CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, October 12, 2022 at 2:37 p.m. in the Council Chambers.

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

Councilwoman Guardado and Councilman Waring attended the meeting virtually. Councilman DiCiccio entered the chambers during Roll Call.

Mayor Gallego acknowledged the presence of Mario Barajas and Carmen Cota, a Spanish interpreter. In Spanish, Mr. Barajas announced their availability to the audience.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-7029 through G-7041, S-49036 through S-49079, and Resolutions 22070 through 22073 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 items that were attached to the agenda.

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.

MINUTES OF MEETINGS

1 **For Approval or Correction, the Minutes of the Formal Meeting on Sept. 16, 2020**

Summary

This item transmits the minutes of the Formal Meeting of Sept. 16, 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 Councilmember Garcia, seconded by Vice Mayor Pastor, that this item be approved. The motion carried by the following voice vote:

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

BOARDS AND COMMISSIONS

2 **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.

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

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

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

Alhambra Village Planning Committe
Appoint Crystal Carrillo to fill a vacancy, for a term to expire Nov. 19, 2023, as recommended by Councilwoman Guardado.

Estrella Village Planning Committee
Appoint Tino Hernandez to fill a vacancy, for a term to expire Nov. 19, 2023, as recommended by Councilwoman Ansari.

Parks and Preserve Initiative Oversight Committee
Appoint Gary Kaasa, for a term to expire May 31, 2025, as recommended by Mayor Gallego.

Phoenix Arts and Culture Commission
Appoint Debra Larson to fill a vacancy, for a term to expire Sept. 30, 2025, as recommended by Mayor Gallego.
Appoint Dante Mitchell to fill a vacancy, for a term to expire Sept. 30, 2025, as recommended by Mayor Gallego.
Appoint Sophie O'Keefe-Zelman to fill a vacancy, for a term to expire Sept. 30, 2025, as recommended by Mayor Gallego.
Re-appoint Sarah Epperson, for a second term to expire Sept. 30, 2025, as recommended by Mayor Gallego.

Phoenix Parks and Recreation Board
Appoint Emma Vierra for a term to expire Oct. 12, 2027, as recommended by Mayor Gallego.

Phoenix Youth and Education Commission
Appoint Ariel Baber to fill a vacancy, for a term to expire Aug. 30, 2025, as recommended by Mayor Gallego.
Appoint Eric Newberry to fill a vacancy, for a term to expire Aug. 30, 2025, as recommended by Mayor Gallego.
Appoint Kimberly Hanes to fill a vacancy, for a term to expire Aug. 30, 2025, as recommended by Mayor Gallego.

Mayor Gallego administered the oath of office to the following appointees:
Tino Hernandez - Estrella Village Planning Committee;
Debra Larson and Dante Mitchell - Phoenix Arts and Culture Commission;
Emma Viera - Phoenix Parks and Recreation Board;

Eric Newberry - Phoenix Youth and Education Commission

3 Appointment of Municipal Court Judges

This item requests to appoint the following individuals as judges of the Phoenix Municipal Court: Alexander Benezra and Heidi Gilbert to terms expiring on Jan. 17, 2026.

Summary

On Sept. 2, 2022, the Judicial Selection Advisory Board recommended six candidates to be interviewed by the Public Safety and Justice Subcommittee.

On Sept. 14, 2022, after interviews and public comment, the Public Safety and Justice Subcommittee unanimously recommended Alexander Benezra and Heidi Gilbert each to be appointed as judges of the Phoenix Municipal Court.

Discussion

Mayor Gallego asked for the nominees to stand and expressed gratitude for their service.

Vice Mayor Pastor congratulated the nominees.

Mayor Gallego congratulated the nominees.

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

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

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

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

as appears below:

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Ansari, that items 4-23 be recommended for approval. The motion carried by the following vote:

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

4 Liquor License - Infinity Nails & Spa

Request for a liquor license. Arizona State License Application 07070253.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 7 - Beer and Wine Bar

Location
830 E. Greenway Pkwy., Ste. 102
Zoning Classification: PSC
Council District: 3

This request is for an ownership and location transfer of a liquor license for a nail salon and beer and wine bar. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Variance to allow a beer and wine bar.

The 60-day limit for processing this application is Oct. 24, 2022.

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

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

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

Dong Que (Series 7 and Series 12)
7420 W. Cactus Road, #B9 & B10, Peoria
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 currently an owner of a restaurant in Glendale that holds a license. I will continue to abide by Arizona liquor laws."

The public convenience requires and the best interest of the community

will be substantially served by the issuance of the liquor license because: "I would like to offer my clients an adult beverage of their choice while relaxing and enjoying their time at my salon."

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 - Infinity Nails & Spa
Liquor License Map - Infinity Nails & Spa

This item was recommended for approval.

5 Liquor License - J's Drive Thru

Request for a liquor license. Arizona State License Application 204935.

Summary

Applicant
Mohamad Awad, Agent

License Type
Series 10 - Beer and Wine Store

Location
14875 N. Cave Creek Road
Zoning Classification: C-2
Council District: 3

This request is for a new liquor license for a convenience store that does not sell gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Oct. 16, 2022.

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I 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 city 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 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 safe, secure and convenience place for the customers to purchase quality liquor."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - J's Drive Thru
Liquor License Map - J's Drive Thru

This item was recommended for approval.

6 Liquor License - Level Up Spirits

Request for a liquor license. Arizona State License Application 201065.

Summary

Applicant
Lawrence Files, Agent

License Type
Series 18 - Craft Distiller

Location
15206 N. Cave Creek Road, Ste. 15258-60
Zoning Classification: C-2
Council District: 3

This request is for a new liquor license for a craft distiller. 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 Oct. 17, 2022.

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have founded and sold many businesses. I have always been insistant on both compliance with the laws, but also operating within the spirit of the laws. Our proposed operation is blending cocktails in 5 gal kegs for selling to Retail location - their is no consuption on site."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Once established & operating we will look to hire employers to help in blending and filling the kegs."

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 - Level Up Spirits
Liquor License Map - Level Up Spirits

This item was recommended for approval.

7 Liquor License - Special Event - Xavier College Preparatory Roman Catholic High School

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

Summary

Applicant
Maria Murphy-Fontes

Location
4710 N. 5th St.
Council District: 4

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Nov. 5, 2022 - 5 p.m. to 11:55 p.m. / 500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

8 Liquor License - Special Event - SS. Simon & Jude Roman Catholic Cathedral Phoenix

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

Summary

Applicant
Phillip Lester

Location
6351 N. 27th Ave.
Council District: 5

Function
Fall Festival

Date(s) - Time(s) / Expected Attendance
Oct. 23, 2022 - Noon to 7 p.m. / 450 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - Special Event - Keystone Montessori Charter School, Inc.

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

Summary

Applicant
Melissa Risinger-Sutton

Location
1025 E. Liberty Lane
Council District: 6

Function
Festival

Date(s) - Time(s) / Expected Attendance
Nov. 12, 2022 - 3 p.m. to 9 p.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

10 Liquor License - Special Event - Madison Camelview Parent-Teacher Organization, Inc. (PTO)

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

Summary

Applicant
Shannon de Villiers

Location
5601 N. 16th St.
Council District: 6

Function
Theater Show

Date(s) - Time(s) / Expected Attendance
Nov. 18, 2022 - 6 p.m. to 10 p.m. / 450 attendees
Nov. 19, 2022 - Noon to 4 p.m. / 450 attendees
Nov. 20, 2022 - Noon to 4 p.m. / 450 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

11 Liquor License - Special Event - Madison Camelview Parent - Teacher Organization, Inc. (PTO)

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

Summary

Applicant
Shannon de Villiers

Location
5601 N. 16th St.
Council District: 6

Function
Ballet Performance

Date(s) - Time(s) / Expected Attendance
Dec. 3, 2022 - Noon to 9:30 p.m. / 700 attendees
Dec. 4, 2022 - Noon to 3:30 p.m. / 350 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

12 Liquor License - Special Event - Madison Camelview Parent-Teacher Organization, Inc. (PTO)

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

Summary

Applicant
Shannon de Villiers

Location
5601 N. 16th St.
Council District: 6

Function
Music Concert

Date(s) - Time(s) / Expected Attendance
Dec. 11, 2022 - 2 p.m. to 6 p.m. / 600 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

13 Liquor License - Special Event - Madison Camelview Parent-Teacher Organization, Inc. (PTO)

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

Summary

Applicant
Shannon de Villiers

Location
5601 N. 16th St.
Council District: 6

Function
Ballet Performance

Date(s) - Time(s) / Expected Attendance
Dec. 17, 2022 - Noon to 9:30 p.m. / 350 attendees
Dec. 18, 2022 - Noon to 3:30 p.m. / 350 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

14 Liquor License - Special Event - St. Benedict Roman Catholic Parish Phoenix

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

Summary

Applicant
Mary Jane Livens

Location
16035 S. 48th St.
Council District: 6

Function
Parish Dinner

Date(s) - Time(s) / Expected Attendance
Nov. 17, 2022 - 5 p.m. to 10:30 p.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - Special Event - St. Thomas The Apostle Roman Catholic Parish - Phoenix

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

Summary

Applicant
Steven Kunkel

Location
2312 E. Campbell Ave.
Council District: 6

Function
Festival

Date(s) - Time(s) / Expected Attendance
Nov. 5, 2022 - 10 a.m. to 3 p.m. / 2,500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

16 Liquor License - Cocina Adamex

Request for a liquor license. Arizona State License Application 206098.

Summary

Applicant
Adriana Zapata, Agent

License Type
Series 12 - Restaurant

Location
416 N. 7th Ave.
Zoning Classification: DTC-Van Buren ABOD
Council District: 7

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor alcohol consumption.

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

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"My dedication to serve the community begins with working as purchasing agent for public schools for 14 years. I am also a qualified general contractor in good standing with the Registrar of Contractor. I understand the commitment to adhere to State and local laws and ordinances, to ensure compliance and safety."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Downtown Phoenix is trasforming and with the addition of multi- family housing in the area, the residents will benefit from a local place for socializing near their home. The restaurant is of a family-friendly atmosphere and would be condusive a healthy neighborhood establishment."

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 - Cocina Adamex
Liquor License Map - Cocina Adamex

This item was recommended for approval.

17 Liquor License - La Hefa Cerveceria Y Botanas

Request for a liquor license. Arizona State License Application 206674.

Summary

Applicant
Francisco Gaucin, Agent

License Type
Series 12 - Restaurant

Location
7710 W. Lower Buckeye Road, Ste. 107
Zoning Classification: A-1
Council District: 7

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

The 60-day limit for processing this application is Oct. 16, 2022.

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

presumption shall not apply once the licensed location has not been in use for more than 180 days.

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

Cash Nightclub & Lounge (Series 6)
1730 E. McDowell Road, Phoenix
Calls for police service: 6
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have completed both the basic and management training required in addition to having the proper business management experience."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"As a local small business, the location will provide jobs."

Staff Recommendation
Staff recommends approval of this application.

Attachments

Liquor License Data - La Hefa Cerveceria Y Botanas
Liquor License Map - La Hefa Cerveceria Y Botanas

This item was recommended for approval.

18 Liquor License - Quartz Desert Tiki

Request for a liquor license. Arizona State License Application 06070061.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 6 - Bar

Location
345 W. Van Buren St., Ste. B
Zoning Classification: DTC-Van Buren HP
Council District: 7

This request is for an ownership transfer and location transfer of a liquor license for a bar. This location was not previously licensed for liquor sales and does not have an interim permit. This business has plans to open in December 2022.

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

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

presumption shall not apply once the licensed location has not been in use for more than 180 days.

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

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

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Quartz Desert Tiki will offer a variety of specialty cocktails inspired by deserts of the world in a relaxed atmosphere. Applicant would like to offer alcoholic beverages to guests 21 and over."

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

Attachments
Liquor License Data - Quartz Desert Tiki
Liquor License Map - Quartz Desert Tiki

This item was recommended for approval.

19 Liquor License - Special Event - Alwun House Foundation

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

Summary

Applicant
Dana Johnson

Location
1204 E. Roosevelt St.
Council District: 8

Function
Halloween Ball

Date(s) - Time(s) / Expected Attendance
Oct. 29, 2022 - 7 p.m. to 1 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

20 Liquor License - Special Event - Horses Help Foundation

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

Summary

Applicant
Gregg Goodman

Location
113 N. 16th St.
Council District: 8

Function
Wine Tasting

Date(s) - Time(s) / Expected Attendance
Jan. 27, 2023 - 6 p.m. to 9 p.m. / 150 attendees
Jan. 28, 2023 - 11 a.m. to 7:30 p.m. / 2,250 attendees
Jan. 29, 2023 - 11 a.m. to 5:30 p.m. / 1,350 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

21 Liquor License - Special Event - Rosie's House: A Music Academy for Children, Inc.

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

Summary

Applicant
Kevin Gorman

Location
919 E. Jefferson St.
Council District: 8

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Oct. 28, 2022 - 5 p.m. to 8 p.m. / 75 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

22 Liquor License - Special Event - Valleywise Health Foundation

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

Summary

Applicant
Victoria Katz

Location
2601 E. Roosevelt St.
Council District: 8

Function
Reception

Date(s) - Time(s) / Expected Attendance
Nov. 1, 2022 - 5 p.m. to 8:30 p.m. / 100 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

23 Bingo License - Knights of Columbus St Paul's Council 15001

Request for a Class B Bingo License.

Summary
State law requires City Council approval before a State Bingo License can be issued.

Bingo License Types
Class A - gross receipts shall not exceed $15,600 per year
Class B - gross receipts shall not exceed $300,000 per year
Class C - anticipated gross receipts may exceed $300,00 per year

Applicant

David La Plante

Location
330 W. Coral Gables Drive
Zoning Classification: S-1
Council District: 3

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

One electronic comment was submitted for the record in opposition of item 88.
One electronic comment was submitted for the record as neutral for item 83.

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Stark, that items 24-96 be approved or adopted, except items 26-27, 37, 51-52, 67-68, 77, 81 and 90-96; noting Item 75 is as corrected, Item 88 is withdrawn as corrected and Item 89 is continued to the Dec. 7, 2022 City Council Formal Meeting as part of an omnibus motion. The motion carried by the following vote:

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

Items 24-25 and 28-31, Ordinance S-49036 was a request to authorize the City Controller to disburse funds, up to amounts indicated on items, 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.

24 Dibble & Associates Consulting Engineers, Inc doing business as Dibble

For $14,111.76 in additional payment authority for Contract 153656 for Change Order 01, for the AV41000074 Phoenix-Goodyear Airport Drainage Improvements Project for the Aviation Department. Additional spending authority is due to the unforeseen conditions requiring field changes which extends the time to complete. As a result of the Contractor encountering these significant changed site conditions, the construction time will need to be extended which will also extend the Construction Administration and Inspection services we require on the part of the Engineer.

This item was adopted.

25 Fiesta Events Inc.

For $10,000.00 in payment authority for the Fiesta Bowl Sponsorship for the Aviation Department. The Aviation Department has been a sponsor and participant of the Fiesta Bowl Parade for more than two decades. The sponsorship promotes Sky Harbor in the community as well as workforce opportunities within the City of Phoenix system of airports.

This item was adopted.

28 Ravenii LLC

For $80,000.00 in payment authority to purchase, deploy and maintain additional network sensors-security monitoring hardware for the Information Technology Services Department. The equipment is needed to support the City's security information and event management system. The hardware allows greater threat visibility, allowing the City to better identify internal and external threats, abnormal behavior, or potential cyber-attacks.

This item was adopted.

29 Databank IMX LLC

For $40,000.00 in payment authority to purchase OnBase annual maintenance, hardware, software and professional services for the Municipal Court. OnBase is the Arizona Supreme Court's electronic document management system statewide standard. It is critical for the Court to continue to have OnBase maintenance, hardware, software and professional services from Databank IMX, LLC as not doing so would impact the Municipal Court's business operations.

This item was adopted.

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

To make payment of up to $50,000.00 in settlement of claim(s) in *Bercy v. City of Phoenix,* 2:20-cv-01948-SRB, 19-0205-001, GL, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Housing Department.

This item was adopted.

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

To make payment of up to $38,000.00 in settlement of claim(s) in *TransDev v. City of Phoenix,* 21-0362-002, GL, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a property damage claim arising from an incident on Sept. 20, 2021, involving the Street Transportation Department.

This item was adopted.

32 Acceptance and Dedication of Easements for Multi-Use Trail, Public Utility and Sidewalk Purposes (Ordinance S-49062)

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

Summary

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

Easement (a)

Applicant: HH-35th & Baseline, LLC, its successor and assigns

Purpose: Multi-use Trail

Location: 7650 S. 35th Ave.
File: FN 220069
Council District: 7

Easement (b)
Applicant: HH-35th & Baseline, LLC, its successor and assigns
Purpose: Public Utility
Location: 7650 S. 35th Ave.
File: FN 220069
Council District: 7

Easement (c)
Applicant: HH-35th & Baseline, LLC, its successor and assigns
Purpose: Sidewalk
Location: 7650 S. 35th Ave.
File: FN 220069
Council District: 7

This item was adopted.

33 Acceptance of an Easement for Drainage Purposes (Ordinance S-49061)

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

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

Easement (a)
Applicant: Pinnaclepeaksilverino LLC; Pinnaclepeak3350 LLC; Pinnaclepeak3300 LLC; its successor and assigns
Purpose: Drainage
Location: 23777 N. 3rd Ave.
File: FN 220051
Council District: 1

This item was adopted.

34 Acquisition of Water and Sewer Easements Along the East Side of 91st Avenue and South of Broadway Road for Lift Station 61 (Ordinance S-49046)

Request to authorize the City Manager, or his designee, to acquire water and sewer easements along the east side of 91st Avenue and south of Broadway Road for the Lift Station 61 Redundant Force Main project. Further request to authorize the City Controller to disburse all funds related to this item.

Summary
Water and sewer easements are needed to upgrade outdated infrastructure at Lift Station 61. The lift station will undergo modernization, and a redundant force main will be added for flexibility of use and to serve as a back-up.

The parcels affected by this project are identified in **Attachment A.**

Financial Impact
Funding is available in the Water Services Department's Capital Improvement Program budget.

Location
East side of 91st Avenue, south of Broadway Road.
Council District: 7 and Out of City

This item was adopted.

35 Acquisition of Real Property for Roadway Improvements Along 35th Avenue from the Interstate 10 Freeway to Camelback Road (Ordinance S-49052)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests required by donation, purchase within the City's appraised value, or by the power of eminent domain for roadway improvements along 35th Avenue from the Interstate 10 Freeway (I-10) to Camelback Road. Further request to authorize dedication of land with roadway and/or public improvements to public use

for right-of-way purposes 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 to accommodate roadway improvements along 35th Avenue from the I-10 to Camelback Road. The project improvements include the installation and upgrading of traffic signals, pedestrian hybrid beacons, and street lighting. Improvements will be upgraded to meet current City standards and comply with the Americans with Disabilities Act.

The parcels affected by this project are identified in **Attachment A.**

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

Location
Along 35th Avenue from I-10 to Camelback Road.
Council Districts: 4 and 5

This item was adopted.

36 Authorization to Execute Short-term Licenses on Vacant City-owned Property including Parking Lots for Downtown Special Events (Ordinance S-49038)

Request to authorize the City Manager, or his designee, to execute short-term licenses on vacant City-owned property including parking lots for downtown special events held between Nov. 1, 2022, and Nov. 1, 2024. Further request authorization for the City Treasurer to accept all necessary funds related to this item.

Summary
The Finance Department's Real Estate Division regularly receives requests from private entities to license City-owned property during special events held downtown. The Real Estate Division, in consultation and coordination with the event organizer and/or local host committee, will

enter into licenses for use of vacant City-owned property in support of those special events.

The term of each license shall not exceed 30-days. The license fee will be based on market rent and/or other valuable consideration, as determined by the Real Estate Division. Each license may contain other terms and conditions acceptable to the City based on the use. Each licensee shall provide insurance and indemnification acceptable to the City's Risk Management Division and the Law Department.

Financial Impact
The license fee will be based on market rent and/or other valuable consideration.

Location
Various locations within Downtown Phoenix.
Council District(s): 7 and 8

This item was adopted.

38 Fujitsu Maintenance and Service Level Agreement - Amendment (Ordinance S-49040)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 145958 with Fujitsu Network Communications, Inc. for the purchase of maintenance and support of Fujitsu equipment, components, and hardware for the Information Technology Services Department and in support of the Regional Wireless Cooperative (RWC). Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $32,000.

Summary
This contract currently covers maintenance for 52 Fujitsu multiplexers throughout the radio communications network, which serves the RWC public safety radio communications partners. The equipment provides a fiber optic platform proven to perform for the wireless microwave network, integrating services for public safety agencies in the Phoenix region to ensure the delivery of communications in the form of voice and

data traffic. Fujitsu Network Communication, Inc., is the manufacturer of this hardware, and is the only provider for maintenance and support. The support includes technical engineering, firmware updates, product support, and repair/return of faulty components. The additional funds requested will cover the annual subscription for the remaining term of the contract.

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

Contract Term
The contract term remains unchanged, ending on Aug. 31, 2023.

Financial Impact
Upon approval of $32,000 in additional funds, the revised aggregate value of the contract will not exceed $207,000. Funds are available in the Information Technology Services Department's budget.

Concurrence/Previous Council Action
The City Council previously approved the Fujitsu Maintenance and Service Level Agreement Contract 145958 (Ordinance S-43828) on Aug. 30, 2017.

This item was adopted.

39 Fourier Transform Infrared (FTIR) Microscope and Annual Service Maintenance Agreement - IFB 18-031 - Amendment (Ordinance S-49047)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146534 with Thermo Electron North America, LLC to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $9,000.

Summary
This contract provides an annual maintenance and service agreement for one Thermo Electron North America FTIR Microscope for the Police Department and includes factory trained and authorized service

personnel. This extension will allow additional time to complete the new procurement.

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

Financial Impact
Upon approval of $9,000 in additional funds, the revised aggregate value of the contract will not exceed $107,000. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
Fourier Transform Infrared (FTIR) Microscope and Annual Service Maintenance Agreement - Contract 146534 (Ordinance S-44090) on Nov. 29, 2017.

This item was adopted.

40 Heavy Equipment Rental - CO-OP 20-097 - Amendment (Ordinance S-49053)

Request to authorize the City Manager, or his designee to allow additional expenditures under Contract 152656 with Herc Rentals Inc, for the purchase of Heavy Equipment Rental for Citywide use. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $2.5 million.

Summary
This contract currently provides both small and large equipment of various makes, models and sizes, on as needed basis. It also provides short term and long term rental access to a complete line of heavy equipment, road maintenance equipment and construction equipment. The primary users of the contract are Public Works, Water Services, Parks and Recreation, and Fire department. Approximately 65 percent of the contract spend is used by enterprise funds. Due to high volume of usage, it has become necessary to increase the funding to cover the remaining term of the contract.

Contract Term
The contract term remains unchanged, ending on June 30, 2025.

Financial Impact
Upon approval of $2.5 million in additional funds, the revised aggregate value of the contract will not exceed $4 million. Funds are available in the various departments' budgets.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• Heavy Equipment Rental Contract 152656 (Ordinance S-46809) on June 24, 2020

This item was adopted.

41 Dry Well and Interceptor Pumping and Inspection - IFB 20-FMD-045 - Amendment (Ordinance S-49057)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 152057 with MP Environmental Services, Inc. for the purchase of dry well interceptor and grease trap pumping and inspection services for various departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $220,000.

Summary
This contract provides regular cleaning, pumping, and maintenance of dry wells and interceptors, including grease traps, for proper collection, retention, and drainage of runoff, stormwater and other water sources. The contract also provides repairs to the systems on an as-needed basis. Additional funds are necessary to allow use of the contract by all Citywide departments that require grease trap cleaning services.

Contract Term
The contract terms remains unchanged, ending on May 31, 2023 with two option years to extend until May 31, 2025.

Financial Impact
Upon approval of $220,000 in additional funds, the revised aggregate

value of the contract will not exceed $2,527,498. Funds are available in the various departments' budgets.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• Dry Well and Interceptor Pumping and Inspection, Contract 152057 (Ordinance S-46576) on May 6, 2020.

This item was adopted.

42 Safety Data Sheet Database Management Services - RFP 17-019-Amendment (Ordinance S-49067)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 146267 with Kelleher, Helmrich & Associates Inc. to extend the contract term and allow additional expenditures to provide Safety Data Sheet (SDS) database management services for the Office of Environmental Programs. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $8,000.

Summary
This contract will provide a web-based SDS database, updates, and maintenance services for the Office of Environmental Programs to manage safety data records of chemicals and products used citywide. The database is available to all City employees through the Inside Phoenix website and can easily be searched by a facility name, product name, manufacturer, or SDS number. In the event of workplace exposure to chemical products, City employees can give emergency and medical responders the correct SDS. The extension of this contract will provide continued services to comply with federal standards. This contract extension will allow for a new procurement to be completed without a lapse in services.

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

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

Financial Impact
Upon approval of $8,000 in additional funds, the revised aggregate value of the contract will not exceed $128,000. Funds are available in the Office of Environmental Program's budget.

Concurrence/Previous Council
The City Council previously reviewed this request:

• Safety Data Sheet Database Management Services Contract 146267 (Ordinance S-43984) on Oct. 18, 2017.

This item was adopted.

43 Authorization to Execute Short-term Licenses and Agreements with the United States of America for Use and Access onto City-owned Property (Ordinance S-49071)

Request to authorize the City Manager, or his designee, to execute short-term licenses and agreements with the United States of America for use and access onto City-owned property to conduct various military training exercises and activities through Dec. 31, 2023. Further request to authorize the City Manager, or his designee, to grant an exception pursuant to Phoenix City Code 42-20 to include indemnification and assumption of liability provisions, if required, that would otherwise be prohibited by Phoenix City Code 42-18.

Summary
The United States of America (United States) through its military branches, in coordination with the Police and/or Fire departments, periodically conducts training on City-owned property to assist in responding to incidents that involve national security defense. The City will enter into a license or use agreement (Agreement) for each training exercise to be conducted on a City-owned property.

The term of each Agreement shall not exceed 14 days and may be terminated at any time upon mutual written consent of both parties. Each Agreement will contain insurance and indemnification acceptable to the City’s Risk Management Division and the Law Department. Each

Agreement may contain other terms and conditions deemed necessary by the City.

Financial Impact
There is no fee associated with each Agreement, as the United States is responsible for all costs related to its use.

Location
Citywide

This item was adopted.

44 Intergovernmental Agreement Between Maricopa County and Phoenix Municipal Court for Use of Maricopa County Telecom Services (Ordinance S-49076)

Request to authorize the City Manager, or his designee, to allow the Phoenix Municipal Court to enter into an Intergovernmental Agreement (IGA) with Maricopa County's Office of Enterprise Technology Department for the use of telecom services at the Intake, Transfer, and Release (ITR) facility. Further request to authorize the City Controller to disburse all funds related to this item. The agreement will not exceed $25,000.

Summary
The IGA will establish responsibilities and costs for the parties regarding the use of telecom services at the ITR facility located at 2670 W. 28th Drive, Phoenix, Arizona 85009. The Maricopa County Sheriff's Office and Phoenix Municipal Court share operations and use of the ITR facility. Arizona Revised Statutes section 11-952 authorizes the County and City, as public agencies, to enter into IGAs for joint cooperative action and agreement for the operation and use of County telecom services.

Contract Term
This agreement will be effective upon approval of both parties' governing bodies and shall remain in effect until June 30, 2025. The agreement may be renewed for one additional two-year term upon mutual consent of the parties.

Financial Impact

The total aggregate value will not exceed $25,000 including option years. The estimated annual expenditure of the agreement is $5,000. Funding is available in the Phoenix Municipal Court's budget.

This item was adopted.

45 Authorization for the Phoenix Municipal Court to Apply for, Accept and Enter into an Agreement for Pilot Hybrid Hearings Program (Ordinance S-49077)

Request to retroactively authorize the Phoenix Municipal Court to apply for, accept and enter into an agreement with the National Center for State Courts (NCSC) for the Hybrid Hearings Improvement Initiative Pilot Program.

Summary

The National Center for State Courts (NCSC) awarded grants to state and local courts as part of its Hybrid Hearings Improvement Initiative Pilot Program. The Phoenix Municipal Court was made aware of the opportunity to apply for this program in late June and the application was due in mid-July. The Court was informed that it had been selected as a participant in August. The goal of this program is to assist courts in learning from, and improving upon, pandemic-era best practices to create permanent changes to the way courts conduct hybrid hearings, as well as overall improvement of remote and virtual offerings. As a participant, the Court will receive support from NCSC to implement technical and operational solutions which may include facilitating the purchase and installation of technical equipment in a minimum of one courtroom, integration with existing systems, and technical assistance to support the preliminary operation of the equipment and development of hybrid hearing procedures.

Contract Term

The term for this agreement is September 1, 2022, through June 30, 2023.

Financial Impact

There is no impact to the general fund.

This item was adopted.

46 Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-49055)

Request to authorize the City Manager, or his designee, to transfer retirement funds for Amy Corriveau in the amount of $96,627.52 to the Arizona State Retirement System. Further request to authorize the City Controller to disburse the funds.

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

Corriveau, Amy: $96,627.52

Concurrence/Previous Council Action
This item was approved by the COPERS Board at the Aug. 4, 2022 meeting.

This item was adopted.

47 ARPA Phoenix Resilient Food System Program - Enter into Agreements with Arizona State University and St. Mary's Food Bank (Ordinance S-49079)

Request to authorize the City Manager, or his designee, to enter into three agreements with: (1) Arizona State University ("ASU") to support a food waste education and composting project; (2) ASU to support an Agri-Food Tech Incubator project; and (3) St. Mary's Food Bank to support a farm to food banks project. Further request to authorize the City Controller to disburse all funds related to these items. Funding is available through the City's allocation of the American Rescue Plan Act ("ARPA") funding to the Phoenix Resilient Food System Program by the ARPA Strategic Plan approved by the Mayor and Council. There is no impact to the General Fund. The aggregate expenditures of these contracts will not exceed $1,260,000.

In response to the COVID-19 pandemic, the Office of Environmental Programs ("OEP") developed a food assistance plan to address the food needs of vulnerable populations and communities impacted by COVID-19. The plan provides: (1) access to healthy foods for impacted populations; (2) infrastructure assistance regarding transportation and delivery with a focus on home delivery; (3) support for food banks, food pantries and community food support agencies; (4) support for increased local food production; and (5) business and employment opportunities throughout the food system spectrum.

ARPA Phoenix Resilient Food System Program

Supporting the following project will provide inclusive economic and business opportunities and training, decrease food insecurity and hunger, and reduce food waste in Phoenix.

(1) ASU - Agri-Food Tech Incubator Project

ASU will establish an Agri-Food Tech Incubator, based on their proven Resource Innovation and Solutions Network experience across metro Phoenix and integrate the knowledge and best practices from other food systems and agricultural hubs. The Agri-Food Tech Incubator will connect food system entrepreneurs and ecosystem stakeholders to resources and services needed to support growth of new ventures, new products and/or services, and to support existing food-related businesses to expand the size and scope of the sustainable food and agriculture economy in the City of Phoenix. It will include pathways for COVID-19-impacted Black, Indigenous, and People of Color (BIPOC) communities to realize economic development opportunities within the sustainable food systems and agricultural technology space.

(2) ASU - Food Waste and Composting Education Project

This one-year program will provide food waste and composting education, training, and access to a compost service for up to 400 residents living in COVID-19-impacted areas and food deserts in Phoenix. Participants will learn how to decrease food loss and waste through practical and usable tips, such as better food purchasing, storing food practices, meal planning tools, and composting. By learning about and adopting better practices, COVID-19-impacted households can save money and become more food-secure.

(3) St. Mary's Food Bank - Farm to Food Banks Project
This program will source produce primarily from farms within the City of Phoenix, including from small and BIPOC farms impacted by COVID-19. The produce will be delivered directly from the farm to St. Mary's and agency partners (food pantries) who will distribute produce to Phoenix clients. Funds will be used for food purchases with a small portion being allocated to increase St. Mary's ability to store and distribute produce while reducing food waste.

Procurement Information
Services may be procured, as needed, in accordance with Administrative Regulation 3.10 to implement and administer programs intended to prevent, prepare for, and respond to the COVID-19 pandemic.

Contract Term
The contract term will be as follows:

ASU - Agri-Food Tech Incubator Project from October 31, 2022, to May 31, 2024;
ASU - Food Waste and Composting Education Project from October 31, 2022, to June 30, 2023;
St. Mary's Food Bank - Farm to Food Banks Project from October 24, 2022, to October 31, 2023.

All agreements may be extended based on available funding, which extensions may be executed by the City Manager, or his designee.

Financial Impact
There is no impact to the General Fund. Funding is available through the City's allocation of ARPA funding to the Phoenix Resilient Food System Program by the ARPA Strategic Plan approved by the Mayor and Council.

The funding breakdown is as follows:

- $750,000 for the ASU - Agri-Food Tech Incubator Project;
- $310,000 for the ASU - Food Waste and Composting Education

Project;
- $200,000 for the St. Mary's Food Bank - Farm to Food Banks Project.

Concurrence/Previous Council Action
The City Council approved:
ARPA Strategic Plan on June 8, 2021;
ARPA Phoenix Resilient Food System allocation on June 7, 2022.

This item was adopted.

48 Request to Amend the U.S. Department of Housing and Urban Development Family Self-Sufficiency Service Coordinator Grant (Ordinance S-49066)

Request to authorize the City Manager, or his designee, to amend the not-to-exceed amount of Ordinance S-48611, from $325,000 to $600,000 due to increased allowable grant application annual terms and dollar amounts for the Family Self-Sufficiency (FSS) Service Coordinator grant from the U.S. Department of Housing and Urban Development (HUD). Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds for the life of the grant.

Summary
On May 11, 2022, the City Council approved applying for the FSS Service Coordinator grant from HUD. The Housing Department has received funding through this grant program for the past several years and requested City Council approval to apply prior to the issuance of the Notice of Funding Availability (NOFA). Upon release of the NOFA, it was noted that the grant terms allowed up to a two-year grant award, providing funding for calendar year 2023 and 2024, and increasing the potential award amount up to $600,000. The increased funding may allow additional staff to be hired.

This ongoing program helps caseworkers develop local strategies to connect participating Public Housing and Section 8 families to public and private resources to increase their earned income and financial empowerment, reduce or eliminate the need for welfare assistance, and make progress toward economic independence and self-sufficiency.

Caseworkers coordinate support services offered by non-profit, governmental, and educational community partners; provide case planning and coordination, supportive counseling and referral and advocacy; assist with access to educational resources, vocational training and employment opportunities; and assist with budgeting, homeownership preparation, and transportation. Successful participants engage in training, improve employment outcomes, save money, and buy a home. In the past year, 17 residents graduated from the FSS program.

The grant application was due on Oct. 7, 2022. If authorization is denied, the grant application will be rescinded or amended.

Financial Impact

There is no impact to the General Fund. This grant does not require matching funds.

This item was adopted.

49 Request to Enter into Contract with St. Joseph the Worker (Ordinance S-49060)

Request to authorize the City Manager, or his designee, to enter into an agreement with St. Joseph the Worker (SJW) for the Workforce Villages Program which provides housing and support services to employed individuals experiencing homelessness to help end their homelessness without housing voucher assistance. The total value of the contract will not exceed $2 million. Further request to authorize the City Controller to disburse all funds related to this item. Funding is available from the City's allocation of the American Rescue Plan Act (ARPA).

Summary

In 2020, SJW's Workforce Villages program was established in response to the COVID-19 pandemic and operates in various scattered sites in the Phoenix area. The program provides housing and support services to employed individuals experiencing homelessness to assist in ending their homelessness without housing voucher assistance. Individuals successfully complete the program by securing housing and being responsible for rent on their own. The City included this program in the ARPA Second Tranche Strategic Plan in an effort to provide a unique

housing program focusing on individuals experiencing homelessness who are employed and able to end their homelessness with intense case management services, financial management planning, and life skills training. The program requires the participant to have a full-time job, earn at least $15 per hour, work a minimum of 35 hours per week, save 80 percent of their net income, live off the remaining 20 percent, meet weekly with their Workforce Villages Specialist, provide copies of their pay stubs and savings account balances, and complete assignments, a credit report, background check, and budget.

Contract Term

The term of the contract will begin on or about Oct. 1, 2022, and end on Dec. 29, 2024.

Financial Impact

The total value of the contract will not exceed $2 million. Funding is available from ARPA. There is no impact to the General Fund.

This item was adopted.

50 Request to Amend 2021-22 Community Development Block Grant Public Facility Subrecipient Agreements (Ordinance S-49078)

Request to authorize the City Manager, or his designee, to amend the 2021-22 Community Development Block Grant Public Facility Contracts with VALLEYLIFE and ACCEL for an additional eight months through June 30, 2023, and increase the contract award for VALLEYLIFE from $83,241 to $150,000. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

In September 2021, the City Council approved Community Development Block Grant (CDBG) Public Facility grant funding for local non-profits VALLEYLIFE and ACCEL. CDBG Public Facility funding assists non-profit organizations in expanding services to support the needs of low- to moderate-income Phoenix residents. Eligible activities include acquisition, construction, rehabilitation, or Americans with Disabilities Act (ADA) improvements to non-profit owned public facilities.

ACCEL provides services to children and adults who have developmental disabilities and was awarded funding to implement ADA enhancements at the 10251 N. 35th Ave., Phoenix, location. VALLEYLIFE provides services to individuals with disabilities to enhance their quality of life and was awarded funding to build a prep kitchen to prepare healthy meals at the 1142 W. Hatcher Rd., Phoenix location.

Construction costs have increased considerably since the original project budget for VALLEYLIFE was submitted in October 2021. To complete the project, VALLEYLIFE has requested a contract award increase from $83,241 to $150,000. Sufficient CDBG funding exists to accommodate the request.

The requested contract extensions are necessary to allow the non-profit agencies time to complete their FY 2021-22 CDBG funded projects. VALLEYLIFE and ACCEL requested additional time due to on-site operational interruptions as a result of the Coronavirus pandemic. The Public Facility projects require extensions due to delays at various points during their project schedule. The additional time will enable these agencies to continue to provide critical services to vulnerable residents.

Contract Term
The original contract terms were Sept. 8, 2021, through Oct. 31, 2022. If this item is approved, the term of each contract will be extended through June 30, 2023.

Financial Impact
There is no impact to the General Fund. Contract award for VALLEYLIFE will increase from $83,241 to $150,000. Contracts are funded by the U.S. Department of Housing and Urban Development (HUD) CDBG funds. Sufficient CDBG funding exists to accommodate the request.

Concurrence/Previous Council Action
The 2021-22 CDBG Public Facility Subrecipient contract awards was approved by the City Council on Sept. 8, 2021.

Location
Council Districts: 1 and 3

This item was adopted.

53 Amendment to the Intergovernmental Agreement between the City of Phoenix and Arizona State University for the Development of the Health Solutions Center at the Phoenix Biosciences Core (Ordinance S-49043)

Request to authorize the City Manager, or his designee, to amend the Intergovernmental Agreement with Arizona State University (ASU), to extend and modify certain business terms. There is no impact to the General Fund as a result of this action.

Summary

On May 10, 2016, City Council authorized an Intergovernmental Agreement (IGA) (City Contract No. 142599) with ASU for the development of approximately 1.5 million square feet of biomedical facilities at the Phoenix Biosciences Core (PBC). Subsequently, the City and ASU entered into a ground lease (City Contract No. 149060) for Phase 1 of the development of the Health Solutions Center, now called 850 PBC and which completed construction December 2020. Since the agreements were originally envisioned, the campus and development partnerships have grown. As a result of the growth and better understanding of changing market conditions, certain contract terms are no longer in the best interest of the parties or the PBC.

As it exists today, the IGA states that ASU shall, within 180 days of receiving the certificate of occupancy for the prior phase, issue a notification exercising their option to develop the next phase of the development and must complete the design and construction of the subsequent phase no later than thirty months following the prior phase completion. This amendment will replace the existing timeline requirements with updated timing as follows:

No later than 180 days from prior phase completion, ASU and the City will meet to determine phasing schedule for completion of subsequent phase.

ASU and the City shall use commercially reasonable efforts to enter into the subsequent phase lease within 24 months, but no later than 36 months from the prior phase completion.

Completion of subsequent phase shall occur no later than 36 months from execution of subsequent phase lease.

Financial Impact

There is no impact to the General Fund as a result of this action.

Concurrence/Previous Council Action

The Economic Development and Equity Subcommittee recommended approval of this item on September 28, 2022. Ordinance S-41736 authorizing the IGA with ASU was passed by the City Council on May 19, 2015. Ordinance S-43332 authorizing the first amendment to the IGA was passed by the City Council on March 22, 2017.

Location

Approximately four blocks bounded by 4th and 6th streets and Garfield and Fillmore streets.
Council District: 8

This item was adopted.

54 Resolution to Declare 2023 NFL Super Bowl Activities in Downtown Phoenix as Special Promotional Events (Resolution 22073)

Request City Council to supersede Resolution 21987 by approving a new Resolution declaring that for the three-week period before the National Football League (NFL) Super Bowl LVII game on Sunday, February 12, 2023, and for one week after, all Official NFL Events and other NFL and Arizona Super Bowl Host Committee-sanctioned activities that are held in the Special Promotional and Civic Event Area (map attached) will be considered special promotional and civic events for the purposes of the Phoenix Zoning Ordinance. The new Resolution adjusts the Special Promotional and Civic Event Area to better align with the Super Bowl related activities.

Summary

It is anticipated that certain NFL game-related activities will take place in downtown Phoenix in the weeks prior to and after the game. These events and activities will bring significant revenue and media exposure to the City of Phoenix during the event period. Phoenix Zoning Ordinance,

Section 705 specifies requirements for temporary signs. By declaring the NFL and Arizona Super Bowl Host Committee-sanctioned activities as special promotional and civic events, this Resolution allows the NFL, NFL-approved sponsors, and Arizona Super Bowl Host Committee to advertise official events in the Promotional and Civic Event Area by use of signs, banners, and similar devices. This action will not impact any existing permitted permanent signs in downtown. This declaration will restrict all temporary signage within the Special Promotional and Civic Event Area that has not been authorized by the NFL and/or Arizona Super Bowl Host Committee during the above-mentioned time period in order to support NFL event-related activities. The new Resolution supersedes the prior Special Promotional Events Resolution (Resolution 21987) by adopting a new Resolution with an adjusted Special Promotional and Civic Event Area that better aligns with the Super Bowl related activities.

Location

McDowell Road to Lincoln Street, 7th Avenue to 7th Street (includes properties adjacent to 7th Ave on the west and adjacent to 7th Street on the east)
Council Districts: 4, 7, 8

Concurrence/Previous Council Action

This resolution supersedes Resolution 21987 approved by the City Council on Jan. 26, 2022.

This item was adopted.

55 Donation from Phoenix Fire Foundation for Phoenix Fire Department Baby Shots Immunization Program (Ordinance S-49041)

Request to authorize the City Manager, or his designee, to accept a donation of $5,000 from the Phoenix Fire Foundation to support the Phoenix Fire Department's Baby Shots Immunization Program. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this donation. If not approved, the donation would be declined.

Summary

The Phoenix Fire Department Baby Shots Immunization Program provides free vaccinations to children who are eligible under the federally funded Vaccine for Children's Program, which provides vaccines at no cost to children who might not otherwise be vaccinated because of an inability to pay. The donation from the Phoenix Fire Foundation will help fund the costs of equipment, promotional materials, electronic equipment and associated two-year service plans, overtime event staffing, and related travel and training.

The Phoenix Fire Foundation is a 501(c)(3) charitable organization. The Foundation is committed to supporting the Phoenix Fire Department, and other public safety agencies in metro Phoenix, in their daily efforts to save lives and protect families and communities.

Contract Term
There is no contract term associated with this donation.

Financial Impact
This donation does not require any matching funds. The funds will be used in accordance with City policies.

This item was adopted.

56 Agreement with Harvard Kennedy School for Further Assistance to the Community Assistance Program (Ordinance S-49074)

Request to authorize the City Manager, or his designee, to approve an agreement with Harvard Kennedy School to participate in the Government Performance Lab technical assistance program and provide continued support to the Community Assistance Program (CAP) for up to an additional two years. Further request an exemption from the indemnification prohibition set forth in the Phoenix City Code section 42-18 to allow for mutual indemnification.

Summary
On June 16, 2021, City Council approved $15 million to expand the City's Community Assistance Program. The CAP expansion focuses on utilizing alternative 9-1-1 emergency response teams to respond to 9-1-1 calls in lieu of traditional law enforcement. Over the past year, the Harvard

Kennedy School has helped the City develop methods to reduce reliance on traditional law enforcement and connected residents with mental and behavioral health services, substance use treatment, and other forms of support.

With approval of this agreement, Harvard Kennedy School will be able to provide further input on topics including select program policies and procedures, training development, key performance metrics and training materials. Harvard Kennedy School is able to pass along knowledge and best practices to Phoenix for consideration and inclusion in Phoenix CAP operations as they benefit from similar information from other jurisdictions across the nation including: Durham, N.C.; Harris County, Texas; Long Beach, Calif.; and Philadelphia, Pa.

Staff requests a waiver of Phoenix City Code 42-18 to allow for mutual indemnification for both parties.

Contract Term
The term of this agreement is for up to two years based on the mutual agreement between the City of Phoenix and Harvard Kennedy School.

Financial Impact
The City shall have no responsibility for compensation or employee benefits for any individual from the Harvard Government Performance Lab with respect to any work done pursuant to this agreement. There is no cost to the City.

This item was adopted.

57 Computer Aided Dispatch and Mobile Data Computer System - RFP 08-0603 - Amendment (Ordinance S-49049)

Request to authorize the City Manager, or his designee, to execute the amendment to Contract 125890 with Versaterm Public Safety, Inc. for the purchase of maintenance to the City's Computer Aided Dispatch (CAD) and Mobile Data Computer System, to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $692,608.32.

Summary

The contract provides ongoing maintenance for the CAD/911 System and is proprietary to Versaterm. Maintenance support is crucial to resolving system issues in a timely manner with few or no interruptions. In addition to collecting calls for service and dispatching, the system is integrated with the Department of Public Safety for vehicle and suspect information, accessing various state and national criminal justice networks to provide suspect or vehicle information to officers. The continued maintenance of the department's CAD/911 System, is critical to ensure there are no interruptions to dispatchers that utilize the system to prioritize and record incident calls, identify the status and location of first responders, and effectively dispatch priority calls for service.

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

Contract Term

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

Financial Impact

Upon approval of $692,608.32 in additional funds, the revised aggregate value of the contract will not exceed $13,431,231. Funds are available in the Police Department’s budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

Computer Aided Dispatch and Mobile Data Computer System - Contract 125890 (Ordinance S-36018) on April 8, 2009;

Computer Aided Dispatch and Mobile Data Computer System - Contract 125890 (Ordinance S-38805) on May 16, 2012;

Computer Aided Dispatch and Mobile Data Computer System - Contract 125890 (Ordinance S-39735) on April 3, 2013;

Computer Aided Dispatch and Mobile Data Computer System - Contract 125890 (Ordinance S-40717) on April 2, 2014;

Computer Aided Dispatch and Mobile Data Computer System - Contract 125890 (Ordinance S-40837-AU) on May 28, 2014;

Computer Aided Dispatch and Mobile Data Computer System - Contract 125890 (Ordinance S-41972-F) on Aug. 26, 2015;

Computer Aided Dispatch and Mobile Data Computer System - Contract 125890 (Ordinance S-42565-F) on June 1, 2016;
Computer Aided Dispatch and Mobile Data Computer System - Contract 125890 (Ordinance S-42892-J) on Oct. 5, 2016;
Computer Aided Dispatch and Mobile Data Computer System - Contract 125890 (Ordinance S-43732) on June 28, 2017.

This item was adopted.

58 Airport Bus Fleet Operations & Maintenance Award (Ordinance S-49037)

Request to authorize the City Manager, or his designee, to enter into a contract with Transdev Services, Inc. for bus contingency services to operate and maintain City-owned buses and to provide timely and reliable passenger transportation between the Phoenix Sky Harbor International Airport's Rental Car Center and Airport terminals on an as-needed basis. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $6,506,885.

Summary

Transdev Services, Inc. will operate and maintain six Phoenix Sky Harbor International Airport (Airport) passenger buses on a contingency basis following completion of the PHX Sky Train (Sky Train) Stage Two project. Transdev Services, Inc. will also operate and maintain six COBUS vehicles for routine airfield operations including remote aircraft parking, and airfield emergencies. The Sky Train is considered a must-ride system because it connects to the Rental Car Center, terminals, economy parking structures, and the City's Metro light rail system. Operation and regular maintenance are required for the City-owned bus fleet to support and facilitate the timely movement of passengers during an emergency activation of the Airport's contingency plan and in the event of a Sky Train interruption or outage.

Procurement Information

In accordance with A.R. 3.10, standard competition was waived after the issuance of a Request For Information (RFI) in March 2021 and a Request For Proposals (RFP) in November 2021. There was one

respondent for each solicitation and the cost proposal exceeded scope and funding availability. A Determination Memo was authorized to enter into direct negotiations with incumbent Transdev Services, Inc. to provide bus-contingency services on an as-needed basis to meet the critical operational needs of the Airport.

Contract Term
The term of the contract will commence on the day following the expiration or termination of the extended Transdev Services, Inc. Airport Shuttle Bus Services Contract 125318 or the day following the expiration of the final extension period ending March 31, 2023. The new contract will be for an aggregate five-year term with no options to extend.

Financial Impact
The aggregate value will not exceed $6,506,885 for the five-year aggregate contract term. Funding is available in the Aviation Department's Operating budget.

Concurrence/Previous Council Action
The Phoenix Aviation Advisory Board recommended the RFI for approval on Feb. 18, 2021 by a vote of 6-0.
Transportation, Infrastructure and Planning Subcommittee recommended the RFI for approval on March 3, 2021 by a vote of 4-0.
City Council authorized the issuance of the RFI on March 17, 2021.
The Phoenix Aviation Advisory Board recommended award for approval on Sept. 15, 2022 by a vote of 6-0.

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

This item was adopted.

59 Bus Contingency Contract - RFQu 22-023 - Request for Award (Ordinance S-49042)

Request to authorize the City Manager, or his designee, to enter into contracts with Via Adventures, Inc.; Jet Limousines & Transportation, LLC; Tour West America, Inc.; and Industrial Bus Lines, Inc. to provide

bus contingency services to transport customers between Phoenix Sky Harbor International Airport (Airport) facilities and other events as needed for the Aviation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $172,000 for the five-year aggregate contract terms.

Summary

The contracts will provide qualified operators of medium and large shuttle buses, motorcoach buses, and driver resources to assist the Aviation Department in transporting customers between Airport facilities on an as-needed basis. The contracted bus and charter providers will deliver qualified bus drivers and bus resources on an as-needed basis to support the Aviation Department's PHX Sky Train contingency plans and other Airport events requiring these resources.

Procurement Information

A Request for Qualifications 22-023 - Bus Contingency procurement was processed in accordance with Administrative Regulation 3.10 to establish a Qualified Vendor List (QVL).

Four offerors submitted qualifications and were deemed to be responsive and responsible. The Procurement Officer evaluated all offers as pass-fail for the following minimum qualification criteria:

Offerors must have a minimum of one year of experience within the last three years providing public and/or commercial transportation services that include driver resources.

Offerors must have a branch office or operating facility located within Maricopa County, Arizona and the identified point of contact must be stationed in this local office.

Offerors must operate buses with a minimum passenger seat capacity of 14 seats for transportation not requiring a commercial driver's license (CDL) and/or;

Offerors must operate buses with seat capacity greater than 14 requiring CDL credentials.

The following offerors met the minimum qualification criteria and are

being recommended for placement on the QVL:

Via Adventures, Inc.
Jet Limousines & Transportation, LLC
Tour West America, Inc.
Industrial Bus Lines, Inc.

Contract Term
The terms of the contracts will begin on or about Nov. 1, 2022 for an initial three-year term, with two one-year options to extend for a five-year aggregate contract term if all options are exercised.

Financial Impact
The contract value will not exceed $172,000 for the five-year aggregate contract term. Funding is available in the Aviation Department's budget.

Concurrence/Previous Council Action
The Phoenix Aviation Advisory Board recommended approval of this item on Aug. 18, 2022 by a vote of 7-0.

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

This item was adopted.

60 Aviation Department Construction Inspection Services (Ordinance S-49044)

Request to authorize the City Manager, or his designee, to enter into separate agreements with TRACE Consulting, LLC and Consultant Engineering, Inc., to provide construction inspection services for the Aviation Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $12.5 million.

Additionally, request to authorize the City Manager, or his designee, to

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

Summary

The On-Call consultants will be responsible for providing construction inspection services for Phoenix Sky Harbor International Airport, Phoenix Goodyear Airport, and Phoenix Deer Valley Airport that include, but are not limited to: serve as a City representative on construction projects assigned to landside and/or airside on an as-needed basis; inspect and monitor for compliance; observe, record, and review performance tests; prepare daily reports, test results, and photo records; perform other inspection services as needed; and will work closely with and under the direction of the Aviation Construction Inspection Supervisor.

Procurement Information

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

Selected Firms

Rank 1: TRACE Consulting, LLC

Rank 2: Consultant Engineering, Inc.

Additional Proposers

Rank 3: Dibble CM, LLC

Rank 4: Ritoch-Powell & Associates, an Ardurra Company

Contract Term
The term of each agreement is up to three years from the issuance of the Notice to Proceed, with the option to extend for two additional years, or up to $6,250,000, whichever occurs first. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for each of the consultants will not exceed $6,250,000, including all sub consultant and reimbursable costs. The total fee for all services will not exceed $12.5 million.

Funding is available in the Aviation Department's Capital Improvement Program and Operating budgets. 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
Phoenix Sky Harbor International Airport - 2485 E. Buckeye Road.
Phoenix Deer Valley Airport - 702 W. Deer Valley Road.
Phoenix Goodyear Airport - 1658 S. Litchfield Road., Goodyear, Ariz.
Council Districts: 2, 8, and Out of City

This item was adopted.

61 Aviation Deicing Trailer- Request for Award (Ordinance S-49064)

Request to authorize the City Manager, or his designee, to complete a one-time purchase with Wausau Equipment Company, Inc. (Wausau), for a TAD Series trailer mounted runway deicer to support Phoenix Sky Harbor International Airport's (PHX) Extreme Weather Program for the Aviation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of this request will not exceed $160,000.

Summary
PHX provides critical infrastructure for both domestic and international airlines and unpredictable weather incidents can significantly interrupt operations. Due to the effects of climate change and unpredictable climate patterns, PHX has developed the Extreme Weather Program in order to more efficiently respond to potential extreme winter weather conditions. The purchase price also includes staff training and a two-year equipment warranty.

Procurement Information
PHX recently issued a total of two Invitations for Bids, however the bids were cancelled due to the bidders' inability to meet the equipment specifications and delivery time frame respectively. Wausau is the only vendor that can manufacture and deliver the deicing trailer with manual booms within PHX requested timeline to support Super Bowl operations.

In accordance with AR 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition-One Time Contract-Due to Time Restrictions.

Contract Term
A one-time purchase order (PO) will be issued upon Council approval.

Financial Impact
The one-time PO value will not exceed $160,000.

Funding is available in the Aviation Department's budget.

Location
Phoenix Sky Harbor International Airport, 2485 E Buckeye Road, Phoenix, AZ 85034
Council District: 8

This item was adopted.

62 Amendment to Executive Hangar Lease 152807 with Salt River

Project at Phoenix Sky Harbor International Airport (Ordinance S-49070)

Request to authorize the City Manager, or his designee, to amend Executive Hangar Lease152807 with Salt River Project Agricultural Improvement and Power District (SRP) to add executive hangar 10 to the premises at Phoenix Sky Harbor International Airport.

Summary

On March 1, 2020 SRP entered into Executive Hangar Lease 152807 for executive hangar 11. The term for Executive Hangar Lease 152807 terminates on Feb. 29, 2024. SRP has purchased a new aircraft and requires additional space and SRP is requesting to lease executive hangar 10 to store the additional aircraft by amending the premises.

Contract Term

This amendment will add executive hangar 10 to the premises of Executive Hangar Lease 152807, which is scheduled to expire on Feb. 29, 2024. All other terms and conditions of the lease will remain the same.

Financial Impact

Rent for this amendment will increase approximately $30,364.32 per year ($2,530.36 per month). Rent will be adjusted annually based on the Consumer Price Index (CPI) for Phoenix-Mesa-Scottsdale. Expected occupancy will be 15 months total. The total estimated revenue will be $37,955.40.

Concurrence/Previous Council Action

The City Council approved:

Executive Hangar Lease 152807 (Ordinance S-46072) on October 2, 2019

The Phoenix Aviation Advisory Board recommended this item for approval on September 15, 2022, by a vote of 6-0.

Location

Phoenix Sky Harbor International Airport - 2527 E. Air Lane, Phoenix,

Arizona 85034
Council District: 8

This item was adopted.

63 Fairmount Corporation Real Estate and Investments Ground Lease (Ordinance S-49072)

Request to authorize the City Manager, or his designee, to enter into a ground lease with Fairmount Corp. Real Estate and Investments for Aviation Department owned parcel at 1520 East Apache St. Further request to authorize the City Treasurer to accept all funds related to the ground lease.

Summary
Fairmount Corp. Real Estate and Investments (Fairmount) owns land west of Phoenix Sky Harbor International Airport that envelops the Aviation Department owned parcel at 1520 East Apache St. on three sides. Fairmount wishes to lease approximately 6,893 square feet of land on this parcel to increase available automobile parking for their property.

Contract Term
The term of the lease will be three years from the date of execution. Provisions of the contract will include two one-year options to extend the term at the sole discretion of the Aviation Director.

Financial Impact
Annual rent for the first year of the term will be $7,238. Rent will be annually adjusted according to the Phoenix-Mesa-Scottsdale Consumer Price Index. Total anticipated revenue, if all options are exercised, is approximately $36,190.

Concurrence/Previous Council Action
This item was approved by the Phoenix Aviation Advisory Board on September 15, 2022 by a vote of 6-0.

Location
1520 East Apache St.
Council District: 8

This item was adopted.

64 Westwind School of Aeronautics, Phoenix, LLC Lease Amendment (Ordinance S-49073)

Request to authorize the City Manager, or his designee, to amend Westwind School of Aeronautics, Phoenix, LLC (Westwind) Lease 145025 to add additional land for two parking lots at Phoenix Goodyear Airport (GYR).

Summary

Westwind operates a pilot training facility at GYR. Westwind is increasing the number of students enrolled in their flight training program and requires additional automobile parking to accommodate more students. The additional parking consists of approximately 91,626 square feet and will be located on two vacant lots that are contiguous with the Westwind campus.

Contract Term

The amendment will add land for the parking lots to Westwind Lease 145025 for the remaining term of the lease which expires on Feb. 29, 2032. A provision of the lease includes one five-year option to extend the term to Feb. 28, 2037 at the sole discretion of the Aviation Director.

Financial Impact

Annual rent for the land for the parking lots for the first year will be $29,320, and will increase annually per the Phoenix-Mesa-Scottsdale Consumer Price Index. Total anticipated revenue, if the option is exercised, is approximately $439,800.

Concurrence/Previous Council Action

The City Council approved Lease 145025 (Ordinance S-43184) on Jan. 25, 2017.
This item was approved by the Phoenix Aviation Advisory Board on Sept. 15, 2022 by a vote of 6-0.

Location

Phoenix Goodyear Airport, 1658 South Litchfield Road, Goodyear, Ariz.

This item was adopted.

65 Materials Recovery Facility Operations and Materials Marketing - Requirements Contract - RFP 23-SW-006 (Ordinance S-49059)

Request to authorize the City Manager, or his designee, to enter into an agreement with Balcones Resources, Inc. to provide the Public Works Department with operation and maintenance of the North Gateway and the 27th Avenue Material Recovery Facilities (MRFs) and marketing of recovered materials for a five-year period commencing on or about Feb. 1, 2023, for North Gateway and Sept. 1, 2023, for 27th Avenue. Further request to authorize the City Controller to disburse all funds and City Treasurer to accept all funds related to this agreement over the life of the contract.

Summary

The Contractor's obligation will be to operate the City's North Gateway and 27th Avenue MRFs. This includes processing single stream recycling to meet market specifications and creating economic value by marketing, selling, and shipping the recyclable material (commodities) to various markets. Currently, approximately 130,000 tons of recyclables are processed annually. The material processed at these sites are received from the City's curbside recycling program, City facilities and other municipalities. The commodities include aluminum, steel cans, various plastics, mixed glass, cardboard, and paper. The contractor will also maintain the MRF equipment and provide all staffing, materials, supplies, and equipment required of MRF operations.

Procurement Information

Request for Proposal (RFP) 23-SW-006 was conducted in accordance with Administrative Regulation 3.10. Five proposals were received on July 13, 2022. The offers were evaluated by a panel that included representation from the Public Works Department, City of Tucson, and City of Glendale. The offers were evaluated based on criteria set forth in the RFP with 1,000 maximum points possible.

Allied Waste Systems, Inc., Republic Services: 736 points
Balcones Resources, Inc.: 873 points

CellMark, Inc.: 735 points
GFL Environmental/Transit Waste, LLC: 811 points
Recology, Inc.: 827 points

The evaluation panel recommends the offer from Balcones Resources, Inc. to be accepted as the responsive and responsible offer with the highest point value received.

Contract Term
The term of this contract is for five years and will commence on or about Feb. 1, 2023, for North Gateway and Sept. 1, 2023, for 27th Avenue. Provisions of the contract include an option to extend the term up to five years, to be taken in one-year increments, which may be exercised by the City Manager or designee.

Financial Impact
The estimated operating cost over the 10-year contract is approximately $158,903,000 based on historical trends and highest forecasted processing rate, and it also assumes tonnage growth and CPI adjustments. Revenue will be generated by the sale of commodities, which will fluctuate depending on market conditions. Actual usage, fees, and revenues from this contract may be higher or lower depending on recycling tonnage collected and commodities markets.

Funding is available in the Public Works Department's budget.

Location
North Gateway MRF - 30205 N. Black Canyon Highway
27th Avenue MRF - 3060 S. 27th Ave.
Council Districts: 2 and 7

This item was adopted.

66 Fire Alarm - Job Order Contracting Services Contracts (Ordinance S-49045)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with four contractors to provide Fire Alarm Job Order Contracting Services for departments citywide. Further

request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $32 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical; water; sewer; natural gas; telecommunications; cable television; railroads; and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix 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 State of Arizona (State) has completed a procurement process to select four Job Order Contractors (JOC) to provide Fire Alarm Services throughout the Phoenix Area. The City of Phoenix (City) would like to enter into a cooperative use agreement to utilize the solicitation. The four contractors are 1. Hiller Companies, Inc. dba American Fire Equipment Sales & Service Corporation, 2. CopperState Fire Protection, 3. Firetrol Protection Systems, Inc., and 4. Atlas Fire Company, LLC.

The Contractors' services will be used on an as-needed basis and include, but are not limited to: assessment, design, procurement and installation of new intelligent/addressable fire alarm systems; and replacing or upgrading existing fire alarm systems in occupied buildings.

Procurement Information

These cooperative agreements will allow the City to utilize Fire Alarm JOC Services and benefit from rates already negotiated with the contractors, thereby providing a better cost for construction services to the City.

Contract Term

The term of each master agreement is for up to five years, or up to $8 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact

The master agreement value for each of the JOC contractors will not exceed $8 million, including all subcontractor and reimbursable costs. The total fee for services will not exceed $32 million.

Request to authorize the City Manager, or his designee, to execute job order agreements performed under these master agreements for up to $2 million each. In no event will any job order agreement exceed this limit without Council approval to increase the limit.

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

This item was adopted.

69 Citywide Engineering On-Call Services for Calendar Years 2023-24 (Ordinance S-49068)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the 60 consultants on **Attachment A**, to provide Engineering On-Call services citywide. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $72 million.

Additionally, request to authorize the City Manager, or his designee, to

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

Summary

The On-Call consultants will be responsible for providing On-Call Engineering services that include, but are not limited to: studies, plan review, special inspections, programming, master plans, design, construction document development (plans, specifications and cost estimates), and construction administration and inspection services.

Procurement Information

The selections were made using a qualifications-based selection process set forth in section 34-604 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-604(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. 112 firms submitted proposals and are listed in **Attachment A**.

Contract Term

The term of each agreement will begin on or about Nov. 1, 2022 with a term of up to two years or up to $1.2 million, whichever occurs first. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement values for each of the On-Call consultants will not exceed $1.2 million, including all subconsultant and reimbursable costs. The total fee for all services will not exceed $72 million.

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

This item was adopted.

70 Street Transportation Department Subsurface Utility Excavation - 2-Step Job Order Contracting Services - 4108JOC210 (Ordinance S-49075)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with two contractors to provide Subsurface Utility Excavation 2-Step Job Order Contracting services citywide. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $5 million.

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

Summary

The Contractors' services will be used on an as-needed basis to provide Job Order Contracting (JOC) services for subsurface utility excavation. Additionally, the JOC contractors will be responsible for fulfilling Small Business Enterprise program requirements.

Procurement Information

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

Selected Firms
Rank 1: AZTEC Engineering Group, Inc.
Rank 2: T2 UES, Inc.

Additional Proposers
Rank 3: Cobb, Fendley & Associates, Inc.
Rank 4: Horrocks Engineers, Inc.

Contract Term

The term of each master agreement is for up to five years, or up to $2.5 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact

The master agreement value for each of the JOC contractors will not exceed $2.5 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed $5 million. The value for each job order agreement performed under this master agreement will be up to $1 million each. In no event will any job order agreement exceed this limit without Council approval to increase the limit.

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

This item was adopted.

71 Hot Mix Asphalt Products - RFQu 18-206 - Amendment (Ordinance S-49048)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 147410 with Vulcan Materials Company for the purchase of hot mix asphalt products for the Street Transportation and Aviation Departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $1,025,000.00.

Summary
This contract provides hot mix asphalt products for use by the Street Transportation and Aviation Departments. Additional funds are required due to a price increase in asphalt materials. The additional funds will enable the City to continue paving projects and critical maintenance and repair of paved surfaces.

Contract Term
The contract term remains unchanged, ending on April 30, 2023.

Financial Impact
Upon approval of $1,025,000.00 in additional funds, the revised aggregate value of the contract will not exceed $12,257,500.00. Funds are available in the Street Transportation and Aviation Departments' budgets.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
Hot Mix Asphalt Products - Contract 147410 (Ordinance S-44479) on April 18, 2018

This item was adopted.

72 State Fair Towing - RFQ 18-129 - Amendment (Ordinance S-49065)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 148443 with Western Towing of Phoenix, Inc. dba Western Towing for Arizona State Fair towing services

for the Police Department. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $30,000.

Summary
This contract will provide the Police Department towing services to relocate vehicles or property from illegal parking areas for the Arizona State Fair. The Arizona State Fair is held annually during the months of September and October. Additional funds are being requested, as the actual need for services has been greater than originally estimated and the length of the 2022 Arizona State Fair has been extended by one week. This service is essential to enforce the mandated Arizona Revised Statutes, Phoenix City Codes, and departmental policies to tow vehicles.

Contract Term
The contract term remains unchanged, ending on Sept. 30, 2023.

Financial Impact
Upon approval of $30,000 in additional funds, the revised aggregate value of the contract will not exceed $125,000. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• State Fair Towing - Contract 148443 (Ordinance S-44984) on Sept. 19, 2018;
• State Fair Towing - Contract 148443 (Ordinance S-48297) on Feb. 2, 2022.

This item was adopted.

73 Authorization to Enter into an Agreement with Salt River Valley Water Users' Association and Salt River Project Agricultural Improvement and Power District and Others for Accounting and Delivery of Water Made Available in the Modified Roosevelt Dam Flood Control Space (Ordinance S-49054)

Request to authorize the City Manager, or his designee, to enter into an agreement among Salt River Valley Water Users' Association; Salt River

Project Agricultural Improvement and Power District; and the Arizona cities of Avondale, Chandler, Glendale, Mesa, Peoria, Scottsdale, and Tempe: Town of Gilbert; Roosevelt Water Conservation District; Buckeye Water Conservation and Drainage District; Roosevelt Irrigation District; the Salt River Pima-Maricopa Indian Community, a sovereign tribe located in the Phoenix metropolitan area; and Freeport Minerals Corporation for Accounting and Delivery of Water Made Available in the Modified Roosevelt Dam Flood Control Space under a temporary deviation to the Water Control Plan. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the agreement will not exceed $26,000.

Summary

The parties are entities that are entitled to use spill water from Roosevelt Dam on the Salt River. The parties are proposing a change to the Water Control Plan that governs operations of the flood control space at Roosevelt Dam. The proposed changes to the Water Control Plan contemplate planned instances to allow deviations from normal dam regulation in order to maximize reservoir and water use. Under provisions of section 7-14(c) or the Water Control Plan and section 7 of the Water Control Agreement, Salt River Project (SRP), Reclamation, and the Corps of Engineers developed a planned deviation wherein SRP, among other things, is authorized to extend the evacuation period for water entering the first five feet of the Flood Control Space on a five-year pilot basis. By extending the evacuation period, the participating entities will have greater access to use flood waters impounded behind Roosevelt Dam. Phoenix will have access to the largest volume of 18.41 percent.

Contract Term

The agreement will begin on or about Oct. 1, 2022 for the length of the pilot project, or five years and 120 days, whichever is shorter.

Financial Impact

The aggregate value of the agreement is not to exceed $26,000.

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

Location

Outside of the City

This item was adopted.

74 Settlement Agreement with Connect 202 Partners, LLC, for Water Main Cathodic Protection Associated with the SR202 Construction (Ordinance S-49056)

Request to authorize the City Manager, or his designee, to enter into a Settlement Agreement with Connect 202 Partners, LLC, to resolve a water main cathodic protection issue associated with the State Route 202 South Mountain Freeway Project. Further request to authorize the City Treasurer to accept all funds related to this item. The City will be paid in the amount of $47,500.

Summary
The South Mountain Freeway Project installed a water main with cathodic protection along Liberty Lane from Desert Foothills Parkway to approximately 20th Way. The water main will require ongoing inspection and monitoring. Connect 202 Partners will pay the Water Services Department $47,500 to resolve issues related to the cathodic protection and otherwise discharge any potential claims.

Contract Term
The agreement will begin on or about Oct. 15, 2022, with the money to be paid to the City within five days of the effective date.

Financial Impact
The City will be paid in the amount of $47,500.

Location
Liberty Lane from Desert Foothills Parkway to 20th Way.
Council District: 6

This item was adopted.

75 Modification of Stipulation Request for Ratification of July 20, 2022 Planning Hearing Officer Action - PHO-1-22--Z-58-04-1 - Approximately 550 Feet South of the Southwest Corner of 43rd

Avenue and Cactus Road

Request to authorize the City Manager, or his designee, to approve Planning Commission recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on July 20, 2022 and the Planning Commission on Sept. 1, 2022. This ratification requires formal action only.

Summary

Application: PHO-1-22--Z-58-04-1
Existing Zoning: C-O (Approved C-1)
Acreage: 1.08

Owner: Benjamin and Corina Covaciu
Applicant: Daniel Istrate, Kontexture LLC
Representative: Daniel Istrate, Kontexture LLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance with the site plan date stamped May 24, 2004, and elevations date stamped July 7, 2004.
2. Deletion of Stipulation 4 regarding parking lot landscaping.
3. Technical corrections for Stipulations 2 and 3.

Concurrence/Previous Council Action

VPC Action: The North Mountain Village Planning Committee heard this case on May 18, 2022, and recommended denial, by a vote of 13-2.
PHO Action: The Planning Hearing Officer heard this case on June 15, 2022, and continued the case. The Planning Hearing Officer heard this case again on July 20, 2022, and recommended approval with a modification and an additional stipulation.
Staff Recommendation: Approval, with a modification and an additional stipulation, as recommended by the Planning Hearing Officer.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Planning Hearing Officer recommendation with an additional stipulation, by a vote of 7-0. See **Attachment A (Stipulations)** for the list of Planning Commission recommended stipulations.

Location
Approximately 550 feet south of the southwest corner of 43rd Avenue and Cactus Road.
Council District: 1
Parcel Address: 11990 N. 43rd Ave.

This item was approved as corrected.

76 Final Plat - Deer Valley Business Center Buildings 5-6-7 - PLAT 210087 - West of 7th Avenue and North of Rose Garden Lane

Plat: 210087
Project: 21-1411
Name of Plat: Deer Valley Business Center Building 5-6-7
Owner: Sunbelt Rose Garden, L.P.
Engineer: James A. Brucci, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Sept. 7, 2022
Final Plat requires Formal Action Only

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

Location
Generally located west of 7th Avenue and north of Rose Garden Lane.
Council District: 1

This item was approved.

78 Amend City Code - Ordinance Adoption - Rezoning Application Z-49-22-1-2 - Southwest Corner of 7th Street and Pinnacle Peak Road (Ordinance G-7029)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-49-22-1-2 and rezone the site from A-1 SP DVAO (Light Industrial District, Special Permit, Deer Valley Airport Overlay District) and A-1 DVAO (Light Industrial District, Deer Valley Airport Overlay District) to A-1 DVAO (Light Industrial District, Deer Valley Airport Overlay District) to remove the existing Special Permit on a portion of the site and allow light

industrial uses.

Summary
Current Zoning: A-1 SP DVAO and A-1 DVAO
Proposed Zoning: A-1 DVAO
Acreage: 7.36 acres
Proposal: Removal of Special Permit to allow light industrial uses

Owner: William Cox, Park View Lane 5, LLC
Applicant: Hawkeye Development, LLC
Representative: Clark Diepholz

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on Aug. 11, 2022, and recommended approval, per the staff recommendation, by a vote of 11-0.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Deer Valley Village Planning Committee recommendation, by a vote of 7-0.

Location
Southwest corner of 7th Street and Pinnacle Peak Road
Council District: 1 and 2
Parcel Address: 23100 and 23210 E. 7th St., and 675 E. Pinnacle Peak Road

This item was adopted.

79 Amend City Code - Ordinance Adoption - Rezoning Application Z-33-22-2 - Southeast Corner of North Valley Parkway and Sonoran Desert Drive (Ordinance G-7037)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-33-22-2 and rezone the site from C-2 HGT/WVR NBCOD (Intermediate Commercial, Height Waiver, North Black Canyon Overlay District) to C-2 HGT/WVR DNS/WVR NBCOD (Intermediate Commercial, Height Waiver, Density Waiver, North Black Canyon Overlay District) to allow multifamily residential.

Summary
Current Zoning: C-2 HGT/WVR NBCOD
Proposed Zoning: C-2 HGT/WVR DNS/WVR NBCOD
Acreage: 15.86 acres
Proposal: Multifamily Residential

Owner: Hedgegrow Land Holdings, LLC
Applicant: LGC
Representative: Jason Morris, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The North Gateway Village Planning Committee heard this case on Aug. 11, 2022, and recommended approval, per the staff recommendation, by a vote of 6-0.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the North Gateway Village Planning Committee recommendation, by a vote of 7-0.

Location
Southeast corner of North Valley Parkway and Sonoran Desert Drive
Council District: 2
Parcel Address: 2425 W. Sonoran Desert Drive

This item was adopted.

80 Amend City Code - Ordinance Adoption - Rezoning Application Z-3-22-3 (12th & Greenway PUD) - Approximately 175 Feet North of the Northwest Corner of 12th Street and Greenway Parkway (Ordinance G-7035)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-3-22-3 and rezone the site from C-2 (Intermediate Commercial) and C-2 HGT/WVR DNS/WVR (Intermediate Commercial, Height and Density Waiver) to PUD (Planned Unit Development) to allow multifamily residential.

Summary

Current Zoning: C-2 (3.96 acres) and C-2 HGT/WVR DNS/WVR (5.54 acres)
Proposed Zoning: PUD
Acreage: 9.50 acres
Proposal: Multifamily residential

Owner: Donald Valk
Applicant & Representative: Nick Wood, Esq., Snell & Wilmer, LLP

Staff Recommendation: Approval, subject to stipulations.
VPC Info Only: The Deer Valley Village Planning Committee heard this case on April 14, 2022, for information only .
VPC Action: The Deer Valley Village Planning Committee heard this case on Aug. 11, 2022, and recommended approval, per the staff recommendation with additional stipulations, by a vote of 11-0.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the staff memo dated Sept. 1, 2022, by a vote of 7-0.

Location
Approximately 175 feet north of the northwest corner of 12th Street and Greenway Parkway
Council District: 3
Parcel Address: 1000 and 1100 E. Greenway Parkway

This item was adopted.

82 Amend City Code - Ordinance Adoption - Rezoning Application Z-29-22-4 - Northwest Corner of 4th Avenue and Osborn Road (Ordinance G-7032)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-29-22-4 and rezone the site from P-1 (Passenger Automobile Parking, Limited District), C-2 (Intermediate Commercial District), and R-5 (Multifamily Residence District) to WU Code T5:6 MT (Walkable Urban Code, Transect 5:6, Transit Midtown Character Area) to allow multifamily residential.

Summary
Current Zoning: P-1 (0.92-acres), C-2 (1.37 acres), and R-5 (1.77 acres)
Proposed Zoning: WU Code T5:6 MT
Acreage: 4.06 acres
Proposed Use: Multifamily residential

Owner: Masyno Osborn, LLC
Applicant: Subtext Living
Representative: Nick Wood, Esq; Snell & Wilmer, LLP

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Encanto Village Planning Committee heard this case on Aug. 1, 2022, and recommended approval, per the staff recommendation with an additional stipulation, by a vote of 8-2.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Encanto Village Planning Committee recommendation, per the Encanto Village Planning Committee recommendation, by a vote of 7-0.

Location
Northwest corner of 4th Avenue and Osborn Road
Council District: 4
Parcel Address: 3404, 3410, and 3500 N. 4th Ave. and 402 W. Osborn Road

This item was adopted.

83 Amend City Code - Ordinance Adoption - Rezoning Application Z-39-22-5 - Approximately 340 Feet East of the Southeast Corner of 29th Avenue and Northern Avenue (Ordinance G-7033)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-39-22-5 and rezone the site from R-5 SP (Multifamily Residence District, Special Permit) to R-5 (Multifamily Residence District), to remove the Special Permit and allow multifamily residential.

Summary
Current Zoning: R-5 SP

Proposed Zoning: R-5
Acreage: 0.65 acres
Proposed Use: Multifamily residential

Owner: New Freedom Housing, LLC
Applicant: Matt Waltz
Representative: Matt Waltz

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Alhambra Village Planning Committee heard this case on Aug. 23, 2022, and recommended approval, per the staff recommendation, by a vote of 14-1.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Alhambra Village Planning Committee recommendation, by a vote of 7-0.

Location
Approximately 340 feet east of the southeast corner of 29th Avenue and Northern Avenue
Council District: 5
Parcel Address: 2821 and 2825 W. Northern Ave.

This item was adopted.

84 Amend City Code - Ordinance Adoption - Rezoning Application Z-38-22-6 - Southeast Corner of 10th Street and Pasadena Avenue (Ordinance G-7038)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-38-22-6 and rezone the site from P-1 (Passenger Automobile Parking, Limited District) to R-4 (Multifamily Residence District) to allow single-family attached residential.

Summary
Current Zoning: P-1
Proposed Zoning: R-4
Acreage: 0.72 acres
Proposal: Single-family attached residential

Owner: Brian R. Puziss
Applicant: Andrew Nametz, Pasadena 1 Zero, LLC
Representative: William F. Allison, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Camelback East Village Planning Committee heard this case on Aug. 2, 2022, and recommended approval, per the staff recommendation, by a vote of 13-0-1.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Camelback East Village Planning Committee recommendation, by a vote of 7-0.

Location
Southeast corner of 10th St. and Pasadena Ave.
Council District: 6
Parcel Address: 5020 N. 10th Place and 1001 and 1003 E. Pasadena Ave.

This item was adopted.

85 Amend City Code - Ordinance Adoption - Rezoning Application Z-13-22-8 - Approximately 150 Feet West of the Northwest Corner of 9th Street and Portland Street (Ordinance G-7030)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-13-22-8 and rezone the site from R-4 RI HP (Multifamily Residence District, Residential Infill District, Historic Preservation Overlay) to WU Code T4:2 EG HP (Walkable Urban Code, Transect 4:2 District, Transit Eastlake-Garfield Character Area, Historic Preservation Overlay) to allow multifamily residential.

Summary
Current Zoning: R-4 RI HP
Proposed Zoning: WU Code T4:2 EG HP
Acreage: 1.36 acres
Proposal: Multifamily residential

Owner: Robert Severino, RS4, LLC
Applicant: Rodney Sherrard, RS Architecture, LLC
Representative: Rodney Sherrard, RS Architecture, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Central City Village Planning Committee heard this case on Aug. 8, 2022, and recommended approval, per the staff recommendation, by a vote of 11-1.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Central City Village Planning Committee recommendation, by a vote of 7-0.

Location
Approximately 150 feet west of the northwest corner of 9th Street and Portland Street
Council District: 8
Parcel Address: 740, 744, 748, and 756 E. Portland St.

This item was adopted.

86 Amend City Code - Ordinance Adoption - Rezoning Application Z-24-22-8 - Approximately 370 Feet West of the Southwest Corner of 48th Street and McDowell Road (Ordinance G-7036)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-24-22-8 and rezone the site from C-2 (Intermediate Commercial District) and R-5 (Multifamily Residence District) to R-5 (Multifamily Residence District) to allow multifamily residential.

Summary
Current Zoning: C-2 (7.48 acres) and R-5 (0.64 acres)
Proposed Zoning: R-5
Acreage: 8.12 acres
Proposal: Multifamily residential

Owner: MV McDowell Partners, LLC
Applicant: Kairos Investments Management Company
Representative: Benjamin Graff, Quarles & Brady, LLP

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Camelback East Village Planning Committee heard this case on Aug. 2, 2022, and recommended approval, per the staff recommendation, by a vote of 15-0.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Camelback East Village Planning Committee recommendation, by a vote of 7-0.

Location
Approximately 370 feet west of the southwest corner of 48th Street and McDowell Road
Council District: 8
Parcel Address: 4707, 4709, 4717 E. McDowell Road

This item was adopted.

87 **Amend City Code - Ordinance Adoption - Rezoning Application Z-28-22-8 - Northwest Corner of 23rd Avenue and Baseline Road (Ordinance G-7034)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-28-22-8 and rezone the site from S-1 (Ranch or Farm Residence District) to R1-8 (Single-Family Residence District) to allow single-family residential.

Summary
Current Zoning: S-1
Proposed Zoning: R1-8
Acreage: 12.85 acres
Proposal: Single-family residential

Owner: Seibert Revocable Living Survivor's Trst
Applicant: Lou Turner, Hillstone Homes
Representative: David Maguire, Land Solutions, Inc.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The South Mountain Village Planning Committee heard this

case on July 12, 2022, and continued the case to the Aug. 9, 2022 hearing, where they recommended approval, per the staff recommendation with additional stipulations, by a vote of 7-4.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the staff memo dated Sept. 1, 2022, by a vote of 6-1.

Location
Northwest corner of 23rd Avenue and Baseline Road
Council District: 8
Parcel Address: 2310 W. Baseline Road

This item was adopted.

88 **Amend City Code - Ordinance Adoption - Rezoning Application Z-45-22-8 - Southeast Corner of 59th Avenue and Dobbins Road (Ordinance G-7039)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-45-22-8 and rezone the site from S-1 (Approved C-2 HGT/WVR PCD) (Ranch or Farm Residence District, Approved Intermediate Commercial, Height Waiver, Planned Community District) to C-2 HGT/WVR DNS/WVR (Intermediate Commercial, Height Waiver, Density Waiver) to allow mixed-use development.

Summary
Current Zoning: S-1 (Approved C-2 HGT/WVR PCD)
Proposed Zoning: C-2 HGT/WVR DNS/WVR
Acreage: 39.74 acres
Proposal: Mixed-use development

Owner: Tyson Family, LTD, et al.
Applicant: Matrix at Dobbins
Representative: Jason Morris, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Laveen Village Planning Committee heard this case on July 11, 2022, and continued the case, by a vote of 8-0. The Laveen

Village Planning Committee heard this case on Aug. 8, 2022, and recommended approval, per the Addendum A Staff Report, with modifications and an additional stipulation, by a vote of 6-3.
PC Action: The Planning Commission heard this case on Aug. 4, 2022, and continued the case, by a vote of 9-0.The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Laveen Village Planning Committee recommendation, with a modification and an additional stipulation, by a vote of 7-0.

Location
Southeast corner of 59th Ave. and Dobbins Road.
Council District: 8
Parcel Address: 5703, 5775, 5875 W. Dobbins Road, 9250, 9365 S. 59th Ave.

This item was withdrawn as corrected.

89 Public Hearing - Appeal of Hearing Officer Decision - Abandonment of Right-of-Way - ABND 220011 - 4640 East Camelback Heights Way

Abandonment: ABND 220011
Project: 99-3459
Abandonment Applicant: Lauren Proper Potter
Date of Abandonment Hearing Officer's Decision:
Appellant: Benjamin Graff, Quarles & Brady, LLP on Behalf of Kim Komando & Barry Young

Summary
Rationale: The subject of the abandonment is a portion of land at North Camelback Canyon Drive and East Camelback Heights Way, located directly across from the Appellant's home (the "Abandonment Area"). The abandonment was approved on April 14, 2022, despite opposition from the Appellant and a request to continue the case to allow for further discussions between the neighbors. The Applicant would not agree to a continuance and the Hearing Officer forwarded a recommendation of approval to the City Council. Since April 14, 2022, the entire neighborhood along Camelback Heights Way (six parcel owners in total), have expressed opposition. One hundred percent of the property owners located along Camelback Heights Way, with the exception of the

Applicant, and an additional property owner on Camelback Canyon Drive (directly north of the Applicant's home) have joined in this appeal and respectfully request the Phoenix City Council overturn the Hearing Officer's approval and deny the requested abandonment.

Location
4640 East Camelback Heights Way
Council District: 6

This item was continued to the Dec. 7, 2022 City Council Formal Meeting.

Items 26-27, Ordinance S-49036 was a request to authorize the City Controller to disburse funds, up to amounts indicated on items, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 42-13.

26 Various Vendors for Social Media and Digital Services

For $50,000.00 in payment authority for various social media and digital services vendors, including Facebook and Instagram, for advertising and promotional services for the Communications Office on behalf of other City departments, except the Phoenix Police Department. The Communications Office is responsible for monitoring, updating, and creating content to be placed on social media platforms for City departments. Social media platforms have proven to be an effective tool for City messaging, including advertising and promoting City programs and services.

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

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

27 **Heritage Strategies International doing business as PlaceEconomics**

For $45,000.00 in payment authority to purchase Phase II of the Preservation Phoenix Style Study for the Historic Preservation Office for the Planning and Development Department. Phase I of this study, which focused on the economic impact of historic preservation efforts in Phoenix, was completed in October 2021. The report findings were presented to and adopted by the Historic Preservation Commission (HPC) and City Council. With the recommendation for further study from the HPC on Feb. 14, 2022, Phase II of the Preservation Phoenix Style Study would build upon the research findings from Phase I and utilize local focus groups over the course of five months to analyze city-level historic preservation tools and incentives nationwide. This will result in a report of historic preservation policy and incentive recommendations specific to Phoenix. The purchase is budgeted in the Historic Preservation Office's operating budget for Fiscal Year 2022-23.

Discussion

Mayor Gallego stated that this item was to preserve historic buildings in Phoenix.

Vice Mayor Pastor added that the PlaceEconomics Preservation Phoenix Style Phase 2 Study builds on the research from the Phase 1 study and analyzed historic preservation tools and incentives used at the city level across the country. She explained that the study emphasized work with local focus groups who would help to formulate a tentative set of ideas and subsequently assist with the finalization of the plan of recommendations. She included that this item is a payment authorization.

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

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

37 Sports Uniforms and Promotional Items - IFB 19-055 - Amendment (Ordinance S-49039)

Request to authorize the City Manager, or his designee, to execute amendments to contracts 150151 with Touchdown Sportswear & Promotions, LLC; 150152 with SP Designs & Manufacturing, Inc.; 150153 with Balzic Enterprises, LLC doing business as M&J Trophies and Apparel; and 150154 with Dumars Industries LLC, doing business as Explosion Sportswear and Image Sourcing, to allow Citywide use of the contracts for the purchase of promotional items. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $244,000.00.

Summary

These contracts will provide personalized promotional products such as volunteer t-shirts and employee awards in support of various department programs such as the Library Card Campaign and reading achievements, on an as needed basis.

Contract Term

The contract term remains unchanged, ending on June 14, 2024.

Financial Impact

Upon approval of $244,000.00 in additional funds, the revised aggregate value of the contract will not exceed $1,309,000.00. Funds are available in various departments' budgets.

Concurrence/Previous Council Action

The City Council previously reviewed this request:
• Sports Uniforms and Promotional Items, Contracts 150151, 150152, 150153, 150154, S-45726, on June 5, 2019.

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

Yes: 7 - Councilwoman Ansari, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Vice Mayor Pastor and Mayor Gallego

No: 2 - Councilman DiCiccio and Councilman Waring

51 **Japanese Friendship Garden Pump and Filter Maintenance Contract - EXC 23-020 Request for Award (Ordinance S-49058)**

Request to authorize the City Manager or his designee to enter into a contract with Intelligent Control Network, LLC, dba GMI Pump Systems to provide Japanese Friendship Garden Pump and Filter Maintenance for the Parks and Recreation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $500,000.

Summary

This contract will provide maintenance and ensure operations of the pump and filter systems at the Japanese Friendship Garden which contains a one-acre koi pond that is a replica of the Japanese Friendship Garden in Himeji, Japan, Phoenix's sister city. The previous system was approximately 15 years old and failing, causing loss of revenue to the non-profit operators and environmental concern for the health of the 1,200 koi that live in the pond. Both the pumps and the ozone need to work in tandem to keep the water aerated and clear and provide a healthy environment for the koi. It is necessary to have contracted maintenance by experts that can keep this system running efficiently for the enjoyment of the thousands of visitors to the Japanese Friendship Garden.

Procurement Information

In accordance with AR 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. The computer system to coordinate the pumps, ozone, cooling systems and alarms is a proprietary system installed by GMI Pump Systems. It is critical that these complex, proprietary systems are maintained and operated by the same company that installed the overall system.

Contract Term

The contract will begin on or about Oct. 17, 2022, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed $500,000 for the five-year aggregate term. Funding is available in the Parks and Recreation Department's budget.

Location

Japanese Friendship Garden, 1125 N. Third Ave., Phoenix, AZ 85003
Council District: 7

Discussion

Mark Rodriguez spoke in support of this item. He added that the Japanese Friendship Garden had a nice environment and water material.

Mayor Gallego encouraged speakers to speak on the topic of the item.

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

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

No: 1 - Councilman DiCiccio

52 Authorization to Sell City-Owned Property Located at 4815 S. 67th Ave. to Arizona Department of Transportation for State Route 30 (Ordinance S-49063)

Request to authorize the City Manager or his designee to sell City-owned property located at 4815 S. 67th Ave. to the Arizona Department of Transportation for State Route 30. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

The Arizona Department of Transportation (ADOT) requires the property for construction of the proposed State Route 30 which will extend between Loop 202 and Loop 303 through southwest Phoenix, Avondale and Goodyear. The property is approximately 85.98 acres (net) of vacant land and was leased for sand and gravel operations from January 2006

through February 2021. Most of the site is a sand and gravel pit that cannot be developed without significant fill.

Financial Impact
Revenue of $1,505,220 is reflective of appraised value. Proceeds from the sale of this property will be used for Parks and Recreation projects in Council District 7.

Concurrence/Previous Council Action
On Sept. 7, 2022, a public hearing was held to amend the Zoning District Map of the City of Phoenix, pursuant to Section 601 of the Zoning Ordinance, by adopting Rezoning Application Z-31-22-7 and rezone the site from S-1 (Ranch or Farm Residential District) to C-2 (Intermediate Commercial District) to allow commercial uses. Rezoning stipulations included elements that will help activate the Rio Salado frontage and promote pedestrian activity, including recreation. The item was adopted by City Council (Ordinance G-7011).

Location
4815 S. 67th Ave., identified by Maricopa County Assessor parcel number 104-66-001.
Council District: 7

Discussion
Councilwoman Ansari asked if language could be added to the purchase agreement should ADOT no longer need the parcel to reflect that the city could buy it back at the price it was purchased.

Deputy Finance Director Jami Schmalz clarified that language could be added and there was a statute that allowed for the re-purchase of the property.

Councilwoman Ansari prefaced with a brief statement of the political climate and referenced the Governor's veto of Prop 400 extension and added the uncertainty of SR30. She explained that during the vote for the rezoning parcel a week prior, she requested that the specifications of the projects outcome be investigated to ensure that funds were being allocated to parks projects in the surrounding areas given the countless

hours the community had spent on visioning projects for the parcel. Councilwoman Ansari thanked Parks and Recreation Director Cynthia Aguilar, Deputy City Manager Alan Stephenson, and Deputy City Manger Inger Erickson for their work on this item to make good use of the funds within the community.

Mayor Gallego added that SR30 would be funded by the Prop 400 extension. Mayor Gallego reiterated the uncertainty of the Prop 400 extension. She also thanked the several city departments for their work in the planning process. Mayor Gallego referenced the Rio Imagined Development and the city's efforts to keep infrastructure consistent with the regional priority.

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

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

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Ansari, that items 67-68 be adopted. The motion carried by the following vote:

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

67 Public Transit Department Light Rail Extension Construction Administration and Inspection On-Call Services for Calendar Years 2023-27 (Ordinance S-49050)

Request to authorize the City Manager, or his designee, to enter into separate agreements with eight selected consultants, as identified in **Attachment A**, to provide Construction Administration and Inspection On-Call services for multiple light rail extension projects. Further request to authorize execution of amendments to the agreements as necessary

within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item.

Concurrent with these requests, the City is separately seeking authority under another agenda item to enter into consultant agreements to provide Materials Testing On-Call services for multiple light rail extension projects in Calendar Years 2023-27. The total fee for On-Call services from the combination of all these consultant agreements for Materials Testing and Construction Administration and Inspection will not exceed $55 million in aggregate.

Additionally, request to authorize the City Manager, or his designee, to take all action deemed 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, within 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 Construction Administration and Inspection services on an as-needed basis for the following light rail extensions: Light Rail South Central Extension/Downtown Hub; Light Rail Northwest Extension Phase II; and future location, Capitol Extension. Phoenix may include additional future light rail extensions for these services.

The On-Call consultants will be responsible for providing Construction Administration and Inspection services that include, but are not limited to: representation on behalf of the City of Phoenix for full range of civil and water inspection services during the construction phase to ensure compliance with City of Phoenix, Maricopa County and Valley Metro standards, policies and guidelines. Inspections will include roadway,

alley, water, sewer, dry utilities, landscape and irrigation, irrigation facilities, storm drain, retentions, embankments, earthwork, trenching, grading, soil treatments, masonry, structural steel, bridge/structures, sidewalk, ADA ramps, curb and gutter, driveways, and temporary traffic control for compliance to applicable standards.

Current locations are:

South Central Extension/Downtown Hub; approximately 5.5 miles of new guideway that will provide a mass transit option for residences, businesses and visitors to gain access to and from the South-Central community.

Northwest Extension Phase II; approximately 1.5 miles of new guideway that will extend the light rail west, bridging the gap between the east and west valley.

Future locations are:

Capitol Extension; approximately 1.4 miles of new guideway that will extend the light rail west to the Arizona State Capitol.

Future light rail extensions may be identified and included in services.

This project may utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations (CFR) Part 26, the U.S. Department of Transportation Disadvantaged Business Enterprise Program, and FTA Circular 4220.1F.

Procurement Information

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

Contract Term

The agreements will begin on or about Nov. 1, 2022 with each having a term of up to five years. 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 cost for all agreements of the Construction Administration and Inspection On-Call consultants, combined with the cost for all agreements of the Material Testing On-Call consultants that the City is concurrently seeking authority to enter by a separate agenda item, will not exceed $55 million in aggregate, including all subconsultant and reimbursable costs.

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

Location
Council Districts: 1, 3, 5, 7 and 8

This item was adopted.

68 Public Transit Department Light Rail Extension Materials Testing On-Call Services for Calendar Years 2023-27 (Ordinance S-49051)

Request to authorize the City Manager, or his designee, to enter into separate agreements with eight selected consultants, as identified in **Attachment A**, to provide Materials Testing On-Call services for multiple light rail extension projects. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item.

Concurrent with these requests, the City is separately seeking authority under another agenda item to enter into consultant agreements to provide Construction Administration and Inspection On-Call services for multiple light rail extension projects in Calendar Years 2023-27. The total fee for On-Call services from the combination of all these consultant agreements for Materials Testing and Construction Administration and Inspection will

not exceed $55 million in aggregate.

Additionally, request to authorize the City Manager, or his designee, to take all action deemed necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to then 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, within 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 Materials Testing services on an as-needed basis for the following light rail extensions: Light Rail South Central Extension/Downtown Hub; Light Rail Northwest Extension Phase II; and future location, Capitol Extension. Phoenix may include additional future light rail extensions for these services.

The On-Call consultants will be responsible for providing Materials Testing services that include, but are not limited to: geotechnical investigations, geotechnical and materials testing; laboratory and field testing of soil, concrete and asphalt; plant inspections; analyses and preparation of reports; and daily oversight to ensure compliance with City of Phoenix, Maricopa County and Valley Metro standards, policies and guidelines.

Materials field testing will include roadway, alley, water, sewer, dry utilities, landscape and irrigation, irrigation facilities, storm drain, retentions, embankments, earthwork, trenching, grading, soil treatments, masonry, structural steel, bridge/structures, sidewalk, ADA ramps, curb and gutter and driveways for compliance with standard details, specifications and approved plans.

Current locations are:

South Central Extension/Downtown Hub; approximately 5.5 miles of new guideway that will provide a mass transit option for residences, businesses and visitors to gain access to and from the South-Central community.
Northwest Extension Phase II; approximately 1.5 miles of new guideway that will extend the light rail west, bridging the gap between the east and west valley.

Future locations are:
Capitol Extension; approximately 1.4 miles of new guideway that will extend the light rail west to the Arizona State Capitol.
Future light rail extensions may be identified and included in services.

This project may utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations (CFR) Part 26, the U.S. Department of Transportation Disadvantaged Business Enterprise Program, and FTA Circular 4220.1F.

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

Contract Term
The term of each agreement will begin on or about Nov. 1, 2022 and will have a term of up to five years. 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 cost for all agreements of the Material Testing On-Call consultants, combined with the cost for all agreements of the Construction Administration and Inspection On-Call consultants that the City is concurrently seeking authority to enter by a separate agenda item, will not

exceed $55 million in aggregate, including all subconsultant and reimbursable costs.

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

Location
Council Districts: 1, 3, 5, 7 and 8

This item was adopted.

77 Street Name Change from 38th Avenue to Sandomir Way (Ordinance S-49069)

Request to authorize the City Manager, or his designee, to rename the segment of 38th Avenue between Wier Avenue and Roeser Road to Sandomir Way, based on a request by the property owner, Laveen Elementary School District, whose property fronts the affected street segment.

Summary
The Laveen Elementary School District No. 59 is requesting that the Phoenix City Council change the street name from "38th Avenue" to "Sandomir Way" from Wier Avenue to Roeser Road.

The portion of street being requested to rename is a segment of 38th Avenue that lies between the south right-of-way line of Wier Avenue extending south to the north right-of-way line of Roeser Road. A portion of this street was dedicated on the MAURICE C. CASH ELEMENTARY SCHOOL subdivision plat on Feb. 24, 2011, in Book 1078 of Maps, Page 05 in the official records of Maricopa County, Arizona. Another portion of 38th Avenue was dedicated on the MARICOPA GARDEN FARMS subdivision plat on Jan. 4, 1924, in Book 011 of Maps, Page 38 in the official records of Maricopa County, Arizona. The remaining portion of 38th Avenue was accepted by the Phoenix City Council in Ordinance S-10264 on Jan. 24, 1978.

This street naming assignment is in accordance with the City of Phoenix Street Naming Process and the Maricopa County Association of Governments "Address and Street Name Assignment Policy" requirements. The requestor, the Laveen Elementary School District No. 59, owns the only property fronting the affected street segment, so there are no other interested property owners. Pursuant to the City policy the applicant presented for information only to the Laveen Village Planning Committee and there were no individual concerns expressed by the village members.

Location

38th Avenue from Wier Avenue to Roeser Road.
Council District: 7

Discussion

Prior to her motion, Councilwoman Ansari introduced the item. She explained that the section of 38th Avenue would be changed to Sandomir Way in honor of Lisa Sandomir who was principal of the M.C. Cash school which sat on the section of road in the Laveen Elementary School District. Councilwoman Ansari stated that Lisa Sandomir was tragically killed in a car accident last October and included her many accomplishments and accolades in leading M.C. Cash. She added that she was glad to be honoring Ms. Sandomir with a street name and emphasized the need to honor her with action by making the streets and the city safer.

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

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

81 Amend City Code - Ordinance Adoption - Rezoning Application Z-26-22-4 - Approximately 430 Feet East of the Northeast Corner of Central Avenue and Osborn Road (Ordinance G-7031)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-26-22-4 and rezone the site from C-2 H-R TOD-1 (Intermediate Commercial, High Rise Incentive District, Interim Transit-Oriented Zoning Overlay One) and P-2 H-R TOD-1 (Parking, High Rise Incentive District, Interim Transit-Oriented Zoning Overlay One) to WU Code T5:6 MT (Walkable Urban Code, Transect 5:6, Transit Midtown Character Area) to allow multifamily residential.

Summary
Current Zoning: C-2 H-R TOD-1 and P-2 H-R TOD-1
Proposed Zoning: WU Code T5:6 MT
Acreage: 4.10 acres
Proposed Use: Multifamily Residential

Owner: 3443 North Central, LLC
Applicant: Mill Creek Residential
Representative: Nick Wood, Snell & Wilmer, LLP

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Encanto Village Planning Committee heard this case on Aug. 1, 2022, and recommended approval, per the staff recommendation, by a vote of 7-3.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Encanto Village Planning Committee recommendation, by a vote of 7-0.

Location
Approximately 430 feet east of the northeast corner of Central Avenue and Osborn Road
Council District: 4
Parcel Address: 150 E. Osborn Road and 3443 N. Central Ave.

Discussion
Councilwoman Stark asked if this item would also include the adoption of an ordinance.

Deputy City Manager Alan Stephenson confirmed that the motion to approve would include the adoption of the related ordinance.

Vice Mayor Pastor thanked the development team from Ironline Partners for their agreement to diligently pursue a conservation easement for ten years on existing 18-story punch card building and the two circular rotunda buildings on Central Avenue. She added that the team made a multimillion dollar investment on the property and emphasized that the rehabilitated buildings would continue to be mid-century Marvels.

Mayor Gallego thanked the individuals who signed up to speak, only if necessary, in support of this item.

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

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

90 Public Hearing and Resolution Adoption - General Plan Amendment GPA-EST-2-22-7 - Southeast corner of 107th Avenue and Buckeye Road (Resolution 22072)

Request to hold a public hearing on a General Plan Amendment for the following item to consider the Planning Commission's recommendation and the related resolution if approved. This is a companion case to Z-42-22-7 and must be heard first, followed by Z-42-22-7.

Summary

Application: GPA-EST-2-22-7
Current Designation: Residential 3.5 to 5 dwelling units per acre (0.93 acres) and Commerce/Business Park (12.58 acres)
Proposed Designation: Residential 15+ dwelling units per acre
Acreage: 13.51
Proposed Use: Multifamily residential

Owner: Kelly Mahoney, Hillpointe, LLC

Applicant: Jonathan Schwerd, RK Design & Professional Services, LLC
Representative: Jonathan Schwerd, RK Design & Professional Services, LLC

Staff Recommendation: Approval.
VPC Action: The Estrella Village Planning Committee heard this case on Aug. 16, 2022, and recommended approval, by a vote of 6-1.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Estrella Village Planning Committee recommendation, by a vote of 7-0.

Location
Southeast corner of 107th Avenue and Buckeye Road
Council District: 7
Parcel Addresses: 10645 W. Buckeye Road

Discussion
Mayor Gallego stated items 90 and 91 were related and would be heard together. Mayor Gallego welcomed Deputy City Manager Alan Stephenson for the introduction of the items.

Deputy City Manager Alan Stephenson stated that due to the lack of significant opposition Planning and Development Department Director Joshua Bednarek could provide background information on the items if neccesary.

Mayor Gallego declared the public hearing open.

Noting there were no members of the public wishing to speak, Mayor Gallego declared the public hearing closed.

The hearing was held. A motion was made by Councilwoman Ansari, seconded by Councilwoman Stark, that this item be approved per the Planning Commission recommendation, with adoption of the related resolution. The motion carried by the following vote:

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

No: 0

Absent: 1 - Councilman DiCiccio

91 **Public Hearing and Ordinance Adoption - Rezoning Application Z-42-22-7 - Southeast corner of 107th Avenue and Buckeye Road (Ordinance G-7040)**

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-42-22-7 and rezone the site from S-1 (Ranch or Farm Residence District), RE-43 (One-Family Residence District), and C-3 (General Commercial District) to R-3A (Multifamily Residence District) to allow multifamily residential. This is a companion case to GPA-EST-2-22-7 and must be heard following GPA-EST-2-22-7.

Summary

Current Zoning: S-1 (9.70 acres), RE-43 (0.46 acres), and C-3 (3.35 acres)
Proposed Zoning: R-3A
Acreage: 13.51
Proposed Use: Multifamily residential

Owner: Kelly Mahoney, Hillpointe, LLC
Applicant: Jonathan Schwerd, RK Design & Professional Services, LLC
Representative: Jonathan Schwerd, RK Design & Professional Services, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Estrella Village Planning Committee heard this case on Aug. 16, 2022, and recommended approval, per the staff recommendation, by a vote of 6-1.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Estrella Village Planning Committee recommendation, by a vote of 7-0.

Location

Southeast corner of 107th Avenue and Buckeye Road
Council District: 7

Parcel Address: 10645 W. Buckeye Road

The hearing was held. A motion was made by Councilwoman Ansari, seconded by Councilwoman Stark, that this item be approved per the Planning Commission recommendation, with adoption of the related ordinance. The motion carried by the following vote:

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

92 **Public Hearing and Resolution Adoption - General Plan Amendment GPA-DV-2-22-1 - Approximately 600 Feet South of the Southwest Corner of 19th Avenue and Rose Garden Lane (Resolution 22071)**

Request to hold a public hearing on a General Plan Amendment for the following item to consider the Planning Commission's recommendation and the related resolution if approved. Request to amend the General Plan Land Use Map designation to allow multifamily residential. This is a companion case to Z-34-22-1 and must be heard first, followed by Z-34-22-1.

Summary

Application: GPA-DV-2-22-1
Current Designation: Industrial
Proposed Designation: Residential 15+ dwelling units per acre
Acreage: 22.46 acres
Proposed Use: Multifamily residential

Owner: TCA Plaza I, LLC and TCA Plaza II, LLC
Applicant: Jason Morris/Benjamin Tate, Withey Morris, PLC
Representative: Jason Morris/Benjamin Tate, Withey Morris, PLC

Staff Recommendation: Approval.
VPC Action: The Deer Valley Village Planning Committee heard this case on Aug. 11, 2022, and recommended approval, by a vote of 10-1.

PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Deer Valley Village Planning Committee recommendation, by a vote of 7-0.

Location

Approximately 600 feet south of the southwest corner of 19th Avenue and Rose Garden Lane.
Council District: 1
Parcel Addresses: 20620 and 20750 N. 19th Ave.

Discussion

Mayor Gallego stated that one public hearing will be held for items 92 and 93. Mayor Gallego asked if there was a staff report for the items.

Councilwoman O'Brien asked if there was opposition to the items.

Deputy City Manager Alan Stephenson confirmed that there was no opposition to the items.

Mayor Gallego declared public hearing open. She stated Ben Tate was in support on behalf of the applicant and would be available to answer any questions.

Noting there were no members of the public wishing to speak, Mayor Gallego declared the public hearing closed.

A motion was made by Councilwoman O'Brien, seconded by Councilwoman Stark, that this item be approved per the Planning Commission recommendation, with adoption of the related resolution. The motion carried by the following vote:

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

93 Public Hearing and Ordinance Adoption - Rezoning Application Z-34-22-1 - Approximately 600 Feet South of the Southwest Corner of 19th Avenue and Rose Garden Lane (Ordinance G-7041)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-34-22-1 and rezone the site from Ind. Pk. (Industrial Park District) to R-3A (Multifamily Residence District) to allow multifamily residential. This is a companion case to GPA-DV-2-22-1 and must be heard following GPA-DV-2-22-1.

Summary
Current Zoning: Ind. Pk.
Proposed Zoning: R-3A
Acreage: 22.46 acres
Proposed Use: Multifamily residential.

Owner: TCA Plaza 1, LLC and TCA Plaza II, LLC
Applicant: Mack Real Estate Group
Representative: Jason Morris/Benjamin Tate, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on Aug. 11, 2022, and recommended approval, per the staff recommendation, by a 10-1 vote.
PC Action: The Planning Commission heard this case on Sept. 1, 2022, and recommended approval, per the Deer Valley Village Planning Committee recommendation, by a 7-0 vote.

Location
Approximately 600 feet south of the southwest corner of 19th Avenue and Rose Garden Lane.
Council District: 1
Parcel Address: 20620 and 20750 N. 19th Ave.

The hearing was held. A motion was made by Councilwoman O'Brien, seconded by Councilwoman Stark, that this item be approved per the Planning Commission recommendation, with adoption of the related ordinance. The motion carried by the following vote:

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

94 **Public Hearing and Resolution Adoption - General Plan Amendment GPA-AF-1-22-6 - Chandler Boulevard Approximately between the 19th and 27th Avenue Alignments, and 27th Avenue between Chandler Boulevard and the Loop 202 Freeway (Resolution 22070)**

Request to hold a public hearing on a General Plan Amendment for the following item to consider the Planning Commission's recommendation and the related resolution if approved. Request to amend the Street Classification Map designation to reclassify Chandler Boulevard from Arterial Street to Collector Street and 27th Avenue from Arterial Street to Local Street.

Summary

Application: GPA-AF-1-22-6
Current Designation: Arterial (Chandler Boulevard and 27th Avenue)
Proposed Designation: Collector (Chandler Boulevard) and Local (27th Avenue)

Owner: Tom Lemon, Reserve 100, LLC
Applicant: Alan Beaudoin, Norris Design
Representative: Alan Beaudoin, Norris Design

Staff Recommendation: Approval.
VPC Action: The Ahwatukee Foothills Village Planning Committee heard this case on June 27, 2022, and recommended approval, by a vote of 5-3.
PC Action: The Planning Commission heard this case on Aug. 4, 2022, and continued the item to the Sept. 1, 2022, Planning Commission hearing. The Planning Commission heard this case on Sept. 1, 2022, and recommended denial as filed, and approval of amending the classification for 27th Avenue to a Local Street.

Location
Chandler Boulevard approximately between the 19th and 27th Avenue alignments, and 27th Avenue between Chandler Boulevard and the Loop 202 Freeway
Council District: 6
Parcel Addresses: N/A

Discussion
Mayor Gallego declared the public hearing open.

Mayor Gallego stated that the applicant was available for questions. Noting that there were no questions Mayor Gallego declared the public hearing closed.

Prior to his motion, Councilman DiCiccio thanked staff for their work on this item and their work with the public. Councilman DiCiccio mentioned the concern with emergency vehicles passing by Chandler Boulevard. Mr. DiCiccio thanked the neighborhood and the Village Planning Committees, and Blandford Homes who were involved with this item.

Planning and Development Director, Joshua Bednarek added that the motion should include the language "motion to approve per the planning recommendation".

Councilman DiCiccio restated the motion.

After the vote, Mayor Gallego stated that the rezoning items of the meeting enabled construction of 2,187 units of residential housing.

The hearing was held. A motion was made by Councilman DiCiccio, seconded by Councilwoman Stark, that this item be approved per the Planning Commission recommendation, with adoption of the related resolution. The motion carried by the following vote:

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

95 Consideration of Citizen Petition Related to the Phoenix Police Department

This report provides the City Council with information in response to a citizen petition submitted by Kim Baker at the Sept. 21, 2022 Formal City Council meeting regarding the Phoenix Police Department **(Attachment A).**

Summary

The petitioner requests the City Council to direct the City Manager's Office to investigate the full dereliction of duty by the Phoenix Police Department concerning "Complaint Report #20210001645266, Bias Hate Crime."

A similar request was submitted by Kim Baker at the Aug. 31, 2022 Formal City Council Meeting **(Attachment B)**. The Law Department determined that the request was not a qualified citizen petition. Mr. Baker returned and submitted another citizen petition on Sept. 21, 2022 and the Law Department determined that it was a qualified citizen petition. A staff response dated Sept. 20, 2022 was included in the Sept. 22, 2022 General Information Packet **(Attachment C)** and emailed to Mr. Baker on Sept. 23, 2022, in response to his Aug. 31, 2022 request.

Options for Council Action

A. Direct the City Manager's Office to research this request consistent with the citizen petition dated Sept. 21, 2022.
B. Take no further action on the petition.

Discussion

Mayor Gallego introduced the item and the applicant, Mr. Kim Baker.

Mr. Baker thanked the Mayor and Council for the opportunity to share. He referenced an email sent to Assistant Chief Sean Patrick Connolly. He referenced a memorandum submitted which he explained contained inaccurate information. Mr. Baker described several interactions with the Phoenix Police. He asked that Council support the petition for an

investigation.

Joanne Scott Woods spoke in support of the petition and referenced several interactions between Mr. Baker and the private investigator. She asked the Council to support the petition for an investigation on the death threats Mr. Baker received.

Councilwoman Pastor asked if a motion could be made to direct the City Manger to look into the citizens petition.

City Manager Jeffrey Barton stated that Councilwoman Pastor's request would require a motion and a second as well as a vote to proceed with the action.

City Attorney Cris Meyer confirmed that a motion and a second as well as a vote would be needed.

Councilwoman Stark seconded the motion and added that she wished to speak with the Phoenix Police Department and Mr. Baker to better understand the situation.

Councilmember Garcia asked for clarification on the outcome of the vote.

City Manger Jeffrey Barton noted that the petition had been evaluated multiple times and did not require a new investigation. He asked Assistant City Manager Lori Bays and the Phoenix Police Department to explain what would be needed to move forward with the petition.

Lori Bays stated that Assistant Chief Anthony Vasquez could explain what had been done to date to determine additional work needed.

Councilmember Garcia asked for clarification on the next steps to handling the petition.

Phoenix Police Department Assistant Chief Anthony Vasquez explained that the petition was focused on the private investigator who had not corroborated information. Mr. Vasquez described the investigation conducted which included canvassing of the area. He added that the

investigation was pending and explained that a request to file charges against the private investigator would not be beneficial to the police department or the city.

Vice Mayor Pastor clarified that her motion was for the city to address the requests that are present in the petition.

Lori Bays noted that Kim Baker had asked similar questions prior to the formal petition which were answered with a memo. She reiterated the steps that had been taken to address the concerns of the petition. She asserted that the private investigator did not respond in the way that was expected which had resulted in a lack of certainty of what to do next.

Councilmember Garcia asked if Mr. Kim Baker had received what he expected or if the actions taken by the city were sufficient.

Mr. Baker explained that he wanted the Phoenix Police Department to address why the private investigator lied to the police. Mr. Baker also brought to the Mayor's attention that the owner of the restaurant, Rebecca Golden had signed up to speak and was not called.

Assistant Chief Anthony Vasquez clarified that the private investigator, David Carlson, did not deny having contact with Mr. Baker which was reflected in the report from Detective Collins. Mr. Vasquez added that Mr. Carlson did not want to work with Mr. Baker. He reiterated that contacting and re-interviewing Mr. Carlson would not help in the progress of the investigation.

Rebecca Golden spoke in support of Mr.Baker. She added the importance of having adequate response from the Phoenix Police Department for similar incidents. She questioned why there were no efforts to collect evidence or additional information. She emphasized that the incident was not the only one to go without being investigated and noted the importance of police involvement and investigation. She asked for the Council to support the petition.

Councilman DiCiccio asked for the case to be described for the public.

Mr. Vasquez explained that there was no immediate response due to a mistake in the address where the incident took place. He added that the initial report took a few days and evidence was collected from the note that Mr. Baker had received. He mentioned that the lab is backlogged.

Councilman DiCiccio clarified that the incident was regarding a note that contained a threat. He added that the investigation was ongoing as the lab was awaiting results. He explained that the shortage of police officers in Phoenix was part of an overriding issue present in the city. He asked that the Council be notified of updates on the investigation as well as any action that comes from the completed investigation.

Vice Mayor Pastor asked Cris Meyer if the citizens petition would need to wait for the ongoing investigation to be concluded.

City Attorney Cris Meyer explained that the Council could continue the petition for a response.

Mayor Gallego expanded that the petition could be continued or withdrawn to allow for the investigation to be concluded before the petition is brought back to Council.

Cris Meyer noted that the Council could continue without withdrawing the item. He clarified that a continuance would take precedence over a withdrawal.

Mayor Gallego asked if a continuance needed a date.

Cris Meyer affirmed that a date would be needed.

Mayor Pastor asked for clarification on the continuation of the item and whether it could be continued again if the investigation were still ongoing when the item were brought to Council.

Cris Meyer explained that items of this nature could be continued indefinitely. He added that Council could continue and ask staff to bring a result if the investigation is concluded sooner.

Mayor Gallego asked to withdraw the motion.

Vice Mayor Pastor withdrew her motion with the understanding that she would wait until the conclusion of the investigation and then Mr. Baker could re-submit his citizens petition.

Councilwoman Stark stated that Lovecraft restaurant, where the incident occurred, was in her district and asked to be briefed on the petition.

Mayor Gallego mentioned the Community Assistance Program to help address mental health needs and connect people with services.

City Attorney Cris Meyer clarified that there was a guideline that the same petition cannot be submitted in a year. He noted that the request of the Council to re-submit would take precedence.

Councilwoman O'Brien asked for Cris Meyer to repeat.

City Attorney Cris Meyer reiterated members of the public would not be able to bring the same petition multiple times in a year. He clarified that due to the Council's request the guideline would not apply to Mr. Baker's petition.

This item was heard.

96 Phoenix Park Ranger Program

On Oct. 10, 2022 Councilwoman Ann O'Brien, Councilman Jim Waring, Councilwoman Debra Stark and Councilman Sal DiCiccio submitted a request **(Attachment A)** to the City Manager to place an item on the Oct. 12, 2022 Formal City Council agenda. The request is for the City Council to consider a vote to immediately place additional security services in the Phoenix park system. The item titled Phoenix Park Ranger Update was originally scheduled for discussion and possible action by the Community and Cultural Investment Subcommittee on Oct. 5, 2022 and was withdrawn **(Attachment B)**.

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

Discussion

Councilwoman O'Brien motioned to continue the item to allow staff to present a pilot program ensuring security and safety in the park. She asked that staff hear from each District office to ensure that all voices are heard to create a well thought out plan.

Councilman DiCiccio thanked Councilwoman O'Brien for her work on this item. He thanked the several departments involved for their work on this item.

Vice Mayor Pastor asked for different models and data on the models. She noted that she was not briefed on this item and would like to see citizen engagement on the item.

Thirty-three electronic comments were submitted for the record in support, seventy in opposition, and three no position for this item.

A motion was made by Councilwoman O'Brien, seconded by Councilman DiCiccio, that this item be continued to the Nov. 2, 2022 City Council Formal Meeting. The motion carried by the following vote:

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

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

000 CITIZEN COMMENTS

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

Dr. Sylvia Herrera spoke on the displacement of residents from mobile home parks. She mentioned Apache Junction had a similar problem and had addressed it. She asked that the City provide solutions to the displacement.

Priscilla Salazar presented a formal petition from the residents of Weldon Court Mobile Home Park located at 1631 East Weldon Avenue Phoenix, Arizona, 85016. She spoke on the many hardships the residents have experienced and requested that the city provide resources. She explained that the low-income community united in action after being forced out of their homes. She asked the Council to update laws and provide justice for current and future mobile home park residents. Ms. Salazar thanked the Council for accepting the petition.

Councilman DiCiccio asked if the displacement of the Weldon Court residents could be discussed during the Council's Executive Session.

City Manager Jeffrey Barton stated that he sent each of the Councilmembers an email two weeks prior to the meeting regarding an internal task force that was put together consisting of several City departments to evaluate the situation and come up with an explanation and possible action for Council to take within the next month following the meeting.

Mayor Gallego clarified that the topic regarding the Weldon Court resident displacement was going to be added to both the public and Executive Session agendas.

Councilman DiCiccio asked that the topic be discussed during the Council's Executive Session.

Mayor Gallego explained that many of the elected officials had already requested that the topic be placed on the agenda for the Executive Session.

Vice Mayor Pastor asked that staff look into Apache Junction and their solutions for displacement.

Mayor Gallego clarified that the Council is not acting on the items during public comment but rather putting them on the agenda.

Jeovany Yanez spoke on the displacement his family experienced as a result of Grand Canyon University acquiring the Weldon Court Mobile Home Park where him and his family lived. He asked the Council to assist those affected by the displacement.

Maria Barbosa, in Spanish, asked that laws be changed regarding the displacement of residents in mobile home parks. She mentioned that residents had only received $1,800. She included that many of the residents relied on a single income to support entire families and could not afford to live anywhere else.

Enock Bukuru spoke on behalf of residents of the Weldon Court Mobile Home Park who included the athletic coaches at his school. He explained that the residents were helpful and hospitable and involved with the school and community. Mr. Bukuru expressed his concern with the displacement of the residents.

Paublita Domingos thanked the Council for their support. She stated that there were 150 families being affected. She asked the Council for their support on addressing the displacement of the families.

Andres Esquivel, in Spanish, spoke on the economic hardships that individuals have had to face after the 2008 recession and again during the 2019 pandemic which limited their housing options to a mobile home. He added that interest rates and home prices were too high to afford. He asked the Council to provide assistance with the displacement of the communities.

Martha Gutierrez, in Spanish, asked the Council to help the individuals being displaced from Las Casitas Mobile Home Park. She emphasized that many residents had made the mobile home parks their home. She explained that she lived in an RV and was not granted a lease. She asked the Council to support individuals with similar problems in the community who faced homelessness as a result of the displacement.

Estrella Gutierrez spoke on behalf of tenants being displaced from Periwinkle Mobile Home Park. She stated that the time being given for the residents to vacate was not sufficient and many of the residents would not have the financial means to purchase new homes. She emphasized that the financial compensation offered was not sufficient. She asked that the Council support the individuals and their families being displaced.

Mayor Gallego asked that the crowd refrain from clapping.

Dominic Petsch spoke on the mandate for vaccines.

Alondra Ruiz, resident of Periwinkle Mobile Home Park, asked the Council to help with the displacement of the residents at the hands of Grand Canyon University (GCU). She emphasized that she did not want to become homeless. She mentioned the various ways that the community had been helped by the additional room in her mobile home and how her home had been utilized as a resource and gathering place for the community. She stated that there was no contract provided by GCU for the residents. She added that GCU had compensated them with $5,000 as well as tutoring for the kids in the mobile home park which she stated was not sufficient. She asked that GCU and the Council provide resources for those being displaced.

Jesus Sierras spoke on behalf of the Weldon Court community. He reiterated that there were 150 families being affected by the displacement. He recognized that there was no simple solution and asked the Council to exhaust their resources to aid the families being displaced.

Raul Urbalejo, in Spanish, explained that during the first meeting with GCU residents were offered $1,800 for the title of their mobile homes. He asked the Council for help with the eviction and added that the home cost him $15,000 dollars. He stated that GCU had offered $7,500 to haul the trailers to a different location and explained the concern residents had with finding a location that would be safe and suitable. He asked for the support and help of the Council.

Aaron Zavala asked the Council to help the residents being displaced from the mobile homes.

Silvia Yanez, in Spanish, thanked the Council for the opportunity to speak. She asked the Council to ask for more time from GCU and the involved parties to allow residents more time to transition out of the mobile home park. She added that children were not being allowed to continue their education as a result of the displacement. She asked that the residents be treated with dignity and respect and that the Council take into account the economic hardships that the residents have faced.

Ian LoPiccolo read a citizens petition into the record, regarding Phoenix Police Department response to protesting as well as the use of encrypted messaging.

He asked that he be notified of the receipt of the petition.

Anne Ender president of Operation Blue Ribbon spoke on her concern with members of the Council making comments on incidents that were under investigation which could influence public opinion.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 4:27 p.m.

MAYOR

ATTEST:

CITY CLERK

SLR

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 12th day of October, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of September, 2024.

CITY CLERK