owner of the same concept in Scottsdale. I wanted to venture into Phoenix and bring my great food and service to the area. I will continue to abide by Title 4 liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location has been licensed with a liquor license. I want to continue provide that service."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Wok N'Roll

Liquor License Map - Wok N'Roll

This item was recommended for approval.

9 **Liquor License - Jimmy's Quick Stop**

Request for a liquor license. Arizona State License Application 139294.

Summary

Applicant
Akram Jabaieh, 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 beer and wine store. This location is currently licensed for liquor sales with a Series 9 - Liquor Store, liquor license and does not have an interim permit.

The 60-day limit for processing this application is April 24, 2021.

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

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

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

AK Quick Stop (Series 10)
8802 S. Central Ave, Phoenix
Calls for police service: 20
Liquor license violations: None

Public Opinion
Four letters protesting the issuance of this license have been received and are on file in the Office of the City Clerk. The letters are from North Glen Square Neighborhood Association, Lane Avenue Block Watch, Washington Park Neighborhood Association, and Ocotillo Glen Neighborhood Association. They feel that the issuance of a liquor license to this location would not be in the best interest of the community and that the need and convenience of the community is met with other existing liquor licenses.

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This store will provide a safe and secure place for the neighborhood to

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

Staff Recommendation
Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances. Staff gave careful consideration to the protest letter received, however after reviewing the application in its entirety staff is recommending 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.

10 **Liquor License - Vektor Vodka**

Request for a liquor license. Arizona State License Application 140481.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 4 - Wholesaler

Location
431 N. 47th Ave.
Zoning Classification: Ind. PK.
Council District: 7

This request is for a new liquor license for a wholesaler. This location is currently licensed for liquor sales with a Series 4 - Wholesaler, liquor license.

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

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications and not to the location.

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.

Vektor Vodka (Series 4)
1661 N. Quail, Mesa
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I will abide by all Title 4 liquor laws. Currently own a Series 4 at a different location and have decided to move to a different warehouse."

Staff Recommendation
Staff recommends approval of this application.
This item was recommended for approval.

11 **Liquor License - First Stop Market**

Request for a liquor license. Arizona State License Application 135083.

Summary

Applicant
Lora Patch, Agent

License Type
Series 10 - Beer and Wine Store

Location
2610 W. Baseline Road, Ste. 100
Zoning Classification: C-1
Council District: 8

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. This location requires a Use Permit to allow package liquor sales.

The 60-day limit for processing this application is April 30, 2021.

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

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

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

comment period.

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have over 30 years experience operating and managing small businesses. I have the necessary finances and management experience, plus the work ethic and a long history of providing outstanding customer experiences. I treat my customers and my co-workers like family, and will always maintain a nice, clean, safe, friendly and fair business."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We are in an area that, without our store, would require our customers to travel 1-2 miles in any direction to find the products and services we offer. We offer convenient hours, easy check-out, fair pricing, and a wide selection of products that our neighbors enjoy. We save our customers time, money, travel, and hassle. Our store is clean, well-lit and well stocked."

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 - First Stop Market
Liquor License Map - First Stop Market

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Pastor, that Items 12-83 be approved or adopted, except Items 13-14, 16, 31,

38, 49-50, 58 and 83. The motion carried by the following vote:

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

Items 12 and 15, Ordinance S-47465 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.

12 Kandy Lynn Evans

For $41,200.00 in payment authority for a new contract, entered on or about May 1, 2021, for a term of five years for nursing services for the Baby Shot Program for the Fire Department. Kandy Lynn Evans will provide licensed practical nurse services to assist with the administration and management of vaccination/immunization clinics of the Phoenix Fire Department's Baby Shot Program.

This item was adopted.

15 The Myers-Briggs Company

For $64,065.00 in payment authority to purchase the Myers-Briggs Type Inventory (MBTI) personality assessment tool from The Myers-Briggs Company for the Human Resources Department. The MBTI is a key training tool used in City leadership development training courses. The assessment tool provides supervisors, managers, and executives with insight into their personality preferences including communicating, decision making, conflict resolution, managing change, interpersonal interactions, and conflict situations. The outcome of these assessments is for leaders to recognize how to best adapt their preferences to be a more effective leader. The City training will include over 1,125 participants over five years, starting April 7, 2021. Funding is available in

the Human Resources Department.

This item was adopted.

17 **Proposed 51st Avenue and Baseline Road Annexation - Authorization to File**

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

Summary

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

Location

The proposed annexation area includes parcels 104-89-007J, 104-89-007B, 104-89-007G and 104-89-007F located at 51st Avenue and Baseline Road (**Attachment A**). The annexation area is approximately 6.55 acres (0.0103 sq. mi.) and the population estimate is zero individuals.

Council District: 7

This item was approved.

18 **Public Communication Equipment and Services - COOP 20-077 (Ordinance S-47466)**

Request to authorize the City Manager, or his designee, to enter into cooperative participating agreements with ICOM America, Incorporated, E.F. Johnson Company, Microwave Networks, Inc., Kelley Communications, Inc., Access Technologies, Inc., Durham Communications, Inc., Aviat U.S., Inc., DFW Communications, Inc., L3Harris Technologies, Inc., and JVCKenwood USA Corporation, to purchase public communications equipment and services for citywide use. A cooperative contract was established by the State of Arizona

under solicitation number ADSPO19-00008376. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $18,552,000.

Summary

These cooperative agreements will allow Information Technology Services (ITS), Fire, Police, and other city departments to purchase public safety radios and microwave radios, provide services for the equipment and radios, as well as equipment for the Regional Wireless Cooperative (RWC). They will primarily serve Phoenix Police and Phoenix Fire departments by providing a contract vehicle that will allow the City to replace portable radios which are on a seven-year replacement cycle. They will also allow RWC to replace the microwave network which has adopted a 10-year replacement cycle.

In addition to providing critical equipment to the City for Police and Fire, this contract will provide equipment and support for the RWC microwave communications network, with equipment located at approximately 80 sites, providing communication coverage over 6,000 square miles. The microwave network is a main component of public safety communications, including providing connectivity for more than 30,000 users of the RWC public safety radio communications network. The City serves as the "Administrative Managing Member" responsible for the administration and financial management of the RWC. RWC is a cooperative formed under a series of Intergovernmental Agreements (IGA) with membership being open to all local, county, state, federal, and tribal government entities supporting over 14,000 first responder's radio communications. Through these memberships RWC will off-set our costs.

Furthermore, this request will also support the Public Transit Department's equipment purchases for their Computer Aided Dispatch / Automatic Vehicle Locator (CAD/AVL) system, used for bus communications, transit vehicle monitoring, and other public transit service-related functions.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from

another public agency. The contract was awarded through competitive processes consistent with the City's procurement processes, as set forth in the Phoenix City Code, Chapter 43.

The State of Arizona contract covers the purchase of public communications equipment and services as required by the ITS, Police and Fire departments. The contract was awarded on Oct. 9, 2019. The use of this cooperative will provide the City national discounts on these products. Additionally, review of pricing and availability from registered small and local businesses indicates that this cooperative contract offers the best value to the City.

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

Both the American Bar Association and National Institute of Government Purchasing endorse the use of Cooperative Agreements by municipalities and other public institutions. An established best practice in government procurement, Cooperative Agreements provide extensive benefits to procurement officials by leveraging volume purchasing for maximum cost benefit and ensuring best value.

The Deputy Finance Director recommends that the cooperative participating agreement with ICOM America, Incorporated, E.F. Johnson Company, Microwave Networks, Inc., Kelley Communications, Inc., Access Technologies, Inc., Durham Communications, Inc., Aviat U.S., Inc., DFW Communications, Inc., L3Harris Technologies, Inc., and JVCKenwood USA Corporation, be accepted.

Contract Term

The five-year contract term shall begin on or about May 1, 2021.

Financial Impact

The aggregate contract value will not exceed $18,552,000. Funds are available in the various departments' budgets.

This item was adopted.

19 Lease of City-Owned Property to AIA Arizona, American Institute of Architects - Amendment 3 (Ordinance S-47467)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 130769 with AIA Arizona, American Institute of Architects, a non-profit corporation (AIA) to extend the lease term for a three-year period plus two additional one-year options. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

AIA currently leases approximately 4,425 square feet of interior office space on the 2nd floor of the J.W. Walker building located at 30 N. 3rd Ave. The current contract term expires April 30, 2021. The agreement will be amended to extend the term for a three-year period plus two additional one-year options. Base rent during the first year of the three-year extension period will be $5,065.28 per month, plus applicable taxes, which is within the range of market rents as determined by the Real Estate Division. Base rent will increase annually thereafter based on the Consumer Price Index (CPI). Each option period will be exercised upon mutual agreement of the City and AIA. AIA has occupied this space since 2001 and is in good standing.

Financial Impact

Revenue during the first year of the three-year extension period will be $60,783.36 per year, plus applicable taxes.

Concurrence/Previous Council Action

The City Council approved:

Lease of City-Owned Property to AIA Arizona Agreement 130769 (Ordinance S-37723) on March 16, 2011;

Lease of City-Owned Property to AIA Arizona Agreement 130769 - Amendment 1 (Ordinance S-37998) on June 15, 2011; and

Lease of City-Owned Property to AIA Arizona Agreement 130769 - Amendment 2 (Ordinance S-42192) on Dec. 16, 2015.

Location

30 N. 3rd Ave., 2nd Floor

Council District: 7

This item was adopted.

20 Acquisition of Real Property for Roadway and Railroad Improvements at the Intersection of West Thomas Road and North 27th Avenue (Ordinance S-47469)

Request to authorize the City Manager, or his designee, to acquire real property and all related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain for roadway and railroad improvements at the intersection of West Thomas Road and North 27th Avenue. Further request to authorize dedication of land with public improvements to public use via separate recording instrument. Additionally request to authorize the City Controller to disburse all funds related to this item.

Summary

Acquisition of real property is required for roadway and railroad improvements at the West Thomas Road and North 27th Avenue intersection. The project is on a priority path to improve the crossing safety for pedestrians and the public. Improvements will include signage, new Americans with Disabilities Act compliant sidewalks and ramps, relocation of a traffic signal and markings at the crossings associated with the overall safety improvement plan. The project is a collaborative and coordinated effort with the Burlington Northern Santa Fe Railway.

The properties impacted by this project are identified in **Attachment A**.

Financial Impact

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

Location

Thomas Road and 27th Avenue.
Council Districts: 4 and 7

This item was adopted.

21 Amend Ordinance for Acquisition of Real Property for Street Improvement Project from Mountain View Road to Peoria Avenue between 15th and 7th Avenues (Ordinance S-47481)

Request the City Council amend Ordinance S-45599 for authorization to acquire additional parcels required for a street improvement project from

Mountain View Road to Peoria Avenue, between 15th and 7th avenues.

Summary

Additional parcels were identified during design that are necessary to accommodate project construction. All other conditions and stipulations previously stated in the above referenced ordinance will remain the same.

The additional parcels affected by this project and included in this request are identified by Maricopa County Assessor's parcel number (APN) 158-30-127 located at 1401 W. Brown St. and APN 158-30-128 located at 1405 W. Brown St.

Financial Impact

The project is federally funded with funding available in the Street Transportation Department's Capital Improvement Program budget.

Location

Area bounded by Mountain View Road to Peoria Avenue and 15th to 7th avenues.
Council District: 3

Concurrence/Previous Council Action

The City Council approved:
Acquisition of Real Property for a Street Improvement Project from Mountain View Road to Peoria Avenue between 15th and 7th Avenues (Ordinance S-45599) on May 1, 2019; and
Acquisition of Real Property for a Street Improvement Project from Mountain View Road to Peoria Avenue between 15th and 7th Avenues - Amendment (Ordinance S-46056) on Oct. 2, 2019.

This item was adopted.

22 **Authorization to Accept Easements for Traffic Control Purposes Along 7th Avenue, South of Buckeye Road (Ordinance S-47470)**

Request to authorize the City Manager, or his designee, to accept easements for traffic control for the installation of a High-Intensity Activated Cross Walk (HAWK) signal along 7th Avenue, south of Buckeye Road.

Summary

Memorial Key LLC, its successor and assigns, has agreed to donate easements for the installation of a HAWK signal and Americans with Disabilities Act pedestrian ramps to provide pedestrians a safe crossing at 7th Avenue, near the driveway entrance and exit at Phoenix Memorial Hospital. The easements are approximately 449 square feet.

The parcel affected by this project and included in this request is identified by Maricopa County Assessor's parcel number 112-36-045G located at 1201 S. 7th Ave.

Location
7th Avenue, south of Buckeye Road
Council District: 8

This item was adopted.

23 **Authorization to Grant Temporary Construction Easement and Dedicate Sidewalk Easement over Portion of City-owned Property Along West Lynne Lane at 11th Avenue (Ordinance S-47482)**

Request to authorize the City Manager, or his designee, to grant a temporary construction easement to Lynne Village, LLC across City-owned property located at 6310 S. 7th Ave. Additionally, request authorization to dedicate a sidewalk easement to public use via separate recording instrument. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary
The temporary construction easement and sidewalk dedication is required for the construction of a sidewalk for the Lynne Village Apartments development (KIVA 19-2976), adjacent to the City-owned property. Public improvements will be constructed by the developer within Lynne Lane which is a private roadway for Foothills Village Apartments; FVA, LLC leases the City-owned property and provided concurrence for the easements.

Financial Impact
Revenue for the easement will be reflective of market value.

Location
6310 S. 7th Ave. identified by Maricopa County Assessor's parcel

number 105-83-002F.
Council District: 7

This item was adopted.

24 Acceptance and Dedication of Easements for Sidewalk and Public Utility Purposes (Ordinance S-47483)

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

Easement (a)
Applicant: Pepsquad Development, LLC, its successor and assigns
Purpose: Sidewalk
Location: 7710 W. Indian School Road
File: FN 210010
Council District: 5

Easement (b)
Applicant: GVCL Enterprises, L.L.C., its successor and assigns
Purpose: Sidewalk
Location: 1935 W. Northern Ave.
File: FN 210008
Council District: 5

Easement (c)
Applicant: Peter L. Rizzo Holding Company, LLC, its successor and assigns
Purpose: Sidewalk
Location: 4910 E. Indian School Road
File: FN 210004
Council District: 6

Easement (d)
Applicant: Estate of John J. Sorci, deceased Probate Case number

PB2020-050124, its successor and assigns
Purpose: Public Utility
Location: 4803 E. Chandler Blvd.
File: FN 210013
Council District: 6

This item was adopted.

25 Acceptance of Easements for Sewer and Vehicular Non-Access Purposes (Ordinance S-47486)

Request for the City Council to accept easements for sewer and vehicular non-access purposes; further ordering the ordinance recorded.

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

Easement (a)
Applicant: Host Camelback I, LLC, its successor and assigns
Purpose: Sewer
Location: 5943 N. Elsie Ave.
File: FN 210012
Council District: 6

Easement (b)
Applicant: Estate of John J. Sorci, deceased Probate Case number PB2020-050124, its successor and assigns
Purpose: Vehicular Non-Access
Location: 4803 E. Chandler Blvd.
File: FN 210013
Council District: 6

This item was adopted.

26 Authorization to Enter into Revocable License with Hunter Contracting Co. for City-Owned Property Located at 3345 E. Roeser Road (Ordinance S-47489)

Request to authorize the City Manager, or his designee, to enter into a revocable license with Hunter Contracting Co. for approximately 5,000 square feet of the unimproved portion of Esteban Park located at 3345

E. Roeser Road for construction staging and storage. The license fee will be $1,400 for the initial term. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

Hunter Contracting Co. has been contracted by the City to provide design and construction services for the Roeser Road improvements from 32nd Street to 37th Street. Approximately 5,000 square feet of the unimproved portion of Esteban Park will be used for construction staging, parking and a construction trailer to facilitate the City's project.

The term of the license will be for an initial seven months, with an option to extend on a month-to-month basis, up to an additional five months. The license fee is $200 per month, plus applicable taxes, or $1,400 for the initial term, which is within range of market rents as determined by the Real Estate Division. Hunter Contracting Co. shall provide insurance and indemnification acceptable to the City of Phoenix Finance Department's Risk Management Division and Law Department. The license may be canceled pursuant to Arizona Revised Statute 38-511, or upon 60-days' written notice. The license may contain other terms and conditions deemed necessary by the City.

Contract Term

The term of the license will be seven months, with an option to extend on a month-to-month basis, up to an additional five months.

Financial Impact

The license fee will be $1,400 for the initial term, plus applicable taxes.

Location

3345 E. Roeser Road, identified by assessor parcel number 122-71-002.
Council District: 8

This item was adopted.

27 **Heavy Duty Fleet, Construction and Agricultural/Industrial Parts, Service and Accessories - COOP 21-067 (Ordinance S-47490)**

Request to authorize the City Manager, or his designee, to enter into a cooperative participating agreement with Balar Holding Corporation dba

Balar Equipment, Don Sanderson Ford Inc. dba Sanderson Ford, Drake Truck Bodies LLC, FleetPride Inc. and The WW Williams Company dba Auto Safety House to purchase heavy duty fleet, construction and agricultural/industrial parts, services and accessories. A cooperative contract was established by Maricopa County under solicitation number 200209-C. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate agreement value will not exceed $4,295,000.

Summary

The Public Works Department is responsible for maintaining a diverse fleet of over 7,300 vehicles and equipment, of which 2,344 are categorized as heavy-duty, 310 off-road equipment, and 256 stationary generators. These pieces of equipment are maintained not only at Public Works service centers but within operations at the City's transfer stations, landfill, and remote locations for generators. The adoption of this agreement will supplement existing City agreements to ensure that Public Works has the appropriate level of vendor support for these specialized vehicles.

Procurement Information

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

The Maricopa County agreement covers the purchase of heavy-duty fleet, construction and agricultural/industrial parts, services and accessories as required by the Public Works Department. The agreement began Oct. 1, 2020 and use of this cooperative will provide the City competitive discounts on these products. Additionally, review of pricing and availability from registered small and local businesses indicates that this cooperative agreement offers the best value to the City.

Upon City Council approval of this item, agreements incorporating the City's terms and conditions will be fully executed between the referenced vendors and the City.

Both the American Bar Association and National Institute of Government Purchasing endorse the use of Cooperative Agreements by municipalities and other public institutions. An established best practice in government procurement, Cooperative Agreements provide extensive benefits to procurement officials by leveraging volume purchasing for maximum cost benefit and ensuring best value.

The Deputy Finance Director recommends that the cooperative participating agreement with Balar Holding Corporation dba Balar Equipment, Don Sanderson Ford Inc. dba Sanderson Ford, Drake Truck Bodies LLC, FleetPride Inc. and The WW Williams Company dba Auto Safety House be accepted.

Contract Term
The five-year agreement term will begin on or about June 1, 2021.

Financial Impact
The aggregate agreement value will not exceed $4,295,000. Funding is available in the Public Works Department's budget.

This item was adopted.

28 **Purchase of Property and Casualty Insurance Policies for the City of Phoenix (Ordinance S-47491)**

Request to authorize the City Manager, or his designee, to purchase various property and casualty insurance policies on behalf of the City for July 2021 through June 2022. Further request authorization for the City Controller to disburse funds, not to exceed $15,150,000.

Summary
Competitive quotes are sought from all viable commercial insurance markets to assure the best coverage and cost available. The total estimated cost for all insurance is approximately $15,150,000 for Fiscal Year 2021-2022, up from $11,629,465 in the current year. The increase of $3,520,535 is due to: (1) a high demand for insurance coverage in the property and excess liability coverage and a reduced supply of capacity in the commercial insurance market throughout the country; (2) the City experienced a large property loss over the last 10 years that exceeded $10 million; (3) the City experienced its first loss that pierced the excess

liability insurance; (4) claims are increasing in frequency and severity throughout the country; and (5) insurers are struggling to overcome underwriting losses.

Citywide insurance policies are purchased from the Risk Management Self-Insurance Fund or the Workers' Compensation Self-Insurance Fund and are then allocated to each department's budget. Funds for special policies purchased are available from those departments budgets.

Insurance Policy Type	Department	Estimated Cost
Blanket Property and Boiler and Machinery Insurance	Citywide	$7,241,000.00
Excess Liability Insurance (Multiple Layers)	Citywide	$5,870,000.00
Excess Workers' Compensation Insurance	Citywide	$352,000.00
Network Security and Cyber	Citywide	$540,000.00
Police Aircraft Liability and Hull Insurance	Police	$200,000.00
Aviation Airport Liability Insurance	Aviation	$697,000.00
Miscellaneous Property and Casualty Insurance	Citywide	$250,000.00

Financial Impact

The amount will not exceed $15,150,000, comprised of funds from the Risk Management Self-Insurance Fund, and are included in the Fiscal Year 2021-2022 budget.

This item was adopted.

29 **Stable Value Fund Manager Services (Ordinance S-47505)**

Request to authorize the City Manager, or his designee, to enter into a contract with Principal Global Investors, LLC to provide Stable Value Fund Manager services in an amount not to exceed $5.3 million over a five-year period. No disbursement of funds from the City Controller is required for this contract. The administrative costs are paid by plan participants.

Summary

This contract is needed to provide professional management of the Phoenix Stable Income Fund including discretionary investment management of the underlying securities as well as the wrap providers for a stable value portfolio totaling approximately $445 million in assets. The Contractor will maintain knowledge of the federal laws and regulations applicable to such funds and will manage the assets in the Fund in a manner consistent with the requirements of such laws and regulations.

Procurement Information

RFP HR 20-123 was conducted in accordance with Administrative Regulation 3.10. The Human Resources Department received eight offers and one offer was deemed non-response. The Notice of Solicitation was emailed to 48 vendors registered in ProcurePHX and 18 firms provided by the Consultant, Hyas Group. The offers were scored on the following criteria: Qualifications and Experience (250 points), Method of Approach (500 points) and Price (250 points).

The City's Financial Investment Consultant, Hyas Group, conducted an analysis of the offers and provided a report to the evaluation committee. Evaluation occurred by a four-person panel. The evaluation committee determined that two offers were within the competitive range, and those offerors participated in Finalists Interviews and Best and Final Offers (BAFO) process. It was the consensus of the evaluation committee to recommend awarding the contract to Principal Global Investors, LLC.

The City of Phoenix Employees' Deferred Compensation Board approved the award recommendation at the March 18, 2021 Special Session Board meeting.

The following are the scores of all responsive Offerors:

Principal Global Investors, LLC	838.00
T. Rowe Price Associates, Inc.	800.00
Voya Financial	639.50
The Vanguard Group, Inc.	627.00
Galliard Capital Management, Inc.	609.50
Invesco Advisers, Inc	584.50
J.P. Morgan Investment Management, Inc.	508.50

The Human Resources Director recommends the offer from Principal Global Investors, LLC be accepted as the highest-scored, responsive, and responsible offeror.

Contract Term

The five-year contract shall begin on or about May 21, 2021.

Financial Impact

The aggregate five-year contract value for these services shall not exceed $5.3 million. No disbursement of funds from the City Controller is required for this contract. The administrative costs are paid by plan participants.

This item was adopted.

30 **Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-47492)**

Request to authorize the City Manager, or his designee, to transfer retirement funds for Kathryn Sorensen in the amount of $150,930.53 to the Arizona State Retirement System, and further request authorization for the City Controller to disburse funds.

Summary

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

Sorensen, Kathryn: $150,930.53

Concurrence/Previous Council Action
This item will be approved by the COPERS Board at its April 1, 2021 meeting.

This item was adopted.

32 **Request Authorization to Submit Federal Transit Administration Coronavirus Grant Applications (Ordinance S-47494)**

Request to authorize the City Manager, or his designee, to apply for, accept, and distribute Federal Transit Administration Coronavirus Response and Relief Supplemental Appropriations Act grants and to enter into any agreements necessary to receive those federal grants. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all grant funds in accordance with the terms of the aforementioned grants and agreements. These grants are anticipated for an amount not to exceed $85,856,151.

Summary
The City of Phoenix is the designated recipient of Federal Transit Administration (FTA) grant funds for the Phoenix-Mesa Urbanized Area. Phoenix submits FTA grant applications on behalf of all local governments and agencies in the region. On Dec. 27, 2020, the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) was approved with funding provided through existing FTA formula programs at 100 percent federal share, with no local match required. Such funding is available to support capital, operating, and other expenses to prevent, prepare for, and respond to the COVID-19 pandemic.

The Maricopa Association of Governments (MAG), as the Metropolitan Planning Organization for the Phoenix metropolitan area, is responsible for programming FTA funds for the region. MAG has allocated the CRRSAA Act funding for the region to support transit operations. Phoenix is expected to receive $43,171,577 for itself from this allocation.

Financial Impact
The total of all grant funds in the applications is $85,856,151. The applications and total federal amounts by fund type are:
$85,260,499 - FTA Section 5307 Urbanized Area Formula funding

apportioned to the Phoenix-Mesa Urbanized Area; and
$595,652 - FTA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities funding apportioned to the Phoenix-Mesa Urbanized Area.

Concurrence/Previous Council Action
This item was recommended for approval by the Transportation, Infrastructure and Innovation Subcommittee on April 7, 2021 by a vote of 4-0.

This item was adopted.

33 **Request to Amend Contract with Teaching Strategies, LLC for Head Start Birth to Five Program (Ordinance S-47475)**

Request authorization for the City Manager, or his designee, to amend Contract 141887 with Teaching Strategies, LLC for the Head Start Birth to Five program by extending the term of the contract through June 30, 2023 and increasing the contract amount by $160,000. The extension will provide continued use of the online child assessment tool. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary
To ensure statewide consistency in early childhood assessment, the Arizona Department of Education (ADOE) mandates all early childhood programs purchase the same assessment tool. The Head Start Birth to Five program utilizes Teaching Strategies Gold, the approved ADOE assessment tool. The early childhood assessment tool is designed to measure children's progress, appropriately plan for children's learning, implement best practices, and meet the accountability requirements of the Individuals with Disabilities Education Improvement Act of 2004, Part B, Section 619. The City entered into a contract with Teaching Strategies, LLC on July 1, 2015, following the ADOE statewide contract.

Procurement Information
Teaching Strategies was selected through an ADOE Request for Proposal RFP-ADED 15-00004546 for a statewide Early Childhood Assessment tool to be utilized by other state agencies, political subdivisions, and Head Start grantees.

The ADOE contract with Teaching Strategies expired on March 22, 2020. ADOE entered into a one-year agreement, Agreement CTR048634, with Teaching Strategies, LLC extending the contract terms through June 30, 2021, allowing time to procure a new provider. Due to the coronavirus pandemic, ADOE was unable to complete the procurement process. As such, an additional extension through June 30, 2023 with Teaching Strategies has been secured by ADOE.

In accordance with Administrative Regulation 3.10, a Determination Memo citing a need to extend the City's current contract beyond the maximum option years was approved on April 10, 2020.

Contract Term
The original five-year contract began on July 1, 2015, with four one-year extension options exercised by the City Manager. Approval of this request would extend the contract through June 30, 2023.

Financial Impact
The total value of this agreement will not exceed $544,000 over the life of the contract. Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. There is no impact on the General Fund.

Concurrence/Previous Council Action
City Council approved the initial contract on May 13, 2015, with Ordinance S-41702. An extension through Dec. 31, 2020, was approved by City Council on June 3, 2020, with Ordinance S-46682. An additional extension through June 30, 2021, was approved by the City Council on Sept. 2, 2020.

The Head Start Policy Council will vote on this item on April 12, 2021.

This item was adopted.

34 **Authorization to Convert Temporary Full-Time Positions to Regular Full-Time Positions to Support Human Services Department Business and Workforce Development Services (Ordinance S-47496)**

Request to authorize the City Manager, or his designee, to convert eight

temporary full-time positions to regular full-time positions in the Human Services Department. No General Fund dollars are requested to support this request; Workforce Innovation and Opportunity Act (WIOA) grant funds are available.

Summary

The request to convert the temporary positions is due to funding that was previously provided by the U.S. Department of Labor under the Strengthening Working Families Initiative Grant ending on June 30, 2021. In order to continue the delivery of free training and childcare services to City of Phoenix residents who qualify, the Human Services Department is requesting that eight temporary full-time positions be converted to regular full-time positions. See **Attachment A** for the positions being requested to be converted.

Financial Impact

The estimated full-year costs for these positions in Fiscal Year 2021-2022 is estimated to be $690,000. No General Fund dollars are requested to support this request; WIOA grant funds are available.

This item was adopted.

35 **Amend Contract with Local Initiatives Support Coalition (Ordinance S-47498)**

Request to authorize the City Manager, or his designee, to amend Contract 153102-0 with the Local Initiatives Support Coalition to add $14,375 in Community Development Block Grant program funds for a contract total of $2,314,375. Further request authorization for the City Controller to disburse all funds associated with this agreement. The Community Development Block Grant Program is funded by the U.S. Department of Housing and Urban Development; no General Funds are required.

Summary

The Phoenix RISE Microbusiness Grant Program was approved by City Council through Ordinance S-46606 as part of the 2015-2020 Consolidated Plan's 2019 Annual Action Plan CARES Act Amendment. The purpose of this grant program was to assist microenterprise businesses who have five or fewer employees, that have been impacted by the COVID-19 public health crisis, by providing funding for lost revenue, the provisions of goods or services to respond to COVID-19, or

the business model changes to support COVID-19.

This program awarded $2,000,000 in CARES Act Community Development Block Grant funds (CDBG-CV) through 276 grants to low- and moderate-income microenterprise business owners in amounts up to $10,000. Additionally, $300,000 in CDBG-CV funding was utilized for the purposes of Local Initiatives Support Coalition's program administration, planning and coordination services. Due to the overwhelming need of the microenterprise business community, the initial allocation was extinguished before the final three eligible applicants could be awarded.

The Neighborhood Services Department seeks authorization to use an additional $12,500 in CDBG funding to award the three remaining low- and moderate-income microenterprise business owner grant applications and $1,875 in CDBG funding for program administration costs. The total additional contract amount equates to $14,375.

Contract Term
The contract expires on May 31, 2021.

Financial Impact
The CDBG Program is funded by the U.S. Department of Housing and Urban Development; no General Funds are required.

Concurrence/Previous Council Action
This program was adopted by the City Council on May 6, 2020.
This item was adopted.

36 **Community Development Block Grant Neighborhood Commercial Rehabilitation Program Loan Agreement (Ordinance S-47499)**

Request to authorize the City Manager, or his designee, to enter into a loan agreement with Sandhu Investments, LLC for up to $100,000 in Community Development Block Grant program funds for facade and site improvements through the Neighborhood Commercial Rehabilitation program for their tenant, Hotel Electric, LLC and to take all actions and execute all documents necessary to complete the loan. Further request authorization for the City Controller to disburse all funds associated with this agreement. The CDBG Program is funded by the U.S. Department of

Housing and Urban Development; no General Funds are required.

Summary

The Neighborhood Commercial Rehabilitation (NCR) program offers Community Development Block Grant (CDBG) funding for property owners to complete exterior improvements through a deferred loan, secured by a Deed of Trust which is forgiven over a period of up to 10 years. The program was approved by City Council through Ordinance S-46657 as part of the 2020-2024 CDBG Consolidated Plan. NCR projects are selected through an open application process.

Hotel Electric, LLC is an electrical company that has primarily served Phoenix's hospitality industry and multi-family residential developments since 1996; they employ 21 full-time and 10 seasonal employees at the project site for a total of 31 employees. The proposed exterior improvements include grading and drainage repairs, with the installation of a retainage bioswale, Americans with Disabilities Act (ADA) modifications, parking lot improvements, building facade and roof drainage renovations, and new signage. Hotel Electric, LLC is a tenant, therefore the deferred loan will be executed with the property owner, Sandhu Investments, LLC.

The goal of the NCR program is to support the revitalization or improvement of commercial buildings along targeted business corridors to ensure the long-term sustainability of the community, its businesses and structures. Eligible economic revitalization projects must provide a public benefit or deliver neighborhood enhancements including job creation for local residents, blight elimination, or the provision of qualified goods or services to residents of targeted, low- and moderate-income areas in Phoenix.

Financial Impact

The CDBG Program is funded by the U.S. Department of Housing and Urban Development; there is no impact to the General Fund.

Concurrence/Previous Council Action

This item was recommended for approval by the Land Use and Livability Subcommittee on March 17, 2020 by a unanimous vote.

Location
10402 N. 19th Ave. (North Mountain Redevelopment Area)
Council District: 3

This item was adopted.

37 **Community Development Block Grant Neighborhood Commercial Rehabilitation Program Recipient (Ordinance S-47500)**

Request to authorize the City Manager, or his designee, to enter into a loan agreement with Greek Family, LLC. (dba Greektown Restaurant) for up to $100,000 in Community Development Block Grant program funds for facade and site improvements through the Neighborhood Commercial Rehabilitation program, and to take all actions and execute all documents to complete the loan. Further request authorization for the City Controller to disburse all funds associated with this agreement. The Community Development Block Grant Program is funded by the U.S. Department of Housing and Urban Development; no General Funds are required.

Summary
The Neighborhood Commercial Rehabilitation (NCR) program offers Community Development Block Grant (CDBG) funding to complete exterior improvements through a deferred loan, secured by a Deed of Trust, that is forgiven over a period of up to 10 years. The program was approved by City Council through Ordinance S-46657 as part of the 2020-2024 CDBG Consolidated Plan. NCR projects are selected through an open application process.

Greektown Restaurant is a full-service establishment that has served classic Greek cuisine to the Sunnyslope area for 22 years. The project scope of work includes facade and parapet improvements and Americans with Disabilities Act (ADA) parking lot enhancements; and a new patio for outdoor dining as an alternate bid, if funding is available.

The goal of the NCR program is to support the revitalization or improvement of commercial buildings along targeted business corridors to ensure the long-term sustainability of the community, its businesses, and structures. Eligible economic revitalization projects must provide a public benefit or deliver neighborhood enhancements including job creation for local residents, blight elimination, or the provision of qualified goods or services to residents of targeted, low- and moderate-income

areas in Phoenix.

Financial Impact
The CDBG Program is funded by the U.S. Department of Housing and Urban Development; there is no impact to the General Fund.

Concurrence/Previous Council Action
This item was recommended for approval by the Land Use and Livability Subcommittee on March 17, 2021 by a unanimous vote.

Location
8519 N. 7th St. (Target Area F Redevelopment Area)
Council District: 3

This item was adopted.

39 **Recreation Management Software Application Upgrades (Ordinance S-47497)**

Request to authorize the City Manager, or his designee, to authorize the City Controller to disburse all funds related to critical online improvements to the Parks and Recreation Department's current recreation management software application used by the City. The total payment authority requested is $24,000, to be paid in two phases.

Summary
The Parks and Recreation Department utilizes ActiveNet, the recreation management software application for facility rentals, activity registration, membership management, league management, point of sale, reports and credit card processing. The provider is Active Network.

Currently, if members of the public desire to make reservations for sports fields, courts, classrooms, certain ramadas and other permits, they must contact staff during business hours and/or visit a physical location, such as a division office or recreation center. During the COVID-19 pandemic, recreation centers have been closed, making it more difficult for the public to make reservations.

In order to respond appropriately to the changing environment the pandemic has presented, and to provide a higher level of service to the community, staff was approved to work with Active Network to begin the

software reconfiguration necessary to provide the public with the ability to make reservations online. The ActiveNet system already allows for the ability to pay for classes and beer permits online; therefore, the Active Network Remote Refresher and System Optimization software will further enhance online offerings, making additional reservations/permits available to the public online.

Because the existing contract with Active Network, Agreement 148327, is revenue-based, a payment authority was not previously requested; therefore, at present there is not a payment mechanism for the software reconfiguration services.

Contract Term
Agreement 148327 was entered into in 2018, for a term of five years with an option to extend for another five-year period, making Active Network a sole-source provider of the proprietary functions being provided.

Financial Impact
The total payments to Active Network pursuant to this project will not exceed $24,000. Funds are available in the Parks and Recreation Department's budget.

Emergency Clause
Active Network agreed to begin providing the software reconfiguration services described herein, which are time sensitive due to the ongoing COVID-19 pandemic. The requested emergency clause is needed to pay Active Network prior to the typical 30-day period required for the ordinances to go into effect.

This item was adopted.

40 Aircraft Rescue Firefighter Training (Ordinance S-47504)

Request authorization for the City Manager, or his designee, to enter into an Intergovernmental Agreement with the Dallas Fort Worth (DFW) International Airport Fire Training Resource Center for Aircraft Rescue Firefighter Training for the Fire Department. Further request authorization for the City Controller to disburse funds required for this item.

Summary
Phoenix Sky Harbor International Airport (PSHIA) has Aircraft Rescue

Firefighting (ARFF) capability. In order to maintain this capability, City of Phoenix Fire Department (PFD) firefighters stationed at PSHIA must train in accordance with Federal Aviation Administration (FAA) standards. These standards mandate that PFD firefighters train with live burn exercises each year, and every third year the training must be held at a facility with multiple, simultaneously burning full-scale aircraft. DFW meets or exceeds the Index D training facility requirements by the FAA.

There are very few large-scale training sites located across the United States that meet the Index D training facility requirements set by the FAA. ARFF requires a site with ample flight availability and proximity to allow an approximate 24 hour turn around training for students. DFW is a large-scale training facility and meets the flight and proximity requirements.

DFW has taken exception to the indemnification and liability provisions in the contract. PFD is seeking an exception to Phoenix Code section 42-18 in allowing for indemnification against any liability, claim, loss, damage or expenses, including without limitation, reasonable attorney fees, arising from its negligent acts or omissions in connection with its performance of the agreement, or its failure to comply with the terms of the agreement, as determined by a court of competent jurisdiction. PFD is also seeking an exception to Phoenix Code section 42-18 in allowing a limitation of damages not to exceed $5,000,000.

Contract Term
The contract term shall begin on or about April 21, 2021 and end April 20, 2026.

Financial Impact
Maximum total five-year contract value could be up to $500,000. The funds are in the Aviation Department's budget.

This item was adopted.

41 **Aviation Glass Repair, Replacement and Maintenance Services Agreement (Ordinance S-47484)**

Request to authorize the City Manager, or his designee, to consent to assignment and assumption of Aviation Glass Repair, Replacement and

Maintenance Services Agreement 152953 from True View Windows and Glass Block, Inc. which had changed its name to True-Point Ventures, Inc to True View Windows and Glass LLC, a Delaware limited liability company. All terms and conditions of the Agreement will remain the same and there is no additional financial impact as part of this request.

Summary

Agreement 152953 (Agreement) provides glass repair, replacement, installation and maintenance services for facilities throughout Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and the Phoenix Goodyear Airport. True-Point Ventures, Inc (Assignor) is assigning the Agreement to True View Windows and Glass LLC, a Delaware limited liability company (Assignee). This assignment and assumption require the City's prior approval.

Contract Term

The Agreement started Oct. 1, 2020 for a five-year aggregate term with no options to extend.

Financial Impact

The Agreement was authorized for an amount not-to-exceed $1 million for the five-year aggregate agreement term. There is no change to the financial impact.

Concurrence/Previous Council Action

The City Council approved Aviation Glass Repair, Replace and Maintenance Services Agreement 152953 (Ordinance S-46913) on Sept. 16, 2020.

Location

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

This item was adopted.

42 **Fuel Supply System Compliance Inspection, Testing, Maintenance and Repair Services - Agreement Recommendation (Ordinance S-47485)**

Request to authorize the City Manager, or his designee, to enter into an agreement with A&H Contracting Services, Inc. for compliance inspection, testing, maintenance and repair services for the Aviation Department. Further request authorization for the City Controller to disburse all funds related to this item. The agreement amount will not to exceed $300,000.

Summary

The contractor will provide compliance inspections, testing, maintenances, and repair services for the fuel systems at various fuel sites throughout Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport.

Procurement Information

An Invitation for Bid (IFB) 21-006 was conducted in accordance with Administrative Regulation 3.10. One bid was received on Feb. 3, 2021 from A&H Contracting Services, Inc. The offer was evaluated based on the minimum qualifications, price, responsive and responsible to provide the required goods and services. The offer from A&H Contracting Services, Inc. is deemed to be fair and reasonable based on the market and the previous contract pricing.

Contract Term

The agreement will begin on or about April 1, 2021 for a five-year aggregate term, with no options to extend.

Financial Impact

The agreement value will not exceed $300,000 for the five-year aggregate agreement term. Funding is available in the Aviation Department's budget.

Locations

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

This item was adopted.

43 Executive Hangar Lease at Phoenix Sky Harbor International

Airport (Ordinance S-47493)

Request to authorize the City Manager, or his designee, to enter into an Executive Hangar Lease with Modern Industries, Inc. at Phoenix Sky Harbor International Airport for two years, with two, one-year options to extend the term of the Lease.

Summary

Modern Industries, Inc. (Modern) currently subleases space from Honeywell International, Inc. at Phoenix Sky Harbor International Airport where they are engaged in the aerospace and semiconductor industries. Modern has requested to lease Executive Hangar E13 to store the company's aircraft.

Contract Term

The term will be for two years, with two, one-year options to extend the Lease.

Financial Impact

Rent for the first year of the lease will be approximately $29,645 ($7.04 per square foot). Rent will be adjusted annually based on the Phoenix-Mesa-Scottsdale Consumer Price Index. Total anticipated revenue over the term, if all options are exercised, will be approximately $118,582.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board recommended this item for approval on March 18, 2021, by a vote of 9-0.

The Transportation, Infrastructure and Innovation Subcommittee recommended this item for approval on April 7, 2021, by a vote of 4-0.

Location

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

This item was adopted.

44 **Parking Access Revenue Control System Maintenance and Technical Support Contract - Extension (Ordinance S-47501)**

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

existing Contract 142643 with Scheidt & Bachmann USA, Inc. for ongoing maintenance and technical support of the Parking Access Control System at Phoenix Sky Harbor International Airport. Further request authorization for the City Controller to disburse all funds related to this item. The agreement value will not exceed $7,812,000.

Summary

Parking is the largest non-aeronautical revenue source at the airport, and the Parking Access Control System (PARCS) is the underlying technology which facilitates that operation. PARCS supports the operation of nine parking facilities with approximately 26,000 parking spaces. The system consists of airport-wide infrastructure that includes 43 entries, 39 exits, nine pay-on-foot kiosks, and 72 license-plate revenue control cameras. This hardware is actuated by parking management software that enables passengers and employees to park in various airport parking facilities and pay their parking fees. Prior to COVID-19, the system processed approximately 3.1 million parking transactions and generated revenue exceeding $90 million per year.

PARCS is a highly complex system and is tightly integrated with several other key airport systems, including SAP for revenue management, a third-party Online Reservations System, Aviation's Security and Access Control System and Employee Parking System for access control, and the Chase Bank payment system. Under the current support contract, the vendor provides maintenance services, including 24/7 technical support, software updates, firmware updates, security patches, system enhancements and modifications, repair and replacement, and onsite/remote troubleshooting for operational issues. The system currently performs as expected and meets the Airport's needs. From a life-cycle perspective, the current system has useful life remaining and does not require major hardware or software upgrades or replacements. The current support contract expires May 31, 2021.

The estimated implementation cost for a brand-new system is approximately $10.5 million with an annual maintenance cost of $1.25 million, resulting in a total cost of ownership of $16.75 million over five years. The current maintenance contract, if extended, would result in annual maintenance cost of $1.56 million, or a total cost of ownership of $7.8 million over five years. Considering the scope and scale of the

system, a replacement would also take approximately two or more years and require the current contract to be extended for a minimum of three years to allow for a new solicitation followed by the implementation. Extending the existing contract will ensure that maintenance and technical support will not be interrupted and foregoing a replacement effort at this time will result in a significant cost savings and mitigate any revenue loss for the Aviation Department.

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

Contract Term
The contract extension will begin on or about June 1, 2021 for an initial two-year term, with three one-year options to extend for a five-year aggregate contract term.

Financial Impact
The contract extension value will not exceed $7,812,000 for the five-year term aggregate term, with an estimated annual cost of $1,562,400. Funding is available in the Aviation Department's budget.

Concurrence/Previous Council Action
The Phoenix Aviation Advisory Board recommended this item for approval on March 18, 2021, by a vote of 9-0.
The Transportation, Infrastructure and Innovation Subcommittee recommended this item for approval on April 7, 2021, by a vote of 4-0.

Location
Parking facilities at Phoenix Sky Harbor International Airport
Council District: 8

This item was adopted.

45 **United States of America and State of Arizona Airport Joint Use Agreement at Phoenix Sky Harbor International Airport (Ordinance S-47503)**

Request to authorize the City Manager, or his designee, to enter into a Joint Use Agreement with the United States of America, acting by and through Chief, National Guard Bureau, and the State of Arizona, acting by

and through the Adjutant General (collectively known as Air National Guard [ANG]) at Phoenix Sky Harbor International Airport. The term of this Agreement will be for 10 years. The rent over the agreement term will be $1,014,000.

Summary

The Joint Use Agreement allows the ANG use of Phoenix Sky Harbor International Airport (PHX) facilities that are open to the public, which includes, but is not limited to: runways, taxiways, lighting systems, navigational aids, markings, and appurtenances. The Aviation Department is responsible for maintaining the public facilities at PHX. The ANG will be responsible for any damages to public facilities at PHX, if such damage is caused solely by the ANG. Although City Council previously authorized a five-year term on Oct. 16, 2019, ANG has requested a 10-year term.

Contract Term

The term of the agreement will be ten years with no options to extend.

Financial Impact

Rent over the term of the agreement will be $1,014,000.

Concurrence/Previous Council Action

The City Council approved Air National Guard Joint Use Agreement (Ordinance S-46115) on Oct. 16, 2019.

Location

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

This item was adopted.

46 Fluid Analysis - Agreement Recommendation (Ordinance S-47472)

Request to authorize the City Manager, or his designee, to enter into an agreement with Empire Southwest, LLC to provide fluid analysis on the City's fleet vehicles and equipment. Further request to authorize the City Controller to disburse all funds related to this item. This item will have an aggregate amount of $235,000.

Summary

The Public Works Department maintains a fleet of over 6,800 vehicles and equipment, including light, medium, and heavy-duty units. This

agreement will provide the ability for technicians to collect and ship fluid, such as oil or transmission fluid, to a local vendor for the purpose of analyzing the fluid for contaminants. The units tested under this agreement range from daily driven fleet cars and trucks to emergency response vehicles and equipment such as fire apparatus and police patrol units. This agreement will be used to support fleet managed by Public Works and the Aviation departments.

Procurement Information
Invitation for Bid (IFB) 21-FSD-020 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department received four bids, with an overall group total determining low bid. The vendor below was the only successful bid to be deemed responsive and responsible and is being recommended for award.

Empire Southwest, LLC: $23,160

Contract Term
The initial one-year agreement term shall begin on or about Council approval on April 21, 2021, with four option years to be exercised in increments of up to one year, for a total agreement option term of five years.

Financial Impact
This agreement will have an estimated annual expenditure of $47,000, with a total aggregate amount of $235,000 over the life of the agreement. Funding is available in the Aviation and Public Works departments' budgets.

This item was adopted.

47 Forklifts - Agreement Recommendation (Ordinance S-47474)

Request to authorize the City Manager, or his designee, to enter into an agreement with Leavitt Machinery USA, Inc., dba Reliable Forklift Sales, Handling Systems, Inc., and Octane Forklifts, Inc., for the purchase of various types of forklifts used for operations. Further request to authorize the City Controller to disburse all funds related to this item. This item will have an aggregate amount of $1.25 million.

Summary

The Public Works Department has an immediate need to purchase various types of forklifts for City departments. This equipment will be used to safely move and lift items from one location to another within a warehouse, maintenance yard, or other facility to maintain employee safety or prevent damage to materials being moved. Currently, 37 forklifts in the fleet have exceeded their 15-year life cycle. This contract supports the replacement of aged equipment in Public Works, Police, Fire, Parks and Recreation, Neighborhood Services, Human Resources, and the City Clerk departments. Over the next five years, this agreement will also support an additional 24 forklifts estimated to exceed the 15-year life cycle through the life of the contract.

Procurement Information

Invitation for Bid (IFB) 21-FSD-037 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department received four bids, with all being deemed responsive and responsible, with the vendors being recommended for award based on low bid found in **Attachment A**.

Contract Term

This agreement will begin on or about Council approval on May 1, 2021 and will have an initial one-year contract period, with four additional option years to be exercised in increments of up to one year, for a total contract term of five years.

Financial Impact

This item will have an estimated $250,000 annual expenditure, with a total aggregate amount of $1.25 million over the life of the contract. Funding is available in various City departments' budgets.

This item was adopted.

48 **Purchase Street Sweepers - COOP 21-071 (Ordinance S-47487)**

Request to authorize the City Manager, or his designee, to use a cooperative agreement with Balar Holding Corp. dba Balar Equipment Company for the one-time purchase of seven street sweepers for the Public Works Department. The cooperative contract was established by the Arizona Department of Transportation under solicitation number BPM002883. Further request to authorize the City Controller to disburse

all funds related to this item. The total contract amount will not exceed $2,119,038.

Summary

Street sweepers are purchased in accordance with Particulate Matter (PM-10) guidelines using Maricopa Association of Governments (MAG) funding to reimburse the City for 94.3 percent of the total cost. By using MAG funding and the State of Arizona contract, the City will save approximately $1.90 million as a result of the MAG reimbursement funding program. In addition, the City continually uses street sweepers as dust inhibitors and for pollution preventive measures. The seven sweepers will replace sweepers that are currently in Street Transportation Department's fleet and have reached the end of their useful life cycle or have become too costly to keep in operation.

Procurement Information

In accordance with Administrative Regulation 3.10, the City is authorized to use cooperative agreements from other public agencies. The agreement was awarded through a competitive process consistent with the City's procurement processes, as set forth in the Phoenix City Code, Chapter 43.

The Arizona Department of Transportation agreement covers the purchase of the street sweepers as required by the Public Works Department and was awarded on Oct. 30, 2020. The use of this cooperative agreement will provide the City significant discounts on these products. Additionally, review of pricing and availability from registered small and local businesses indicates that this cooperative agreement offers the best value to the City.

Both the American Bar Association and National Institute of Government Purchasing endorse the use of cooperative agreements by municipalities and other public institutions. An established best practice in government procurement, cooperative agreements provide extensive benefits to procurement officials by leveraging volume purchasing for maximum cost benefit and ensuring best value.

The Deputy Finance Director recommends that use of the cooperative agreement with Balar Holding Corp. dba Balar Equipment Company be

accepted.

Contract Term
This one-time purchase will begin on or about April 7, 2021.

Financial Impact
The total agreement amount will not exceed $2,119,038. Funding is available in the Street Transportation Department's budget.
This item was adopted.

51 **Grand Canal Phase III - Construction Manager at Risk Preconstruction Services - ST87600131 (Ordinance S-47468)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Hunter Contracting Co., to provide Construction Manager at Risk Preconstruction Services for the Grand Canal Phase III project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $100,000.

Summary
The purpose of this project is to install pathway for pedestrians and bicycle use and incorporate public art, landscaping and neighborhood access points along the Grand Canal between 75th and 47th avenues.

Hunter Contracting Co. will begin in an agency support role for Construction Manager at Risk Preconstruction Services. Hunter Contracting Co. will assume the risk of delivering the project through a Guaranteed Maximum Price agreement.

Hunter Contracting Co's services include, but are not limited to, providing detailed cost estimating; planning and scheduling project construction phases; performing site investigation including utility potholing; providing constructability studies; and coordination with City staff and design consultant. A Small Business Enterprise goal will be established for this project upon substantial completion of Preconstruction Services and prior to the start of construction.

This Agreement is essential to the health, safety, and welfare of the

public and critical operations for the City.

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

Selected Firm
Rank 1: Hunter Contracting Co.

Additional Proposers
Rank 2: J. Banicki Construction, Inc.
Rank 3: Combs Construction Company, Inc.
Rank 4: Sunland Asphalt & Construction, Inc.

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

Financial Impact
The agreement value for Hunter Contracting Co. will not exceed $100,000, including all subcontractor and reimbursable costs.

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

Concurrence/Previous Council Action
The City Council approved:

Engineering Services Agreement 153853 (Ordinance S-47337) on March 3, 2021.

Location
Grand Canal between 75th and 47th avenues
Council Districts: 4 and 5
This item was adopted.

52 **3rd Street Promenade: Garfield Street to Indian School Road Modernization - Design-Bid-Build Services - ST87100162 (Ordinance S-47473)**

Request to authorize the City Manager, or his designee, to accept Hunter Contracting Co. as the lowest-priced, responsive and responsible bidder and to enter into an agreement with Hunter Contracting Co. for Design-Bid-Build Services for the 3rd Street Promenade: Garfield Street to Indian School Road Modernization project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $7,567,049.20.

Summary
The purpose of this project is to improve traffic circulation and increase safety and mobility for pedestrians and bicyclists by implementing a new lane configuration.

Hunter Contracting Co.'s services include, but are not limited to, providing one lane in each direction with a center turn lane; adding bicycle lanes on both sides of the street; asphalt pavement replacement, microsurfacing and crack seal; concrete sidewalk and curb ramps; streetlighting; landscaping and irrigation; traffic signals; and other ancillary items.

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

Procurement Information
The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Two bids were received on Feb. 16, 2021, and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to

Small Business Enterprise program requirements.

The Opinion of Probable Cost and the one lowest responsive, responsible bidder is listed below:

Opinion of Probable Cost: $7,271,803.67
Hunter Contracting Co.: $7,567,049.20

Bidder who was deemed non-responsive is listed below:
AJP Electric, Inc.

The bid award amount is within the total budget for this project.

Contract Term
The term of the agreement is 300 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for Hunter Contracting Co. will not exceed $7,567,049.20, including all subcontractor and reimbursable costs.

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

Location
3rd Street: Garfield Street to Indian School Road
Council Districts: 4, 7, 8

This item was adopted.

53 **Falcon Park and Momo Park Renovations - Engineering Services - PA75200491 (Ordinance S-47477)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Gavan and Barker, Inc., to provide Engineering Services that include design and construction administration and inspection services for the Falcon Park and Momo Park Renovations projects. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $90,000.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits and requests for utility services relating to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to provide various park renovation improvements to Falcon Park and Momo Park. The projects will be bid separately using federal funds under the Neighborhood Services Department.

In September 2020, Gavan and Barker, Inc. was issued an initial Notice to Proceed under the 2019-20 Engineering On-Call Services contract to provide design services that included plans, bid assistance, and submittals for Falcon Park and Momo Park renovations. The contract has since expired and Gavan and Barker, Inc. was not selected under the new 2021-22 Engineering On-Call Services contract. Gavan and Barker, Inc. has completed significant work on the project and the need to have the original designer available for the pre-bid meeting, to answer questions regarding the prepared plans, and for construction administration and inspection services is essential.

Gavan and Barker, Inc.'s continued services include, but are not limited to: plan submittals, bid assistance, and providing construction administration and inspection services through the construction of the projects.

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

Procurement Information
Gavan and Barker, Inc. was chosen for this project using a Direct Select process set forth in section 34-103 of the Arizona Revised Statutes. The Direct Select process will reduce the time to procure additional design and construction administration and inspection services, as opposed to an advertised selection process; therefore, meeting the project deadline and ensuring continuity and the most efficient use of staff and funding resources.

Contract Term
The term of the agreement is 215 calendar days from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for Gavan and Barker, Inc. will not exceed $90,000, including all subconsultant and reimbursable costs.

Funding is available in the Parks and Recreation Department's Capital Improvement Program budget. 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 Citywide Engineering/Consulting On-Call Services for Calendar Years 2019-20 Agreement 148782 (Ordinance S-45138) on Nov. 14, 2018.

Locations
Falcon Park - 3420 W. Roosevelt St.
Momo Park - 5447 S. 5th Place
Council Districts: 4 and 7

This item was adopted.

54 **Indian School Fiber Transportation Enhancement - Design-Bid-Build Services - ST89360035 (Ordinance S-47479)**

Request to authorize the City Manager, or his designee, to accept MP Nexlevel, LLC, as the lowest-priced, responsive and responsible bidder and to enter into an agreement with MP Nexlevel, LLC for Design-Bid-Build Services for the Indian School Fiber Transportation Enhancement project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $2,813,113.

Summary
The purpose of this project is to expand the current fiber optic infrastructure communication network equipment to allow for remote monitoring and control and traffic signal optimization along a 12.5-mile route to the western limits of the City of Phoenix. The fiber optic line will traverse through a portion of the City of Glendale and through Arizona Department of Transportation managed right-of-way; the fiber will serve City of Phoenix needs.

MP Nexlevel, LLC's services include, but are not limited to: installing a majority of new conduit infrastructure; utilizing existing conduit infrastructure to the extent possible to fill in gaps along the existing conduit path; connecting to existing traffic signals along the route; installing fiber and pull box infrastructure and a Layer 3 network switch at two locations; connection to City of Phoenix and neighboring agency existing fiber communications cable; and other miscellaneous work items as required to complete the project.

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

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

Procurement Information
The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Five bids were received on Feb. 23, 2021 and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Disadvantaged Business Enterprise (DBE) program requirements.

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

Engineer's Opinion of Probable Cost: $4,177,835.00
MP Nexlevel, LLC: $2,813,113.00
Roadway Electric, LLC: $2,966,295.00
CS Construction, Inc: $3,116,942.00

Bidders who were deemed non-responsive are listed below, in alphabetical order:
B&F Contracting, Inc.: $5,313,055.94
Sturgeon Electric Company, Inc.: $2,614,426.50

The bid award amount is within the total budget for this project.

The reason for the variance from the Engineer's Opinion of Probable Cost to the lowest, responsive, responsible bid is the pricing for the electrical conduit and the electrical system was developed based on contractor's pricing on similar projects in other jurisdictions during 2020, and the pricing for the fiber optic equipment was based on very old historical bid information. The Engineer evaluated the bids received by the City and compared them to the Engineer's Opinion of Probable Cost, and did not find any severe variations of unit prices that would cause concern to prevent the City from moving forward with awarding this project to MP Nexlevel, LLC.

Contract Term
The term of the agreement is 270 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the

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

Financial Impact
The agreement value for MP Nexlevel, LLC will not exceed $2,813,113, including all subcontractor and reimbursable costs.

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations (CFR) Part 26 and the U.S. Department of Transportation DBE Program. Funding is available in the Street Transportation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Location
City of Phoenix:
99th Avenue from Camelback to Indian School roads
Campbell Avenue from 99th Avenue to Phoenix Fire Station 54
Indian School Road from 99th Avenue to Loop 101 Agua Fria Freeway
Indian School Road from Loop 101 Agua Fria Freeway to 27th Avenue
27th Avenue from Indian School to Camelback roads
Camelback Road from 27th to 23rd avenues
23rd Avenue from Camelback Road to Phoenix Fire Station 18

City of Glendale:
99th Avenue from Cardinals Way to Camelback Road

Arizona Department of Transportation:
Indian School Road at Loop 101 Agua Fria Freeway
Camelback Road at Black Canyon Freeway

Council Districts: 4, 5, 7 and Out of City

This item was adopted.

55 Northwest Valley Transportation - Construction Manager at Risk

Preconstruction Services - ST85100449 (Ordinance S-47495)

Request to authorize the City Manager, or his designee, to enter into an agreement with Hunter Contracting Co. to provide Construction Manager at Risk Preconstruction Services for the Northwest Valley Transportation project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $150,000.

Summary

The purpose of this project is to construct approximately three miles of arterial streets, including street lighting and landscaping, in support of the Taiwan Semiconductor Manufacturing Company (TSMC) facility. One traffic signal located at the intersection of Dove Valley Road and 43rd Avenue and another at a driveway entrance into the TSMC site at 43rd Avenue will also be included in this project.

Hunter Contracting Co. will begin in an agency support role for Construction Manager at Risk Preconstruction Services. Hunter Contracting Co. will assume the risk of delivering the project through a Guaranteed Maximum Price agreement.

Hunter Contracting Co.'s services include, but are not limited to, installation of asphalt, curb, gutter, sidewalk, drainage facilities, streetlights, and landscaping that will serve the TSMC facility and surrounding region. A Small Business Enterprise goal will be established for this project upon substantial completion of Preconstruction Services and prior to the start of construction.

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

Procurement Information

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

below.

Selected Firm
Rank 1: Hunter Contracting Co.

Additional Proposers
Rank 2: Haydon Builiding Corp.
Rank 3: Sundt Construction, Inc.
Rank 4: Kiewit Infrastructure West Co.
Rank 5: Ames Construction, Inc.

Contract Term
The term of the agreement is 180 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for Hunter Contracting Co. will not exceed $150,000, including all subcontractor and reimbursable costs.

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

Concurrence/Previous Council Action
The City Council approved Development Agreement with Taiwan Semiconductor Manufacturing Company (Ordinance S-47129) on Nov. 18, 2020.

Location
The site is bounded by I-17 Freeway to the east, the Loop 303 Freeway to the south, the Deadman Wash to the west, and State Route 74 to the north.

Council District: 1

This item was adopted.

56 Centrifuges Agreement for Water Production Plants - Request for Award (Ordinance S-47471)

Request to authorize the City Manager, or his designee, to enter into an agreement with Alfa Laval, Inc. to provide centrifuge parts and services for the purpose of maintaining the centrifuges at the Water Production Plants for the Water Services Department. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total value of the agreement will not exceed $2.2 million.

Summary

The purpose of this agreement is to provide parts and services for the existing centrifuges used by the Water Production Plants. The centrifuges are necessary equipment that remove debris and sludge from the surface water in the production process.

This direct selection is necessary because Alfa Laval, Inc. is the sole source provider for the Alfa Laval Centrifuges.

Alfa Laval, Inc.'s services include, but are not limited to parts, service, and troubleshooting when necessary.

Procurement Information

An exception to the procurement process was determined to select the Contractor as set forth in City of Phoenix Administrative Regulation 3.10. A direct selection was made because there is only one known capable supplier of goods or services due to the unique nature of the requirement, supplier, or market condition.

Contract Term

The agreement will begin on or about July 1, 2021, for a seven-year aggregate term with no options to extend.

Financial Impact

The agreement value for Alfa Laval, Inc. will not exceed $2.2 million.

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

This item was adopted.

57 Microbiological Products Agreement - Request for Award (Ordinance S-47476)

Request to authorize the City Manager, or his designee, to enter into an agreement with IDEXX Distribution Corporation, to provide microbiological reagents and supplies for the purpose of testing water samples and to comply with state and federal regulatory required analytical methods. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The agreement value will not exceed $685,000.

Summary

The purpose of this agreement is to provide microbiological reagents and supplies to the Water Services Department for the purpose of testing the drinking water provided to the City of Phoenix customers.

This direct selection is necessary because IDEXX Distribution Corporation is the sole distributor of the water testing items that comply with U.S. Environmental Protection Agency analytical methods and Arizona Department of Health Services (ADHS) requirements. The City of Phoenix Water Services Compliance Laboratory is licensed under the same methods and required to use the approved products.

IDEXX Distribution Corporation's services include, but are not limited to: sole distribution of certain Dynal brand products related to Dynabead Giardia, Crytosordium, Quanit-trays and SimPlate reagents and supplies as well as HPC test kits.

Procurement Information

An exception to the procurement process was determined to select the Contractor pursuant to City of Phoenix Administrative Regulation 3.10. A direct selection was made because there exists only one known capable supplier of goods or services due to the unique nature of the

requirement, supplier, or market condition.

Contract Term
The agreement will begin on or about May 1, 2021, for a five-year aggregate term with no options to extend.

Financial Impact
The agreement value for IDEXX Distribution Corporation will not exceed $685,000.

Funding is available in the Water Services Department Operating budget.
This item was adopted.

59 **Generator Maintenance Service and Fuel Supply - Request for Award (Ordinance S-47480)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Empire Power Systems to provide generator maintenance services for the purpose of maintaining proper functionality of 16 emergency standby power generators within Water Services Booster Stations and Water Treatment Plants. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority, as provided below, and for the City Controller to disburse all funds related to this item. The agreement value will not exceed $3 million.

Summary
The purpose of this agreement is to provide regular and consistent maintenance by specialized technical staff that are proficient with the specific types of industrial sized emergency generators installed within Water Services Department's treatment plants and booster stations.

This direct selection is necessary because of the specialized type of equipment and the need to use the authorized service provider for CAT generators.

Empire Power Systems' services include but are not limited to: provision of all materials and specialized labor required to adequately service and maintain optimal performance of 16 emergency standby power generators on a regular schedule over the contract term of five years.

Procurement Information
An exception to the procurement process was determined to select the Contractor pursuant to City of Phoenix Administrative Regulation 3.10. A direct selection was made because there exists a lack of qualified/available contractors which makes a competitive selection process impracticable, unnecessary, or contrary to the public interest.

Contract Term
The agreement will begin on or about July 1, 2021 for a five-year aggregate term.

Financial Impact
The aggregate value for Empire Power Systems will not exceed $3 million.

Funding is available in the Water Services Department operating budget.
This item was adopted.

60 **Riverware Software Agreement with University of Colorado - Request for Award (Ordinance S-47488)**

Request to authorize the City Manager, or his designee, to enter into an agreement with University of Colorado, to provide annual software registration for the purpose of continuing research using the proprietary Riverware software system. Further request to authorize the City Controller to disburse all funds related to this item. The agreement value will not exceed $20,000.

Summary
The purpose of this agreement is to quantify the potential effects of shortages from Colorado River water on the volumes received by the City of Phoenix using Riverware software developed by the University of Colorado.

This direct selection is necessary because the University of Colorado is the sole proprietor of the Riverware modeling software and the sole source for obtaining annual renewals required to maintain the program within the City of Phoenix Water Services Department.

The University of Colorado's services include, but are not limited to: owner of the intellectual property associated with the Riverware modeling software and sole provider of the software through the Center for Advanced Decision Support for Water and Environmental Systems (CADSWES).

Procurement Information
An exception to the procurement process was determined to select the Contractor pursuant to City of Phoenix Administrative Regulation 3.10. A direct selection was made because there exists only one known capable supplier of goods or services due to the unique nature of the requirement, supplier, or market condition.

Contract Term
The agreement will begin on or about May 19, 2021, for a five-year aggregate term with no options to extend.

Financial Impact
The agreement value for the University of Colorado will not exceed $20,000.

Funding is available in the Water Services Department Operating budget.

This item was adopted.

61 **Final Plat - Norterra PUD Parcels 7, 8 & 9 - PLAT 200635 - North of Happy Valley Road and East of 21st Avenue**

Plat: 200635
Project: 15-3108
Name of Plat: Norterrra PUD Parcels 7, 8 & 9
Owner(s): US Relp Norterra East I, LLC
Engineer(s): Ethan Boyle, PE and Thomas Gettings, RLS
Request: A 16 Lot Detached Single Family Plat
Reviewed by Staff: March 16, 2021
Final Plat requires Formal Action Only

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

Location
Generally located north of Happy Valley Road and east of 21st Avenue.
Council District: 1

This item was approved.

62 **Final Plat - Talinn Phase 2 - PLAT 200545 - North of Deer Valley Road and East of 56th Street**

Plat: 200545
Project: 06-657
Name of Plat: Talinn Phase 2
Owner(s): DR Horton, Inc. and Shea Homes, LP
Engineer(s): Brian Diehl, RLS
Request: A 273 Lot Single Family Subdivision Plat
Reviewed by Staff: March 19, 2021
Final Plat requires Formal Action Only

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

Location
Generally located north of Deer Valley Road and east of 56th Street.
Council District: 2

This item was approved.

63 **Final Plat - Shops at Chauncey Mayo - PLAT 200624 - Southeast Corner of Allied Way and Mayo Boulevard**

Plat: 200624
Project: 00-8265
Name of Plat: Shops at Chauncey Mayo
Owner(s): Levine Investments, Limited Partnership
Engineer(s): Leonard J. Erie, RLS
Request: A 4 Lot Commercial Plat
Reviewed by Staff: March 11, 2021
Final Plat requires Formal Action Only

Summary
Staff requests that the above plat be approved by the City Council and

certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

Location
Generally located at the southeast corner of Allied Way and Mayo Boulevard.
Council District: 2

This item was approved.

64 **Final Plat - Lexia Manor - PLAT 200579 - South of State Avenue and East of 15th Avenue**

Plat: 200579
Project: 19-3539
Name of Plat: Lexia Manor
Owner(s): Lexia Development, LLC
Engineer(s): Keogh Engineering, Inc.
Request: A 5 Lot Residential Plat
Reviewed by Staff: March 18, 2021
Final Plat requires Formal Action Only

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

Location
Generally located south of State Avenue and east of 15th Avenue.
Council District: 3

This item was approved.

65 **Final Plat - Mesquite Terrace - PLAT 200534 - North of Camelback Road on the East Side of 19th Avenue**

Plat: 200534
Project: 17-2967
Name of Plat: Mesquite Terrace
Owner(s): Trinity Housing Development, LLC
Engineer(s): David S. Klein, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: March 17, 2021

Final Plat requires Formal Action Only

Summary

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

Location

Generally located north of Camelback Road on the east side of 19th Avenue.

Council District: 4

This item was approved.

66 **Final Plat - Karma Subdivision - PLAT 210006 - East of 13th Place and South of Bethany Home Road**

Plat: 210006
Project: 20-2243
Name of Plat: Karma Subdivision
Owner(s): BVI-1317, LLC
Engineer(s): Paul M. Miller, RLS
Request: A 11 Lot Residential Plat
Reviewed by Staff: March 22, 2021
Final Plat requires Formal Action Only

Summary

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

Location

Generally located east of 13th Place and south of Bethany Home Road.

Council District: 6

This item was approved.

67 **Final Plat - Zora Encanto - PLAT 200597 - Northeast Corner of 83rd Avenue and Encanto Boulevard**

Plat: 200597
Project: 19-2618
Name of Plat: Zora Encanto
Owner(s): Encanto OZ, SPE, LLC

Engineer(s): Douglas B. Toney, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: March 19, 2021
Final Plat requires Formal Action Only

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

Location
Generally located at the northeast corner of 83rd Avenue and Encanto Boulevard.
Council District: 7

This item was approved.

68 **Final Plat - Retreat at Tuscano - PLAT 200600 - Southwest Corner of 75th Avenue and Lower Buckeye Road**

Plat: 200600
Project: 02-3184
Name of Plat: Retreat at Tuscano
Owner(s): Nextgen Apartments - 75 LB, LLC
Engineer(s): Anthony L. Slater, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: March 19, 2021
Final Plat requires Formal Action Only

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

Location
Generally located at the southwest corner of 75th Avenue and Lower Buckeye Road.
Council District: 7

This item was approved.

69 **Final Plat - McClellan Ranch - Parcels 2B & 3B - PLAT 200601 - North of Dobbins Road, West of 67th Avenue Alignment**

Plat: 200601
Project: 17-1627
Name of Plat: McClellan Ranch - Parcels 2B & 3B
Owner(s): Pulte Home Company, LLC and Meritage Homes of Arizona, Inc.
Engineer(s): Brian J. Benedict, RLS
Request: A 97 Lot Subdivision Plat
Reviewed by Staff: March 19, 2021
Final Plat requires Formal Action Only

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

Location
Generally located 2,000 feet north of Dobbins Road, west of 67th Avenue Alignment.
Council District: 7

This item was approved.

70 **Final Plat - McClellan Ranch - Parcels 6B & 7 - PLAT 200602 - Northwest Corner of 67th Avenue and Dobbins Road**

Plat: 200602
Project: 17-1627
Name of Plat: McClellan Ranch - Parcels 6B & 7
Owner(s): Pulte Home Company, LLC and Meritage Homes of Arizona, Inc.
Engineer(s): Brian J. Benedict, RLS
Request: A 110 Lot Subdivision Plat
Reviewed by Staff: March 19, 2021
Final Plat requires Formal Action Only

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

Location
Generally located at the northwest corner of 67th Avenue and Dobbins

Road.
Council District: 7

This item was approved.

71 Final Plat - Earll 6 SFA Subdivision - PLAT 200617 - West of 38th Street and South of Earll Drive

Plat: 200617
Project: 18-1790
Name of Plat: Earll 6 SFA Subdivision
Owner(s): Russell P. Black, PLLC
Engineer(s): Kent D. Miller, RLS
Request: A 6 Lot Residential Plat
Reviewed by Staff: March 22, 2021
Final Plat requires Formal Action Only

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

Location
Generally located west of 38th Street and south of Earll Drive.
Council District: 8

This item was approved.

72 Final Plat - Sherman Place - PLAT 200620 - Southwest Corner of 2nd Avenue and Sherman Street

Plat: 200620
Project: 19-4408
Name of Plat: Sherman Place
Owner(s): Morris Thomas/Susan
Engineer(s): Paul M. Miller, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: March 22, 2021
Final Plat requires Formal Action Only

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

Location
Generally located at the southwest corner of 2nd Avenue and Sherman Street.
Council District: 8

This item was approved.

73 **Abandonment of Easement - ABND 200510 - Northeast Corner of Happy Valley Road and Norterra Parkway (Resolution 21916)**

Abandonment: ABND 200510
Project: 15-3108
Applicant(s): AHW Construction, Inc.
Request: To abandon drainage easement FN 190070, recording number with Maricopa County Recorder's office, 2019-1035710 and FN 190010, recording number with Maricopa County Recorder's office 2019-0430679.
Date of Decision/Hearing: May 15, 2020

Location
Northeast corner of Happy Valley Road and Norterra Parkway
Council District:1

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

This item was adopted.

74 **Abandonment of Easement - ABND 200532 - Southwest Corner of Baseline Road and 43rd Avenue (Resolution 21917)**

Abandonment: ABND 200532
Project: 19-822
Applicant: Keith Green
Request: To abandon entirety of multi-use trail easement and vehicular non-access easement, adjacent to parcels addressed 4343 W. Baseline Road and 7900 S. 43rd Ave.
Date of Decision/Hearing: Sept. 9, 2020

Location
Southwest corner of Baseline Road and 43rd Avenue
Council District: 8

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

This item was adopted.

75 **Abandonment of Right-of-Way - V190022A - 214 S. 37th Street (Resolution 21918)**

Abandonment: V190022A
Project: 99-40227
Applicant: Sebastian Sandersins
Request: To abandon a 13-foot right-of-way along the east end of lot addressed 214 S. 37th Street, per ordinance S-3250.
Date of Decision/Hearing: May 9, 2019

Location
214 S. 37th Street
Council District: 8

Financial Impact
A consideration fee was also collected as part of this abandonment in the amount of $6,500.

This item was adopted.

76 **Modification of Stipulation Request for Ratification of March 17, 2021 Planning Hearing Officer Action - PHO-3-21--Z-129-95-3 - Approximately 330 Feet East of the Southeast Corner of 7th Avenue and Bell Road**

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on March 17, 2021. This ratification requires formal action only.

Summary
Application: PHO-3-21--Z-129-95-3
Existing Zoning: C-2
Acreage: 1.68

Applicant: Geyser Management, LLC
Owner: Turner Property Development II, LLC

Representative: Susan Demmitt, Gammage & Burnham, PLC

Proposal:
Deletion of Stipulation 1 regarding general conformance to the site plan dated Sept. 18, 1995.
Deletion of Stipulation 6 regarding driveways on 7th Avenue and Bell Road.
Deletion of Stipulation 7 limiting number and design of pads.
Deletion of Stipulation 9 regarding a variance for an eight-foot wall on the south property line.
Deletion of Stipulation 10 regarding construction, maintenance, and repair of the south perimeter wall.
Deletion of Stipulation 12 regarding an average 25-foot landscape buffer along the south property line.
Deletion of Stipulation 13 prohibiting illumination of the ice rink roof.
Deletion of Stipulation 14 regarding speed bumps in main driveway aisles.
Deletion of Stipulation 15 limiting height of freestanding signs.
Deletion of Stipulation 16 regarding notifications for future Site Plan Review Division meetings.
Deletion of Stipulation 17 requiring construction commence within 24 months of City Council approval.
Technical corrections to Stipulations 3 and 5.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee heard this case on March 11, 2021 and recommended approval with a modification, by a vote of 8-0.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on March 17, 2021, and recommended approval with a modification and an additional stipulation. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location
Approximately 330 feet east of the southeast corner of 7th Avenue and Bell Road
Council District: 3

Parcel Address: 601 W. Bell Road

This item was approved.

77 **Modification of Stipulation Request for Ratification of March 17, 2021 Planning Hearing Officer Action - PHO-4-21--Z-40-85-6 - Northeast Corner of 44th Street and Flower Street**

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on March 17, 2021. This ratification requires formal action only.

Summary

Application: PHO-4-21--Z-40-85-6
Existing Zoning: C-O
Acreage: 1.90

Applicant: Tim Rasnake, Archicon AAI, LC
Owner: DOC-331 North 44th Street MOBs, LLC
Representative: Tim Rasnake, Archicon AAI, LC

Proposal:
Deletion of Stipulation 8 restricting FAR to a maximum of 0.33.
Deletion of Stipulation 10 regarding conditional zoning approval.
Deletion of Stipulation 13 regarding a pool and construction fence.
Deletion of Stipulation 14 regarding landscaping and a watering system.
Deletion of Stipulation 15 regarding a six-foot wall along residences to the east.
Deletion of Stipulation 16 regarding a landscape and watering plan.
Deletion of Stipulation 17 regarding compliance with Stipulations 15 and 16.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee opted not to hear this request.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on March 17, 2021, and recommended approval with an additional stipulation. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location
Northeast corner of 44th Street and Flower Street
Council District: 6
Parcel Address: 3333 N. 44th St.

This item was approved.

78 **Modification of Stipulation Request for Ratification of March 17, 2021 Planning Hearing Officer Action - PHO-4-21--Z-81-05-7(8) - Approximately 170 Feet East of the Southeast Corner of 35th Avenue and Southern Avenue**

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on March 17, 2021. This ratification requires formal action only.

Summary
Application: PHO-4-21--Z-81-05-7(8)
Existing Zoning: C-2
Acreage: 8.69

Applicant: Adam Baugh, Withey Morris, PLC
Owner: All Other Property LLP/ETAL
Representative: Adam Baugh, Withey Morris, PLC

Proposal:
Modification of Stipulation 1 regarding general conformance to the site plan date stamped Sept. 23, 2005.
Modification of Stipulation 1.b limiting the maximum number of lots to 59.
Modification of Stipulation 2 regarding general conformance to elevations date stamped May 26, 2005.
Modification of Stipulation 2.a requiring homes to include covered entrances.
Modification of Stipulation 4 requiring a landscaped entry feature.
Modification of Stipulation 5 regarding side yard setbacks on Lots 31 and 32.
Modification of Stipulation 6 regarding a 12-inch roof overhang.
Deletion of Stipulation 18 regarding right-of-way and a transit pad along Southern Avenue.
Deletion of Stipulation 19 regarding right-of-way and a transit pad along

35th Avenue.
Deletion of Stipulation 20 regarding right-of-way and a bus-bay along Southern Avenue.
Modification of Stipulation 22 limiting minimum lot width to 50 feet.
Technical corrections to Stipulations 3, 8, 9, and 16.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on March 15, 2021 and recommended approval with additional stipulations, by a vote of 6-4.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on March 17, 2021, and recommended denial as filed and approval with modifications and additional stipulations. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location
Approximately 170 feet east of the southeast corner of 35th Avenue and Southern Avenue
Council District: 8
Parcel Address: 3435 W. Southern Ave.

This item was approved.

79 **Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21_Z-36-18-2 - Southeast Corner of Tatum Boulevard and Grovers Avenue (Ordinance G-6837)**

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on March 17, 2021.

Summary
Application: PHO-1-21_Z-36-18-2
Existing Zoning: R1-10, R-2
Acreage: 121.73

Applicant: Withey Morris, PLC
Owner: DR Horton, Inc.
Representative: Benjamin Tate, Withey Morris, PLC

Proposal:
1. Modification of Stipulation 3 restricting lots along Grovers Avenue and 52nd Street to one-story and 15 feet in height.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The Paradise Valley Village Planning Committee heard this case on March 1, 2021 and recommended approval, by a vote of 14-3.
PHO Action: The Planning Hearing Officer heard this case on March 17, 2021 and recommended approval. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Southeast corner of Tatum Boulevard and Grovers Avenue
Council District: 2
Parcel Address: N/A

This item was adopted.

80 **Amend City Code - Ordinance Adoption - Rezoning Application Z-51-20-2 - Approximately 4,000 Feet North of the Northeast Corner of Black Canyon Highway and Jomax Road (Ordinance G-6838)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-51-20-2 and rezone the site from S-1 (Ranch or Farm Residence District) to R-3A (Multifamily Residence District) for single-family residential.

Summary
Current Zoning: S-1 (20.08 acres)
Proposed Zoning: R-3A (20.08 acres)
Acreage: 20.08 acres
Proposed Use: Single-family residential

Owner: Fred Bishop, et al
Applicant: Chuck Chisholm, K Hovnanian Homes
Representative: Nick Wood, Esq. Snell & Wilmer, LLP

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Deer Valley Village Planning Committee heard the case on March 11, 2021. No recommendation was made due to a lack of quorum.
PC Action: The Planning Commission heard the case on April 1, 2021 and recommended approval, per the staff recommendation with an additional stipulation, by a vote of 7-0.

Location
Approximately 4,000 feet north of the northeast corner of Black Canyon Highway and Jomax Road
Council District: 2
Parcel Addresses: 21602 N. 21st Ave., 27827 N. Black Canyon Highway, and 3002 W. Oberlin Way

This item was adopted.

81 **Amend City Code - Ordinance Adoption - Rezoning Application Z-6-21-7 - Southwest Corner of 35th Avenue and the Durango Street Alignment (Ordinance G-6836)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-6-21-7 and rezone the site from A-1 (Light Industrial District) to A-1 HGT/WVR (Light Industrial District, Height Waiver) to allow a height waiver up to 110 feet for a mill tower at an existing processing facility.

Summary
Current Zoning: A-1
Proposed Zoning: A-1 HGT/WVR
Acreage: 0.36
Proposed Use: Height waiver up to 110 feet for a mill tower at an existing processing facility

Owner: Procter & Gamble
Applicant: Procter & Gamble
Representative: Nick Wood, Esq./Noel Griemsmann, Snell & Wilmer, L.L.P.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Estrella Village Planning Committee heard this case on March 16, 2021 and recommended approval, per the staff

recommendation, by a vote of 7-0.
PC Action: The Planning Commission heard this case on April 1, 2021 and recommended approval, per the Estrella Village Planning Committee recommendation with an additional stipulation, by a vote of 8-0.

Location
Southwest corner of 35th Avenue and the Durango Street alignment
Council District: 7
Parcel Address: 2050 S. 35th Ave.

This item was adopted.

82 **Amend City Code - Official Supplementary Zoning Map 1212 (Ordinance G-6834)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1212. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-116-D-81 and the entitlements are fully vested.

Summary
To rezone a parcel located approximately 466.00 feet south of the southwest corner of the intersection of East Beverly Road and South Pointe Parkway
Application No.: Z-116-D-81
Zoning: C-O PCD
Owner: HRA Mountain Pointe LP, Mountain Pointe Office INV LLC, and RCH Mountain Pointe LLC
Acreage: 4.46

Location
Approximately 466.00 feet south of the southwest corner of the intersection of East Beverly Road and South Pointe Parkway
Address: 8211 S. 48th Street
Council District: 6

This item was adopted.

Discussion
Councilmember Garcia expressed concern regarding the continuous requests to approve Police Department spending without applying accountability

measures. He said he wanted the Council to have a broader discussion about it and indicated he would be voting no on these items.

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Stark, that Items 13-14 be adopted. The motion carried by the following vote:

Yes:	7 -	Councilwoman Ansari, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Guardado and Mayor Gallego
No:	1 -	Councilmember Garcia
Absent:	1 -	Councilman DiCiccio

Items 13-14, Ordinance S-47465 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.

13 Callyo 2009 Corp. doing business as Callyo

For $18,260.00 in payment authority for an annual subscription to Callyo Platinum Package Pro, which includes 25 Callyo lines, Callyo Pro feature, platinum accessory pack and personalized on-site training, additional unlimited lines, video licenses, and four Police Premium COVID-19 Relief licenses, for the Police Department. The Drug Enforcement Bureau's Street Enforcement and Human Exploitation and Trafficking squads currently use the Callyo annual phone subscription and video licenses for undercover investigations. The product provides seamless operations between all squads working in joint investigations. The system provides Police Department personnel the ability to monitor activities while engaging in undercover operations. The evidence provided reduces the amount of time detectives spend in court testifying and protects officers' undercover identities.

This item was adopted.

14 Applied Concepts, Inc. doing business as Stalker Radar

For $17,500.00 in payment authority to purchase 11 Stalker II Stationary Radars for the Police Department. The Stalker Stationary radar gun is an

instrument used to measure the speed of an object and is essential for the Traffic Bureau's daily operation. The Traffic Bureau uses this device to enforce traffic laws, reduce excessive speeding, and promote safety on City streets. Without these devices, police officers will not be able to measure the speed of vehicles which can lead to higher rates of collisions. The product will include a 24-month warranty and will be purchased using grant funds from the Governor's Office of Highway Safety.

This item was adopted.

16 Selection of Vice Mayor

Request to permit the City Council to select one of its members to serve as Vice Mayor, until such time of another Vice Mayor selection, pursuant to Phoenix City Charter IV, section 3. Rule 7(c) of the Rules of Council Proceedings states that "The Council shall select a new Vice Mayor once each calendar year at the first Formal meeting in January or at the next regularly scheduled meeting after a Vice Mayor vacancy occurs."

Discussion

Vice Mayor Guardado made a motion to select Councilmember Garcia as the vice mayor.

After the vote, Mayor Gallego announced Councilmember Garcia would assume his role as Vice Mayor after this meeting was adjourned.

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Pastor, to select Councilmember Carlos Garcia. The motion carried by the following vote:

Yes:	6 -	Councilwoman Ansari, Councilmember Garcia, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Guardado and Mayor Gallego
No:	2 -	Councilwoman O'Brien and Councilman Waring
Absent:	1 -	Councilman DiCiccio

31 Contract with UMOM New Day Centers, Inc. for COVID-19 Rapid Rehousing Case Management Services (Ordinance S-47502)

Request authorization for the City Manager, or his designee, to enter into a contract with UMOM New Day Centers, Inc. to provide rapid rehousing case management services to families impacted by COVID-19. The term

of this contract will begin on or about July 1, 2021 through Sept. 30, 2022. The contract total will not exceed $507,740 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item. Funding is one-time Emergency Solutions Grant (ESG) monies from the U.S. Department of Housing and Urban Development (HUD). There is no impact to the General Fund.

Summary

UMOM New Day Centers, Inc. will provide rapid rehousing case management services to families impacted by COVID-19. These services include housing relocation and stabilization services and/or short- and/or medium-term rental assistance to help individuals or families living in shelters or in places not meant for human habitation to move into permanent housing and achieve stability in that housing.

Procurement Information

The City of Phoenix has obtained all necessary federal waivers to alleviate the need to comply with federal procurement guidelines.

Contract Term

The term of this contract will begin on or about July 1, 2021 through Sept. 30, 2022.

Financial Impact

The total value of this contract shall not exceed $507,740. Funding is one-time ESG through the HUD. There is no impact to the General Fund.

Concurrence/Previous Council Action

On Feb. 17, 2021, City Council approved an allocation of ESG funds for Rapid Rehousing for women and families.

Discussion

NOTE: Councilman DiCiccio joined the voting body.

A motion was made and seconded to approve this item.

One electronic comment was submitted for the record with no position on this item.

Mayor Gallego stated she looked forward to helping up to 100 families with this vote, which included counseling and case management services. She said she appreciated UMOM's partnership and recognized that the federal government was also a partner on this vote.

Councilwoman Pastor remarked she was excited to partner with the federal government and make this happen for the community.

Councilmember Garcia expressed rapid rehousing was the one solution to get people back into homes quickly. He thanked UMOM for their continuous work to help those in need in the City and said he would be voting yes.

Vice Mayor Guardado thanked UMOM for all of their work throughout the city.

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

Yes:	9 -	Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Guardado and Mayor Gallego
No:	0	

38 MOU with American Forests on Tree Equity Projects

Request to authorize the City Manager, or his designee, to enter into a Memorandum of Understanding between the City of Phoenix and American Forests for a five-year collaboration to achieve a shared vision of "tree equity" in Phoenix neighborhoods. There is no financial impact to the City associated with this item.

Summary

Trees are more than just scenic amenities in neighborhoods fortunate enough to have them; they are critical infrastructure that improve quality of life by lessening the impacts of climate change and corresponding heat-related illnesses, dramatically improving air quality, increasing positive behaviors, and providing tree care industry careers. Tree Equity is the term American Forests trademarked to raise awareness about the

need to address historic disparities in tree canopy in cities throughout the United States.

American Forests is the oldest national nonprofit conservation organization in the United States. Since its founding in 1875, they have been the pathfinders for creating healthy forests from coast to coast. In the early 1900s, for example, they rallied forest advocates to champion creation of the U.S. Forest Service, and in 2018, won a decade-long campaign persuading Congress to provide stable funding for preventing and fighting forest fires.

Today, American Forests is focused on building a reforestation movement in America, by partnering with cities to grow the urban forest in neighborhoods that need it most--heat vulnerable communities that have a limited tree canopy. American Forests has established connections with businesses and philanthropy desiring to invest in vulnerable communities, and has selected a handful of communities to partner with, including Phoenix--given our clear goals, a growing investment in the urban forest, and vision for the path forward.

Goal of Tree Equity Partnership

Achieving Tree Equity means all of Phoenix's neighborhoods will reach a minimal standard of tree canopy cover that is feasible and appropriate for the city's desert climate and conditions by 2030.The Phoenix Tree Equity Partnership will use American Forests' impact model to pursue Tree Equity and produce outcomes at scale across the City. Partners will focus on the six different aspects of the impact model, shown below.

Stakeholder Facilitation - The social, public health and environmental benefits trees provide impact both individual people and governmental services on many levels. The City and American Forests will collaborate and invite further collaboration with neighborhood and community groups, nonprofit organizations, industry professionals, academic researchers and county, state, tribal and federal agencies also wanting to contribute to achieving a citywide Tree Equity goal. Facilitation and other roles will be determined based on staffing capacity and funding.

Planning - The partnership will use as-needed technical resources such

as existing Phoenix tree canopy inventories and assessments, walk-shed and "cool corridor" mapping analyses, the findings of the urban forest climate vulnerability assessment recently undertaken by the U.S. Forest Service (Northern Institute of Applied Climate Science) and American Forests' Tree Equity Score Analyzer, Vibrant Cities Lab and Career Pathways Action Guide. The objective is to identify existing inequities in tree canopy cover throughout Phoenix and optimize the urban forest for future climate scenarios to protect public health. Similar scientific resources that optimize protection of existing trees and planting new ones for public health and climate change outcomes will be used whenever possible.

Advocacy - Partners will cooperate with one another to engage state and federal policy makers, agencies and civic leaders to attract resources and advance programs that help every census block group neighborhood achieve a passing Tree Equity Score.

Funding - Existing levels of funding for urban forestry are inadequate. Partners to this agreement will collaborate amongst themselves and with other stakeholders to align the funding needs necessary to achieve Tree Equity with the interests of governmental, corporate and philanthropic funding entities as appropriate. Partners will also make use of innovative funding alternatives such as exploring environmental impact investing and carbon credits.

Planting and Protecting - Achieving Tree Equity across the Phoenix region will be a function of preserving existing tree canopy and planting new trees in locations where their climate and public health benefits are maximized. Tree planting and maintenance work also offers the opportunity to advance Tree Equity even further by intentionally training and hiring people from population groups who have typically been under-represented in urban forestry careers.

Communicating and Replicating - Achieving Tree Equity will only be achievable and sustainable if the benefits and progress of doing so are widely shared and made known. Partners will identify strategic opportunities and milestones and use the commercial and proprietary broadcast, print and electronic media resources available to them to promote Tree Equity efforts.

This Memorandum of Understanding reflects a commitment among the parties to work toward the vision and purpose described above. This

Memorandum of Understanding is an affirmative expression of each partner's intent to collaborate by putting forth their best, professional efforts and does not obligate or restrict the activity of any party in any way.

Contract Term
The Memorandum of Understanding will remain in effect for five years from the date of signing but could be cancelled with 60-days' notice by either party.

Financial Impact
There is no financial impact associated with this item.

Concurrence/Previous Council Action
The Transportation, Infrastructure and Innovation Subcommittee approved this item on April 7, 2021, by a vote of 4-0.

Discussion
A motion was made and seconded to approve this item.

Councilwoman Ansari expressed she was excited about this partnership as trees were vital in addressing climate change and improving air quality.

Mayor Gallego stated the City had an ambitious goal of enhancing its urban forest that would create healthier communities and low water use with appropriate trees. She conveyed this would leverage partnerships to make sure the most vulnerable communities would get this important asset. She noted the proposed budget included funding for 1,800 new trees planted per year in cool corridors in the city's most heat stricken neighborhoods. She said she looked forward to supporting this item.

Councilmember Garcia expressed he looked forward to supporting this item as the city moved forward with initiatives that addressed the urban heat issue. He said he appreciated that this MOU included a focus on equity and hoped this new partnership could help address the gaps in heat throughout the city.

Vice Mayor Guardado stated she was excited to see this moving forward as it would make certain parts of the city more walkable, especially in the

summer.

Councilwoman Pastor recalled conversation about the heat island effect began when she sat on the Encanto Village Planning Committee, noting trees were a hot topic. She said she was glad the City was continuing to reach its goal and putting in trees where they were needed along with lower water usage with trees. She added she was happy there would be an equity piece throughout the city.

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

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

No: 1 - Councilman Waring

49 Downtown Shared Electric Scooter Pilot Program Fee Increases to Ensure Full Cost Recovery (Ordinance G-6835)

Request to authorize the City Manager, or his designee, to approve fee increases associated with the Downtown Shared Electric Scooter Pilot Program to ensure full cost recovery.

Summary

On June 26, 2019, City Council unanimously approved the Downtown Shared Electric Scooter Pilot Program, which allowed shared electric scooter vendors to obtain a permit to operate within the City of Phoenix. As part of the Pilot Program, City Council approved Ordinance G-6602, amending the Phoenix City Code to allow shared electric scooters to operate on public streets. The Ordinance amendment also included definitions for an electric scooter and authorized the City of Phoenix Police Department or peace officer to issue civil traffic citations for, among other things, speed limit violations, yielding the right-of-way, parking violations, and riding on the sidewalk. Additionally, the Ordinance amendment included a one-year sunset provision, which effectively would repeal the Code changes on June 25, 2020.

The initial six-month Pilot Program was to end on March 16, 2020. On

Feb. 19, 2020, City Council approved Ordinance G-6676, extending the Pilot Program for an additional six months and to open the permit application process to allow new vendors to apply for the Pilot Program. Ordinance G-6676 also amended Ordinance G-6602 to extend the sunset provision until Dec. 31, 2020. Due to the COVID-19 pandemic, however, the start of the second six-month pilot program was delayed. To accommodate this delay, on Dec. 2, 2020, City Council approved Ordinance G-6772, extending the second six-month Pilot Program through March 31, 2021, and amending Ordinance G-6602 to extend the Phoenix City Code sunset provision to Dec. 31, 2021.

In October 2020, staff issued permits for the second six-month Pilot Program to two electric scooter vendors: Razor and Spin. The second six-month Pilot Program commenced on Oct. 1, 2020, and was scheduled to end on March 31, 2021. On March 17, 2021, City Council approved a 12-month extension of the Downtown Shared Electric Scooter Pilot Program through March 31, 2022, and an amendment to Ordinance G-6602 to extend the Phoenix City Code sunset provision to June 30, 2022.

Program Fees and Expenses

Vendors have been required to pay a $500 application fee and a $5,000 permit fee to participate in both six-month phases of the Pilot Program. In total, the City collected $27,500 in application and permit fees during the 12 months of the Pilot Program. In addition, vendors are invoiced monthly for a $0.10 surcharge fee per trip and for parking violations at the rate of $80 per scooter. During the first six-month phase of the Pilot Program, the City collected a total of $34,788 in surcharge fees and violations, and anticipates collecting an additional $16,000 during the second six-month phase. Therefore, the total revenue to the City during the initial 12-month Pilot Program will be approximately $78,288.

The City contracts with a scooter retrieval company, SWEEP, to monitor, report, and correct any vendor violations and is available 24 hours a day, seven days a week. The contract with SWEEP provides for a per day rate of $271, or approximately $8,100 per month. This rate is not based on the number of relocated scooters but on service availability. The total cost for the initial 12-month Pilot Program for SWEEP's contract will be

approximately $94,203. Streets staff currently provide approximately four hours of program management efforts per week. The total cost for program management for the initial 12-month Pilot Program will be approximately $48,000. Therefore, the total cost to administer the Pilot Program for the first 12 months is estimated at $142,203.

Because the administrative expenses have exceeded the revenues to the City to date, the Street Transportation Department has been working to ensure the Pilot Program is cost neutral to the City. In order to ensure the Pilot Program is cost neutral, the department has prepared to modify the Pilot Program fees by posting the proposed fee increases for public notice, pursuant to Arizona Revised Statutes Section 9-499.15, on Feb. 1, 2021. The proposed fee increases are a $500 application fee (unchanged); a six-month permit fee not to exceed $7,500 (increase of $2,500); a surcharge fee per trip not to exceed $0.25 (increase of $0.15); and a relocation parking fee not to exceed $100 per scooter (increase of $20). The Street Transportation Department is evaluating potential contract modifications for scooter retrieval services and working with the two current vendors to set the appropriate fees within these limits to ensure the Pilot Program is cost neutral.

Concurrence/Previous Council Action

The Aviation and Transportation Subcommittee:

Recommended approval of the initial Pilot Program on Jan. 22, 2019, by a vote of 3-0; and

Reviewed this item on June 25, 2019.

The Transportation, Infrastructure and Innovation Subcommittee:

Was provided with a three-month update on the Pilot Program on Jan. 7, 2020;

Recommended approval of the Pilot Program extension on Feb. 5, 2020, by a vote of 4-0;

Was provided with an update on the Pilot Program extension on Feb. 3, 2021, and requested the item be brought back to the March 3, 2021, meeting; and

Was provided with an update on the second six-month extension and recommended approval of a twelve-month extension on March 3, 2021, by a vote of 4-0.

The Planning and Economic Development Subcommittee:
Was provided information on the initial Pilot Program on Feb. 5, 2019; and
Received an update for information and discussion on June 4, 2019.

The Workforce and Economic Development Subcommittee:
Was provided a report with a summary of the second six-month extension on Feb. 24, 2021 and presented on March 24, 2021.

The City Council approved:
The Pilot Program (Ordinance G-6602) on June 26, 2019;
A Pilot Program extension (Ordinance G-6676) on Feb. 19, 2020;
A Sunset Provision extension (Ordinance G-6772) on Dec. 2, 2020; and
A Pilot Program extension and a Sunset Provision extension (Ordinance G-6823) on March 17, 2021.

Public Outreach
The proposed fee increases were posted on phoenix.gov at least 60 days prior to this meeting in compliance with Arizona law. The schedule and written report or data supporting the increased fees is filed in the City Clerk Department. Also, as required by state law, a notice of intent to establish the proposed fee increases was posted on phoenix.gov at least 15 days prior to this meeting and was distributed through the City's social media accounts.

Location
The main boundaries of the Pilot Program are from 7th Avenue to 7th Street and from Buckeye to McDowell roads. The Pilot Program boundary includes an extension of the area bounded by Roosevelt Street and Grand Avenue, and a reduction of the northern boundary to Portland Street between 7th and Central avenues.
Council Districts: 4, 7 and 8

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

A motion was made and seconded to approve this item.

Julia Wunsch, representing Spin, spoke in support of staff's recommendation. She thanked the Street Transportation Department for their partnership and indicated that Spin was committed to helping the City recover costs to administer the program.

Mayor Gallego announced Brandon Cheung with Razor had signed up to speak in support, but was not on the line.

Jessica Bueno, president of Urban Phoenix Project, stated she supported the pilot program approved in 2019 and the extension approved last year. She conveyed she did not support the increase in vendor fees since the program boundaries remained the same. She recommended expansion of the boundaries by using the vacant grid bike stations to allow access for more users.

Mayor Gallego requested staff include Ms. Bueno and her organization in the City's continued process to evaluate the program which was in the pilot phase.

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

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

50 Amend City Code - Section 36-158, Schedule I, Local Speed Limits at 19 Locations (Ordinance G-6839)

Request to amend Phoenix City Code, section 36-158, Schedule I, Local Speed Limits at 19 locations due to record keeping and local speed limit changes.

Summary

Speed limits are established under Arizona Revised Statutes, section 28-703, which requires an "engineering study and traffic investigation." The Phoenix City Code and Charter require that all local speed limits on City streets be approved by City Council in the form of an amendment to

Phoenix City Code (**Attachment A**).

The Street Transportation Department (Streets) is recommending record keeping and local speed limit changes at the 19 locations summarized in (**Attachment B**). Streets staff has conducted a comprehensive review of the speed limit ordinance and has noted locations where speed limits posted on City streets do not match the speed limits included in the current ordinance. In addition to these record keeping changes, there are streets or street segments that are being removed from the ordinance as they are either private or no longer part of the City's street network. Only one change is related to the construction of a street that warrants a speed limit change. As with all recommended speed limit changes, they are based on traffic investigations conducted with the engineering judgment of Streets staff.

Streets actively and regularly reviews posted speed limits and reconciles any discrepancies with the ordinance. Field reviews are typically conducted by the Streets Traffic Services Investigations team, but most recently this effort has been supported by the Universal Right-of-Way Inspections team. Field reviews over the last year have been completed for over 700 street segments. This update includes findings and corrections from approximately half of the reviews conducted, with the remainder anticipated for completion by October 2021.

Concurrence/Previous Council Action
The Transportation, Infrastructure and Innovation Subcommittee recommended approval of this item on April 7, 2021, by a vote of 4-0.

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

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

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

58 Agreement with Valley Metro Rail, Inc. for Northwest Extension

Phase II Light Rail Train Project Utility Relocation Services - WS85500330 (Ordinance S-47478)

Request to authorize the City Manager, or his designee, to enter into an agreement with Valley Metro Rail, Inc., to procure services to relocate Water facilities that are near the Northwest Extension Phase II Light Rail Train Project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority, as provided below, and for the City Controller to disburse all funds related to this item. The total value of this agreement will not exceed $6.95 million.

Summary

The Water Services Department (WSD) owns water and wastewater infrastructure throughout the Light Rail Train (LRT) project area which require relocation to meet Valley Metro Rail, Inc. (METRO) and City of Phoenix standards. METRO standards require infrastructure within 10 feet of the centerline of the track to be relocated. These relocations are paid for as part of the LRT Project using Proposition 400 or Transit 2050 funds. WSD established an additional standard to review and relocate infrastructure within 16 feet of the centerline of the track on a case-by-case basis. Infrastructure relocations outside of the METRO standard are paid for by WSD using Capital Improvement Program funds.

Based on the LRT Project's current design, there is existing water infrastructure within the impacted construction area of the project which must be relocated in conformance with the LRT Project schedule, to meet these standards.

METRO will relocate the affected facilities through the use of a procured contractor, and the City will reimburse METRO for construction costs associated with the relocations.

Contract Term

The agreement will begin on or about July 1, 2021, and the term of this agreement is through June 30, 2026.

Financial Impact

The total value for this agreement will not exceed $6.95 million. Funding for the project is available in the Water Services Department Capital Improvement Program budget.

Location
The LRT Project is located along Dunlap Avenue from 19th to 25th avenues, along 25th Avenue from Dunlap to Mountain View avenues, and along Mountain View Avenue from 25th Avenue (crossing Interstate 17) to MetroCenter.
Council Districts: 1, 3 and 5

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

Yes:	7 -	Councilwoman Ansari, Councilmember Garcia, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Guardado and Mayor Gallego
No:	2 -	Councilman DiCiccio and Councilman Waring

83 **Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-41-20-3 (Honor Health Outpatient Medical Center - Shea PUD) - Approximately 400 Feet West of the Northwest Corner of 54th Street and Shea Boulevard (Ordinance G-6840)**

Request to hold a public hearing on a proposal to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-41-20-3 (Honor Health Outpatient Medical Center - Shea PUD) and rezone the site from C-O (Approved PAD-2 SP) (Commercial Office, Approved Planned Area Development, Special Permit) and PAD-2 (Approved PAD-2 SP) (Planned Area Development, Approved Planned Area Development, Special Permit) to PUD (Planned Unit Development) to allow a hospital and commercial uses.

Summary
Current Zoning: C-O (Approved PAD-2 SP) (0.12 acres) and PAD-2 (Approved PAD-2 SP) (3.07 acres)
Proposed Zoning: PUD (3.19 acres)

Acreage: 3.19 acres
Proposed Use: Hospital and commercial uses

Owner: 5316 East Shea Boulevard, LLC
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Paradise Valley Village Planning Committee heard the case on Nov. 2, 2020 for information only. The Paradise Valley Village Planning Committee heard the case on Feb. 1, 2021 and recommended approval, per the staff recommendation, with two additional stipulations, by a vote of 10-4-2.
PC Action: The Planning Commission heard the case on March 4, 2021 and recommended approval, per the Paradise Valley Village Planning Committee recommendation, with an additional stipulation, by a vote of 6-3. The City Council was scheduled to ratify the Planning Commission approval on April 7, 2021 agenda, however, Councilwoman Stark requested that the item be withdrawn from the agenda in order to advertise the item for a public hearing on the April 21, 2021 Formal Council agenda.

Location
Approximately 400 feet west of the northwest corner of 54th Street and Shea Boulevard
Council District: 3
Parcel Addresses: 5320 E. Shea Blvd.

Discussion
Planning and Development Director Alan Stephenson stated this was a proposed Planned Unit Development rezoning request located along Shea Boulevard just east of 54th Street. He indicated the existing site was currently zoned PAD-2 with Special Permit and Commercial Office. He added this was a proposed use by HonorHealth for an outpatient medical center with some hospital-type uses and regular office uses on 3.19 acres. He displayed the subject site which showed office immediately to the west and directly east was a Mountainside Fitness facility. He presented the site plan which showed substantial landscaping and a detached sidewalk along Shea Boulevard as well as a double row

of trees. He pointed out the existing setback from residents to the north was a 30-foot landscaping setback and a 129-foot building setback to the closest part of the building. He displayed the elevations for the proposed project, plus the drive aisle, parking and parking lot lighting and architectural details of the proposed building.

Mr. Stephenson advised the Paradise Valley Village Planning Committee voted to approve this case by a vote of 10-4-2 and the Planning Commission voted to approve it with additional stipulations by a vote of 6-3. He noted staff recommended approval per the memo from the Planning and Development Director dated today which addressed some neighborhood concerns regarding installation of a traffic signal to be paid for by the applicant, level of emergency services provided on-site and parking lot and building lighting, along with adoption of the related ordinance.

Mayor Gallego declared the public hearing open.

Wendy Riddell, representing HonorHealth, stated this site was chosen because there were 160,000 people that lived within a 10-minute drive and only 1 emergency room in the area. She emphasized if 16,000 ER visits for lower acuity care could be avoided that would save the community approximately $32 million. She pointed out the site, which was zoned PAD-2 that allowed a health club, had been operating as a commercial facility since 1982. She claimed the only thing that could go on this site under the existing zoning was another commercial use, a health club, which the community did not want to see developed. She displayed the site plan submitted by Mountainside Fitness in 2019 that showed plans for the site which was unanimously recommended for approval by the Village, Planning Hearing Officer and Council.

Ms. Riddell conveyed HonorHealth made an intentional decision at the beginning of this process to pursue a PUD based on the history with Mountainside Fitness. She displayed the site plan which showed a 100-foot setback to the north, 30 feet of landscaping and a single-story building, noting they had doubled the setback and landscaping requirements. She also displayed an aerial view which showed what they were proposing was consistent with buildings that were east and west on

a major arterial, such as Shea Boulevard. She stated a big concern from the community was building height, noting HonorHealth came in with a maximum height of 28 feet and agreed to a maximum elevation. She said another concern was lighting and indicated the site was dark sky compliant as everything was shielded to prevent visibility of the light with parking lot poles a maximum of 15 feet in height within 150 feet of the residential district. She added there would be no illuminated signage on the north side of the building adjacent to the residential neighborhood as well as no light spillage from signage that faced south.

Ms. Riddell remarked another big concern was hours of operation, noting in order for the facility to be licensed as an emergency department the state required it be open 24 hours, but on average there would be 1 to 2 patients per night between 11:00 p.m. and 7:00 a.m. She pointed out they looked at data from 2018 through 2020 from sister facilities in Texas and Indiana to determine the average number of patients per night during that time frame. She added they interviewed the councilman, mayor and two neighbors that lived adjacent to the Texas facility who all had positive things to say about it. She stated she looked at a local example, Dignity Health in Ahwatukee, whose ambulance awning was 42 feet from the edge of the property line, noting there were no complaints filed with the Neighborhood Services Department. She stressed the C-O to the west could be 24 hours by right as could Mountainside Fitness, so this proposal was consistent with the surroundings.

Ms. Riddell stated there was noise on Shea Boulevard, noting there were approximately 300 motorcycles and 1,600 semi trucks that traveled this section of road daily. She conveyed another concern was lights and sirens and said HonorHealth committed to not have code-3 ambulance lights and sirens come to this facility. She said she talked with the Scottsdale Fire Department and confirmed their facilities did not achieve one percent of the time lights and sirens came to them. She emphasized the operator of this facility would not contract with EMS for lights and sirens. She remarked traffic was a concern, noting HonorHealth would install a signal at 54th Street and Shea to keep drivers from cutting through the neighborhood to get to a signal which was an improvement for the community. She indicated HonorHealth intentionally pursued a PUD which could not be modified through a PHO which demonstrated its

commitment to the community, and requested Council approve this project.

Tim La Sota, representing 29 individuals in opposition, stated the main issue was operation of an emergency room adjacent to a neighborhood 24 hours a day, 7 days a week. He expressed the neighbors did not want another health club nor this project as it was in the middle of the neighborhood and displayed those in opposition based on a petition. He pointed out that opponents disagreed on how often lights and sirens would be used at this facility, noting the project was also not consistent with the General Plan. He said the neighbors offered alternatives, such as office, medical with no patients from 10:00 p.m. to 7:00 a.m. and current residential zoning; however, the applicant was unwilling to discuss anything other than this emergency room. He displayed aerials of existing stand-alone emergency rooms and asserted neighbors should be protected from this type of use.

Maulik Parikh remarked the question was not whether the hospital was a good idea, but if it should be built at this site. He emphasized nearly 300 neighbors signed a petition opposed to this proposal. He specified the neighbors opposed this 24/7 facility in the neighborhood and were concerned it would decrease property values. He recalled that HonorHealth said this was a need in the community, but with the care visits in 2019 it would amount to one car coming or going from this facility every 12 minutes throughout the night. He stated the neighbors tried to compromise with HonorHealth to not have the facility open all night, but HonorHealth did not accept it. He pointed out HonorHealth had 76 facilities within 10 miles of this zip code, noting this facility would be their 77th expansion project. He conveyed there were many alternative sites where HonorHealth could build, including two nearby sites at Tatum and Shea boulevards. He stated Council had two choices, to build at this site or at another location and added building elsewhere would preserve their quality of life and property values.

Peter Nelson stated he lived several hundred feet from this project and spoke in support as it was a much needed amenity. He pointed out that HonorHealth addressed the lights and sirens issue with a stipulation. He also claimed home values were appreciating, even with Mountainside

Fitness in close proximity to the neighborhood, as people moved to this area because of the amenities.

Victor Felice said he lived close to this project and spoke in favor because it would be a quick and efficient facility for those in need in this area.

Gino Davi spoke in support of this project because this area needed a 24-hour emergency room.

Paul Katsenes said he lived nearby and spoke in support of this project. He conveyed Shea and Tatum boulevards were important transportation corridors and this facility could save lives in the future. He urged Council to support this project.

Arick O'Hara spoke in favor as a firefighter, noting there was a stand-alone emergency room about three miles from his firehouse so he understood the services provided at these facilities. He said there was a gap between urgent cares and emergency rooms, but stand-alone emergency rooms were filling that need in local communities. He pointed out ambulance traffic was prohibited from transporting with lights and sirens to these facilities by the Arizona Department of Health Services. He expressed any neighborhood would be fortunate to have access to the increased emergency care offered at these facilities.

Maria Ospina spoke in support because people in Paradise Valley needed this facility to take care of their emergencies without traveling to a hospital that was many miles away.

Toni Beverly spoke in opposition, noting she lived east of the proposed site. She urged that HonorHealth move to a commercial site instead of changing this proposed site which had been zoned residential for over 40 years.

Sherry Brown stated she was opposed due to existing traffic issues in the area, noting this specific location backed up in the afternoon. She expressed Mountainside Fitness had better accessibility than the proposed emergency facility. She also claimed the light being

considered at 54th Street would only benefit the fitness facility and contribute more traffic back-up in the area.

William Christian spoke in opposition as he did not want a 24/7 operation in this particular location which was zoned residential. He agreed HonorHealth was a good program, but the facility should be in a different location.

Angelina Cooper stated she was opposed to this rezoning project of placing a 24-hour emergency room in the neighborhood. She pointed out there were six HonorHealth campuses and emergency rooms less than 30 minutes from her house, noting two of those were within 15 minutes. She indicated this project had potential to impact her household and their residential community.

Kevin Engelhardt spoke in opposition based on a couple issues, the first was this was different from the original agreement for a tennis club to a fitness center and now a 24/7 emergency room. He said the other issue was increase in traffic both on this arterial street and in the neighborhood which already had congestion.

Tammi Erdman spoke in opposition as she lived about 1,000 feet from this proposed emergency room. She conveyed she had lived in other areas of the valley that did not have a 24-hour business adjacent to residential which was her main reason for opposition. She expressed the neighbors wanted to be treated similar to other neighborhoods and not have a 24/7 business adjacent to their properties. She requested that Council vote no on this item.

Robert King, current president of Promontory HOA, represented 90 homes immediately southeast of the proposed site and spoke in opposition. He pointed out there was an HonorHealth urgent care less than half a mile from this site that could change to 24 hours and prevent community disruption. He added there were four urgent cares within three miles and a hospital within five miles, plus commercial vacancy at Shea and Tatum boulevards, so the need for this facility was unjustified. He requested that Council reject this proposal.

Sandy Kravetz stated she lived two blocks from this proposed project and spoke in opposition. She remarked she did not want another traffic signal at 54th Street and Shea Boulevard as it would add more traffic to the neighborhood. She said she disagreed that this facility would provide the services and cost savings listed by HonorHealth. She urged Council to consider the rights of residents in the surrounding neighborhood and vote no on this rezoning proposal.

Lauren Leonard indicated she was not opposed to the project, but was opposed to the location. She asked that this facility move three tenths of a mile instead of being placed in a neighborhood.

Erik Lige said he lived just north of the proposed rezoning and was opposed to the location. He remarked he did not know why this property was so important, but community members wanted to keep the current zoning and have HonorHealth move to another location.

Rona Lige stated she lived behind this proposed location and was opposed to the project as she did not want the zoning to change from residential. She expressed additional traffic, especially cars turning onto 54th Street, would make the area more dangerous.

Louis Lopez said he lived north of this facility and spoke in opposition. He pointed out HonorHealth had an urgent care facility at 70th Street and Shea, plus a hospital that had an urgent care in that area, noting both were in commercial locations. He claimed the statistics provided to Council were off target as they were from cities that did not have the population density of Phoenix.

Joe Luber stated he lived in Promontory, which was across from this property, and spoke in opposition. He expressed Council should not vote in favor of a project that had so many people against it.

Judith Pedersen said she lived in Promontory and was opposed to the change in zoning because there was no need for the facility at this location as there were already urgent cares and a hospital in the area.

James Rayburn stated he lived close to the proposed project and spoke

in opposition as there were health care facilities nearby that already served this area. He urged Council to take into consideration testimony and information provided about the deficiencies of this type of emergency facility. He expressed the neighbors did not want a 24/7 emergency room facility, especially when it was not needed.

Nancy Ribble said she lived about 500 feet from this project and spoke in opposition because it did not belong in a residential neighborhood as there were other commercial properties available. She alleged the facility would decrease property values and that more traffic would come into the neighborhood.

Neal Rockowitz stated his home bordered this parcel to the north and spoke in opposition of this project, especially the 24/7 aspect of it. He conveyed Dignity Health had properly developed 15 of these stand-alone emergency room facilities throughout the valley as all were built on C-2 or equivalent parcels with no residential surrounding them.

NOTE: Councilman DiCiccio and Councilwoman Pastor left the voting body.

Darcy Royal said she lived two blocks from this facility and urged Council to preserve the neighborhood and not rezone. She remarked HonorHealth was an excellent product, but the facility should be built 500 feet west at the vacant C-2 spaces on Tatum and Shea boulevards.

Rob Royal spoke in opposition as this change in zoning would create more traffic and lights along Shea Boulevard. He indicated there were commercial spaces available, particularly at Tatum and Shea boulevards, and urged Council to vote no.

Tom Rusling stated he lived a couple hundred feet from the proposed site and was opposed to this proposal as there were commercial areas with infrastructure available a quarter mile away.

Michael Shano said he lived two blocks from the project and spoke in opposition because there were better locations, most within a quarter mile, that did not need to be rezoned. He implored Council to reject this

rezoning request.

Eileen Shorr stated she was opposed to this project due to the extra traffic noise from this 24/7 emergency room that was across the street from her condo.

Julie Silverthorn said she lived in the community across the street on the south side of Shea Boulevard and spoke in opposition. She expressed Shea Boulevard already had traffic problems and this project would add to those problems.

Jody Stachel stated she lived a block and a half from the proposed site and was opposed because her home value would decline. She implored Council to vote no as HonorHealth should locate somewhere else.

Margaret Stewart stated she lived across from this proposed site and was opposed to the placement of this project. She stressed the project should move to commercial property at Tatum and Shea boulevards instead of in the middle of a neighborhood. She urged Council to vote no on this rezoning request.

Robert Wiesenberger said he was opposed to placement and rezoning of this site as there was vacant commercial space elsewhere. He claimed the traffic light at 54th Street and Shea Boulevard would not benefit this facility because of exiting traffic issues on the street. He asked Council to vote no on this rezoning request.

Mayor Gallego declared the public hearing closed.

Councilwoman Stark asked if HonorHealth had looked at other parcels that were already commercial and, if so, why were they not going there.

Ms. Riddell replied HonorHealth did look at the additional commercial properties in the area. She explained the church site had deed restrictions that prohibited the church from being demolished, so that prevented them from using that site. She stated the site north of Shea Boulevard and west of Trader Joe's would not sell for this type of use. She added the site at the northeast corner of Tatum and Shea

boulevards was too large and had lease covenants that also prevented this type of use. She indicated there were no other available commercial properties in the area for this use.

Councilwoman Stark requested staff talk about the zoning as there was a special permit over the site that made it more commercial.

Mr. Stephenson advised in 1986 Council approved a special permit over this site that allowed health club commercial uses which permitted the tennis and health clubs to be there. He pointed out this property had commercial zoning entitlement for over 25 years.

Councilwoman Stark said she visited some of the other facilities that were adjacent to residential and observed how they looked like an office with little to no activity. She conveyed she also conducted research at another facility and confirmed no noise complaints were filed against it. She remarked she understood the neighbors concerns about traffic and how the facility would be licensed, and requested staff go over Stipulations 5, 8 and 9.

Mr. Stephenson specified Stipulation 5 required that a traffic signal at the intersection of Shea Boulevard and 54th Street be constructed and fully funded by the applicant in coordination with the Street Transportation Department. He noted the light would allow traffic to make left turns out of the site as well as slow traffic so cars could move in and out from other driveways. He added this site had a cross-access agreement with Mountainside Fitness and drivers could exit from that parking lot, so it did serve the development and the surrounding neighbors. He stated new Stipulation 8 prohibited the operator of the facility from applying to be a designated trauma center through the Arizona Department of Health Services which would keep it a less intensive use. He indicated new Stipulation 9 required that within six months of the certificate of occupancy issuance, the operator would organize a meeting with adjacent residential property owners to the north and Planning and Development staff to look at site lighting in the rear of the property and address at that time if additional screening measures were needed.

Councilwoman Stark moved to approve the Planning and Development

Director's memo dated April 21, 2021 and adopt the related ordinance, which was seconded by Councilwoman O'Brien.

Councilwoman O'Brien asked for clarification if this was an emergency room, a hospital or both.

Mr. Stephenson replied this was not a full-fledged hospital proposal. He conveyed there was discussion because licensure was needed in order to be a 24-hour urgent care facility which was similar to an emergency room of a hospital.

Councilwoman O'Brien asked if HonorHealth would be able to expand and become a hospital.

Mr. Stephenson responded the PUD development standards made it unlikely to become a hospital, plus there was not enough building area to make it a hospital.

Mayor Gallego recognized Councilwoman Stark for her hard work on this case. Mayor Gallego pointed out Councilwoman Stark noticed this case for public hearing today which showed her willingness to listen to many points of view and find a solution that worked for this community.

The hearing was held. A motion was made by Councilwoman Stark, seconded by Councilwoman O'Brien, that this item be approved per the April 21, 2021 memo from the Planning and Development Director, with adoption of the related ordinance. The motion carried by the following vote:

Yes:	7 -	Councilwoman Ansari, Councilmember Garcia, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Guardado and Mayor Gallego
No:	0	
Absent:	2 -	Councilman DiCiccio and Councilwoman Pastor

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 CITIZEN COMMENTS

City Attorney Cris Meyer stated during Citizen Comment, members of the public may address the City Council for up to three minutes on issues of interest or concern to them. He advised the Arizona Open Meeting Law permit the City Council to listen to the comments, but prohibits council members from discussing or acting on the matters presented.

James Deibler encouraged residents to get the COVID-19 vaccine to keep each other safe from the virus. He recognized former Councilwoman Thelda Williams for her years of service and said he wanted to meet with the new council members to discuss adopt-a-street near Metrocenter Mall.

Shawn Severud welcomed the new council members and congratulated Councilmember Garcia on his role as vice mayor. Mr. Severud commended City Clerk staff who were communicative and informative on the citizen petition process. He said he submitted a citizen petition requesting to censure Councilman Sal DiCiccio for violating Rules of Council Proceedings, Rule 8(d).

Andre Williams said he submitted a citizen petition requesting the membership of the Ethics Commission be updated before implementation to reflect the composition of Phoenix voters. He recommended the membership be two Democrats, two Republicans, two Independents and one no-party member, so that Independent voters were not under-represented. He also suggested the Ethics Commission require a majority vote when declaring an ethics violation.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 4:52 p.m.

MAYOR

ATTEST:

CITY CLERK

SM

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 21st day of April, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of February, 2024.

CITY CLERK