174803

City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, September 2, 2020 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, September 2, 2020 at 2:37 p.m. in the Council Chambers.

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

The Mayor and Councilmembers attended the meeting virtually.

Mayor Gallego acknowledged the presence of Elsie Duarte, a Spanish interpreter, who introduced herself to the audience.

The City Clerk confirmed that copies of the titles of Ordinances G-6703, G-6725 through G-6735; S-46854, S-46894 through S-46909; and Resolutions 21857 through 21860 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

MINUTES OF MEETINGS

1 For Approval or Correction, the Minutes of the Formal Meeting on Oct. 2, 2019

Summary

This item transmits the minutes of the Formal Meeting of Oct. 2, 2019, for review, correction and/or approval by the City Council.

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

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

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

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

Mayor's Human Trafficking Task Force

Appoint Shawna Dygowski, for a term to expire Sept. 30, 2021, as recommended by Mayor Gallego and Councilman Waring

Water/Wastewater Rate Advisory Committee

Appoint Martin Schultz, for a term to expire Aug. 26, 2023, as recommended by Mayor Gallego

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

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

No: 0

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

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

Note: Three electronic comments with no position were submitted for the record on Item 2.

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Stark, that Items 3-5 be recommended for approval, except Item 5. The motion carried by the following voice vote:

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

No: 0

3 Liquor License - The Edgemont

Request for a liquor license. Arizona State License Application 114351.

Summary

Applicant
Amy Nations, Agent

License Type
Series 12 - Restaurant

Location
2800 N. Central Ave., Ste. A100
Zoning Classification: C-2 H-R TOD-1
Council District: 4

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

The 60-day limit for processing this application is Sept. 11, 2020.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The owner of The Edgemont and her husband have operated another successful restaurant in the area since 2008. They are very knowledgeable business owners qualified to run a liquor license establishment."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The Edgemont is located in the middle of an office complex, making it convenient for office workers and neighbors alike to come in for a quick

breakfast or lunch. The Edgemont also has a meeting room for the nearby offices to use for lunch meetings."

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 - The Edgemont
Liquor License Map - The Edgemont

This item was recommended for approval.

4 Liquor License - Big Bear Market

Request for a liquor license. Arizona State License Application 112851.

Summary

Applicant
Samir Arikat, Agent

License Type
Series 10 - Beer and Wine Store

Location
7144 N. 35th Ave., Ste. B
Zoning Classification: C-1
Council District: 5

This request is for a new liquor license for a tobacco shop. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow package liquor sales.

The 60-day limit for processing this application is Sept. 13, 2020.

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 previously owned 5 businesses in the State of Arizona, in the last 14 years, that had Liquor Licenses. I have taken both the requuired Title 4 Basic and Management Liquor Training Courses."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The Public Convenience will continue because the Business has been operating at this location, serving the Community, for the last 19years."

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 - Big Bear Market
Liquor License Map - Big Bear Market

This item was recommended for approval.

5 (CONTINUED FROM AUG. 26, 2020) - Liquor License - Roses by the Stairs Brewing

Request for a liquor license. Arizona State License Application 110353.

Summary

Applicant
Jordan Ham, Agent

License Type
Series 3 - Microbrewery

Location
509 W. McDowell Road, Unit A
Zoning Classification: DTC-McDowell Corridor
Council District: 7

This request is for a new liquor license for a microbrewery. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow a microbrewery and outdoor liquor service. This business is currently being remodeled with plans to open in February 2021.

The 60-day limit for processing this application is Aug. 28, 2020.

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
Two letters protesting and one letter supporting the issuance of this license have been received and are on file in the Office of the City Clerk. The protest letters are from local residents. They feel that having the business so close to the residences will create noise, odor and waste in the alley and neighborhood streets. They are also concerned about parking at the establishment. The support letter is from local resident. The resident feels that having an active location in the neighborhood will add another level of security to residents and businesses.

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 no felonies, bankruptcies or defaults on my records. I have an engineering degree from Purdue in Indiana and have worked in that industry for ten years. I have led diverse engineering teams and worked closely with sales and executive teams to deliver products and results on time. My wife and I have worked hard to save our money to fund this business with our own money. Our goal to create a local business in Arizona that makes the world a better place."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We are looking to build a business that makes the world a better place by leading with our values of environment, community and employees. We have signed on to donate 1% of revenues to local environmental charities. We will hire locally and source our products from Arizona farms,

wineries and businesses. Four full time positions will be created in the next 2 years and up to ten in the next 5. All employees will receive a stake in the company and a growth plan."

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 - Roses by the Stairs Brewing
Liquor License Map - Roses by the Stairs Brewing

Discussion

Katherine Kunberger stated she lived on the north side of Lynwood Street, noting the alley behind her house abutted the businesses along McDowell. She conveyed 11 residents on the block immediately adjacent to this brewery had expressed it was not in their best interest to allow this brewery with this plan at this location. She expressed this was not an area that had a need for more alcohol sales as there were plenty of places to go and enjoy a beer. She added there was an elementary school three blocks away and a high school across the intersection from this proposed brewery. She commented she did not know what a microbrewery smelled like, and added she could not find another microbrewery like this within City limits. She emphasized their neighborhood was Phoenix's oldest historic district and requested that Council protect the livability of the area for those who had invested in it.

Patricia Zermeno stated the back gate of her property was 30 feet from the back door of this proposed brewery and beer patio. She remarked this business was not in the best interest of the community as there were five or six businesses within walking distance where she could go get a beer and drink. She said the applicant had not done enough to ensure that residences and the buffer alley would be protected from its patrons or delivery of goods and services to the brewery. She expressed concern with the potential smell of the microbrewery. She added she could not find another brewery within the city limits similar to this one which would be right up against the oldest historic district in Phoenix.

Rachel Davis said her home was directly behind the applicant. She conveyed she supported the creativity and good intentions of the applicant; however, she was concerned about the potential impact of parking and alley traffic the microbrewery would have on adjacent neighbors. She asked that the applicant continue to work with the neighbors to address those concerns so that everyone could be on the same page moving forward.

Jordan Ham stated he was the owner of the brewery, noting he had received new information this morning regarding neighborhood concerns. He mentioned he received support from people in the area; however, he recently learned there were resolvable issues he could address to gain support of this neighborhood. He indicated he received use permit approval and was conforming to the stipulations which were part of the City's compromise with the neighborhood. He conveyed he was going through the City's planning and development process which included items such as noise and alley buffering, and agreed to share approval of that process with the neighbors once it was complete. He expressed his business did not present additional hardships to the neighbors or community, noting there was no smell to the brewery. He stated his business would be in the best interest of the community by providing safety in an abandoned alley and warehouse, being a zero waste facility, giving back to local charities and creating jobs. He added the brewery would bring in $25,000 in revenue to this corner by serving beer. He remarked he was committed to being a good neighbor and requested a continuance.

Mayor Gallego thanked Mr. Ham for being willing to work with the community.

Councilman Nowakowski recalled the neighborhood attended the permit hearing to talk about their concerns and pointed out the stipulations were not added into the documents at that hearing. He expressed he was concerned the applicant and neighborhood had not come up with an agreement since July. He added his concern was that this was one of the oldest neighborhoods that went through revitalization with the I-10, noting this neighborhood was hit when restaurants came in about four years ago and caused inadequate parking issues. He conveyed the City needed to

address parking when approving businesses in the future. He mentioned there were 20 parking spots for a facility that had four different businesses, so the concern was where would employees park with only 20 parking spots available. He stated other concerns related to the potential increase of individuals wandering and defecating in the alleys and neighborhood security as this business would be open until 2:00 a.m. as well as children in school on weekdays during business hours and noise from the outdoor patio. He emphasized since July they had been trying to work out these problems and there was nothing in writing, so he was siding with the community and made a recommendation to not approve this liquor license.

Councilman DiCiccio seconded the recommendation.

Councilwoman Pastor stated she thought the applicant asked for a continuance to work with the neighborhood.

Mr. Ham replied yes he asked for a continuance to bring in a mediator to speak with the neighborhood to try and resolve the issues in writing. He said he was unaware the email he sent after the permit hearing was not binding.

Councilwoman Pastor wondered if Councilman Nowakowski wanted to continue it if there was enough time.

Councilman Nowakowski remembered the applicant had an opportunity to put the stipulations in at the permit hearing, but chose not to do so at that time. He stated this item was also continued from the last formal meeting to try and work things out. He asked if there was a way to put the stipulations in the use permit.

Planning and Development Director Alan Stephenson replied the appeal period for this case was up on September 4, noting there was a 15-day appeal period in effect from when the hearing originally took place and the neighbors or applicant could appeal that decision. He explained at that point it would go to the Board of Adjustment where the neighbors or applicant could ask for the stipulations to be added. He remarked there were some stipulations that were not legally enforced which concerned

the hearing officer regarding the microbrewery, outdoor liquor service and retail liquor sales within the McDowell Road Character District. He recalled there were things the neighbors wanted, such as trash collection in the alley, that would be difficult to enforce in a use permit hearing which was why they were not adopted. He advised an appeal would have the applicant sit back down with the neighbors to try and reach some other compromise on this matter.

Councilman Nowakowski stated some of the neighbors asked for things that could be put in stipulations, such as making sure security cameras were not pointing into backyards. He said he thought the applicant did not want to put that in as a stipulation.

Mr. Stephenson responded there was discussion with the applicant about some of those things, but the applicant was not willing to do it at that time.

Councilman Nowakowski conveyed there was also no type of agreement or plan for overflow parking. He expressed there was plenty of time for the neighbors and the applicant to have that conversation, so he wished to continue with his recommendation of disapproval.

One electronic comment in support and three electronic comments in opposition were submitted for the record.

A motion was made by Councilman Nowakowski, seconded by Councilman DiCiccio, that this item be recommended for disapproval. The motion carried by the following vote:

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

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Note: One electronic comment in opposition of Item 8 and one electronic comment in support of Item 32 were submitted for the record.

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Stark, that Items 6-42 be approved or adopted, except Items 17, 19, 21, 38-40 and 42; and continuing Item 41 to the Dec. 2, 2020 City Council Formal Meeting. The motion carried by the following vote:

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

No: 0

Item 6, Ordinance S-46894 was a request to authorize the City Controller to disburse funds, up to amounts indicated, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 42-13.

6 Crafco Inc.

For $38,338.00 in payment authority to purchase Polyflex Type III crack sealant material for the Street Transportation Department. The Street Maintenance Division utilizes this rubberized crack sealant material as a cost-effective way to prolong the life of asphalt pavement. The rubberized sealant serves as a water tight joint filler between cracks in asphalt pavement citywide.

This item was adopted.

7 Authorization to Amend Farming Lease with Accomazzo Company to Extend the Term (Ordinance S-46896)

Request to authorize the City Manager, or his designee, to amend Lease 141179 between the City of Phoenix and Accomazzo Company to extend the term for two years with three, one-year options. Rent during the first year of the extended term will be $27,846 per year, plus applicable taxes. Further request authorization for the City Treasurer to

accept all funds related to this item.

Summary

Accomazzo Company currently farms approximately 142.8 acres of City-owned land located at 9502 W. Lower Buckeye Road and is a long-term tenant in good standing. The leased land is a portion of a larger property purchased in 2002 with impact fees for a police precinct, which has been constructed, and a future district park, to be developed upon availability of funding. It is anticipated that funding will not be available to develop the park during the term of the lease. In the event that funding for park development becomes available or the proposed use of the property changes prior to the end of the lease, the City may cancel the lease at any time by providing a 60-day written notification.

Rent during the first year of the extended term will be $195.00 per acre per year, which is within the range of market rents as determined by the Finance Department's Real Estate Division. Rent may be adjusted to market rent at the beginning of each option period.

Tenant will provide insurance and indemnification acceptable to the City's Risk Management Division and the Law Department. The lease is subject to cancellation pursuant to Arizona Revised Statute 38-511 or upon 60-days prior written notice by either party.

Contract Term

Two years with three, one-year options to extend.

Financial Impact

Revenue during the first year of the extended term will be $27,846, plus applicable taxes. The property was acquired using impact fees.

Concurrence/Previous Council Action

Lease 141179 was authorized by Ordinance S-41825, adopted by City Council on June 17, 2015.

Location

9502 W. Lower Buckeye Road, identified by Maricopa County Assessor parcel numbers 101-14-005G and 101-14-003D.
Council District: 7

This item was adopted.

8 Grant of a Public Utility Easement on City-Owned Property for Construction of a Community Center at Cesar Chavez Park (Ordinance S-46897)

Request City Council to grant a public utility easement, for consideration of $1.00 and/or other valuable consideration, for electrical facilities and the installation of a pad-mounted transformer on City-owned property within the Salt River Project (SRP) service area, and further ordering the ordinance recorded. The public utility easement is required for the construction of the Cesar Chavez Community Center.

Summary

This public utility easement will be for the area more fully described in the legal description ("Easement Premises") and will be granted to all public service corporations, agricultural improvement districts and telecommunication corporations providing utility service (collectively "Grantee") to the property located at 7858 S. 35th Ave., in perpetuity so long as Grantee uses the Easement Premises for the purposes herein specified for an indefinite period, subject to the following terms and conditions:

Grantee is hereby granted the right to construct, reconstruct, replace, repair, operate and maintain utility facilities together with appurtenant fixtures for use in connection therewith (collectively "Grantee Facilities") to, through, across and beyond Grantor's property within the Easement Premises. Subject to the notice requirements provided in paragraph "I," Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified. Grantee acknowledges and accepts that Grantee shall share the Easement Premises with other Grantees and shall use such Easement Premises with other Grantees in accordance with and consistent with industry standards and customs for shared use. Grantor agrees to coordinate the location of Grantee's Facilities within the Easement Premises and to pay costs for relocation of Grantee's Facilities as provided in paragraph "F."

Grantor shall not locate, erect or construct, or permit to be located or erected or constructed, any building or structure within the limits of the Easement Premises. However, Grantor reserves all other rights,

interests, and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of Easement Premises without the prior written consent by the Grantee whose facilities will be affected by the change of elevation.

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

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

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

Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's property; provided however, that: (1) Grantor pays the entire cost of redesigning and relocating existing Grantee Facilities to the new location; and (2) Grantor provides

Grantee with a new and substantially similar public utility easement at no cost to Grantee. After relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement without cost or consequence to Grantor.

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

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

Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where the Easement Premises are located: (1) on a site that includes Aviation Department facilities; (2) water and wastewater treatment facilities; (3) Police Department headquarters located at 620 W. Washington St.; (4) Fire Department headquarters located at 150 S. 12th St.; (5) City Hall located at 200 W. Washington St.; (6) City Court Building located at 300 W. Washington St.; (7) Calvin C. Goode Building located at 251 W. Washington St.; (8) Transit Operations Center located at 320 N. 1st Ave. or West Transit Facility located at 405 N. 79th Ave.; or (9) in a secured or fenced area.

Location

7858 S. 35th Ave., identified by Maricopa County Assessor Parcel Number 300-13-001Q.

Council District: 7

This item was adopted.

9 Acceptance and Dedication of Deeds and Easements for Sidewalk,

Public Utility and Transit Pad Purposes (Ordinance S-46902)

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

Summary

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

Easement (a)
Applicant: QuikTrip Corporation, its successor and assigns
Purpose: Sidewalk
Location: 1133 E. Northern Ave.
File: FN 200551
Council District: 6

Easement (b)
Applicant: QuikTrip Corporation, its successor and assigns
Purpose: Transit Pad
Location: 1133 E. Northern Ave.
File: FN 200551
Council District: 6

Easement (c)
Applicant: Aujla 27 LLC, its successor and assigns
Purpose: Public Utility
Location: 2701 and 2717 W. Buckeye Road
File: FN 200573
Council District: 7

Easement (d)
Applicant: Harmony 44 Homeowners Association, its successor and assigns
Purpose: Transit Pad
Location: Southwest corner of 44th Street and Palm Lane
File: FN 200541
Council District: 8

This item was adopted.

10 Emergency Preparedness Equipment and Public Safety - U.S. Communities RFP 2000002547 - Amendment (Ordinance S-46900)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 149443 with Mallory Safety and Supply, LLC for additional expenditures for the purchase of Everbridge Critical Alerting System for the Water Services Department (WSD). Further request authorization for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed $37,424.

Summary

This cooperative purchasing agreement was originally adopted for use by the Information Technology Services, Aviation, and Office of Homeland Security and Emergency Management to utilize the Everbridge Emergency Notification System and Information Technology (IT) Alerting platform. WSD subsequently identified additional opportunities to utilize this agreement to take advantage of national pricing for purchase of Everbridge Critical Alerting System.

WSD requested to be added as an authorized user of the contract to provide timely notifications of system emergencies. This system allows WSD to send text/SMS messages to its recipients.

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

Financial Impact

The initial agreement for Emergency Preparedness Equipment and Public Safety services was executed for a fee not-to-exceed $544,923. This amendment will increase the agreement by an additional $37,424, for a new total not-to-exceed agreement value of $582,347. Funding for this amendment is available in the Water Services Department's Operating budget.

Concurrence/Previous Council Action

The City Council approved Emergency Preparedness Equipment and Public Safety Agreement 149443 on Jan. 9, 2019.

This item was adopted.

11 Safety and Non-Safety Uniforms, Accessories, and Related Services (Citywide) - Requirements Contract - IFB 20-057 (Ordinance S-46906)

Request to authorize the City Manager, or his designee, to enter into an agreement with Arizona Glove and Safety dba AGS Safety & Supply, Int'l Textile Traders, Inc. dba Arizona Uniform & Apparel, Tyndale Company, Inc., International Corporate Apparel, Galls, Inc., and International Promotional Ideas Corporation, to purchase safety and non-safety uniforms, accessories, and related services by Citywide departments, in an amount not to exceed $5,000,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Administrative Regulation 2.71 allows for City-issued safety and non-safety uniforms to be provided to employees in specific departments, such as Aviation, Housing, Public Transit, Public Works, and Street Transportation, who have contact with the public, have health or safety factors, or are in a shop or field setting. These contracts will provide safety-related and non-safety uniform items to Citywide employees to wear during their assigned work duties, such as shirts, pants, hats, and jackets, including arc-rated (formerly flame resistant), and reflective and high visibility uniforms for departments such as Public Works, Street Maintenance, Aviation, and Water Services. Arc-rated clothing is critical in protecting employees from arc-flash burn hazards; high visibility and reflective clothing protects employees where additional visibility is required such as in low light or dark environments on public roads. The department employees who receive these uniforms work in a variety of employment capacities such as parks maintenance, electricians, solid waste equipment operators, foremen, street maintenance workers, meter readers, and air-side Aviation employees. The contracts will be available for citywide use, however the primary user departments include the Aviation, Water Services, Public Works, Street Transportation, and Parks and Recreation departments.

Procurement Information

Invitation for Bid (IFB) 20-057 was conducted in accordance with Administrative Regulation 3.10. There were eight offers received by the

Finance Department's Procurement Division on July 17, 2020. Two offers were deemed non-responsive for non-compliance with solicitation requirements. The remaining six responsive offers were evaluated on price, responsiveness to specifications, and responsibility to provide the required goods and services, and were found to be fair and reasonable based on previous purchases. The bid notification was sent to 184 suppliers and was publicly posted and available for download from the City's website.

The Deputy Finance Director recommends that the offers from Arizona Glove and Safety dba AGS Safety & Supply, Int'l Textile Traders, Inc. dba Arizona Uniform & Apparel, Tyndale Company, Inc., International Corporate Apparel, Galls, Inc., and International Promotional Ideas Corporation, be accepted as the lowest priced, responsive, and responsible offers.

Multiple awards are recommended as the City requires the services of multiple contractors to ensure sufficient capacity to meet the needs outlined in the contract. City of Phoenix staff will use the most cost effective contract to meet its needs whenever possible.

Contract Term

The five-year contract term will begin on or about Oct. 1, 2020.

Financial Impact

The aggregate value shall not exceed $5,000,000. Funds are available in various departments' budgets.

This item was adopted.

12 Request Authorization to Amend Contract with Central Arizona Shelter Services for COVID-19 Emergency Shelter and Rapid Re-Housing Services for Vulnerable Seniors (Ordinance S-46898)

Request authorization for the City Manager, or his designee, to amend Contract 152439 with Central Arizona Shelter Services, Inc. (CASS) to increase the contract by $12,927 for hotel lease payments to Best Western Inn Suites. The contract aggregate amount will not exceed $3,488,927 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item. Funding is

one-time Emergency Solutions Grant (ESG) monies from the U.S. Department of Housing and Urban Development (HUD). There is no impact to the General Fund.

Summary

As a result of the COVID-19 pandemic, the Human Services Department (HSD) contracted with CASS to provide emergency shelter, permanent supportive housing and rapid re-housing services for up to 100 vulnerable/at-risk seniors served by CASS at an alternate shelter location. Shelter services include, but are not limited to, the provision of security, meals and case management. In addition, CASS will provide permanent supportive housing to approximately 40 vulnerable/at-risk seniors and rapid re-housing to approximately 60 vulnerable/at-risk seniors.

As part of the services provided, CASS has entered into a Facilities Use Agreement (FUA) with Best Western to house vulnerable seniors at Best Western Inn Suites located at 1615 E. Northern Ave., Phoenix, AZ 85020. Best Western requested that the City provide a payment guaranty for the FUA should CASS not fulfill its contractual obligation to provide payment. This guaranty was granted by City Council on June 17, 2020. Additional funding is requested to support costs associated with the lease payment guaranty to the Best Western Inn Suites Hotel. In doing so, this will allow CASS to continue to serve the vulnerable/at-risk seniors at Best Western.

Procurement Information

The City of Phoenix has obtained, and will obtain, any and all necessary federal waivers to alleviate the need to comply with federal procurement guidelines.

Contract Term

The term of this contract began on or about May 6, 2020 through June 30, 2021. This contract may be extended based on continuous need and available funding, which may be exercised by the City Manager or his designee.

Financial Impact

The aggregate value of this contract shall not exceed $3,488,927. Funding is one-time ESG monies through the HUD. There is no impact to

the General Fund.

Concurrence/Previous Council Action
On May 6, 2020, City Council authorized staff to enter into a contract with CASS to provide emergency shelter, permanent housing and rapid re-housing services, and authorizing the City Controller to disburse funds with Ordinance S-46598.

On June 17, 2020, City Council approved the payment guaranty of the FUA between CASS and Best Western with Ordinance S-46598.

This item was adopted.

13 Emergency Plexiglass and Barrier Purchases (Ordinance S-46904)

Request to authorize the City Manager, or his designee, to enter into an agreement with Central Plastic & Rubber Company, Inc., to provide plexiglass and acrylic collapsible barriers for the purpose of safety and wellness for Water Services Department (WSD) employees. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The agreement value will not exceed $50,000.

Summary
The purpose of this contract is to provide plexiglass and acrylic collapsible barriers for WSD staff. The WSD Facilities section began receiving numerous requests to install protective barriers at reception desks and work counters where staff engage in face-to-face contact with the general public. This item has allowed WSD Facilities staff to fulfill those requests immediately in an effort to mitigate the COVID-19 virus in the workplace to protect employees and the public. To ensure the safety of employees and the public during the COVID-19 pandemic, WSD has made emergency purchases for plexiglass and acrylic collapsible barriers from this vendor for $19,999.78, with payment subject to ratification by Council.

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived, and an Emergency Determination Memo was submitted.

Contract Term
The term of the agreement is for two years, effective Sept. 2, 2020.

Financial Impact
The total agreement value for Central Plastic & Rubber Company, Inc., will not exceed $50,000.

Funding is available in the Water Services Operating and Capital Improvement Program budgets.

Emergency Clause
Due to the COVID-19 pandemic, it is crucial for the City to ensure that employees have safe workplaces and adhere to the Centers for Disease Control and Prevention guidelines.

This item was adopted.

14 Hotel and Motel Rental for Temporarily Displaced Residents (Ordinance S-46907)

Request to authorize the City Manager, or his designee, to enter into a contract with Kuber - Patel Properties, LLC for an estimated $95,000 over a five-year period, to provide motel and hotel rental services for temporarily displaced residents for the Housing and Human Services departments. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary
The Housing and Human Services departments occasionally have the need to provide program tenants with hotel and motel services during periods of temporary displacement. These types of situations include when a tenant experiences a fire, flood, air conditioning failure in the summer or other event that impact the tenant's ability to remain in their current living environment. The contract will allow both departments to more easily temporarily relocate residents during emergency situations as needed.

Procurement Information
Request for Quotes (RFQ) FY21-086-1 was conducted in accordance with Administrative Regulation 3.10. One offer was received by the

Housing Department by July 31, 2020. The offer was evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required goods and/or services. The offer submitted by Kuber - Patel Properties, LLC is deemed to be fair and reasonable based on the market and hotel and motel rates in Phoenix.

The Housing and Human Services departments recommend Kuber - Patel Properties, LLC for award.

Contract Term
The five-year contract term will begin on or about Sept. 30, 2020 and end on or about Sept. 29, 2025.

Financial Impact
The aggregate contract value will not exceed $95,000 (including applicable taxes) with an estimated annual expenditure of approximately $19,000. This contract is funded from federal sources. There is no impact to the General Fund.

Location
2621 S. 47th Place
Council District: 8

This item was adopted.

15 Issue RFP for Comprehensive Community Needs Assessment

Request to authorize the City Manager, or his designee, to release a Request for Proposals (RFP) to conduct a community needs assessment for the City of Phoenix Human Services Department (HSD). Funding for the resulting contract is available from the U.S. Department of Health and Human Services Head Start (HS) and Community Services Block Grant (CSBG) funds.

Summary
As a requirement of receiving HS and CSBG grant funds, grantees must conduct a community needs assessment every three years. The assessment includes data on current services and any gaps in services needed for Phoenix residents. In each of the two subsequent years, the grantee must conduct a review of current data and provide an updated report of new findings.

HSD requests approval to release a RFP for a community needs assessment in Fall 2020. The successful vendor will receive a one-year contract with an option for two additional years. The successful vendor will be required to compile demographic and service area data by census tract, zip codes, village levels, and school districts. In addition, the vendor must conduct focus groups and survey low-income families, seniors, Head Start parents, and community partners to determine the needs of the families. The data will be analyzed to identify trends, including areas of strength and need. A comprehensive report is completed in the first year, with updates completed in the subsequent two years.

HSD has contracted for such services over the past 10 years to capitalize on available expertise to gather local, state, and national data, conduct focus groups and surveys of customers, and analyze results.

Procurement Information
Proposals will be evaluated by a diverse team of staff based on the proposed criteria:

Method of Approach: 450 points.
Experience/Qualifications: 300 points.
Cost: 250 points.

The proposal evaluation committee will be comprised of a minimum of five people, including representatives of the City, and may include representatives from other public agencies.

Contract Term
The contract term will begin on July 1, 2021, and will expire on June 30, 2022, with two one-year options to extend, for an aggregate contract term of three years. Each extension option may be exercised by the City Manager or his designee.

Financial Impact
Funding is available from a combination of U.S. Department of Health and Human Services Head Start and Community Services Block Grant funds. No additional General Funds are required.

This item was approved.

16 Authorization to Amend Contract with Teaching Strategies, LLC (Ordinance S-46899)

Request authorization for the City Manager, or his designee, to amend Contract 141887 with Teaching Strategies, LLC for the Head Start Birth to Five program by extending the term of the contract until June 30, 2021. The extension will provide continued use of this online child assessment tool. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary

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

Procurement Information

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

The ADOE contract with Teaching Strategies expired on March 22, 2020. ADOE entered into a one-year Agreement CTR048634 with Teaching Strategies extending the contract terms until June 30, 2021 to allow time for ADOE to complete a procurement for a new provider.

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

Contract Term

The original contract was for a five-year term, beginning on July 1, 2015, with four one-year extension options exercised by the City Manager. Approval of this request would extend the contract until June 30, 2021.

Financial Impact

Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. There is no impact to the General Fund.

Concurrence/Previous Council Action

City Council approved the initial contract on May 13, 2015, with Ordinance S-41702. An extension until December 31, 2020, was approved by City Council on June 3, 2020, with Ordinance S-46682. On July 31, 2020, the Head Start Birth to Five Policy Council approved the additional six month extension to June 30, 2021.

This item was adopted.

18 Issuance of Education Facility Revenue Bonds (Northwest Christian School Project), Series 2020 (Resolution 21860)

Request City Council approval for the issuance of Education Facility Revenue Bonds (Northwest Christian School Project), Series 2020, to be issued in one or more tax-exempt and/or taxable series in an aggregate principal amount not to exceed $9,000,000.

Summary

Request City Council adoption of a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Ariz., (the “Phoenix IDA”) has previously resolved to issue up to $9,000,000 of Education Facility Revenue Bonds (the “Revenue Bonds”) for use by Northwest Christian School (the “Borrower”), an Arizona nonprofit corporation, to
a) finance or refinance acquisition, construction, improvement, and equipping of buildings to be used as school facilities in Phoenix, Arizona,
b) finance and/or refinance acquisition, construction, renovation, development, improving, equipping, and furnishing of a new online school infrastructure and other capital improvements at the school facilities, and
c) pay certain costs related to the issuance of the Revenue Bonds.

Concurrence/Previous Council Action

The Phoenix IDA Board has previously resolved to issue the Revenue Bonds at its meeting held on Aug. 18, 2020.

Location
The Project is located at 16401 N. 43rd Ave. in Phoenix, Ariz., Phoenix Council District 1.

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

This item was adopted.

20 Deer Valley Airport Precision Approach Path Indicator System Upgrade - Engineering Services - AV31000091 (Ordinance S-46895)

Request to authorize the City Manager, or his designee, to enter into an agreement with Lean Technology Corporation, to provide Engineering Services that include design, and construction administration and inspection services for the Deer Valley Airport (DVT) Precision Approach Path Indicator (PAPI) System Upgrade project. 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 fee for services will not exceed $108,000.

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

Summary
The purpose of this project is to upgrade the existing two-box Federal Aviation Administration (FAA) PAPI system to a four-box LED PAPI

system at DVT. DVT's four existing PAPIs utilize a two-light system. These lights provide information to the pilot for the approaching aircraft whether the aircraft is above or below the ideal glide path to the runway. A four-light system provides the pilot with more precise information. The proposed four-light system enhances a pilot's situational awareness and increases safety.

The scope of this project will include, but is not limited to: demolition of the existing L-881 PAPI system, design, purchasing, installing, and flight checking the new four-box LED PAPI systems on both ends of both runways at DVT for a total of four complete systems, replacing all existing power cabling and transformers from the lighting vault to each site location, and any conduit necessary to complete the installation and facilitate the proper operation of the new systems.

Lean Technology Corporation's services include, but are not limited to: generating Construction Safety Phasing Plan (CSPP) and revisions based on project needs and/or DVT Operations needs, compiling Construction Management Plan with required documentation, generating Engineer’s Design Report required for FAA and Airport Improvement Program grant compliance, designing and generating accurate construction drawings and specifications with structural and electrical components, updating existing drawings and specifications as required, providing construction cost estimates, working with stakeholders from various agencies, abiding by the most current FAA Advisory Circulars, possible geotechnical engineering investigations to validate structural pavement and subgrade requirements, possible surveying to update existing grades, investigating utility conflicts, and construction administration and inspection.

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

Procurement Information

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

agreement is awarded. Two firms submitted proposals and are listed below.

Selected Firm
Rank 1: Lean Technology Corporation

Additional Proposer
Rank 2: Garver, LLC

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

Financial Impact
The agreement value for Lean Technology Corporation will not exceed $108,000, including all subconsultant and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. On April 13, 2020, the Aviation Department received a signed grant agreement from the Arizona Department of Transportation. 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
702 W. Deer Valley Road
Council District: 1

This item was adopted.

22 Intergovernmental Agreement with Arizona Department of Administration - Platinum Pass Program (Ordinance S-46908)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Administration (ADOA) to provide state employees with Platinum Passes.

There is no cost to the City of Phoenix.

Summary

The Platinum Pass Program is a post-pay fare media program that encourages public transportation use. Participants in the program are issued Platinum Passes, which they then distribute to their employees. Platinum Passes are valid fare for use on the Valley Metro regional transit system, which includes both bus and light rail transportation.

The current IGA with ADOA for Platinum Passes expires on Sept. 30, 2020. Under the new IGA, the City will provide ADOA with up-to-date Platinum Passes, for which ADOA will pay an issuance charge (currently $1.50 per Platinum Pass) and monthly bills based on actual usage of the Platinum Passes for transit service during the previous month. Each Platinum Pass will incur charges at the fare cost per boarding for every transit service used, not to exceed the rate of an equivalent monthly pass.

Current fare cost:

Local Bus/Light Rail Fare - $2.00 per boarding

Express/Rapid Bus Fare - $3.25 per boarding

Current monthly pass rates:

Local Pass Rate - $64 per month (for local bus routes and light rail boarding)

Express Pass Rate - $104 per month (for Express/Rapid routes or a combination of local routes, light rail service, and Express/Rapid routes)

Contract Term

The term of this agreement is four years, from Oct. 1, 2020 through Sept. 30, 2024.

Financial Impact

There is no cost to the City of Phoenix, as the Platinum Pass Program is a revenue program.

This item was adopted.

23 Increase Grant Funding for Roadway Safety Projects in Fiscal

Year 2021 (Ordinance S-46901)

Request to authorize the City Manager, or his designee, to accept and enter into agreements with the Maricopa Association of Governments (MAG) for additional transportation grant funds, to contribute an additional City match, and to shift the authorization to Fiscal Year 2021. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The City's total estimated participation cost will not exceed $250,000.

Summary

In 2019, MAG solicited applications for the Roadway Safety Program (RSP) to implement low cost safety solutions in the near term that supplement the existing state and local programs in addressing transportation safety needs. The funding supported improving the safety conditions of our roadways in an expedited manner. MAG developed this program to supplement the Arizona Department of Transportation Highway Safety Improvement Program to address critical safety concerns in the near term as opposed to traditional program opportunities that are typically several years out.

On Sept. 24, 2019, MAG announced a Call for Projects for MAG RSP funding and the City was eligible to compete for up to $2 million in RSP funds. The Street Transportation Department (Streets) submitted an application for six road safety projects, and MAG formalized application submittals on Nov. 7, 2019. The total cost of all projects submitted was $2,143,218.28. The City did not anticipate receiving funding for all six projects.

On Jan. 29, 2020, the MAG Regional Council approved additional funding for the Fiscal Year 2021 Road Safety Program, which enabled the City's project applications to be fully funded. As a result, Phoenix was awarded its total requested amount of $2,143,218.28, which is greater than the $2 million program limit previously approved by Council (Ordinance S-46147).

Streets is requesting additional funding in the amount of $143,219 to revise the total amount of the grant award to $2,143,219. Additionally, with this increase, the City's estimated participation cost will increase by

up to $50,000 with a revised total participation cost not to exceed $250,000 for total project or design costs.

Financial Impact

The MAG Roadway Safety Program requires a minimum 10 percent local match contribution for project costs or design costs, whichever is greater, by the lead agency. With the increase in grant funding for this agreement, Streets' participation costs will increase by up to $50,000, revising the total estimated participation cost to not exceed $250,000. Funding is available in the Streets' Capital Improvement Program.

Concurrence/Previous Council Action

On Nov. 6, 2019, City Council approved Ordinance S-46147 to apply for, accept, and enter into agreements with MAG for up to $2 million in Roadway Safety Program grant funds for transportation safety projects in Fiscal Year 2020, and the City's local funding participation to not exceed $200,000.

This item was adopted.

24 Maricopa Association of Governments Transportation Projects in Fiscal Years 2021, 2022, 2023 and 2024 (Ordinance S-46903)

Request to authorize the City Manager, or his designee, to apply for, accept and if awarded, enter into agreements for transportation funding through the Maricopa Association of Governments (MAG) for Congestion Management Air Quality (CMAQ) PM-10 Certified Street Sweepers, Road Safety Program (RSP), and Transportation Alternatives (TA) Non-Infrastructure Safe Routes to School. Further request an exemption from the indemnification prohibition set forth in the Phoenix City Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20 if funding is received. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item. If awarded the total $4 million in requested funding, the City's estimated participation will not exceed $228,000 (5.7 percent of the total project costs).

Summary

MAG is soliciting a Call for Projects application process in three different program areas (PM-10 Certified Street Sweepers, RSP, and TA Non-Infrastructure Safe Routes to School) for transportation funding over

multiple fiscal years (fiscal years 2021, 2022, 2023, and 2024). The City is eligible to compete for up to $4 million available within these program areas:

Fiscal Year 2021

CMAQ PM-10 Certified Street Sweepers with an available amount of $1,422,300.

RSP with an available amount of $1,876,245.

Fiscal Year 2022

RSP with an available amount of $1,876,245.

Fiscal Year 2023

TA Non-Infrastructure Safe Routes to School with an available amount of $327,723.

Fiscal Year 2024

TA Non-Infrastructure Safe Routes to School with an available amount of $367,094.

Each program area has specific eligibility criteria that requires both quantitative and qualitative criteria to evaluate and score amongst other regional projects. The program areas collectively focus on improving air quality, reducing congestion, reducing serious and fatal pedestrian and vehicle collisions, improving walkability and safety near school zones, and improving PM-10 Certified Street Sweeper fleet equipment.

The Street Transportation Department aims to pursue funding opportunities in all three program areas as the MAG solicitations align with the City's transportation goals and objectives. This recent MAG Call for Projects is an opportunity to leverage City dollars, while increasing the City's ability to complete more transportation-related projects that enhance safety and improve air quality in the community. MAG manages its own competitive review and ranking process for distribution of available funding.

MAG will formalize application submittals on Sept. 10, 2020 for CMAQ PM-10 programs, and on Oct. 1, 2020 for RSP and TA Non-Infrastructure

Safe Routes to School programs. Street Transportation Department staff will continue to refine the location, cost and scope of the grant submittals to ensure competitiveness with other local and regional submittals.

Financial Impact

The MAG Call for Projects grant submittal process typically requires a local match contribution of up to 5.7 percent of construction or procurement costs plus design costs (if applicable). With an opportunity to compete for up to $4 million of available funding, Streets can expect to participate up to $228,000 plus the cost of design (if applicable) if awarded the total grant funding available. Funding is available in the Street Transportation Department's Capital Improvement Program.

This item was adopted.

25 Final Plat - Lamar Townhomes - PLAT 190104 - East of 16th Street and South of Lamar Road

Plat: 190104
Project: 17-327
Name of Plat: Lamar Townhomes
Owner(s): 88 Ventures-Trethan LLC
Engineer(s): Miller and Sons Surveying LLC
Request: A 4 Lot Plat
Reviewed by Staff: July 30, 2020
Final Plat requires Formal Action Only

Summary

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

Location

Generally located east of 16th Street and south of Lamar Road
Council District: 6

This item was approved.

26 Abandonment of Right-of-Way - ABND V180052A - 4242 N. 18th Place (Resolution 21859)

Abandonment: V180052A
Project: 00-1554

Applicant: Marc Alexander
Request: To abandon the south 10-feet of Glenrosa Avenue, directly north of property addressed 4242 N. 18th Place; APN 163-29-002. Recorded with Maricopa County Recorder, Book 030, Page 23.
Date of Hearing: Sept. 25, 2018

Location
4242 N. 18th Place
Council District: 4

Financial Impact
A fee was also collected as part of this abandonment in the amount of $575.

This item was adopted.

27 Abandonment of Easement - ABND 190095 - 5501 N. Camelback Canyon Drive (Resolution 21858)

Abandonment: ABND 190095
Project: 00-7738
Applicant: Scott Kaufman
Request: To abandon 12-foot waterline easement located on property addressed 5501 N. Camelback Canyon Drive, APN 171-15-022C; referencing Book 049, Page 15 of Maricopa County Recorder.
Date of Decision: June 8, 2020

Location
5501 N. Camelback Canyon Drive
Council District: 6

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

This item was adopted.

28 Amend City Code - Ordinance Adoption - Rezoning Application

Z-11-20-1 - Southeast Corner of 15th Avenue and Happy Valley Road (Ordinance G-6731)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-11-20-1 and rezone the site from C-2 DVAO to CP/GCP DVAO to allow an automotive warehouse.

Summary
Current Zoning: C-2 DVAO
Proposed Zoning: CP/GCP DVAO
Acreage: 1.25
Proposed Use: Automotive warehouse

Owner: Red Hawk Partners, LLC
Applicant: Red Hawk Partners, LLC
Representative: Charles Eckert, Red Hawk Partners, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on July 16, 2020 and recommended approval, per the staff recommendation by an 8-0 vote.
PC Action: The Planning Commission heard this case on Aug. 6, 2020 and recommended approval, per the Deer Valley Village Planning Committee recommendation with an additional stipulation by a 7-0 vote.

Location
Southeast corner of 15th Avenue and Happy Valley Road
Council District: 1
Parcel Addresses: 24925 N. 15th Ave., 1441 and 1475 W. Happy Valley Road

This item was adopted.

29 **Amend City Code - Ordinance Adoption - Rezoning Application Z-24-20-2 - Southwest Corner of 29th Street and Beverly Lane (Ordinance G-6732)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-24-20-2 and rezone the site from R-3 SP to R-3 to allow the removal of

a Special Permit for a mobile home subdivision to allow traditional single-family residential.

Summary

Current Zoning: R-3 SP
Proposed Zoning: R-3
Acreage: 0.93
Proposed Use: Removal of a Special Permit for a mobile home subdivision to allow traditional single-family residential.

Owner: Maurilio Padron Garcia
Applicant: Guillermo Padron
Representative: Guillermo Padron

Staff Recommendation: Approval.
VPC Action: The Paradise Valley Village Planning Committee heard this case on Aug. 3, 2020 and recommended approval, per the staff recommendation by an 11-0 vote.
PC Action: The Planning Commission heard this case on Aug. 6, 2020 and recommended approval, per the Paradise Valley Village Planning Committee recommendation with an additional stipulation by a 7-0 vote.

Location

Southwest corner of 29th Street and Beverly Lane
Council District: 2
Parcel Addresses: 2837, 2843, and 2849 E. Beverly Lane

This item was adopted.

30 Amend City Code - Ordinance Adoption - Rezoning Application Z-8-20-5 - Approximately 220 Feet North of the Northeast Corner of 23rd Avenue and Royal Palm Road (Ordinance G-6725)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-8-20-5 and rezone the site from C-O (Commercial Office) to R-3A (Multifamily Residence District) for multifamily residential.

Summary

Current Zoning: C-O (Commercial Office)
Proposed Zoning: R-3A (Multifamily Residence District)
Acreage: 3.24 acre

Proposed Use: Multifamily residential

Owner: Matthew R Luxenberg Family Trust
Applicant: Kris Losch
Representative: Kris Losch

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The North Mountain Village Planning Committee heard this case on June 17, 2020 and recommended approval, per the staff recommendation by a 14-0 vote.
PC Action: The Planning Commission heard this case on Aug. 6, 2020 and recommended approval, per the North Mountain Village Planning Committee recommendation with an additional stipulation by a 7-0 vote.

Location
Approximately 220 feet north of the northeast corner of 23rd Avenue and Royal Palm Road
Council District: 5
Parcel Addresses: 8125 N. 23rd Ave.

This item was adopted.

31 Amend City Code - Ordinance Adoption - Rezoning Application Z-19-20-5 - Northwest Corner of Black Canyon Highway and the Griswold Road Alignment (Ordinance G-6726)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-19-20-5 and rezone the site from C-2 (Intermediate Commercial) to C-2 DNS/WVR (Intermediate Commercial, Density Waiver) for multifamily residential.

Summary
Current Zoning: C-2 (Intermediate Commercial)
Proposed Zoning: C-2 DNS/WVR (Intermediate Commercial, Density Waiver)
Acreage: 5.59 acres
Proposed Use: Multifamily residential

Owner: Imara Holdings, LLC
Applicant: Wendy Riddell/Berry Riddell, LLC

Representative: Wendy Riddell/Berry Riddell, LLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The North Mountain Village Planning Committee heard this case on July 15, 2020 and recommended approval, per the staff recommendation by a 15-2 vote.
PC Action: The Planning Commission heard this case on Aug. 6, 2020 and recommended approval, per the North Mountain Village Planning Committee recommendation with an additional stipulation by a 7-0 vote.

Location
Northeast corner of Black Canyon Highway and the Griswold Road Alignment
Council District: 5
Parcel Addresses: 8242 and 8250 N. Black Canyon Highway

This item was adopted.

32 Amend City Code - Ordinance Adoption - Rezoning Application Z-18-20-8 - Northwest Corner of 12th Street and Washington Street (Ordinance G-6727)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-18-20-8 and rezone the site from C-1 TOD-1 and C-3 TOD-1 to WU Code T5:6 EG to allow multifamily residential with ground floor retail.

Summary
Current Zoning: C-1 TOD-1 (2.33 acres) and C-3 TOD-1 (0.67 acres)
Proposed Zoning: WU Code T5:6 EG
Acreage: 3.00
Proposed Use: Multifamily residential with ground floor retail

Owner: Urban Phoenix Holdings, LLC
Applicant: George Pasquel III, Withey Morris, PLC
Representative: George Pasquel III, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Central City Village Planning Committee heard this case on July 13, 2020 and recommended approval, per the staff recommendation by an 11-3 vote.

PC Action: The Planning Commission heard this case on Aug. 6, 2020 and recommended approval, per the Central City Village Planning Committee recommendation by a 7-0 vote.

Location
Northwest corner of 12th Street and Washington Street.
Council District: 8
Parcel Addresses: 10 N. 12th Street, 1134 and 1140 E. Washington St.

This item was adopted.

33 Amend City Code - Ordinance Adoption - Rezoning Application Z-20-20-8 - Approximately 125 Feet North of the Northwest Corner of 3rd Avenue and Hadley Street (Ordinance G-6728)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-20-20-8 and rezone the site from R-4 CCSIOD to R-4 HP CCSIOD to allow a Historic Preservation Overlay for the Arizona Building Company House #9.

Summary
Current Zoning: R-4 CCSIOD
Proposed Zoning: R-4 HP CCSIOD
Acreage: 0.19
Proposed Use: Historic Preservation Overlay for the Arizona Building Company House #9.

Owner: David Berrey
Applicant: City of Phoenix Historic Preservation Commission
Representative: Kevin Weight, City of Phoenix

Staff Recommendation: Approval.
HPC Action: The Historic Preservation Commission heard this case on June 15, 2020 and recommended approval, per the staff recommendation by an 8-0 vote.
VPC Action: The Central City Village Planning Committee heard this case on July 13, 2020 and recommended approval, per the staff recommendation by a 13-0 vote.
PC Action: The Planning Commission heard this case on Aug. 6, 2020 and recommended approval, per the Historic Preservation Commission

and Central City Village Planning Committee recommendations by a 7-0 vote.

Location
Approximately 125 feet north of the northwest corner of 3rd Avenue and Hadley Street.
Council District: 8
Parcel Addresses: 816 S. 3rd Ave.

This item was adopted.

34 Amend City Code - Ordinance Adoption - Rezoning Application Z-21-20-8 - Southeast Corner of 18th Street and Garfield Street (Ordinance G-6729)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-21-20-8 and rezone the site from R-4 to WU Code T5:2 EG HP to allow adaptive reuse of the former Crippled Children's Hospital and to designate the historic building on the Phoenix Historic Property Register.

Summary
Current Zoning: R-4
Proposed Zoning: WU Code T5:2 EG HP
Acreage: 4.91
Proposed Use: Adaptive reuse of the former Crippled Children's Hospital and to designate the historic building on the Phoenix Historic Property Register.

Owner: City of Phoenix Housing Department
Applicant: City of Phoenix Housing Department
Representative: City of Phoenix Housing Department

Staff Recommendation: Approval, subject to stipulations.
HPC Action: The Historic Preservation Commission heard this case on June 15, 2020 and recommended approval, per the staff recommendation by an 8-0 vote.
VPC Action: The Central City Village Planning Committee heard this case on July 13, 2020 and recommended approval, per the staff recommendation by a 12-0 vote.
PC Action: The Planning Commission heard this case on Aug. 6, 2020

and recommended approval per the Historic Preservation Commission and Central City Village Planning Committee recommendations by a 7-0 vote.

Location
Southeast corner of 18th Street and Garfield Street.
Council District: 8
Parcel Addresses: 1910 E. Garfield St.

This item was adopted.

35 Amend City Code - Ordinance Adoption - Rezoning Application Z-10-20-1 (Companion Case Z-SP-1-20-1) - Approximately 325 Feet North of the Northeast Corner of 21st Avenue and Bell Road (Ordinance G-6733)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-10-20-1 (Companion Case Z-SP-1-20-1) and rezone the site from R-5 (Multifamily Residence District) to C-2 (Commercial - Intermediate Commercial District) to allow C-2 commercial uses. This case is to be heard first, prior to the companion case Z-SP-1-20-1.

Summary
Current Zoning: R-5
Proposed Zoning: C-2
Acreage: 2.15
Proposed Use: C-2 Commercial uses

Owner: Howard A. Keyes Trust / Kevin Hochman
Applicant: William F. Allison, Withey Morris, PLC
Representative: William F. Allison, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on June 18, 2020 and recommended approval, per staff recommendation by a 9-0 vote.
PC Action: The Planning Commission heard this request on Aug. 6, 2020 and recommended approval, per the Deer Valley Village Planning Committee recommendation with an additional stipulation by a 7-0 vote.

Location

Approximately 325 feet north of the northeast corner of 21st Avenue and Bell Road
Council District: 1
Parcel Addresses: 17035, 17049, and 17205 N. 21st Ave.; and 2094 W. Bell Road

This item was adopted.

36 Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-1-20-1 (Companion Case Z-10-20-1) - Northeast Corner of 21st Avenue and Bell Road (Ordinance G-6734)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-1-20-1 (Companion Case Z-10-20-1) and rezone the site from R-5 (Multifamily Residence District) (Pending C-2 (Intermediate Commercial District)) and C-2 (Intermediate Commercial) to C-2 SP (Intermediate Commercial District, Special Permit) to allow auto sales with underlying C-2 uses retained.

Summary

Current Zoning: R-5 (Pending C-2) and C-2
Proposed Zoning: C-2 SP
Acreage: 11.23
Proposed Use: Auto sales with underlying C-2 uses retained

Owner: Howard A. Keyes Trust / Kevin Hochman
Applicant: William F. Allison, Withey Morris, PLC
Representative: William F. Allison, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on June 18, 2020 and recommended approval, per staff recommendation with a deleted stipulation by a 9-0 vote.
PC Action: The Planning Commission heard this request on Aug. 6, 2020 and recommended approval, per the Deer Valley Village Planning Committee recommendation with an additional stipulation by a 7-0 vote.

Location

Northeast corner of 21st Avenue and Bell Road.

Council District: 1
Parcel Addresses: 17027, 17035, 17049, and 17205 N. 21st Ave.; 2050, 2094, and 2098 W. Bell Road; and 2035 W. Coolbrook Ave.

This item was adopted.

37 Amend City Code - Ordinance Adoption - Rezoning Application Z-49-19-8 - Approximately 175 Feet North of the Northwest Corner of 19th Avenue and Southern Avenue (Ordinance G-6730)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-49-19-8 from PSC (Planned Shopping Center) zoning to C-2 HGT/WVR DNS/WVR (Intermediate Commercial, Height Waiver, Density Waiver) for multifamily residential.

Summary
Current Zoning: PSC (Planned Shopping Center)
Proposed Zoning: C-2 HGT/WVR DNS/WVR (Intermediate Commercial, Height Waiver, Density Waiver)
Acreage: 14.16
Proposed Use: Multifamily residential

Owner: South Phoenix Renewal, LLC
Applicant: Phoenix Leased Housing Association II, LLLP
Representative: Gammage & Burnham PLC, Susan Demmitt

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The South Mountain Village Planning Committee heard this case on May 12, 2020 and continued the case by a 13-0 vote.
VPC Action: The South Mountain Village Planning Committee heard this case on June 10, 2020 and recommended approval, per the staff recommendation by an 11-4 vote.
PC Action: The Planning Commission heard this case on Aug. 6, 2020 and recommended approval, per the South Mountain Village Planning Committee recommendation with an additional stipulation by a 6-1 vote.

Location
Approximately 175 feet north of the northwest corner of 19th Avenue and Southern Avenue
Council District: 8

Parcel Addresses: N/A

This item was adopted.

41 (CONTINUED FROM JUNE 3 AND JUNE 24, 2020) - Public Hearing - Amend City Code and Ordinance Adoption - Off-Premise Signs for Schools Text Amendment - Z-TA-1-19 (Ordinance G-6703)

Request to hold a Public Hearing on a proposed text amendment Z-TA-1-19 and to request City Council approve Z-TA-1-19 as proposed which amends Chapter 7, Section 705.2. (Off-Premise Signs) of the Phoenix Zoning Ordinance to allow off-premise advertising within Planned Unit Developments located on publicly owned land used for a school as recommended by the Land Use and Livability Subcommittee.

Summary

Application: Z-TA-1-19
Proposal: Request to amend Chapter 7, section 705.2.A.2. and 705.2.A.5. (Location Restrictions) of the Phoenix Zoning Ordinance to allow off-premise advertising within Planned Unit Developments, with a minimum of 15 gross acres and located on publicly owned land used for a school.

Applicant: Creighton Elementary School District and Creighton Community Foundation
Representative: Gammage & Burnham, Michael Maerowitz

This item was continued to the Dec. 2, 2020 City Council Formal Meeting.

17 Contract for Phoenix Sky Harbor International Airport Terminal 4 S1 Connector Bridge Terrazzo Public Art Project (Ordinance S-46909)

Request to authorize the City Manager, or his designee, to enter into a contract with Susan Logoreci (CA) for an amount not to exceed $136,500 to work with an Aviation Department design team to design and oversee construction of large-scale terrazzo floors and walls for Phoenix Sky Harbor International Airport's (PSHIA) Terminal 4 S1 Concourse Connector Bridge. This project will be integrated into the design of the PSHIA's new Terminal 4 South Concourse. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Fiscal Year 2020-25 Public Art Project Plan includes a project to commission artists to create integrated artworks for the new south concourse at Terminal 4. The connector bridge will convey passengers between the terminal and the new concourse.

On March 20, 2019, a five-person artist selection panel recommended four finalists after reviewing a pool of 102 applicants who responded to the project's open Request for Qualifications. Ms. Logoreci was recommended based on her understanding of the project, her ability to create an exceptional design for the bridge floors and walls, and her significant experience working effectively with complex design teams.

The selection panel included Michael Chavez, Public Art Program Manager, Denver Arts and Venues; Gary Martelli, Curator and Manager of Phoenix Aviation Museum; Peter Bugg, artist and Visual Arts Coordinator, City of Chandler; Betsy Fahlman, Professor of Art, Arizona State University; and Muktar Sheikh, community representative. John Tran, Russ Sanders, and Molly Milne, from the project's architectural team, served as advisors to the panel.

Financial Impact

The PSHIA Terminal 4 S1 Concourse is one of 33 projects in the Fiscal Year 2020-25 Public Art Project Plan. The Art Plan includes $1,637,575 for this project. The proposed $136,500 design contract will cover all costs related to the artist's working with City staff and the Aviation Department design team to design and oversee construction of the terrazzo floors and wall enhancements integrated into the new Phoenix Sky Harbor International Airport Terminal 4 S1 Concourse Connector Bridge. The remaining project funds will be used to develop and administer this and a second public art project designed for the Terminal 4 S1 Concourse Atrium. Funding is available in the Public Art Capital Improvement Program budget using Aviation percent-for-art funds.

Concurrence/Previous Council Action

An artist was initially selected for the project, which the Arts and Culture Commission recommended and City Council approved (Ordinance S-45667) on May 15, 2019; however, that contract was terminated on Aug. 4, 2020. In March 2019, the panel had selected Ms. Logoreci, a

finalist, as the project alternate. The Phoenix Arts and Culture Commission re-reviewed this project and recommended approval of this artist at its Aug. 18, 2020 meeting.

Location

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

Discussion

Mayor Gallego expressed this was an exciting project that had a great community panel with expertise from the City and public art cities, such as Denver. She said it was a nice welcome at Sky Harbor Airport as public art was often one of the first impressions of Phoenix, so she looked forward to supporting this item.

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

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

No: 1 - Councilman Waring

19 **(CONTINUED FROM AUG. 26, 2020) - Wilson Electric Services Corp dba Netsian Technologies Group Contract Amendment (Ordinance S-46854)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 145028 with Wilson Electric Services Corp dba Netsian Technologies Group to provide additional installation, maintenance, repair, and upgrades for Security Access Controls at Water Services Department sites. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed $983,940.

Summary

The purpose of this request for additional funds is necessary for the continued installation, maintenance, repair and upgrade to the Water

Services Department's (WSD's) Security Access Control System. The Security Access System physically controls and provides secure access to water, wastewater and remote facilities. This includes software and equipment, such as badging workstations, card readers and access controllers. It is critical to keep the facilities secure, including infrastructure areas and their assets.

This amendment is necessary due to an increase in utilization of the agreement during the rehabilitation of WSD facilities.

Financial Impact

The initial agreements for Security Access Controls Services were authorized for a fee not to exceed $700,000. This amendment with Wilson Electric Services Corp dba Netsian Technologies Group will increase the total agreements value by $983,940, for a new total not-to-exceed agreements value of $1,683,940. Funding is available in the Water Department's Capital Improvement Program and Operating Budgets.

Concurrence/Previous Council Action

The City Council approved Security Access Controls Requirements Agreement 145028 (Ordinance S-43525) May 10, 2017.

Discussion

Mario Ayala stated he was President of AFSCME Local 2384 which supported 1,500 City employees in Unit 2 and over 96 classifications. He conveyed this contract with Wilson Electric created redundant spending while infringing on the work of the bargaining unit. He explained the Department accepted a contract starting at $983,000 and was now asking for an additional $700,000 to complete a project with little to no oversight while the savings could decrease costs that would be passed onto ratepayers. He claimed the Wilson Electric contract presented the same violations as the Felix Construction contract which led to an unfair labor practice of the ordinance. He added the Phoenix Employment Relations Board unanimously decided to send the union's claim forward to the hearing officer, noting the Board's concerns were in line with the union. He asked that Council vet this contract for the ratepayers and City employees.

Vice Mayor Guardado made a motion to approve this item which was seconded by Councilwoman Williams.

Vice Mayor Guardado recalled a few months ago when Council talked about analyzing opportunities for Water Department members. She said she also understood that certain work had to be outsourced because a specific skill set was needed; however, she recommended this move forward in different departments. She remarked the Water Department had committed to analyze the skill set of its workers and to teach them, but she wanted to continue analyzing what work could be done in-house and how current City workers could be trained to make sure the City saved money. She inquired about where the Water Department was on their list and when it would be completed.

Water Services Director Kathryn Sorensen affirmed this work was underway and that she had tasked staff with gathering all relevant service contracts to have a comprehensive picture of what was being done in-house and what was being outsourced. She added she was grouping them into categories based on the needs for those contracts, noting there were thousands of software, proprietary systems, specialized equipment and specialized skills service contracts across the City. She stated in the last few years the Water Department had spent against approximately 650 of those contracts. She stressed it would take time to gather all of that information and then do analysis of the potential savings. She advised that contracts such as this one were not duplicative spending unless City employees were not fully employed with their current tasks. She then assured Council that the Water Department was fully employed working on its assets.

City Manager Ed Zuercher conveyed there was oversight over these contracts, noting Water staff was fully engaged with this contract. He added that oversight was the reason this contract was before the Council because staff monitored it on a daily and weekly basis.

Vice Mayor Guardado asked how many positions were currently unfilled in the Water Department.

Ms. Sorensen responded the Department's vacancy rate was around

10-13 percent, noting it had been stable the last several years. She stated the Department had a near continual recruitment process and had asked the Human Resources Department to go through salary and compensation studies so the City could recruit and retain employees in the Department. She conveyed a year or so ago the Department asked for additional Unit 2 employees with the intent to build and maintain them as well as provide those employees with adequate professional, technical and safety training to successfully do their jobs.

Vice Mayor Guardado inquired when the analysis would be completed.

Ms. Sorensen replied she would be ready in the later part of September to at least give Council an overview of the Department's different service contracts and those the Department spent against other departments. She added she could give a broad overview of what was out there, but she would not have an economic analysis ready to determine which contracts should be in-sourced or out-sourced.

Vice Mayor Guardado expressed she was available to help with recruitment efforts as there were over 40 positions that needed to be filled.

Ms. Sorensen remarked she looked forward to working with Vice Mayor Guardado's office to connect with the community and make sure people who were looking for a job could find one in the Department that fit their skill set.

Councilwoman Williams said she understood this was an on-going contract and not a new one.

Ms. Sorensen replied that was correct, noting this security system was installed in 2007 by contractors and had since been maintained by contractors. She advised this current contract was approved by the Council in 2017 and staff was asking for additional spending authority on a previously approved contract.

Councilwoman Williams asked if the amount was within the contract bid amount and not adding to the contract.

Ms. Sorensen responded no it was within the time frame of the original contract. She explained staff was asking for additional spending authority to address the security needs of infrastructure based on revised federal guidelines regarding Homeland Security designated infrastructure.

Councilwoman Williams questioned if it took special talent or experience to provide that service.

Ms. Sorensen replied that City staff was used to troubleshooting and doing repairs; however, once the complexity and programming of the system went beyond what staff could do then the Department relied on a contractor. She added the contractor had to be manufacturer certified to work on this specialized system.

Councilwoman Williams expressed it was important to keep water safe.

Mr. Zuercher conveyed the City had talented employees that were able to maintain security systems, but this was a proprietary specialized one that required certification which was why the City needed the contract to have that certification in place.

Councilwoman Stark said she wanted to make sure the City was working with AFSCME and allowing them to look at these contracts as they came up versus once the agenda was posted. She asked if there was a way the City could work with the union before an item was on an agenda so that the union could vet their concerns.

Deputy City Manager Karen Peters replied the City sat down on a monthly basis with all of the labor organizations to go through things that were coming forward in the following month. She indicated there were other opportunities the City could avail itself so that everyone felt informed.

Mr. Zuercher added there was a process in place that fell through the cracks when staff retired, noting Deputy City Manager Toni Maccarone was now leading the effort. He stated that effort happened to resume yesterday which was departments and labor leaders meeting every month to go over what contracts were coming up in the next month. He

mentioned he had a discussion yesterday with Mr. Ayala regarding a labor management process where the City would sit down with labor groups much earlier in the process and talk about contracts and where staff could or could not do the work. Mr. Zuercher emphasized that he committed to Mr. Ayala the City would do that for contracts moving forward.

Councilwoman Stark remarked she appreciated that as it would solve some of the problems.

Councilman Nowakowski stated he understood that employees troubleshoot the system and perform minor repairs while some type of expertise to fix something was out-sourced.

Ms. Sorensen responded that was correct.

Councilman Nowakowski wondered if there was a way in the future to start certifying City employees since there were systems that would need to be updated and try to save costs by using certified City employees.

Ms. Sorensen replied that was the kind of conversation she envisioned having as she wanted to make sure the Department kept apprised of its core functions. She stated there were certain things staff should always be doing that were part of the maintenance, repair and rehabilitation of the City's infrastructure; however, there were other things that were too far away from the core functions. She said she did not know where this contract fell, but that was the kind of process and analysis the Department wanted to go through.

Councilman Nowakowski said he understood that City employees were used to the greatest possibility and when City employees did not have the expertise those services were out-sourced.

Ms. Sorensen affirmed that was the Department's intent, noting the City could not save money by bringing work in-house because staff was fully employed doing core function tasks. She reiterated that was the kind of analysis the Department wanted to go through.

Councilwoman Pastor expressed there were two different conversations going on; one was adding additional dollars for the expertise and two was professional development and training. She stated she wanted to see the program that other policy groups, such as LIUNA, had been working on like the apprenticeship program where professional development and additional certification was being done while staff maintained their job and were then able to move up the scale. She remarked there should be a way to work with the company and do in-house certification which could be a true check and balance as well as oversight of the company. She said she did not know if there was anyone in the City that was certified to understand the checks and balances.

Ms. Sorensen replied the Department participated in apprenticeship programs, such as the City's electrician apprenticeship program. She also mentioned the Department had one through Gateway that worked with people who wanted to change their career and become operators of the City's systems. She stated she wanted to expand the apprenticeship programs because they helped the Department gain additional resources. She indicated there was oversight on this contract, noting employees worked directly with this contractor to make sure the work was done to a high quality.

Councilwoman Pastor emphasized her point was that the City needed internal staff to get certified in these areas so other expertise was not necessary to come in and fix what was needed. She said she wanted to do an analysis of the Department to determine where the gaps were, which she thought was already done. She asked for a Policy or Work Study meeting to discuss what was happening with the vacancies as she continued to hear it was hard to recruit people. She added HR needed to help with that piece because the Council was saying it was important to keep items within the City.

Mayor Gallego stated there was value in looking at the City's HR practices, noting the Water Department had some great success stories that should be shared, such as "Ban the Box" which recruited employees who might not have succeeded with the traditional background check. She also said there was value in being strategic about who was doing what job; however, it made sense to have business partners that had

professional expertise. She conveyed this would be interesting analysis for the Transportation and Infrastructure Subcommittee if its members were interested.

Councilmember Garcia wished to echo some of his colleagues comments and encouraged more in-house development and looked forward to the survey. He expressed his appreciation of Mr. Zuercher recognizing the break in communication and hoped to keep that up to boost employee morale by encouraging their development and growth. Councilmember Garcia stated he would support this item with the caveat to focus on getting City employees to learn and do this type of work.

Ms. Sorensen remarked she agreed, noting it had been years since the City took a broad view regarding what was done in-house and through contractors. She expressed it would be a good conversation and that she looked forward to it.

One electronic comment in support and seven electronic comments in opposition were submitted for the record.

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

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

No: 0

21 Intergovernmental Agreement with Maricopa County - Platinum Pass Program (Ordinance S-46905)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with Maricopa County (County) to provide county employees with Platinum Passes. Further request to authorize the City Treasurer to receive all funds related to this item. There is no cost to the City of Phoenix.

Summary

The Platinum Pass is a post-pay fare media program that encourages public transportation use. Participants in the program are issued Platinum Passes, which they then distribute to their employees. Platinum Passes are valid fare for use on the Valley Metro regional transit system, which includes both bus and light rail transportation.

The current IGA with the County for Platinum Passes expires on Oct. 23, 2020. The new IGA will become effective on Oct. 1, 2020 to align this IGA with the calendar month billing cycle. Under the new IGA, the City will provide the County with up-to-date Platinum Passes, for which the County will pay an issuance charge (currently $1.50 per Platinum Pass) and monthly bills based on actual usage of the Platinum Passes for transit service during the previous month. Each Platinum Pass will incur charges at the fare cost per boarding for every transit service used, not to exceed the rate of an equivalent monthly pass.

Current fare cost:

Local Bus/Light Rail Fare - $2.00 per boarding

Local Bus/Light Rail Reduced Fare - $1.00 per boarding (for employees qualifying for reduced fare)

Express/Rapid Bus Fare - $3.25 per boarding

Current monthly pass rates:

Local Pass Rate - $64 per month (for local bus routes and light rail boarding)

Reduced Fare Local Pass Rate - $32 per month (for local bus routes and light rail boarding by employees qualifying for reduced fare)

Express Pass Rate - $104 per month (for Express/Rapid routes or a combination of local routes, light rail service, and Express/Rapid routes)

Contract Term

The term of this agreement is three years, from Oct. 1, 2020 through Sept. 30, 2023, with one three-year option to extend the agreement.

Financial Impact

There is no cost to the City of Phoenix, as the Platinum Pass Program is

a revenue program.

Discussion

Councilman Waring questioned if this item generated revenue at no cost for an already existing system.

Public Transit Director Jesus Sapien responded that was correct. He advised this was an agreement with Maricopa County for them to be able to purchase platinum passes for their employees. He said they distribute them to their employees to use for bus or light rail service, noting the City invoiced the County for trips taken.

Councilman Waring expressed he was not a fan of light rail, but he wanted the parts that were built to be utilized to the extent possible. He asked if the cost was offset based on more tickets being purchased.

Mr. Sapien replied that was correct, noting the more ridership there was the more efficient costs were for the overall system.

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

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

No: 0

38 Public Hearing - Appeal of Hearing Officer Decision - Abandonment of Right-of-Way - ABND 190089 - Northeast Corner of 13th Place and Palo Verde Drive

Request to hold a public hearing on the Abandonment of Right-of-Way (ROW) - ABND 190089 located at the northeast corner of 13th Place and Palo Verde Drive, due to an appeal dated June 17, 2020. The Abandonment Hearing Officer approved only a portion of the abandonment request (the east - west alley), and did not approve abandonment of the north - south 14th Street portion, mainly due to opposition from the abutting property owner. The applicant has appealed

the Hearing Officer's decision, specifically Stipulation 6 of the Conditional Approval, which prohibits abandonment of any portion of the 14th Street ROW. The applicant/appellant has expressed a desire that he and the neighboring property owner can hold negotiations and bring to the Council a proposed agreement to abandon at least a portion, if not all, of the 14th Street ROW included in this abandonment request. If Council wishes to allow abandonment of all or a portion of 14th Street, the course of action is to remove or approve a revision to Stipulation 6 of the Conditional Approval.

Summary

Project: 00-6427
Abandonment Applicant: Jerry Mansoor
Date of Abandonment Hearing Officer’s Decision: June 4, 2020
Appellant: Jerry Mansoor

Location

Northeast corner of 13th Place and Palo Verde Drive
Council District: 6

Discussion

Planning and Development Director Alan Stephenson explained an abandonment came to Council as a formal resolution of the public's interest in ownership of a property because most abandonments were not appealed to Council. He continued that was satisfied at a hearing officer level; however, if it could not be satisfied then it came to Council for an appeal. He advised this was an abandonment for a portion of 14th Street right-of-way along with an alley that connected over to 13th Place. He conveyed there was a single-family home whose parcel fronted all the way up to Bethany Home Road, noting that resident was represented by Ben Graff. He added the property owner of the single-family home on the other side of the alley was represented by Bill Lally.

Mr. Stephenson remarked Mr. Graff's client was under contract to sell that parcel for future redevelopment under the existing zoning, noting the issue was access on the 14th Street right-of-way and future access into the subdivision. He displayed the site plan which showed the possible future development if the sale went through for Mr. Graff's client. Mr. Stephenson stated the hearing officer's decision approved the east-west

portion of the alley to be abandoned, but not the 14th Street right-of-way. He said staff recommended the abandonment hearing officer's decision be upheld and showed the stipulations.

Mayor Gallego declared the public hearing open.

Bill Lally, with Tiffany & Bosco, said he represented the applicant, Jerry Mansoor. Mr. Lally presented a diagram that showed the Mansoor property was two pieces, an alley going east-west and right-of-way that acted as an alley going north-south. He explained Mr. Mansoor and his family had lived there for 18 years and had dealt with illegal dumping, crime, people sleeping in the alley next to their property and breaking into their home. Mr. Lally stated his client petitioned for abandonment of the entire thing in response to those issues. He mentioned the petition coincided with the City's new policy of abandoning trash pickup in the rear alley and bulk trash pickup in the side yard alley, noting there was no longer a public need for either of those alleys.

Mr. Lally stated the abandonment happened late last year with the first hearing in May when the land owner's representative was present and asked for a continuance as they were unaware of the application. He emphasized Mr. Mansoor reached out to all the appropriate neighbors, including attempts to contact Ms. Fielder, as this application went through the process. Mr. Lally remarked opposition was based on the 14th Street right-of-way because residents alleged it was an important access point for the existing family. He recalled at no point in the hearing process did Mr. Graff claim to represent the future developer's interest, but did convey the property owner wanted to retain the existing land right. He indicated he had tried working with the property owners over the last few months to preserve that access point by designing something that worked for everyone. However, he said there was a future developer coming in to redevelop the property and they could not come to terms on how to work things out.

Mr. Lally displayed exhibits that showed this property had not been maintained as an on-going access point. He conveyed Ms. Fielder said it was used for bulk trash from time to time, but the City had stopped picking up trash there so there was no public need for that access point.

He stressed while opposition and staff called it an alley and it had only been used as an alley, and said keeping it open would cause traffic issues with the new development. He added keeping it open would cause trash dumping to continue until redevelopment occurred which was not guaranteed. He stated this came down to a long-time resident with a young family concerned about safety and dumping versus a potential future developer building new homes and putting traffic through this neighborhood. He mentioned there was a Prop 207 claim, but he did not think there were merits to it as there was no evidence this was Ms. Fielder's main access point. He pointed out Bethany Home Road had been their main access point and also where bulk trash was now being picked up. He asked that Council move forward as there were 36 other residents in the neighborhood who had signed letters of support.

Ben Graff, with Quarles & Brady, said he represented Marianne Fielder who had lived on this property for 50 years. He asserted he was not present representing a developer's interest, but he had been working with his client for months on this issue. He stated they had no objection to the alleyway, but did oppose the 14th Street extension as it was an important secondary access point to his client's property which was an inherent property right. He urged Council to uphold the hearing officer's decision to protect that property right as there were legal concerns about the inadequacy of the application and petition.

Mr. Graff conveyed the site was located in an R1-6 district, noting it was not just one long l-piece but an alley and the 14th Street right-of-way which had different importance. He indicated 14th Street provided access and future access, whereas the alley only provided services through the City. He pointed out his client was not provided notice nor was she part of this application, even though she and Mr. Mansoor were the only property owners that abutted this site. Mr. Graff stated his client became aware of this application on May 6 when she took delivery through her secondary access and saw the abandonment sign. He claimed if she had not seen that sign she would have missed the opportunity to take part in any discussion. He added the abandonment hearing officer denied the request to abandon 14th Street on June 4 because of the opposition and evidence of harm to his client.

Mr. Graff stated there was a legal problem with the application as the applicant did not properly notify 100 percent of adjacent property owners and was the reason the petition was incomplete. He specified the petition was missing the description of what was being abandoned, plus the abandonment requirement that 100 percent of the property owners be notified and sign the petition was not met. He expressed if Council chose to ignore this legal issue there was still an inherent property right, noting his client had the right to appeal that if this abandonment went through the secondary access point would go away. He affirmed there was a potential buyer for this site, but the point was that the value of Ms. Fielder's site would be significantly reduced if there was only one access point.

Jerry Mansoor expressed that he and his neighbors thought the alley was an attractive nuisance for burglaries, transients, vandalism and illegal dumping. He remarked he obtained support and signatures from most of the affected neighbors, noting he tried to communicate with all of them. He stated he was appealing the hearing officer's decision not to include abandonment of the 14th Street right-of-way as the alley and right-of-way east of his property should be considered together and be a permanent solution for the neighborhood. He stressed not closing the unused 14th Street right-of-way would ignore 70 years of history and not achieve the security and safety goals for the residents along Palo Verde and 14th Street. He argued that 14th Street north of Palo Verde had never been used as a connector to Bethany Home nor had Ms. Fielder's residents ever used the right-of-way as an entrance or exit as it was off her back yard. He recited City Streets staff said closing one side of the alley but not the unused portion would not achieve a complete closure of both ends to secure the safety for all. He added that selling this property in the future should not affect this decision because if the buyer backed out then residents were left with unsecured and unused right-of-way.

Craig Fielder remarked his mother had owned the property for over 50 years, noting she accessed that right-of-way for various reasons such as irrigation and pruning trees. He expressed his mother had the most to lose from the abandonment as she had the most square footage abutting the alley. He conveyed his mother had developers approach her over the years to develop the land, but she had declined. He noted there was a developer that was asking for 1,200 square feet and wanted access to

the rear property, so it was a valuable entry point. He stated they were trying to work out a compromise with the developer, but he thought this was a property rights issue.

Kim Fielder read a statement for her mother, Marianne Fielder, and stated she had lived in this house for 52 years since 1968. She noted she was not informed about this abandonment by Mr. Mansoor and found out by accident. She mentioned she had used the 14th Street access for bulk trash due to the large size of the property. She said she made the decision to sell the property in June of 2019 which happened to coincide with Mr. Mansoor's abandonment request. She expressed the loss of the street access would increase Mr. Mansoor's property value at the expense of her own property value.

Dan Miller said there was a 30-foot strip along his southern boundary line which was adjacent to the 14th Street right-of-way, so his property was affected by this matter. He urged Council to approve the abandonment request as there was no benefit to the public in maintaining the right-of-way. He indicated the alley and 14th Street right-of-way functioned together as an alley and abandoning one without the other was inconsistent with its historical use. He alleged keeping the 14th Street right-of-way would have future consequences that should be considered, particularly with redevelopment of the area. He added keeping it would require 14th Street to connect to Bethany Home Road which would create more traffic and impact neighborhood safety and decrease property values. He also mentioned there was an SRP irrigation facility that would need to be relocated at a tremendous cost. He stated granting the abandonment provided a clear path that eliminated uncertainty for the benefit of the neighborhood.

Jay Swart stated he had known Mr. Mansoor and his family for over 20 years as Mr. Mansoor was one of the co-owners of Lucy's Marketplace and the Orchard, noting the restaurant industry had a tremendous impact in this area. Mr. Swart claimed Mr. Mansoor submitted his application first and felt bad that Mrs. Fielder did not get notification. However, Mr. Swart pointed out someone filed a plan review for this exact address, so this property was already underway to be developed. He said he hoped Council voted in favor of Mr. Mansoor who had a plan for the property.

Mayor Gallego declared the public hearing closed.

Councilman DiCiccio remarked this case had been going on for some time as he tried to get people to work things out. He moved to uphold the Hearing Officer's decision and to delete Stipulation 6 which restricted abandonment of any portion of 14th Street.

Vice Mayor Guardado seconded the motion.

Councilwoman Stark requested clarification because she thought the Hearing Officer's decision was approval of just the alley portion, not 14th Street and the alley.

Councilman DiCiccio responded his motion was to move forward with the Hearing Officer's approval of the request and deletion of Stipulation 6 which restricted the abandonment.

Councilwoman Stark asked if the plat displayed during staff's presentation was in for site plan review.

Mr. Stephenson affirmed the site plan had been submitted for pre-app for that property.

Councilwoman Pastor stated she received an email from Mr. Lally with letters in support and inquired if the applicant or Mr. Graff received that information.

Mr. Stephenson replied the applicant provided some material late this morning to Council, but he did not know if Mr. Graff received it, noting the material was not submitted to staff.

Councilwoman Pastor said she wanted to know why both parties could not come to an agreement on this piece.

Mr. Graff remarked what was missing from this hearing was the behind-the-scenes discussion of what occurred between the parties which spoke to the opposition letters that came in this morning which he

had not received. He said he wanted to know what the neighbors were told because negotiations had fallen apart in the last week as his client was unable to appropriately compensate Mr. Mansoor for the alley he wanted to sell back to his client. Mr. Graff stated he had concerns with neighbors signing a letter in support of preventing access because Mr. Mansoor was trying to sell his client that access. Mr. Graff pointed out the main issue was Mr. Mansoor would be able to purchase this portion of 14th Street for approximately $804 from the City, whereas Mr. Lally labeled the value of selling the alley at a market rate of $70,000.

Mr. Lally conveyed the breakdown in negotiations came down to splitting of the costs of not only the land costs from the City but recouping the improvement costs as well as who would pay for what and when. He stated one landowner was ready to go with the improvement costs and another who did not have the means but was ready to sell to a developer, so his concern was how to split the costs of improving this access point and making it safe for all parties. He insisted the number of $70,000 mentioned by Mr. Graff was inaccurate as he had asked for a reasonable accommodation for market rate. Mr. Lally explained that Mr. Graff provided a breakdown of the market rate for the land based on the sales price from the landowner which was about $25,000. Mr. Lally emphasized he was looking for accommodation for all of the effort and expenses that Mr. Mansoor had put forth over the past year to be recouped. He indicated he had letters of support ready as of last week, but he held onto them to try and negotiate a price.

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

The hearing was held. A motion was made by Councilman DiCiccio, seconded by Vice Mayor Guardado, to uphold the Abandonment Hearing Officer's decision with deletion of Stipulation 6. The motion carried by the following vote:

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

39 **Public Hearing and Resolution Adoption - General Plan Amendment GPA-DV-2-19-2 - Northeast Corner of Central Avenue and Happy Valley Road (Resolution 21857)**

Request to hold a public hearing on a General Plan Amendment for the following item to the Planning Commission's recommendation and the related Resolution if approved. This file is a companion case to Z-37-19-2 and should be heard first, followed by Z-37-19-2.

Summary

Current General Plan Land Use Map designations: Preserve/0 to 1 and 1 to 2 dwelling units per acre, Parks/Open Space - Future 1 dwelling unit per acre, and Commerce/Business Park.
Proposed General Plan Land Use Map designations: Residential 2 to 3.5 dwelling units per acre, Residential 3.5 to 5 dwelling units per acre, and Commerce/Business Park.
Acreage: 156.96
Proposed Use: Residential 2 to 3.5 and 3.5 to 5 dwelling units per acre, and Commerce/Business Park.

Owner: PAF Central, LLC
Applicant: Law Offices of David Cisiewski, PLLC, PAF Central, LLC
Representative: David Cisiewski, Law Offices of David Cisiewski, PLLC

Staff Recommendation: Approval.
VPC Action: The Deer Valley Village Planning Committee heard this case on May 21, 2020, and recommended approval, per the staff recommendation by an 11-1 vote.
PC Action: The Planning Commission heard this case on June 4, 2020, and continued the item to the Aug. 6, 2020 PC hearing by an 8-0 vote.
PC Action: The Planning Commission heard this case on Aug. 6, 2020, and recommended approval, per the Deer Valley Village Planning Committee recommendation by a 6-1 vote.

Location

Northeast corner of Central Avenue and Happy Valley Road
Council District: 2
Parcel Address: 25401 N. Central Ave.

Discussion

Councilman DiCiccio declared a potential conflict of interest on Items 39 and 40.

Planning and Development Director Alan Stephenson stated Items 39 and 40 were companion cases, noting Item 39 was a General Plan Amendment and Item 40 was the corresponding rezoning case. He conveyed the parcel was located at the northeast corner of Central Avenue and Happy Valley Road and was approximately 156 acres. He specified Item 39 was a request from Preserves/0 to 1 and 1 to 2 dwelling units per acre, Parks/Open Space future 1 dwelling unit per acre and Commerce/Business Park to Residential 2 to 3.5 and 3.5 to 5 dwelling units per acre and Commerce/Business Park. He said staff recommended approval of the General Plan and displayed the current and proposed land use designation that showed Residential and Commerce Park going from the Happy Valley Road and Central Avenue intersection through the site.

Mr. Stephenson remarked the rezoning case was going from S-1 which was about one-acre lots to Planned Unit Development. He stated staff recommended approval per the memo from himself dated Sept. 1, 2020, with additional stipulations. He displayed the conceptual site plan, noting neighbors in the residential area to the north of the site were concerned about the proposed density. He explained the memo listed additional stipulations that made accommodations to address some of the neighborhood concerns along the Yearling Road property line, which was the north property line, by reducing the number of lots. He added the applicant was expanding the lots to 60 feet wide and dropped the overall density down from 300 to 237 with the latest site plan. He stated another item was a proposal to put in a fire hydrant further up Central Avenue, close to the Yearling Road property line, in the event of emergencies to have a fire line connection. He noted the cases were approved by the Planning Commission and Deer Valley Village Planning Committee.

Councilwoman Stark requested the exact votes of the Village Planning Committee and Planning Commission.

Mr. Stephenson responded the Deer Valley Village Planning Committee approved both cases by an 11-1 vote and the Planning Commission

approved both cases by a 6-1 vote.

Mayor Gallego declared the public hearing open.

David Cisiewski, spoke on behalf of the property owner, PAF Central. He displayed the property and noted to the immediate north and northwest there were various County parcels, moving further west and north were City properties that were various residential developments. He added further west was the Union Park development and to the south toward Deer Valley Airport was residential, multifamily and commercial properties. He stated the property was currently zoned S-1 and was not intended for future development, but was assigned that category when the property was annexed from the County. He said he was proposing Planning Unit Development for the overall project, reducing Commerce Park from 87 to 57 acres and providing for detailed design and development criteria for the single-family residential to the north along with medium density residential to the southeast portion of the site. He explained while there was various zoning throughout the area he was proposing comparable R1-10 zoning with lots from 5,100 to 6,900 square feet.

Mr. Cisiewski conveyed this site had a long environmental history, noting the property had been fully characterized with the areas proposed for residential use cleared by ADEQ while the former impact area would be used for commercial purposes only. He mentioned this project had been going on for over 18 months with significant community outreach, noting nine community meetings were held as well as notice to adjoining property owners to ensure involvement in this property. He emphasized that outreach resulted in 29 letters of support from the North Phoenix Chamber of Commerce, the school district and speakers from prior public hearings. He pointed out the original site plan featured 300 smaller lots with a higher density, whereas the current site plan had significantly changed based on comments from County residents over the 18-month time frame. He noted the following changes:

- mixture of larger lots to 60-foot-wide lots;
- reduction in density, particularly along the north boundary line closest to County residents, to two dwelling units per acre;

- reduction in the number of lots along Yearling Road from 40 to 18, which was the dividing line between City and County properties;
- huge landscape buffer along the northern boundary line, averaging 159 feet of landscape buffer with a minimum of 61 feet which equated to over nine acres of landscape buffer in that area, plus overall open space of about 30 percent.

Mr. Cisiewski stated the developer would be putting in public infrastructure that was privately funded, including miles of new water main and sewer line from near 15th Avenue eastward all the way north on Central Avenue to the eastern extent of the property. He added there would be significant impact fees assessed on these public improvements. He remarked the project not only added the value of diverse new housing stock and redevelopment to the area, but also provided utilities for this and other properties in the area for future development. He said another benefit included significant road improvements, a traffic signal and a new fire hydrant. He conveyed drainage had been an on-going discussion, noting a preliminary report of drainage was provided to staff detailing the drainage that affected the property and how the site plan was designed to accommodate that drainage without affecting adjoining properties.

Mr. Cisiewski indicated back in March of 2020 the City approved the full traffic study based on the plan and access drives provided onto Central Avenue and Happy Valley Road. He said this was a culmination of 18 months of work with City staff and County residents and nine community meetings, plus in-person and virtual meetings in the last two weeks to discuss additional plan changes. He remarked the PUD document was very detailed because this was a complex property, noting he worked hard with staff to design the development and criteria that was tailored to the property. He emphasized these cases had strong support from local businesses, landowners, the school district and the chamber. He stated the staff report provided great detail on how this plan met the criteria for the General Plan and PUD, and was compatible with this area. He requested that Council approve both cases and affirm the prior approvals from the Deer Valley Village Planning Committee and Planning Commission.

Vice Mayor Guardado asked for recap of how the infrastructure being provided would benefit the City.

Mr. Cisiewski replied his client would provide a 16-inch water line that originated near 15th Avenue moving eastward to the intersection, northward on Central Avenue and then further eastward to the eastern extent of the property. He added a 12-inch public sewer line would be provided from around 7th Avenue to the same limits to the extent of the intersection northward and further eastward. He noted his client would provide full improvements on Central Avenue from Happy Valley Road northward, including two new lanes of pavement, curb, gutter, sidewalk, a multi-use trail and landscaping. He conveyed his client was fully funding a new traffic signal at the intersection during phase one of this project, plus future dedication of right-of-way on Happy Valley Road and future improvements to Happy Valley Road as part of the City's overall capital improvement project.

Robert Hanson spoke in opposition on behalf of the Central Foothills Concerned Citizens group. He stated residents worked with the developer over the last 18 months, but were unable to resolve concerns regarding contamination of the site, density, traffic and drainage flow of the site. He indicated the PUD regulatory framework was too broad for this development, specifically parcels two and three. He specified PUD superseded all applicable zoning requirements and such details were provided for parcels two and three, so they should be removed from this request. He remarked parcel two proposed a multi-story building with a height of 56 feet, noting the parcel was encumbered with two DUERs that would not be removed for some time. He pointed out one DUER protected five cap areas over contaminated soil, which went down to 160 feet, that could not be removed. He asserted parcel two should be eliminated from this request until a clear plan was developed that identified uses, traffic, public safety and density. He stated parcel three proposed a three-story building that was 40 feet tall while 60 percent of the site was greater than the 10 percent maximum slope, noting a large portion was between 20 to 40 percent slope. He stressed parcel three should not be included in this request. He added until a conceptual plan was proposed for parcels two and three they should be excluded from this request. He insisted the City must adhere to the hillside ordinances,

especially no development over 10 percent slope, as well as adhere to the edge guidelines of the Phoenix Map Preserve Council.

Mr. Hanson conveyed one of their concerns was density, particularly the size of the lots, as it was not compatible with the surrounding development, though residents supported the Planning Department's recommendation of R1-18 and R1-10. He noted another concern was the traffic that would be generated by the development as their community consisted of about 160 homes with additional lots for 100 more homes. He indicated there were only two ways in and out of their community, Central Avenue and Fifth Avenue. He specified traffic counts from the County on Central Avenue was 700 cars a day while the City showed approximately 2,000 cars during rush hour on Happy Valley Road. He remarked this project would add 237 homes, noting the vice chair of the Deer Valley Village Planning Committee suggested a street light be installed at Central Avenue and Happy Valley Road and a secondary way to access parcel one through parcel two to Happy Valley Road. He pointed out a stipulation was added in Planning Commission's memo for the street light to go in during parcel one development; however, the developer rejected the secondary access.

Mr. Hanson stated their last concern was drainage and the need for updated analysis. He said the developer presented preliminary analysis on August 28 which confirmed the cubic feet per second flow that would occur from the run-off of the north and east. He noted all of the channels along Yearling Road would be directed into a drainage waste then go west to one large channel that went into the development. He claimed that flow at the north-most point along Yearling Road would be 432 cubic feet per second based on a 100-year storm. He added there was significant flow over one of the caps, the Riprap cap, which was 641 square feet and located 10 to 20 feet from the residential retention area. He specified the flow over this cap was 102 cubic feet per second according to the preliminary report which also showed a 55-foot-wide erosion setback for this flow. He urged that ADEQ and CVL, the engineering firm that designed the cap, review the drainage report prior to approval.

Mr. Hanson concluded the community worked with the developer, noting their interest in proposed changes was based on community compatibility

and public safety, such as installation of fire hydrants at Central Avenue and Yearling Road and another one proposed at 5th Street and Yearling Road. He requested that Council not approve this project as submitted until their concerns were addressed.

Patti Trites spoke in opposition. She thanked the developer for sending the preliminary drainage report by CVL to concerned neighbors which stated on page one there was a combined peak flow of 640 cubic feet per second that would impact the Central Foothills development. She pointed out their lots were approximately 10,000 square feet larger than the lots proposed in this project. She also thanked staff for updating some of the stipulations as there was a safety concern. She claimed the preliminary drainage report validated the potential flooding hazard of this new community which was discussed at the Planning Commission hearing. She asked that Council postpone this request until the developer answered questions regarding the drainage issues.

Bill Levy stated he was a member of the Deer Valley Village Planning Committee, noting he took interest in reviewing the applicant's information as this site's history was unique. He expressed at first problems with the pollution caused by the manufacturer concerned him, but after reviewing information he thought the caps should be saved. He said he visited the site and saw the traffic issues, so neighborhood safety was a good point. He remarked he also spoke to the neighbors who were still being affected by the pollution, so being annexed into the City would help the community. He commended Mr. Cisiewski for bringing this case forward as this was an important project for the neighborhood and voted yes to continue with it.

Cheryl Stevenson remarked the Central Foothills Concerned Citizens group was asking for a 30-day extension to allow them to work with the developer to come to an agreement. She stated the proposed density was a concern as it was not consistent with the surrounding area. She expressed if the number of homes was reduced the lot sizes could be increased to accommodate the group's requested density of R1-18 while retaining an adequate buffer. She conveyed another concern was the lack of Sonoran Preserve views based on the proposed 56-foot-high buildings and asked that parcels two and three be separated from the

PUD as for further consideration on appropriate use.

Brandon Shipman stated he was a member of the Deer Valley Village Planning Committee and supported this project as it would bring a diversity of housing options to the area. He remarked this project supported existing retail in the area and brought much needed infrastructure at the developer's expense. He added the developer would be improving the roads and putting in a stoplight that would help with traffic and congestion. He conveyed the developer's community outreach was significant, noting staff confirmed the developer exceeded procedural requirements. He conveyed the developer made considerable compromises that were responsive to the community's concerns, but the main issue was environmental. He said the developer resolved the environmental issue and tried to address the other concerns, but they had changed over the last nine months. He requested that Council join the Village Planning Committee and Planning Commission in support of this case.

Robin Thomas indicated she was with the Arizona Department of Environmental Quality (ADEQ) and was available to answer questions about the oversight ADEQ had provided to this property over the years.

Mayor Gallego asked if ADEQ considered this to be an appropriate proposal from an environmental perspective.

Ms. Thomas replied that ADEQ was neutral on the development proposal, noting they had no concerns about the property from an environmental perspective, except for the work already done.

Mark Lewis stated he was a member of the Deer Valley Village Planning Committee and supported this case because it was good for the community. He indicated this project would increase property values as this type of development was needed in the area. He remarked the project was compatible with the surrounding character and context of the Deer Valley Village, noting other new developments in the area, Fireside at Norterra to the northwest and Union Park to the west which both abutted RU-43 County zoning. He pointed out these new developments helped increase the diversity in available housing and brought in needed

improvements to existing infrastructure that would benefit the surrounding area. He mentioned the new residents of this proposed development wanted to supply additional workforce to the local industrial and commercial businesses, plus support retail in the immediate area. He requested that Council take their voices into account when making its decision on this case.

William Verno stated his property abutted this proposed project, noting at one time he was not concerned about the manufacturing on the property until a problem occurred when his well was tested for contamination. He stressed his well was still being tested which lead him to believe there were still issues of contamination that needed to be resolved. He said he researched the history of the property and provided his findings at presentations with ADEQ, noting ADEQ did its own research to determine which portions of the property were contaminated and needed to be addressed. He asked that this case be continued for another 30 days so the community could work with the developer to reduce the density and drainage.

Ryan Weed worked with Coe & Van Loo, a local engineering firm, that was initially hired by the developer in 2019 to complete a full drainage assessment of the property. He pointed out their analysis related to the off-site drainage flows that would come from the north and east of the property. He stated their analysis was provided to the design team who, in conjunction with the developer, worked to accommodate the off-site drainage flows through the project. He specified the drainage flows would pass through the existing open space corridors that were being left open as a way to preserve the native desert wash. He conveyed he reviewed the land plan that the developer created with their planning team and affirmed the open space borders were more than adequate to handle the existing off-site drainage flows that would impact the property. He noted the existing drainage corridors with existing drainage flows within parcels two and three would not be touched.

John Blue expressed he was not opposed to development, but he was opposed to the density and height of the buildings that backed up to the preserve. He said he wanted the PUD to be broken up, so that the commercial part would be evaluated separately. He requested this case

be tabled for another 30 days so the community could work with the developer and find more common ground.

Mayor Gallego declared the public hearing closed. She stated she took concerns about flooding seriously and asked staff to talk about the City's process around flooding as well as address Ms. Trites comments.

Mr. Stephenson responded the up-front entitlement process was handled through the zoning process that had statutory requirements in term of working with the community. He advised the applicant does analysis, as was mentioned by CVL related to drainage and off-site flows, to help the site plan team work on the site plan. He stated the applicant also worked with the public on zoning entitlements as to what would be built. He advised if the zoning case was approved there were conditions of approval established in the development process with existing code requirements that were not part of the zoning case. He conveyed one example was grading and drainage requirements where as the property gets developed the applicant was required to submit a grading and drainage study and plan that was reviewed by a civil engineer to ensure all requirements were met. He remarked that plan needed to be approved before a final site plan was approved to go into a plat which allowed someone to sell lots. He noted there were times when developers lost lots because the rezoning process established a maximum number of lots which did not excuse them of code requirements to meet drainage. He continued there were times when an applicant had to revise their lot layout which was based on their drainage plan. He added a stipulation was included in staff's memo that required a drainage study and conceptual grading and drainage plan be submitted and approved prior to preliminary site plan approval to ensure there were no issues with lot placement.

Councilman Waring indicated he had many conversations with staff about drainage as well as compared the City's process to another city. He said he knew this case was moving forward based on the City's current processes, but he wanted to know if it was possible to have the developer do a drainage study that was county-wide.

Mr. Stephenson advised what Councilman Waring was referring to was

the normal purview of the Maricopa County Flood Control District. Mr. Stephenson explained they do regional area-wide drainage master plans and studies, noting those studies were used by engineers on specific projects regarding water on the site. He stated one of the community's concerns was that the existing plan dated back to the mid-1990s so the information was inaccurate. He emphasized the City could not make a current applicant do a 30- or 40-square-mile area drainage master plan study to determine water on-site. He conveyed staff worked out a stipulation to get available information with the civil engineering team ensuring there were no issues as this moved through the process. He mentioned staff discussed the City's future drainage review process with Ms. Trites, noting staff was surveying other cities within the metro region and throughout the west. He indicated staff had received mixed information, but would continue to evaluate it and come back to Council with recommendations on the process itself.

Councilman Waring stated the original request came from a neighbor to do a much bigger study; however, as staff just explained the City could not obligate the applicant to do it, but staff could look at the City's process and try to change it for future cases. He asked if the City had ever required a developer to do this big of a study and implement it.

Mr. Stephenson replied staff did not try zoning decisions as to whether or not it met grading and drainage requirements as that was a code requirement administered after approval.

Councilman Waring expressed he could not treat this group differently from other groups, but the City could change the rules going forward so that developers knew the City's expectation up-front. He questioned if the study came back as unsafe because of possible flooding if the City would make the developer adjust their plan, such as lose lots.

Mr. Stephenson agreed and added there were multiple engineering design solutions, so the developer could do something else besides lose lots, but it would increase their grading and drainage infrastructure costs. He explained if the developer retained water somewhere else on the site then they might be able to keep the impacted lot, but it became a balance of cost associated with doing improvements.

Councilman Waring stated the developer might not lose lots, but they would have to make expensive modifications based on the study.

Mr. Stephenson affirmed the developer would have to make modifications to address all of the drainage concerns from the civil engineering team as they went through the process.

Councilman Waring said this had been a long 18 months of trying to get as much citizen input as possible, noting when one concern was addressed another one arose. He conveyed one of the major concerns were previous uses at this property related to ADEQ, noting the State got involved along with staff early on which delayed the project. He emphasized the developer spent more money, at the City's insistence, to do more environmental quality examinations, so he thought all of those concerns were resolved. He added there was no reason from an environmental perspective to not move this forward.

Mr. Stephenson replied when this request was filed in June of 2019 one of staff's issues during the initial review was environmental concerns, noting the public also raised concerns because of what was on that site. He mentioned staff had internal meetings with the Office of Environmental Programs to seek their guidance on resolving those concerns. He conveyed there were discussions with ADEQ and the applicant volunteered to do additional environmental studies to ensure that was not an issue going forward which he thought satisfied ADEQ.

Ms. Thomas stated ADEQ had a long involvement at this site with Universal Propulsion Company and did additional sampling in recent months to ensure the areas being looked at for residential development had no environmental contamination. She affirmed those questions were satisfied and ADEQ believed there were no concerns. She added there was active groundwater remediation occurring on the property, but that did not impact the area being proposed for development.

Councilman Waring said he wanted to make sure that the stop light and fire hydrant were going in as requested.

Mr. Stephenson responded the applicant was required to finalize their traffic impact statement for the development and would have to do any street improvements that came out of that study in addition to what was in the staff report based on the Street Transportation Department's approval. He stated the applicant was also stipulated to provide 100 percent funding for the cost of traffic signal installation at the intersection of Central Avenue and Happy Valley Road at the time of final site plan approval for phase one of the development which was the single-family homes. He pointed out that was Stipulation 18 and new Stipulation 22 required the fire hydrant be provided at the southeast corner of Central Avenue and Yearling Road.

Councilman Waring asked if the developer would have to meet the City's standards when putting in the stop light.

Mr. Stephenson replied they would have to meet the City's traffic light standards and also substantiate that traffic warrants a light at the intersection. He specified that was part of the applicant's traffic impact assessment and study, noting they would work with the Street Transportation Department on it as there were additional public safety concerns as well as federal traffic requirements and standards. He advised staff did not stipulate as part of the zoning case that the applicant has to put in a traffic light and not meet requirements, but staff did stipulate that the applicant had to pay for the traffic light when requirements were met.

Councilman Waring confirmed the developer had to meet international traffic code criteria and pay for the traffic light. He said he did not think it should be continued as a list of things had been done and a lot of effort had gone into this case over the past 18 months. He remarked the public infrastructure mattered to residents and he understood the neighbors concerns, but the developer held many meetings on this subject and would provide a lot of value to the community.

Councilwoman Pastor said she knew the drainage report was not part of the process in this case, but she wanted it to be part of the process moving forward. She recalled staff was doing research and wanted it to come back so Council could incorporate it into the City's zoning process.

Mr. Stephenson responded once staff was done with its research, that information could go to the appropriate subcommittee and go from there.

Two electronic comments in support, seven electronic comments in opposition and one electronic comment with no position were submitted for the record on Item 39. Two electronic comments in support, 15 electronic comments in opposition and one electronic comment with no position were submitted for the record on Item 40.

The hearing was held. A motion was made by Councilman Waring, 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 -	Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego
No:	0	
Conflict:	1 -	Councilman DiCiccio

40 Public Hearing - Amend City Code and Ordinance Adoption - Rezoning Application Z-37-19-2 - Northeast Corner of Central Avenue and Happy Valley Road (Ordinance G-6735)

Request to hold a public hearing on the rezoning application Z-37-19-2 for the following item and consider adoption of the Planning Commission's recommendation and the related Ordinance if approved. The request is to rezone the site from S-1 (Ranch or Farm Residence District) to PUD (Planned Unit Development) to allow single-family, multifamily, retail, office, and commerce park. This is a companion case to GPA-DV-2-19-2.

Summary
Current Zoning: S-1
Proposed Zoning: PUD
Acreage: 156.96
Proposed Use: Single-family, multifamily, retail, office, and commerce park uses.

Owner: PAF Central, LLC
Applicant: PAF Central, LLC
Representative: Law Office of David Cisiewski, PLLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Deer Valley Village Planning Committee heard this case on May 21, 2020, and recommended approval per the staff recommendation with two additional stipulations by an 11-1 vote.
PC Action: The Planning Commission heard this case on June 4, 2020 and continued the item to the Aug. 6, 2020 hearing by an 8-0 vote.
PC Action: The Planning Commission heard this case on Aug. 6, 2020 and recommended approval, per the staff memo dated August 6, 2020 by a 6-1 vote.

The Planning Commission recommendation was appealed and a 3/4 vote petition was submitted on Aug. 13, 2020.
A 3/4 vote is not required.

Location
Northeast corner of Central Avenue and Happy Valley Road
Council District: 2
Parcel Address: 25401 N. Central Ave.

Note: See Item 39 for discussion on this item.

The hearing was held. A motion was made by Councilman Waring, seconded by Councilwoman Stark, that this item be approved per the Sept. 1, 2020 memo from the Planning and Development Director with adoption of the related ordinance. The motion carried by the following vote:

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

42 ADD-ON - Request to Reopen Phoenix City Parks

On Aug. 28, 2020, Councilmembers Thelda Williams, Jim Waring and

Sal DiCiccio submitted a memo to City Manager Ed Zuercher requesting to "add an action item for vote on the Wednesday, September 2, 2020 Formal agenda for Phoenix City Parks to resume permitting athletic fields for outdoor use" **(Attachment A)**. According to the Rules of Council Proceedings, Rule 2(c), the City Manager will place this item on the Sept. 2, 2020 Formal agenda.

City park facilities, including athletic fields for outdoor use, have been closed or restricted by the Council's emergency declaration since April 2, 2020. If the Council decides to resume permitting athletic fields for outdoor use, or other revisions, it must formally amend the Declaration by the City Council of the City of Phoenix Regarding Partial Closure and Restriction of City of Phoenix Parks.

Discussion

Acting Parks and Recreation Director Tracee Hall stated on April 2, 2020 all Phoenix reservable outdoor fields were closed due to the Coronavirus pandemic. She indicated this item was a result of a three-councilperson memo requesting consideration to reopen reservable outdoor fields. She specified the City's flatland park reservable field inventory as follows:

- 74 turf fields;
- 19 baseball fields; and
- 51 softball fields.

Ms. Hall added that Reach 11 had 17 tournament fields, 1 synthetic soccer field and 4 youth baseball fields. She emphasized Phoenix was the only Arizona city that had not opened outdoor fields for organized sports, but only six Arizona cities were hosting tournaments in their municipal fields. She stated the Center for Disease Control (CDC) provided guidance related to Coronavirus transmission and precautionary methods, noting the CDC said there was a high risk of transmission in sports competitions between teams. She conveyed the CDC also said the more participation interaction, the closer the physical interaction, the more equipment was shared by players and the longer the interaction, the higher the risk of COVID-19 spread; however, the CDC indicated that outdoor activities were safer than indoor activities. She mentioned the CDC's recommendations for youth sports included players wear masks, bring their own equipment, and stand six feet apart when possible; players clean their hands before and after practices and games and when

sharing equipment; and players should stay home or notify their coach when not feeling well.

Ms. Hall stated the Department followed COVID-related metrics as part of its reopening plan which was in line with recommendations from the National Recreation and Parks Association. She provided the following metric evaluations which had all been met in Maricopa County:
- downward trajectory in influenza-like illnesses and COVID-like symptoms within a 14-day period;
- downward trajectory of documented cases or positive tests within a 14-day period; and
- ability for hospitals to treat patients and have a robust testing program in place for at-risk essential health care workers.

Ms. Hall conveyed Maricopa County was in the moderate transmission category for state standards and was showing a 14-day decrease in COVID-19 trends. She remarked if the City opened up reservable fields for play again, the Department would use its existing reservation and allocation process for organized groups. She explained practices and games would be allowed with reservations and allocations being taken for turf, softball and baseball fields, noting turf field use was limited to 48 kids or 24 adults. She stated due to the high-level field usage that adjacent park restrooms would need to be opened to accommodate these groups. She indicated if this item was approved, the Department would add the following requirements to the field permit guidelines:
- commitment of teams and organizations to follow guidelines and restrictions;
- commitment of teams and organizations to inform parents and coaches of the guidelines and restrictions;
- spectators, officials and coaches would be required to wear masks;
- physical distancing would be encouraged unless spectators were from the same household; and
- six-foot distancing between the sports field and spectators.

Ms. Hall said the Department would also implement modified allocation schedules to include time for necessary cleaning between use and to reduce the potential for crowding. She remarked the enforcement of the new and existing requirements would be an effort led by teams and

organizations by agreeing to self monitor their practices and games. She added the process would be enhanced by the team or organization having an on-site compliance person as well as rovers that visited multiple park sites during their shift who would make sure safety measures were in place. She advised flatland park rangers would also assist with education and ensure park rules were being followed, noting continuous and egregious violations could lead to suspension of future reservations and allocations. She pointed out if Council approved this item, staff would need one week to reopen the fields.

Councilwoman Stark asked if staff had talked to surrounding cities about the success of their enforcement since opening up their play fields.

Ms. Hall replied staff had communicated with other cities who were mostly using self-enforcement, so teams and organizations were required to enforce the rules.

Councilwoman Stark expressed that Phoenix was going above and beyond what other cities were doing by having rovers at park sites.

Ms. Hall advised rovers were part-time staff that normally did this function when park activities occurred, so they were not being assigned this task because of this matter.

Vice Mayor Guardado mentioned she looked at the positivity rates in her neighborhood and noticed Maryvale had two of the highest zip codes, so she was not sure how the City could open Maryvale or Oso parks. She expressed it had been about two months since Council had heard from the health care community and, while she understood the need to create a re-opening strategy, she wanted to get their input to create a more comprehensive plan to opening up more City services and amenities.

Councilmember Garcia asked if the fields were opened if that meant the City would move forward with its own organized leagues, such as softball or baseball leagues.

Ms. Hall responded not at this time, but would open up the fields for organized play from other groups.

Councilmember Garcia questioned when staff would be ready with these guidelines, be able to train staff and let the public know this was happening.

Ms. Hall replied it would take staff one week from the date of approval to implement and re-open fields for athletic use.

Councilmember Garcia asked where the City was with regard to obtaining experts to assist with re-opening.

City Manager Ed Zuercher responded the City procured a group of health professionals who had been advising staff on event requests. He specified the group handled requests from people that wanted to hold an event in the convention center or at a hotel, noting the group was not procured to be a general health advisor. He conveyed the assistant city manager was working on bringing that to Council this month, so the City would have the ability to use a group of health advisors for questions being asked beyond specific events.

Councilmember Garcia inquired if there was a timetable on when Council could count on that expertise.

Mr. Zuercher replied the assistant city manager was working to get a contract organized with that group for this extra work, noting the goal was to have something by the September 16 formal meeting.

Councilmember Garcia expressed it made sense to give people an opportunity to look at the City's plan and suggested October 1 be the re-open date to allow the health experts to look at the plans as well as give staff the time to do their work. He indicated District 5 was also hit hard, but he understood the need to balance things so that youth could be outside. He said he would be supportive if the re-open date was October 1 as that would give the City time to make sure this was done right.

Councilman DiCiccio stated he understood that Council had different concerns, but he wanted to put a motion on the table that would allow

council members to choose their own openings and what they wanted to open. He agreed with Councilmember Garcia that kids needed to be outside and be able to play with other kids, noting the medical community said that playing sports outside was pretty safe.

A motion was made by Councilman DiCiccio, seconded by Councilwoman Williams, that this item be approved to reopen parks, including organized play, and allow each council member to determine in their own district what was or was not safe to open time-wise.

Councilman DiCiccio asked what Tempe had opened up.

Ms. Hall reiterated other cities were allowing athletic play, noting Tempe opened up a series of their amenities including other park amenities as well as field play.

Councilman DiCiccio questioned if Gilbert, Mesa and other cities were open.

Ms. Hall replied that was correct, but only six cities were allowing tournaments while all cities were allowing either games or practices.

Councilman DiCiccio expressed that people with any type of wealth were able to travel with their kids around the state, whereas people that were lower income had difficulty as they had to work to support their family. He stated his motion allowed individual districts to open up and work with staff to monitor areas.

Mayor Gallego stated Council needed to make decisions based on public health data, so any policies that were different across the city should be driven by public health metrics. She pointed out many leagues had field schedules that were not in their immediate neighborhood and that many young people already traveled across the city. She remarked she saw a path forward to reopening parks, but she was not supportive of a district-by-district policy without public health data.

Vice Mayor Guardado said she was supportive of Councilmember

Garcia's suggestion of moving forward with getting data from professionals and setting the re-open date for October 1.

Councilmember Garcia expressed certain districts greatly impacted because they had many low-income people of color who were more at risk to COVID and he did not think the motion made sense. He asked if the motion was to open up everything because he understood it was supposed to be just fields.

Ms. Hall responded the motion as presented by the three councilmembers was just for outdoor athletic fields, so if Council wanted to consider anything else staff would have to come back to Council.

A substitute motion was made by Councilmember Garcia, seconded by Vice Mayor Guardado, that this item be approved to reopen outdoor athletic fields on October 1 based on consultation with health experts.

Councilwoman Pastor stated she wanted to see data and obtain a public health opinion before opening up. She mentioned several districts were hit hard, whereas other districts had hot spots that required some measures. She affirmed it was important to open up the fields, but she agreed with the substitute motion to get advice and study the numbers to be able to open up on October 1.

Councilman Waring expressed the fields should be open as he thought people could make decisions for themselves and their children to participate in certain activities or not. He said he understood that different areas had been impacted, but he recalled testimony about the importance of being outside. He pointed out that gyms and city facilities were open and stressed as long as people followed the guidelines laid out by the CDC they should be safe. He concurred it would be good to get another briefing from experts; however, he was supportive of opening up the fields citywide at the earliest opportunity.

Councilwoman Stark stated the fields needed to be open so that children could interact with each other, noting there was research available on how to open up the fields. She agreed with Councilman Waring that gyms

were now open, but were not busy which meant people were thinking about their health and safety.

Mayor Gallego conveyed gyms were open at reduced capacity and noticed communities had reopened outdoor sports which had significantly lower risk. She specified the Arizona Interscholastic Association (AIA) had healthcare professionals assist them on reopening, noting they had an extensive plan with information Council had not yet discussed. She stated the statistics she saw were encouraging, but there were still too many people suffering so the science and public health had to continue guiding how the City responded to COVID-19.

Councilman Nowakowski asked staff if the metrics for reopening were standard for everyone.

Ms. Hall replied the metrics were identified in the closures and used to measure when the City was capable of reopening. She added the metrics were listed by the CDC and endorsed by the National Recreation and Parks Association which was the guiding organization for park systems.

Councilman Nowakowski questioned if different cities were using the same metrics for reopening their parks and fields.

Ms. Hall responded she could not confirm that, but the metrics were endorsed by the National Recreation and Parks Association and the CDC.

Councilman Nowakowski stated people were already unofficially playing in City parks, noting his office made staff aware of it when they received calls, but there was no enforcement at the City level to stop them. He expressed his concern was how to educate people who did not reserve a field about the rules and regulations. He also wondered if there was a way to create a special fee or waiver for groups that did not have money to apply for use of a park as that was who he currently saw using them. He indicated there were not enough park rangers and rovers to cover the parks now, so he thought other parks staff would have to help monitor the sites to make sure enforcement was being done. He mentioned schools were starting to open up in phases and he questioned if the city would

reopen in phases, starting with the fields and then other components until the parks were fully open. He said he supported opening up the parks as long as it was organized and there was some kind of safety precaution, such as someone taking people's temperatures and asking basic questions.

Mayor Gallego suggested Council support the substitute motion and then invite a member of the Sports Medicine Advisory Committee of the AIA speak to Council because they had medical professionals already look at these particular issues. She expressed the community might appreciate consistency between the school system and parks.

Councilman DiCiccio stated he liked the idea of someone asking a list of questions and wished to include that in his motion.

City Attorney Cris Meyer advised it was not proper to make that amendment as the substitute motion was on the table, noting he could potentially make it later.

Mayor Gallego stated if the substitute motion did not move forward she would turn to Councilman DiCiccio for an amendment, noting she had concerns about the legality of the original motion.

Mr. Zuercher requested clarification if it was proper to talk about the underlying motion while the substitute motion was on the floor.

Mr. Meyer replied it was appropriate to discuss the other motion because it might be relevant to the vote on the substitute motion, just as Councilman DiCiccio's statement was appropriate about adding to his motion.

Mr. Zuercher conveyed there was a practical issue with the original motion of going council district by council district. He specified the City had never implemented a program on a citywide basis with individual council members determining what happened in their own district. He pointed out the problem was staff would have to consult with each councilperson about every park in their district in order to implement it.

Mr. Meyer stated the Council was elected to represent a district as part of a body, similar to the state legislature. He explained the election did not give each council member authority to enact laws or take actions specific to their district alone. He specified each council member could recommend a plan for their district and facilities in their district based on available data, but the entire Council would need to approve the plan.

Councilmember Garcia said he was asking for four more weeks to get advice from public health experts, give staff ample time to prepare and educate the community about the expectations on reopening. He asked if there was any liability that could impact this decision.

Mr. Meyer replied there had been discussions about putting liability waivers in the documents and agreements or a requirement that organizations provide a specific waiver or assumption of risk notice to individuals. He added there would most likely be claims filed once parks reopened, but it was almost impossible for someone to provide exactly where and how they caught the virus to single out one entity or event as being the cause in order to sustain the claim.

Councilman DiCiccio stated if the City was able to provide bus service then parks could be reopened, noting almost every other city had reopened. He emphasized the health community said that being outside was a good environment for kids, so he insisted that parks be reopened especially for under-privileged kids who could not afford to go other places.

Councilwoman Williams pointed out that Council received a daily report that was showing a major reduction in COVID-19 patients, so she wanted to see the City opening up parks as soon as possible. She said she received emails from parents asking for this as it was important for kids to be able to go outside and exercise.

Vice Mayor Guardado asked how soon someone could come in and give Council recommendations. She also stated it would take time to put up signage and get the parks ready to reopen, so she wanted to know how long that process would take.

Ms. Hall replied it would take staff one week to open up for field usage; however, if Council wanted to talk about other amenities there was a timeline to make it happen. She added staff was working on revised signage for the parks that would be placed out soon, but she did not have an exact date.

Vice Mayor Guardado questioned if it would take staff less than a week to come up with the language and put up signage.

Ms. Hall responded not for the signage as that required staff to re-order and then install it at various locations. She conveyed the new information with restrictions and guidelines would be available to people that used the City's reservation and allocation system.

Vice Mayor Guardado stated the substitute motion made sense because it gave enough time to do the signage, talk to the professionals and do some education. She recalled it took time for people to understand why the City closed down, so it was reasonable to take time to re-open.

Councilwoman Pastor asked how many times the restrooms would be cleaned throughout the day.

Ms. Hall replied the restrooms would be cleaned as they were prior to COVID-19 closing which was once a day based on staffing. She added staff would educate groups about the daily cleaning and encourage individuals to bring their own hand sanitizer and cleaning supplies for any use in the park.

Councilwoman Pastor expressed that was dangerous given the fact that bars and stores had increased their cleaning to prevent the virus, so she also wanted to look at that piece.

Deputy City Manager Inger Erickson added one thing to consider would be to only open restrooms if there was a reservation.

Councilwoman Pastor remarked someone could cough or sneeze in the restroom with their mask off or touch something that she would potentially touch and get infected. She stressed for safety reasons this piece should

be looked at as parks reopened.

Mr. Zuercher pointed out the department was not currently staffed to clean the restrooms more than once a day. He conveyed if Council wanted to do that, Coronavirus Relief Fund money could be used, but staff would need to identify the amount of that added service level in order for Council to make a decision for use of that money.

Councilwoman Pastor stated that was why she wanted to talk to an expert and get their thoughts on that piece.

Councilman Waring said he looked at the daily statistics regarding the impact of COVID-19 in different parts of the city, so he understood that argument. He conveyed his concern with the substitute motion was October 1 given today's date, noting Council could bring in experts and quickly arrange a special meeting. He mentioned this subject was being discussed in a broader sense on Tuesday and suggested staff bring someone in to discuss opening the parks safely. He stressed staff should have been preparing to re-open parks once the three-person letter was submitted, but he agreed the bathroom issue was a compelling piece. He stated some people who had gym memberships were not going based on their own personal health decisions, so he assumed the same would happen when people used park facilities. He asked if the City closed down the tennis courts.

Ms. Erickson replied staff never closed down the tennis courts.

Councilman Waring noted he saw people playing tennis when the pandemic started and were just as close as people playing a soccer match. He said he would support the substitute motion except for the October 1 date and instead do something once Council received advice. He asked if the original motion did not count because it could not be done so then the substitute motion was the first motion and another motion could be made.

Mr. Meyer replied the clarity of the original motion was appropriate, so Councilmember Garcia's motion was a substitute motion, noting there could only be one. He advised if the substitute motion failed Council

would go back to the original motion which would be the time to correct it. He added if that motion failed then another motion could be made.

Councilman Waring wished to clarify that if both motions failed Council could make another motion.

Mr. Meyer responded that was correct.

Councilman DiCiccio asked if that could be done today because Council had not been able to do that before.

Mr. Meyer replied the purpose behind the rule about substitute motions and only one amendment was to not have complex motions that could not be filed and to keep them simple to keep things moving along. He pointed out the point of council meetings was for the Council to make decisions, adopt policy and give direction, so limiting them to one motion or one substitute on a given motion was not consistent with that purpose.

Councilman Waring said he wanted the motion to include getting medical advice as soon as possible, noting there was a Council meeting on Tuesday, and then re-open parks citywide if it could not be done district by district. He mentioned this was all based on the substitute motion not passing, unless Councilmember Garcia amended his motion to remove October 1 and staff could bring someone in on Tuesday to give advice so the City could re-open the parks. He stated it was unrealistic to have people at stations taking temperatures at every park, so his expectation was that people would make decisions for their own families about going to the park.

Councilmember Garcia indicated he came up with October 1 because the City Manager said Council could get information from experts on September 16. He remarked it would take time to figure out how to implement their recommendations, such as a plan for cleaning restrooms which had not been discussed. He conveyed he was willing to amend his motion so that two weeks after Council got advice that parks be re-opened as that would give staff time to work through the recommendations and get another week to put up signage and implement things.

Vice Mayor Guardado stated she would support the amendment as she seconded the substitute motion.

Mayor Gallego asked if Councilmember Garcia was comfortable with Council having individual briefings so it could be done quickly.

Councilmember Garcia replied he was comfortable with it, but the advice was actually for staff so they could come up with a plan which he thought would take two weeks to implement.

Mayor Gallego remarked the restroom cleaning schedule was a good point, noting the CDC said the lowest risk was to clean between each use and moderate risk was staff cleaning and disinfecting frequently touched surfaces and shared objects more than once per day. She stressed this was something that needed to be looked into and would be a worthwhile use of Coronavirus Relief Fund dollars to increase that service.

Michael Colao spoke in support and asked Council to vote in favor of opening parks today with Ms. Hall's presentation on controls for youth organized sports. He mentioned he was an executive board member of the Cal Ripken baseball league with over 600 children signed up to resume playing baseball in the fall. He said a return-to-play document was posted on their website, noting baseball was a distance-based sport so they could take proper precautions to limit contact and manage risk. He conveyed playing outside with masks for coaches, frequent hand sanitizer breaks and distance between family members watching the game were easy asks for opening the parks.

Dave DiVito spoke in support of opening City parks, noting he was a volunteer coach for his children's baseball and soccer teams. He expressed playing was more than a game to kids as they got to socialize, compete and learn valuable life lessons.

Mayor Gallego requested the substitute motion be repeated before Council voted.

Councilmember Garcia restated his amended substitute motion.

Prior to his vote, Councilman Nowakowski stated children were already playing organized sports in parks, so the City needed to take control of parks right now and work with teams and organizations as soon as possible to prevent the spread of COVID-19. He stated he was no on this motion.

Prior to her vote, Councilwoman Stark said she also saw kids playing on fields, so the City needed to get control, noting staff presented a great idea. She indicated she was a no vote.

A substitute motion was made by Councilmember Garcia, seconded by Vice Mayor Guardado, that this item be approved to reopen outdoor athletic fields two weeks after Council received advice from health experts and staff was ready.

Yes: 4 - Councilmember Garcia, Councilwoman Pastor, Vice Mayor Guardado and Mayor Gallego

No: 5 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Waring and Councilwoman Williams

Mayor Gallego requested Councilman DiCiccio provide updates to his motion.

Councilman DiCiccio restated his motion to open up the parks with consideration given to each council member as to what was safe to open.

Mr. Zuercher explained the motion meant that staff would need to talk to each council member and get their recommendation and come back to Council to vote on the entire package on which parks would open district by district.

Councilman DiCiccio said he wished to change his motion to just open the parks.

Councilwoman Williams agreed based on the Parks Department timing which would be a week.

Councilwoman Pastor asked if the motion was to just open the fields or all of it.

Councilwoman Williams replied she only wanted to open the fields.

Councilman DiCiccio agreed, but also wanted staff to come back to Council and discuss how they would clean the restrooms to make sure children were safe.

Councilwoman Pastor requested that be included in the motion.

Mayor Gallego conveyed this item was agendized for fields only.

Mr. Zuercher concurred, noting the motion could include that as an accessory to the fields restrooms that supported open fields as mentioned in staff's presentation. He added staff could come back to Council on Tuesday with an estimate for additional restroom cleaning along with the Coronavirus update.

A motion was made by Councilman DiCiccio, seconded by Councilwoman Williams, that this item be approved to reopen athletic fields and associated restrooms and to update Council at the Sept. 8 2020 Policy Session Meeting on the cost of increased restroom cleaning.

Seventy-six electronic comments in support and eleven electronic comments with no position were submitted for the record.

Prior to his vote, Councilmember Garcia expressed he was a no vote because he was uncomfortable reopening without public health advice and better planning.

Prior to her vote, Vice Mayor Guardado stated she would be voting no as she thought two more weeks were important for staff to make sure everyone coming to the parks were safe.

Prior to her vote, Mayor Gallego indicated this proposal was consistent

with CDC guidelines about parks, noting there were fewer COVID-19 cases related to outdoor activities. She pointed out the City would continue to monitor things and indicated she was a yes vote.

A motion was made by Councilman DiCiccio, seconded by Councilwoman Williams, that this item be approved to reopen athletic fields and associated restrooms and to update Council at the Sept. 8, 2020 Policy Session Meeting on the cost of increased restroom cleaning. The motion carried by the following vote:

Yes: 7 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams and Mayor Gallego

No: 2 - Councilmember Garcia and Vice Mayor Guardado

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

CITIZEN COMMENTS

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

Kellen Wilson expressed hospitality workers still had no relief, noting many received layoff letters and lost their health insurance during this pandemic. She commented she disagreed with providing rent relief to her employer, and she acknowledged comments made earlier by Councilman DiCiccio accurately describing the disparities in wealth and how that affected residents during the pandemic.

Laura Perez requested Council support the hospitality ordinances which included safety training, such as mask wearing; extra sick time; and recall rights that ensured jobs would exist.

Mayor Gallego announced Ms. Hernandez would speak with interpretation.

Yolanda Hernandez stated she supported the hospitality ordinances, especially extra sick time as it was essential to getting better.

Don Ameden urged Council to approve the hospitality ordinances to help the workers as they kept the airport running.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 7:08 p.m.

MAYOR

ATTEST:

CITY CLERK

SM

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 2nd day of September, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of September, 2022.

CITY CLERK