173921

City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, June 26, 2019 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, June 26, 2019 at 2:40 p.m. in the Council Chambers.

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

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

The City Clerk confirmed that copies of the titles of Ordinances G-6602, S-45845 through S-45889, and Resolutions 21760 through 21761 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

BOARDS AND COMMISSIONS

1 Mayor and Council Appointments to Boards and Commissions

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

Census Complete Count Committee
Appoint Kristin Kobasic, for a term to expire July 1, 2020, as recommended by Mayor Gallego.

Environmental Quality and Sustainability Commission
Appoint Park Howell, replacing Kimberly Ruht for a partial term to expire Aug. 31, 2021, as recommended by Mayor Gallego.

Phoenix Business and Workforce Development Board
Appoint Melissa Trujillo, for a term to expire June 30, 2022, and Steven Cramer, for a term to expire June 30, 2020, as recommended by Mayor Gallego.

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

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

No: 0

Mayor Gallego administered the oath of office to the following appointees:

Park Howell, Environmental Quality and Sustainability Commission.
Melissa Trujillo and Steven Cramer, Phoenix Business and Workforce Development Board.

The above individuals were invited to approach the dais so Council could extend their appreciation.

Mayor Gallego announced the Council would take Item 2 after the liquor license agenda.

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

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

Note: Comment cards were submitted in favor of the following items, with no one wishing to speak:

Daron Brotherton - Applicant, Item 3
Camila Alarcon - Agent, Item 7

A motion was made by Vice Mayor Waring, seconded by Councilwoman Williams, that Items 3-12 be recommended for approval, except Item 8, and noting Item 12 is continued to the July 3, 2019 City Council Formal Meeting. The motion carried by the following voice vote:

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

No: 0

3 Liquor License - Clarendon Hotel & Spa

Request for a liquor license. Arizona State License Application 63312.

Summary

Applicant
Kevin Kramber, Agent

License Type
Series 11 - Hotel/Motel

Location
401 W. Clarendon Ave.
Zoning Classification: C-2
Council District: 4

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

The 60-day limit for processing this application is July 5, 2019.

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

Other Active Liquor License Interest in Arizona

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

Greentree Inn & Suites (Series 11)
240 W. Hwy. 287, Florence
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Greentree Inn & Suites (Series 6)
431 E. White Mountain Blvd., Pinetop
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
“1. I currently am Agent on 120+ licenses state wide. 2. controlling members have / or currently own other liquor licenses statewide. 3. controlling members have no Title IV Violations. 4. management on site will have certified Title IV liquor Training.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“As a series 11, Hotel/motel, liquor license our Primary Purpose is that of a Restaurant where liquor is an accessory, we believe that it will allow our adult clients the opportunity to enjoy an adult beverage in the Restaurant, Hotel, SPA And Pool."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Clarendon Hotel & Spa
Liquor License Map - Clarendon Hotel & Spa

This item was recommended for approval.

4 Liquor License - Special Event - St. Joseph Maronite Catholic Church

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

Summary

Applicant
Wissam Akiki

Location
5406 E. Virginia Ave.
Council District: 6

Function
Cultural Celebration

Date(s) - Time(s) / Expected Attendance
Nov. 1, 2019 - 5 p.m. to 10 p.m. / 400 attendees
Nov. 2, 2019 - Noon to 10 p.m. / 600 attendees
Nov. 3, 2019 - Noon to 7 p.m. / 400 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

5 Liquor License - Breakfast Club Biltmore

Request for a liquor license. Arizona State License Application 63909.

Summary

Applicant
R Kyle Shivers, Agent

License Type
Series 12 - Restaurant

Location
2502 E. Camelback Road, Ste. 156
Zoning Classification: PSC CEPCSP
Council District: 6

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in August 2019.

The 60-day limit for processing this application is June 30, 2019.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application

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

Other Active Liquor License Interest in Arizona

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

Breakfast Club (Series 12)
2 E. Jefferson St., Ste. 213, Phoenix
Calls for police service: 71
Liquor license violations: None

Breakfast Club (Series 12)
4400 N. Scottsdale Road, Ste. 1-6, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Tap & Bowl (Series 12)
4400 N. Scottsdale Road, Ste. 12 Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
“I currently hold three series 12 licenses. The oldest series 12 has been used and renewed for the past eleven years. The two other series 12 licenses have been used and renewed for the past nine years. We have had zero liquor license violations in this time.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“My Breakfast Club concepts have been a consistent and reliable community destination for almost sixteen years. My team and I look forward to bringing the same consistency and reliability to our new neighbors in the Biltmore area.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Breakfast Club Biltmore
Liquor License Map - Breakfast Club Biltmore

This item was recommended for approval.

6 Liquor License - Flint

Request for a liquor license. Arizona State License Application 64176.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
2425 E. Camelback Road, Ste. 109-110
Zoning Classification: C-2 H-R SP CEPCSP

Council District: 6

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption. This business is currently being remodeled with plans to open in July 2019.

The 60-day limit for processing this application is July 5, 2019.

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

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

W Scottsdale (Series 6)
7277 E. Camelback Road, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Aloft Scottsdale (Series 11)
4415 N. Civic Center Plaza, Scottsdale
Calls for police service: N/A - not in Phoenix

Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"All of our employees will be trained in responsible liquor training. Regular audits will be conducted to ensure they comply."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We would like the ability to offer our patrons an adult beverage with their meal if they choose to have one."

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 - Flint
Liquor License Map - Flint

This item was recommended for approval.

7 Liquor License - Pointe Hilton Squaw Peak Resort

Request for a liquor license. Arizona State License Application 06070410.

Summary

Applicant
Camila Alarcon, Agent

License Type
Series 6 - Bar

Location
7677 N. 16th St.
Zoning Classification: C-2 PCD
Council District: 6

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

The 60-day limit for processing this application is June 30, 2019.

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

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

Element Skysong Scottsdale (Series 11)
1345 N. Scottsdale Road, Scottsdale
Calls for police service: N/A - not in Phoenix

Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant manages over 100 hotels properties across the United States and Canada. It has years of experience in the hospitality business and in alcohol regulation. Applicant is fully committed to upholding the highest standards with all applicable laws. All relevant staff will be fully trained in Title 4."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This application is for a Series 6 liquor license for the Pointe Hilton Squaw Peak Resort premises. The resort has served a demonstrative need in the community since the 1970s, and will continue to do so under new management."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Pointe Hilton Squaw Peak Resort
Liquor License Map - Pointe Hilton Squaw Peak Resort

This item was recommended for approval.

9 Liquor License - Dressing Room

Request for a liquor license. Arizona State License Application 06070420.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 6 - Bar

Location
214 E. Roosevelt St.
Zoning Classification: DTC-West Evans Churchill
Council District: 7

This request is for an ownership and location transfer of a liquor license for a bar. This location is currently licensed for liquor sales with a Series 12 - Restaurant, liquor license. This location requires a Use Permit to allow a bar and outdoor liquor service as an accessory use to a bar.

The 60-day limit for processing this application is July 5, 2019.

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

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

Dressing Room (Series 12)
220 E. Roosevelt St., Phoenix
Calls for police service: 46
Liquor license violations: None

Larry (Series 12)
515 E. Grant St., Phoenix
Calls for police service: 1
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We have been operating under a Series 12 and have decided to purchase a Series 6."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We would like to continue to offer our customer a place to come and enjoy a nice atmosphere and an adult beverage if they choose."

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 - Dressing Room
Liquor License Map - Dressing Room

This item was recommended for approval.

10 Liquor License - Fry's Food & Drug #88

Request for a liquor license. Arizona State License Application 07073626.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 7 - Beer and Wine Bar

Location
100 E. Jefferson St.
Zoning Classification: DTC - Business Core
Council District: 7

This request is for a new liquor license for a beer and wine bar. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in August 2019.

The 60-day limit for processing this application is July 1, 2019.

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

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Fry's owns and operates multiple licenses throughout Arizona and other states. We send our staff through training."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location will have all the amentities of a typical Fry's, including it's online ordering and pick-up system, made to order sushi and deli. This is the first Fry's store in a downtown environment that will really have an urban feel."

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 - Frys Food & Drug #88
Liquor License Map - Frys Food & Drug #88

This item was recommended for approval.

11 Liquor License - Fry's Food & Drug #88

Request for a liquor license. Arizona State License Application 09070315 & 09070315S.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 9 & 9S - Liquor Store with Sampling Privileges

Location
100 E. Jefferson St.
Zoning Classification: DTC - Business Core
Council District: 7

This request is for a location transfer of a liquor license for a liquor store with sampling privileges. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in August 2019.

The 60-day limit for processing this application is July 1, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Fry's owns and operates multiple licenses throughout Arizona and other states. We send our staff through training."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location will have all the amentities of a typical Fry's, including it's online ordering and pick-up system, made to order sushi and deli. This is the first Fry's store in a downtown environment that will really have an urban feel."

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 - Frys Food & Drug #88
Liquor License Map - Frys Food & Drug #88

This item was recommended for approval.

12 Liquor License - MC Mini Mart

Request for a liquor license. Arizona State License Application 63363.

Summary

Applicant
Mark Dinkha, Agent

License Type
Series 10 - Beer and Wine Store

Location
2720 W. Indian School Road
Zoning Classification: DTC - Downtown Gateway
Council District: 4

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

The 60-day limit for processing this application is June 22, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:

“I hold a certificate for "The Basic Liquor Law Training". This training provided me the opportunity of learning the importance and significance of obtaining a beer and wine license. I am assured to uphold the laws and regulations about beer and wine license.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “This store will provide a safe and secure place for the neighborhood to buy beer and wine. The location will be convenient for the people in neighborhood who may not have access to transportation. Adding the long time experience of the owner with running a store while upholding all the laws and regulations, the store will be a safe, secure and convenience place for the customers to purchase quality liquor.”

Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on the applicant's criminal history, failure to obey State laws and potential hidden ownership. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments

Liquor License Data - MC Mini Mart
Liquor License Map - MC Mini Mart
Liquor License Police Department Recommendation - MC Mini Mart

This item was continued to the July 3, 2019 City Council Formal Meeting.

8 Liquor License - Boom Boom Room

Request for a liquor license. Arizona State License Application 06070678.

Summary

Applicant

Rasheda Worthy, Agent

License Type

Series 6 - Bar

Location
1501 W. Pierce St.
Zoning Classification: C-2
Council District: 7

This request is for an ownership and location transfer of a liquor license for a bar. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption when located within 500 feet of a residential district. This business is currently being remodeled with plans to open in September 2019.

The 60-day limit for processing this application was June 25, 2019. However, the applicant submitted a written request for more time.

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

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

Public Opinion
Two letters protesting and two letters 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 there are sufficient liquor licenses in the area and adding another liquor license in a

residential area will not benefit the community's quality of life. The support letters are from local residents. They feel that the opening of the bar will encourage other business activity in the area.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been a resident of Phoenix, Arizona for 25 years. I am very comfortable and familiar w/ the diverse central phoenix community. I have been a business owner in various businesses in Phoenix including retail, community health and worked for COP Parks & Rec. I have a masters degree in social work & education in doctoral studies in public health. I have the resources and support of family and other business owners including liquor license owners."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The Boom Boom Room will enhance the community bringing a safe culturally diverse social venue to a community w/ limited social gathering places. The Boom Boom Room will offer the community a place to dine, celebrate, host private events and gather near home."

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 - Boom Boom Room
Liquor License Map - Boom Boom Room

Discussion

Councilman Nowakowski motioned to continue the item to the July 3, 2019 City Council Formal Meeting. He asked for the applicant to go to the state and try to work out an extension at the state level. He announced

there were neighbors and businesses who had expressed concerns and that he would like to have everyone sit together to try to work things out. He acknowledged the time limit and asked the applicant to ask the state for an extension past Aug. 28, 2019, and added that if the applicant was not in favor of the extension, then he would continue the item to July 3, 2019, and then deny the application if there was no extension.

The applicant, Rasheda Worthy, approached the dais to share additional information. She informed Council she had personally met with the neighbors and leaders of two of the neighborhood associations in the spirit of compromise, community, and business. She elaborated that if they were to get an agreement from the neighbors and association leaders saying the purpose of the meetings would be to discuss and find resolutions to some of the issues that are solvable, then she would be willing and want to meet together. She stated her concern that this may be a tactic to delay the process.

Councilman Nowakowski responded that he would like to gather people together to have a conversation to work things out.

Mayor Gallego announced there were two comment cards submitted in support of the item and five cards submitted in opposition to it. She asked if there was anyone who would like to testify on if it was appropriate to continue the item. She noted the Council would not be voting on the item, but would be voting on the motion to continue the item.

Breannah Worthy introduced herself as the daughter of Rasheda Worthy and granddaughter of the property owner. She would be a lead manager and director for the staff and the frontline communication with the community. She stated she was more than happy and willing to talk, compromise, and work with anyone. She expressed her interest in wanting to meet and talk prior to July 3, 2019. Ms. Worthy noted she had not been able to speak with any members from Oakland Neighborhood Association and Grand Arts Preservation.

Mayor Gallego verified with Councilman Nowakowski that his motion was to continue the item to the July 3, 2019 City Council Formal Meeting.

The following individuals submitted comment cards in opposition to Item 8:
Jessica Bueno
Alexandra Freemon
R. Kyle Foxcroft
Tom Havey
Beatrice Moore, Grand Avenue Arts and Preservation

A motion was made by Councilman Nowakowski, seconded by Councilwoman Pastor, that this item be continued to the July 3, 2019 City Council Formal Meeting. The motion carried by the following voice vote:

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

No: 0

2 Swearing in of Chief Presiding Judge and Municipal Court Judge

Request to permit the swearing in of the Chief Presiding Judge and Municipal Court Judge.

Summary
Administer the oath of office for the Honorable B. Don Taylor III as Chief Presiding Judge of the Phoenix Municipal Court for an annual term to expire on June 30, 2020.

Administer the oath of office for the Honorable Wilbur N. Hudson to a four-year term as Judge of the Phoenix Municipal Court to end on May 24, 2023.

Concurrence/Previous Council Action
On April 8, 2019 the Judicial Selection Advisory Board recommended approval to the Public Safety and Veterans Subcommittee.

On May 14, 2019 the Public Safety and Veterans Subcommittee recommended approval to the City Council by a vote of 3-0.

Discussion

Mayor Gallego announced the Council had previously voted on the nominations and congratulated Judge Taylor, noting he had helped lead the courts in a variety of innovative programs, and Judge Hudson who had been active in serving veterans and making sure all have equal access to justice.

Mayor Gallego administered the oath of office to the following Municipal Court Judges:

B. Don Taylor III
Wilbur N. Hudson

The above individuals were invited to approach the dais so Council could extend their appreciation.

Chief Presiding Judge B. Don Taylor III and Municipal Court Judge Wilbur N. Hudson were sworn in.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

A motion was made by Vice Mayor Waring, seconded by Councilwoman Williams, that Items 13-98 be approved and/or adopted except for 24, 33, 38, 43, 72, 73, 79, 81, and 89. The motion carried by the following vote, as part of an omnibus motion:

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

No: 0

Items 13-23, 25-32, 34-37, and 39-42, Ordinance S-45845 was a request to authorize the City Controller to disburse funds, up to amounts indicated for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated

below, some items below require payment pursuant to Phoenix City Code section 42-13.

13 Test Equipment Distributors doing business as InnerVision Security

For $90,000.00 in payment authority for a one-time purchase of a NOVO Portable X-Ray Machine for the Aviation Department. The NOVO Portable X-Ray Machine will support the Transportation Security Administration operations with the inspection of unidentified and/or suspicious items and to enhance the security level at Phoenix Sky Harbor International Airport.

This item was adopted.

14 Tata Consultancy Services Limited

For $413,214.00 in additional payment authority for Contract 122332 for required software support and maintenance services for the Finance Department. The Tax Mantra system holds historical taxpayer information used by the Tax Division in Finance for research and reporting. The City Clerk Department relies on Tax Mantra to manage all regulatory license services for citizens and businesses. The additional funds are required to extend the Tax Mantra system software services for three years until the KIVA replacement system is implemented.

This item was adopted.

15 SAP Public Services, Inc. - Annual Payment Authority

For $2,500,000.00 in annual payment authority for Contract 75108 for SAP support and maintenance services for the Finance Department. This will provide continued support and maintenance of the citywide financial and procurement system through June 30, 2020, including ongoing and additional licensing as needed for system users.

This item was adopted.

16 Ottosen Propeller & Accessories, Inc.

For $16,167.00 in payment authority for propeller overhaul repairs for the Police Department, Air Support Unit. Propeller overhauls are an essential part of maintaining the safety and performance of the aircraft. The inspection and overhaul of the Cessna P210 propeller is necessary along with the electric boots and deicer lead wires on installation. The propeller

is among the most highly stressed components on an aircraft and the Federal Aviation Administration regulations require preventative maintenance in addition to complying with the manufacturer's regular overhaul schedule.

This item was adopted.

17 Pinnacle Actuarial Resources, Inc

For $9,000.00 in additional payment authority for Contract 140674 for actuarial services to determine financial impacts related to the Workers Compensation and Self Insurance Funds. Additional payment authority is requested for additional, unanticipated actuarial studies.

This item was adopted.

18 Motorola Solutions, Inc.

For $18,000.00 in payment authority for Motorola Solutions, Inc. to provide support and preventative maintenance for the City's Fixed Network Equipment (FNE) for the Regional Wireless Cooperative. Certified Motorola field service technicians will perform hands-on examinations and diagnostics of network equipment and components on a routine and prescribed basis. Support will also include operational tests, repairs, and software updates to the key management facility infrastructure to facilitate compatibility and functionality with the City's FNE.

This item was adopted.

19 Envision, LLC

For $180,000.00 in additional payment authority for Contract 142571 for PeopleSoft application development services for the Human Resources and Information Technology Services departments. The City utilizes the PeopleSoft Human Capital Management application for the management of Citywide Human Resources functions including recruitment, performance management and payroll. Previous funding was granted for the implementation of the employee on-boarding process and development and implementation of the employee total compensation strategies. Additional funds are needed for a new project to create dashboards and reporting functions for the new vehicle accident reporting program, which is one of the recommendations the City Manager's Driver Education and Discipline Review Committee, as well as

design and development tasks for eCHRIS PeopleSoft. This new reporting module will track vehicle accident cost and claims and provide other tracking data that currently is not available.

This item was adopted.

20 Ghormley Design & Consulting, LLC

For $25,000.00 in payment authority to purchase graphic design services to update the City's Graphic Standards Manual for the Communications Office. The Manual provides guidance on the proper use of the City's copyrighted logo and design requirements for City departments and outside partners for street signage, uniforms, printed material and forms that protect the City's logo. The City will work with the original designer of the copyrighted logo to update the Manual, which has not been revised since 1992. The Manual will be revised to include updated guidelines for fleet vehicles and signage for the City's current website, social media platforms and how the logo can be appropriately used by third parties while protecting the City's trademark and copyright.

This item was adopted.

21 Hunter Contracting Co.

For $550,000.00 in additional payment authority for Contract 140324 for Change Order 3, Project WS85200010-1 for the Verde Water Treatment Plant facilities demolition and site restoration for the Water Services Department. The project was delayed while the City negotiated with the Fort McDowell Yavapai Nation for approval to access a road they own to haul demolition debris. The City of Phoenix and the Yavapai Nation recently signed an agreement for use of the road. The additional funding is needed to address costs associated with the extended construction change schedule.

This item was adopted.

22 Arizona Public Service Company

For $95,000.00 in payment authority for electrical construction services on 27th Avenue, Lower Buckeye Road to Buckeye Road for roadway widening Project No. ST8510034 for the Street Transportation Department. Work includes relocating above-ground electrical poles and conduits to below-ground electrical poles and conduits along 27th Avenue between Durango Street to Buckeye Road.

This item was adopted.

23 City of Glendale - Annual Payment Authority

For $77,000.00 in payment authority for Intergovernmental Agreements 114154 and 114155 to provide water service to the area of Arizona State Route 101 and 51st Avenue located within the boundaries of the city of Phoenix but outside the City's water distribution system, for the Water Services Department.

This item was adopted.

25 Empire Pump Corp doing business as Duncan Pump

For $50,000.00 in additional payment authority for Contract 143856 for groundwater well cleaning disinfection services for the Water Services Department. The service is required to clean and disinfect groundwater wells as needed so they operate efficiently, effectively and within regulatory requirements to maintain groundwater quality. Due to the advanced age of several groundwater wells and the increase in bacteria entering the groundwater wells, additional payment authority is needed for additional cleanings.

This item was adopted.

26 Arizona Blue Stake, Inc., doing business as Arizona 811

For $120,000.00 in payment authority to continue pre-excavation notification services for underground utilities in Fiscal Year 2019-20 for the Water Services Department (WSD). The contractor works with professional excavators and homeowners throughout Arizona to notify WSD Utility Locating staff of excavations near WSD underground utilities. WSD staff responds to notices by locating infrastructure and marking the street to prevent possible damage to the underground infrastructure.

This item was adopted.

27 Salt River Project Agricultural Improvement and Power District doing business as SRP

For $300,000.00 in payment authority for Contract 63846 for Fiscal Year 2019-20 for annual operation and maintenance costs for the Granite Reef Underground Storage Project (GRUSP) for the Water Services Department. GRUSP operates under an Intergovernmental Agreement between SRP and the cities of Chandler, Gilbert, Phoenix, Mesa,

Scottsdale, and Tempe. Phoenix owns 25.755 percent of the underground water storage capacity of GRUSP and pays its proportional share of GRUSP costs.

This item was adopted.

28 Roosevelt Irrigation District

For $1,025,000.00 in payment authority for Fiscal Year 2019-20 water rights settlement claim costs for Contract 54170, for the Water Services Department (WSD). In 1998, the City of Phoenix entered into a comprehensive settlement agreement with Salt River Pima Maricopa Indian Community (SRPMIC), and others, to settle SRPMIC water rights claims. Part of that settlement included an ongoing three-way water exchange among the City of Phoenix, Salt River Project and the Roosevelt Irrigation District. WSD is responsible to pay a portion of costs associated with the ongoing annual exchange.

This item was adopted.

29 Salt River Valley Water Users' Association

For $120,000.00 in payment authority for Agreement 107647 for delivery, ordering, accounting and reporting of the Peninsula - Horowitz Water Entitlement for Fiscal Year 2019-20 for the Water Services Department. Peninsula, Horowitz, and Champion Irrigation Districts are located in the southwest portion of the city of Phoenix and are in the initial stages of conversion from farm land to urban usage. Under this agreement, the City receives water from the Salt River Valley Water Users' Association, treats it, and delivers it to urban customers within these irrigation districts.

This item was adopted.

30 Salt River Valley Water Users' Association

For $400,000.00 in payment authority for Contract 59580 for the Water Transportation Agreement to transfer water from the Salt River Valley Water Users' Association (Association) to the City and for Salt and Verde Rivers water delivery pursuant to water rights held by the City for Fiscal Year 2019-20 for the Water Services Department (WSD). WSD treats and delivers water for lands within the Salt River Reservoir District which have rights to the water stored and developed by the Association.

This item was adopted.

31 **Salt River Project Agricultural Improvement and Power District doing business as SRP**

For $224,000.00 in payment authority for Contract 53453 for operation and maintenance of the Central Arizona Project Salt River Project interconnection facility for the Water Services Department. This Intergovernmental Agreement between the Salt River Valley Water Users' Association, the Salt River Project Agricultural Improvement and Power District, cities of Chandler, Gilbert, Glendale, Mesa, Peoria, Phoenix, Scottsdale, and Tempe allows the City of Phoenix to transport water from the Central Arizona Project aqueduct to the Granite Reef Dam. The Water Services Department is responsible for 38.425 percent of the operating and maintenance expenses for Fiscal Year 2019-20.

This item was adopted.

32 **Salt River Valley Water Users' Association**

For $4,000,000.00 in payment authority for Contract 100353 for water delivery and use agreement with the Salt River Valley Water Users' Association (Association) to provide wholesale water for resale by the Water Services Department within the Salt River Reservoir District for Fiscal Year 2019-20. The water delivered to the City by the Association from the Salt and Verde Rivers represents approximately 60 percent of the City's water supply.

This item was adopted.

34 **State of Arizona doing business as Arizona Department of Water Resources**

For $23,500.00 in payment authority for Fiscal Year 2019-20 to pay fees associated with water storage permit applications, groundwater withdrawal, groundwater production, long-term storage credit recovery and dewatering for the Water Services and the Parks and Recreation departments. To responsibly manage the water portfolio for current use and future generations, it is necessary to have available funds to legally withdraw additional groundwater and to apply for water storage permits to prepare for potential shortage.

This item was adopted.

35 **Arizona Municipal Water Users Association - Annual Payment Authorization**

For $457,493.00 in payment authority for membership renewal to the Arizona Municipal Water Users Association (AMWUA) for the Water Services Department. AMWUA supports the development of urban water policy and works collaboratively with water stakeholders to devise practical solutions to water problems to ensure sustainable growth for Arizona. This membership was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

This item was adopted.

36 Association of Metropolitan Water Agencies - Annual Payment Authorization

For $11,118.00 in payment authority for membership renewal to the Association of Metropolitan Water Agencies for the Water Services Department. The Association of Metropolitan Water Agencies conducts financial surveys across the major utilities in the country which allows Water Services to benchmark its performance on various issues. The Association also advocates at the federal level for the use of science-based drinking water quality standards. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

This item was adopted.

37 American Water Works Association - Annual Payment Authorization

For $21,052.00 in payment authority for membership renewal to the American Water Works Association for the Water Services Department. American Water Works Association develops most of the standards and specifications used in the drinking water industry. Membership allows access to these standards, as well as current water industry research reports, professional training opportunities, public outreach efforts, access to a network of industry leaders, and ongoing updates regarding regulatory issues. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

This item was adopted.

39 Rural Water Association of Arizona

For $15,000.00 in payment authority for membership renewal to the Rural Water Association of Arizona (RWAA) for the Water Services

Department. RWAA will provide operators of the department's water and wastewater systems with operator certification trainings. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

This item was adopted.

40 WateReuse Association - Annual Payment Authority

For $11,000.00 in payment authority for membership renewal to the WateReuse Association for the Water Services Department. Participation in the WateReuse Association allows Water Services access to a variety of research and information addressing drinking water, wastewater, water reclamation, watershed quality, and storm water issues. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

This item was adopted.

41 Water Research Foundation - Annual Payment Authority

For $256,057.00 in payment authority for membership renewal to the Water Research Foundation for the Water Services Department. The Water Research Foundation sponsors research to assist water utilities in providing safe and affordable drinking water. Membership in this organization allows Water Services staff access to the latest research and technical information used to address drinking water, wastewater, and water reclamation issues. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

This item was adopted.

42 Western Urban Water Coalition - Annual Payment Authority

For $35,000.00 in payment authority for membership renewal to the Western Urban Water Coalition (WUWC) for the Water Services Department. The WUWC is an organization of the western United States' largest urban water utilities. It helps secure sound national water policies, programs, and regulations impacting the unique challenges facing urban water supplies in the West. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

This item was adopted.

44 Annual Expenditure Limitation Report Designee to the Arizona Auditor General (Resolution 21761)

Request City Council approval to designate Chief Financial Officer (CFO) Denise M. Olson to annually submit the Annual Expenditure Limitation Report (AELR) to the Arizona Auditor General each year.

Summary

Request City Council adoption of a resolution granting approval to officially designate CFO, Denise M. Olson of the City of Phoenix, to annually submit the AELR.

Arizona Revised Statutes 41-1279.07(E) was revised in August 2018 to require each county, city, town and community college district to annually provide to the Auditor General by July 31, the name of the CFO the governing board designates to submit the current year's AELR and certify to the accuracy of the report.

Responsible Department

This item is submitted by City Manager Ed Zuercher and the Finance Department.

This item was adopted.

45 Traffic Paint - Requirements Contract - IFB 19-139 (Ordinance S-45875)

Request to authorize the City Manager, or his designee, to enter into a contract with Ennis-Flint, Inc. to purchase high build and fast dry traffic paint for the Street Transportation Department in an amount not to exceed $6,460,337. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Street Transportation Department Signing and Striping Section uses high build and fast dry paint that meets the Manual on Uniform Traffic Control Devices (MUTCD) specifications. The high build and fast dry paint will be used to install and maintain traffic lane stripes or street markings on public roadways which include lane lines, turn pockets, bike lanes and stencils throughout the city. In addition to standard white and yellow paint, this contract will also include colored paint for specialized

applications.

Procurement Information
Invitation for Bid IFB 19-139 was conducted in accordance with Administrative Regulation 3.10. One offer was received by the Finance Department Procurement Division on May 24, 2019. The offer submitted by Ennis-Flint. Inc. was evaluated based on price, responsiveness to specifications and responsibility to provide the required goods and/or services. The notice of bid was sent to 134 registered vendors and was publicly posted and available for download on the City website. The price offered was determined to be fair and reasonable based on a comparison with previous contracts. The Deputy Finance Director recommends that the contract with Ennis-Flint, Inc. be accepted.

Contract Term
The five-year contract term will begin on or about Sept. 15, 2019.

Financial Impact
The aggregate contract value will not exceed $6,460,337. Funds are available in the Street Transportation Department's capital and operating budgets.

This item was adopted.

46 Arizona Uniform & Apparel Non-Safety Uniform Items (Ordinance S-45847)

Request to authorize the City Manager, or his designee, to add additional funds to Arizona Uniform & Apparel Contract (140152) in the amount of $150,000 to provide uniforms for the Parks and Recreation Department. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The contract with Arizona Uniform & Apparel is a Citywide contract utilized by multiple City departments. Currently, there is approximately $41,000 remaining on the Citywide contract, which does not expire until February 2020. The Parks and Recreation Department is requesting to add additional funds to the contract to provide annual replacement uniforms for maintenance staff. The current Citywide contract balance of $41,000 is insufficient to cover the Parks and Recreation Department's

need through February 2020.

Financial Impact

The request of $150,000 is for the period ending Feb. 27, 2020. Funds are available in the Parks and Recreation Department's budget.

Concurrence/Previous Council Action

This contract is a result of IFB 15-027, Ordinance S-41459, adopted at the Feb. 18, 2015 Formal Council meeting.

This item was adopted.

47 Acquisition of Real Property for Mandan Street Flood Mitigation Project (Ordinance S-45848)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests required for the Mandan Street Flood Mitigation Project by donation, purchase within the City's appraised value, or by the power of eminent domain. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City, in partnership with the Flood Control District of Maricopa County (FCDMC), is undertaking the Mandan Street Flood Mitigation Project to alleviate flooding problems impacting the nearby Ahwatukee neighborhood. The project area is located at the base of the South Mountain Park and Preserve, within the vicinity of the Mandan Street and Sacaton Street intersection. Chapter 26, Section 3(c) of the City Charter permits flood control facilities within a City Mountain Preserve Area. FCDMC has worked with the Street Transportation and Parks and Recreation departments to reach a design solution to lessen the effect of flooding while minimizing negative impacts to South Mountain Park and Preserve. The Parks and Recreation Board approved the project on April 26, 2016, and the current design on April, 26, 2018. Acquisition of real property rights from private property owners are necessary for the construction of permanent infrastructure improvements.

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

Financial Impact

Funding is available in the Street Transportation Department's Capital

Improvement Program budget.

Concurrence/Previous Council Action

An Intergovernmental Agreement (IGA) with the FCDMC for this project was recommended for approval at the Transportation and Infrastructure Subcommittee on May 9, 2017, by a vote of 4-0.

City Council adopted Ordinance S-43645 on June 21, 2017, authorizing the IGA with FCDMC for this project.

Location

Vicinity of Mandan and Sacaton streets

Council District: 6

This item was adopted.

48 Acquisition of Real Property For a Sidewalk Improvement Project Along Van Buren Street at 3rd and 5th Avenues (Ordinance S-45852)

Request to authorize the City Manager, or designee, to acquire all real property and related property interests required for a sidewalk improvement project by donation, purchase within the City's appraised value, or by the power of eminent domain. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The acquisitions are required to expand and upgrade the existing sidewalks to accommodate new traffic control equipment and to meet Americans with Disabilities Act (ADA) requirements. Improvements will be constructed at the northeast corner of Van Buren Street and 3rd Avenue and the southeast corner of Van Buren Street and 5th Avenue.

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

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program using Arizona Highway User Revenue Funds (AHUR).

Location

Van Buren Street, at 3rd and 5th avenues

Council District: 7

This item was adopted.

49 Acquisition of Real Property for Storm Drain Improvement Project Located at Northeast Corner of 107th Avenue and Indian School Road (Ordinance S-45857)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain required for a storm drain improvement project at the northeast corner of 107th Avenue and Indian School Road. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The storm drain improvement project will convey storm water from an existing swale to a new underground storm drain pipe under 107th Avenue. Acquisition of drainage and temporary construction easements are required for construction of a new junction structure and two underground 12-inch storm drain connector pipes. The properties are owned by the Roosevelt Irrigation District (RID).

The parcels affected by acquisition and included in this request are owned by RID and include an unassessed parcel and a parcel identified by Maricopa County Assessor's parcel number 102-17-002D. Both are located near the northeast corner of 107th Avenue and Indian School Road.

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program budget using Federal and Arizona Highway User Revenue (AHUR) funds.

Location

Northeast corner of 107th Avenue and Indian School Road
Council District: 5

This item was adopted.

50 Acceptance of Easements for Water and Drainage Purposes (Ordinance S-45858)

Request for the City Council to accept easements for water and drainage 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: Majestic Partners, L.L.C., its successor and assigns
Purpose: Water
Location: 13002 N. Pointe Golf Club Drive
File: FN190002
Council District: 3

Easement (b)
Applicant: VDP Property Holdings, LLC, its successor and assigns
Purpose: Drainage
Location: 4220 N. 103rd Ave.
File: FN190039
Council District: 5

Easement (c)
Applicant: VDP Property Holdings, LLC, its successor and assigns
Purpose: Water
Location: 4220 N. 103rd Ave.
File: FN190039
Council District: 5

Easement (d)
Applicant: Lines Brothers Land & Cattle, L.L.C, its successor and assigns
Purpose: Drainage
Location: 59th Avenue and Baseline Road
File: FN180116
Council District: 7

This item was adopted.

51 Acceptance and Dedication of Deeds and Easements for Multi-Use Trail, Sidewalk, Public Utility and Roadway Purposes (Ordinance

S-45860)

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

Summary

Accepting and dedicating 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: Evening Light Fellowship, Inc., its successor and assigns
Purpose: Multi-use trail
Location: 19555 N. 43rd Ave.
File: FN 180106
Council District: 1

Easement (b)
Applicant: Evening Light Fellowship, Inc., its successor and assigns
Purpose: Multi-use trail
Location: 19555 N. 43rd Ave.
File: FN 180106
Council District: 1

Deed (c)
Applicant: Three Js 43rd & McDowell, L.L.C., its successor and assigns
Purpose: Roadway
Location: 1601 N. 43rd Ave.
File: FN 170092
Council District: 4

Easement (d)
Applicant: Iridius Income Fund Real Estate Holdings II, LLC, its successor and assigns
Purpose: Sidewalk
Location: 2245 N. Dayton St.
File: FN 190042
Council District: 4

Deed (e)
Applicant: Iridius Income Fund Real Estate Holdings II, LLC, its successor and assigns
Purpose: Roadway
Location: 2245 N. Dayton St.
File: FN 190042
Council District: 4

Easement (f)
Applicant: Point B 16 North, LLC, its successor and assigns
Purpose: Sidewalk
Location: 6043 and 6045 N. 16th St.
File: FN 190046
Council District: 6

Easement (g)
Applicant: Christian J. Hoffmann III and Sally J. Roof, its successor and assigns
Purpose: Public Utility
Location: 48 W. Glenn Drive
File: FN 190037
Council District: 6

Easement (h)
Applicant: VLP Investments, LLC, its successor and assigns
Purpose: Public Utility
Location: 5602 S. 36th Drive
File: FN 190036
Council District: 7

Easement (i)
Applicant: VIP Fund II LLC, its successor and assigns
Purpose: Sidewalk
Location: 1601 N. 21st Place
File: FN 190051
Council District: 8

Deed (j)
Applicant: Lines Brothers Land & Cattle, L.L.C., its successor and assigns
Purpose: Roadway
Location: Northwest Corner of 59th Avenue and Baseline Road
File: FN180116
Council District: 7

Easement (k)
Applicant: Lines Brothers Land & Cattle, L.L.C., its successor and assigns
Purpose: Sidewalk
Location: Northwest Corner of 59th Avenue and Baseline Road
File: FN180116
Council District: 7

Easement (l)
Applicant: Intertchob, LLC, its successor and assigns
Purpose: Public Utility
Location: 4828 S. 16th St.
File: FN180070
Council District: 8

Easement (m)
Applicant: Mission Five Holdings, LLC, its successor and assigns
Purpose: Public Utility
Location: 5000 S. 16th St.
File: FN180070
Council District: 8

Easement (n)
Applicant: Matthew Cheatle, its successor and assigns
Purpose: Public Utility
Location: 2816 N. 29th Place
File: FN190045
Council District: 8

Easement (o)

Applicant: Mary Withington Milliman, as Trustee of the Mary Milliman Revocable Trust, its successor and assigns
Purpose: Public Utility
Location: 4308 N. 36th St.
File: FN190057
Council District: 6

This item was adopted.

52 Election Technology Consulting Services (Ordinance S-45869)

Request to authorize the City Manager, or his designee, to enter into a contract with George Piazza dba GPiazza, LLC, to provide election technology consulting services for the City Clerk Department in an aggregate amount not to exceed $80,000 over a four-year period, with an estimated annual expenditure of $20,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
This professional services contract will allow GPiazza to continue providing professional technology consulting services for election and records management systems software programming. GPiazza programmed, developed and implemented the various custom election applications used by City Clerk staff to conduct City of Phoenix elections. The City Clerk and Information Technology Services (ITS) departments' staff are currently working with GPiazza to transition the maintenance and support of the election applications over to ITS staff.

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

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing GPiazza meeting all of the City Clerk's business requirements.

Contract Term
The initial two-year contract term shall begin on or about July 1, 2019. Provisions of the contract include an option to extend the term of the contract up to two additional years, in one-year increments, which may be exercised by the City Manager or his designee.

Financial Impact
The aggregate contract value shall not exceed $80,000 (including applicable taxes), with an estimated annual expenditure of $20,000. Funds are available in the City Clerk Department's budget.

Concurrence/Previous Council Action
On Dec. 4, 2013, City Council awarded City Clerk Contract 137565 to George Piazza to provide the City Clerk Department with professional technology consulting services for election and records management systems software programming.

This item was adopted.

53 **Sports Lighting, Scoreboard and Area Lighting Repair and Maintenance Services - Requirements Contract (Ordinance S-45872)**

Request to authorize the City Manager, or his designee, to enter into a contract with Fluoresco Services, LLC for the maintenance and repair of area and sports lighting and scoreboards for the Parks and Recreation Department. The aggregate contract value will not exceed $96,000, with an estimated annual expenditure of $19,200. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
This contract will provide repair and maintenance services, as needed, for more than 180 parks, mountain preserves and golf courses throughout the City of Phoenix. The contract services include periodic scheduled maintenance visits and as-needed repair services to ensure all sports and area lighting and scoreboards are working properly for the Parks and Recreation Department.

Procurement Information
IFB 19-073 was conducted in accordance with Administrative Regulation 3.10. There were two offers received by the Procurement Division on Dec. 28, 2018.

The Deputy Finance Director recommends that the offer from Fluoresco Services, LLC be accepted as the lowest-priced, responsive and

responsible offer.

Contract Term
The five-year contract term will begin on or about July 1, 2019.

Concurrence/Previous Council Action
On March 6, 2019, City Council approved the award of a contract for these services to Hawkeye Electric, Inc. That contract has since been terminated.

Financial Impact
The aggregate contract value will not exceed $96,000, with an estimated annual expenditure of $19,200. Funds are available in the Parks and Recreation Department's budget.

This item was adopted.

54 Contract Amendment for Health and Benefits Consultant Agreement (Ordinance S-45874)

Request authorization to amend the contract with Mercer Health and Benefits, LLC (Contract No. 142138) to provide consulting services to implement and oversee benefit strategies intended to improve employee health, plan performance, and utilization in an amount not to exceed $1,400,000. There is no impact to the General Fund. The costs for these services are paid by the Health Care Benefits Trust Fund. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The City entered into contract with Mercer Health and Benefits, LLC on Jan. 5, 2016 to provide benefits consulting and actuarial services on an as-needed basis for the City's health care and related benefits programs. These services include developing comprehensive benefit strategies; assessing and measuring the effectiveness of current plan offerings; evaluating utilization patterns and recommending plan modifications; projecting plan costs and developing funding scenarios; and, negotiating contractual terms and performance standards for benefits programs. Additional funding is needed to pursue a Data Warehouse Wellness Initiative, Request for Proposals (RFP) support, Employee Benefits Microsite Management, benefits claims audit, and a Health Care Benefits

Trust Fund reserves study, all of which are anticipated to produce cost savings for the employees and the Health Care Trust Fund.

Procurement Information
In 2015, a formal RFP was conducted and Mercer Health and Benefits, LLC. was awarded the contract.

Contract Term
The existing Agreement began on Jan. 5, 2016 for a three-year period with the option to extend the Agreement for two one-year terms totaling $1.1 million. The first amendment, executed Aug. 19, 2016, expanded the scope of work to include the Retiree Medical Rate Setting Project and associated costs including approval to spend $50,000 per year. The second amendment exercised the first option to extend the Agreement for one year which will terminate on Jan. 4, 2020. The second option to extend the Agreement for the final year is anticipated to be effective Jan. 5, 2020, terminating on Jan. 4, 2021.

Financial Impact
There is no impact to the General Fund. The costs for these services are paid by the Health Care Benefits Trust Fund.

Concurrence/Previous Council Action
The Health Care Benefits Trust Board approved these strategies on March 28, 2019.

This item was adopted.

55 Workers' Compensation Bill Review Services Contract (Ordinance S-45880)

Request to authorize the City Manager, or his designee, to enter into a contract with Corvel to provide workers' compensation bill review services. Further request authorization for the City Controller to disburse all funds related to this item over the life of the contract, as necessary. The aggregate contract value including all option years will not exceed $1,200,000 per year. Funding for this contract is available in the Workers' Compensation Program Trust Account.

Summary
A Request for Proposals (RFP) for Workers' Compensation Bill Review

services was conducted in accordance with Administrative Regulation 3.10. Bill Review Services include reviewing and re-pricing bills associated with medical and indemnity benefits payments for City of Phoenix employees who have sustained an injury arising out of or in the course of their work, while employed with the City.

Procurement Information

An RFP for Workers' Compensation Bill Review services was issued on April 30, 2019, with a deadline of May 21, 2019, to submit responses. In addition to the solicitation post on the City of Phoenix website, direct email notification was sent to vendors who submitted in the past, vendors who stated their interest, and vendors who requested information from Human Resources.

Five proposals were received and found to be responsive; and, therefore submitted to the RFP selection committee (three employees from Human Resources, one representative of LIUNA 777, and one representative of PLEA) for evaluation and selection.

The RFP Selection Committee met on June 3, 2019, to review and evaluate proposals from the following: CCMSI, Corvel, Innovative Claims Strategies, LLC, InterMed Cost Containment Services, and Rising Medical Solutions. Proposals were scored based on the following criteria: qualifications and experience; other qualifications; and pricing.

After much discussion, the Committee selected Corvel for the following reasons: ability to meet the scope of work, industry experience, and price. Based on the information provided above and the recommendation of the selection committee, staff is recommending approval to enter into contract negotiations with Corvel.

The scores, out of 1,000 available points, for the top three proposers are:

Corvel: 956
CCMSI: 860
Rising Medical Solutions: 822

Contract Term
The initial contract term will be three years, effective on about July 1, 2019, with the option to renew for two additional years in one-year increments, which may be exercised by the City Manager or his designee.

Financial Impact
The aggregate contract value including all option years will not exceed $1,200,000 per year. Funding for this contract is available in the Workers' Compensation Program Trust Account.

This item was adopted.

56 Contract Amendment for Pharmacy Benefit Management Consultant Agreement (Ordinance S-45883)

Request authorization to amend the contract with Towers Watson Delaware Inc., City Contract 143398, to provide one year of management oversight of the new pharmacy vendor, EnvisionRx, in an amount not to exceed $130,000. There is no impact to the General Fund. The costs for these services are paid by the Health Care Benefits Trust Fund. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The City entered into contract with Towers Watson Delaware Inc. on May 1, 2016 to provide pharmacy benefit consulting services, Ordinance S-41814. The scope of work amendments include pharmacy post-implementation auditing to ensure plan administration and contractual compliance; creating and implementing a strategic plan including a review of the EnvisionRx system set-up and formulary structure to ensure alignment with the City's intent; and evaluating recorded calls between EnvisionRx and City plan members to provide feedback.

Procurement Information
In 2015, a formal Request for Proposals was conducted with Towers Watson Delaware Inc. being awarded the contract.

Contract Term
The existing contract is for a three-year period, with the option to extend

the contract for two, one-year terms totaling $510,000. The first amendment is effective May 1, 2019.

Financial Impact

There is no impact to the General Fund. The costs for these services are paid by the Health Care Benefits Trust Fund.

Concurrence/Previous Council Action

The Health Care Benefits Trust Board approved this expenditure on March 28, 2019.

This item was adopted.

57 Extend Employee Benefit Consulting Services - Cooperative Purchasing Agreement with Mercer Health Benefits LLC (Ordinance S-45884)

Request authorization to extend the Employee Benefit Consulting Services - Cooperative Purchasing Agreement with Mercer Health Benefits, LLC (Contract No. 148738-0) for six months, through March 4, 2020. No additional funds are being requested. Further request authorization for the City Controller to extend all funds through the new expiration date of March 4, 2020.

Summary

The Human Resources Department requests approval for a six-month extension of the current cooperative purchasing agreement with Mercer Health Benefits, LLC, which took effect on Sept. 5, 2018. The current cooperative purchasing agreement expires Sept. 4, 2019.

The City’s one-year agreement with Mercer Health Benefits, LLC cited three work phases: Phase I-Total Compensation Study, Phase II-Labor Negotiations Support, and Phase III-Total Compensation Rewards Strategy. Based on the Phase I results, the Total Compensation Study, it has been determined that the three months scheduled for Phase III will be insufficient to complete the Scope of Work. An additional six months is required to conduct the research, document, analyze and propose the Total Compensation Rewards Strategy.

Procurement Information

In accordance with Administrative Regulation 3.10, the City entered into the one-year cooperative purchasing agreement with Mercer Health Benefits, LLC by means of a State of Arizona contract. The State of Arizona conducted a bid solicitation awarding Mercer Health Benefits, LLC a one-year contract on July 11, 2018.

Contract Term

The expiration date shall be extended through March 4, 2020.

Financial Impact

No additional funds are being requested.

This item was adopted.

58 Contract Extension for Employee Life Insurance (Ordinance S-45885)

Request authorization to amend the contract with Minnesota Life Insurance Company, Inc. Agreement (Contract No. 141100) by extending the term of the contract for one year in an amount not to exceed $1,320,000. The amount requested represents the City-paid life insurance premiums: basic, accidental death and dismemberment, occupational, and commuter life insurance. Employees pay the full cost of optional life insurance. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City entered into contract with Minnesota Life Insurance Company, Inc. on Jan. 1, 2015 to provide employee life insurance benefits. The second extension expires Dec. 31, 2019. Due to an unusually high number of employee and family member deaths during 2015 and 2016, the City experienced a loss ratio of 609% for 2015 and 306% for 2016, which resulted in a rate increase. The loss ratios experienced in 2017 and 2018 were much lower, and 2019 is trending well. It is recommended that the City add one more year of experience before issuing an RFP to avoid having one or both of these abnormally high years reflected in the plan experience for rate setting purposes. An RFP will be conducted in early 2020.

Procurement Information

A Determination Memo was approved that states that in 2014, a formal

RFP was conducted which resulted in four submittals, with Minnesota Life Insurance Company, Inc. being awarded the contract.

Contract Term

The existing agreement is for a three-year period with the option to extend the agreement for two one-year terms. This request would extend the current agreement until Dec. 31, 2020.

Financial Impact

Funds are available in the Life Insurance Trust.

This item was adopted.

59 Aerial Ortho-Photography Imagery Contract (Ordinance S-45873)

Request authorization for the City Manager, or his designee, to enter into an agreement with Maricopa County's Office of Enterprise Technology for high resolution aerial ortho-photography in an amount not to exceed $250,000 over a term of five years. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City's Information Technology Services Department's Geographical Information System hosts high resolution imagery for City department consumption. These images are critical for several departmental mapping applications and business operations to allow users to tightly zoom in, to identify items without distortion of the images. The images are provided by Maricopa County's Office of Enterprise Technology which coordinates annually with a third-party vendor to fly and deliver the aerial imagery, making it available for purchase by partners such as the City. Without the purchase of updated aerials, the City's business mapping application base maps would be out of date, requiring staff to go out in the field and manually verify the information. The City currently receives aerial ortho-photography from Maricopa County's Office of Enterprise Technology that coordinates with a vendor to fly and deliver high-quality aerial imagery annually.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived, as the images are provided as part of an agreement with

Maricopa County's Office of Enterprise Technology, which partners with several agencies to share the cost for delivery of these services.

Contract Term

The contract term is for five years, beginning on or about June 27, 2019 and ending on or about June 26, 2024.

Financial Impact

The total cost over the contract term is an amount not to exceed $250,000. After the first year, the total annual amount for the following four years is expected to be approximately $50,000. Funds are available in the Information Technology Services, Street Transportation, and Aviation departments' budgets.

This item was adopted.

60 Wireless Communications Services, Accessories, and Equipment (Ordinance S-45887)

Request to authorize the City Manager, or his designee, to extend and add additional expenditures for Contracts ADSPO13-032444 with AT&T Mobility, ADSPO13-034209 with Sprint Solutions, Inc., ADSPO13-034339 with T-Mobile USA, Inc., and ADSPO13-034099 with Verizon Wireless for the purchase of wireless communications services, accessories, and equipment for departments Citywide in an amount not to exceed $2,300,000. The State of Arizona has extended their cooperative agreements until Dec. 31, 2019 while they complete a new solicitation. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

City departments utilize mobile devices, wireless services, equipment and accessories to conduct City business every day. Equipment and services are procured utilizing State of Arizona cooperative agreements, which have been extended until Dec. 31, 2019 and offer significant cost savings. This request is for authorization to continue to utilize these contracts, and for additional payment authority to cover the period of the extension.

Contract Term

This request is to extend the contract term until Dec. 31, 2019 to allow

time for the State of Arizona to complete a new solicitation.

Financial Impact

These contracts were approved by City Council on Feb. 19, 2014 and have an aggregate value of $20,019,290. With the $2,300,000 in additional funds, the revised aggregate value is now $22,319,290 (including applicable taxes). The additional funds are needed to continue to utilize wireless communications services, accessories, and equipment for the remaining six months of the contracts. Funds are available in the various departments' budgets.

This item was adopted.

61 Request for City Council to Meet in Executive Session on the Following Dates through December 2019

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

1 p.m., Sept. 10, 2019
1 p.m., Sept. 24, 2019
1 p.m., Oct. 8, 2019
1 p.m., Oct. 22, 2019
1 p.m., Nov. 12, 2019
1 p.m., Dec. 10, 2019

Public Outreach

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

This item was approved.

62 Authorization to Apply for Grant Funding to Modify and Enhance Protective Order Module (Ordinance S-45882)

Request authorization for the Phoenix Municipal Court (PMC) to apply for Judicial Collection Enhancement Funds (JCEF) in an amount not exceeding $145,000 for professional IT services related to the Protective Order Module (POM) modification and enhancement project. Further request authorization for PMC to enter into a contract with Akal

Tech for these professional IT services and for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

PMC is seeking professional IT services from Akal Tech to complete the programming needed for enhancements and modifications to the POM. New legislative changes (Arizona Revised Statutes, sections 12-1809 and 12-1810) mandate a statewide project to commence in January 2020. These changes require the Court to enhance the data feeds to and from the Arizona Supreme Court Administrative Office of the Courts' data warehouse and statewide web portal.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition Determination Memo due to the time restriction to complete this project and Akal Tech’s previous experience working with POM.

Contract Term

The three-year contract period for this vendor will begin on or about June 26, 2019.

Financial Impact

Funds will be made available in JCEF. The Phoenix Municipal Court must submit a funding plan and application to the Arizona Supreme Court Administrative Office of the Courts to secure approval for use of funds pursuant to Arizona Revised Statute section12-113. No General Fund dollars will be used.

This item was adopted.

63 Fire Life Safety System Services (Ordinance S-45889)

Request to authorize the City Manager, or his designee, to allow additional expenditures with Cintas Corporation No. 2 to continue to provide Fire Life Safety System Services for the Housing Department. Further request authorization for the City Controller to disburse all funds related to this item. These services are funded with U.S. Department of Housing and Urban Development (HUD) funds. There is no impact to the General Fund. The additional funds will not exceed $51,000 and the aggregate of the contract will not exceed $146,000.

Summary
The Public Works Department is conducting a procurement for a citywide contract for Fire Life Safety System Services based on the revised City of Phoenix Fire Code, as approved by the City Council on June 19, 2019. The Housing Department is requesting additional funds to the existing contract to ensure all Housing sites are covered for Fire Life Safety System Services until a new procurement/solicitation can be completed and awarded.

Contract Term
The contract term began on Sept. 6, 2017 and will end on Sept. 5, 2020.

Financial Impact
The additional funds will not exceed $51,000 and the aggregate of the contract will not exceed $146,000. These services are funded with HUD funds. There is no impact to the General Fund.

Concurrence/Previous Council Action
Contract 145960 was awarded by a payment ordinance on Aug. 30, 2017.

This item was adopted.

64 Housing Department Electrical Services - Federally Funded (Ordinance S-45854)

Request to authorize the City Manager, or his designee, to enter into contracts with Arizona Energy Pros, Inc. and LightDay Solar, Inc. to provide electrical services for the Housing Department. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund. The aggregate contract value will not exceed $600,000.

Summary
The contractors will provide electrical services, on an as-needed basis, for Housing Department locations. Electrical services will include 120 through 240 voltage equipments, parts and lines. All electrical work shall conform to the standards of the National Electrical Code.

Procurement Information
Invitation for Bids FY19-086-03 was conducted in accordance with

Administrative Regulation 3.10. Five offers were received by Housing Department Procurement on April 16, 2019. One offer was determined to be non-responsive. Offers were evaluated and the award recommendation is for the lowest cost of the 66 line items. Multiple awards are recommended to meet volume requirements and the wide variety of needs outlined in the solicitation.

Arizona Energy Pros, Inc.: $55,310
LightDay Solar, Inc.: $69,870
Woodruff Construction: $81,845
Contractors Incorporated: $147,360

The Housing Department Director recommends that the offers of Arizona Energy Pros, Inc. and LightDay Solar, Inc. be accepted as the lowest priced, responsive and responsible offers.

Contract Term
The five year contract term will begin on July 1, 2019 and end on June 30, 2024.

Financial Impact
The aggregate contract value will not exceed $600,000 (including applicable taxes). These contracts are funded with U.S. Department of Housing and Urban Development (HUD) funds. There is no impact to the General Fund.

This item was adopted.

65 Landscape and Ground Maintenance Services - Requirements Contract (Ordinance S-45855)

Request to authorize the City Manager, or his designee, to add additional funds to Citywide contracts for landscape and ground maintenance services for the Housing Department in the amount of $455,000. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary
Due to termination of the existing contract with the current vendor used by the Housing Department, the additional funds to the Citywide contracts

will ensure continued services to Housing Department properties. The additional funding to existing Citywide contracts 140550 Mariposa Landscape Arizona, Inc. and 140552 United Right of Way, Inc. will provide landscape maintenance and repair services to Housing Department residential, public, and senior housing locations.

Financial Impact

With the $455,000 in additional funds, the contracts' revised aggregate value is now $18,240,280 (including applicable taxes). The additional funding is federally funded through the U.S. Department of Housing and Urban Development (HUD). There is no impact to the General Fund.

Concurrence/Previous Council Action

These contracts are the result of RFP 15-088, awarded by Formal Council Action on May 13, 2015, with an original aggregate value of $17,785,280. These contracts have had no increases since the initial award.

This item was adopted.

66 Early Head Start Child Care Partnerships Qualified Vendor List (Ordinance S-45878)

Request to authorize the City Manager, or designee, to approve a Qualified Vendor List (QVL) and enter into contracts with eligible contractors to provide child care services for the Human Services Department Head Start Birth to Five Program. Expenditures will not exceed $9,146,540 over the life of the QVL. Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. No additional General Funds are required. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Human Services Department is seeking to establish a QVL to provide child care services for the Head Start Birth to Five Program.

Head Start programs prepare America’s most vulnerable young children to succeed in school and in life beyond school. To achieve this, Head Start programs deliver services to children and families in core areas of early learning, health, and family well-being while engaging parents as

partners. The City of Phoenix (City) Head Start Birth to Five program is a comprehensive school readiness program with multiple service options. The overall goal is to increase the social competence and school readiness of young children living in poverty and facing other risk factors. Utilizing a two-generational approach, the City program provides educational services and tiered case working supports to stabilize families.

Early Head Start-Child Care Partnerships (EHS-CCP) will increase access to high-quality, comprehensive early learning services for low-income infants and toddlers and their families through full-day, full-year child care. EHS-CCP brings together the best of Early Head Start and child care through layering of funding. All infants and toddlers attending an EHS-CCP program benefit. Children in vulnerable families have access to child care settings that meet their needs. Parents in eligible low-income families who are working or in training receive help paying for child care. Child Care Partners receive support to improve quality of care. Funding is currently available to serve a maximum of 188 infants and toddlers in multiple locations.

Procurement Information
A Request for Qualifications, RFQu-19-EDU-29, was issued in accordance with City of Phoenix Administrative Regulation 3.10 to establish a QVL. The Human Services Department received seven offers on March 1, 2019 and all seven were determined to be responsive and responsible to the solicitation requirements.

The Committee evaluated all offers based on the following criteria: Method of Approach, Financial Capacity, Professional Development Plan, and Organization Chart. Offerors within a competitive range are eligible for inclusion in the QVL. The Evaluation Committee scores are as follows (500 points possible):

Kindertots: 488 points.
Twinkling Stars dba Cactus Kids Preschool: 430 points.
Out of This World Christian Child Care: 423 points.
Fusion Minds dba Immanuel Care for Children: 365 points.
Kidz Kampus: 285 points.

A Kiddie's Kingdom: 158 points.
Valley Learning Centers dba Robin's Nest: 115 points.

In accordance to the Evaluation Committee, the following offerors are recommended to be added to the QVL:

Fusion Minds dba Immanuel Care for Children.
Kidz Kampus.
Kindertots.
Out of This World Christian Child Care.
Twinkling Stars dba Cactus Kids Preschool.

Contract Term
The term of the QVL will be from July 1, 2020 through June 30, 2024. During the term of the QVL, contracts, including any extensions, will be executed on an as-needed basis in the discretion of the City Manager, or his designee.

Financial Impact
The aggregate amount of all contracts resulting from the QVL will not to exceed $9,146,540 over the life of the QVL. Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. No additional general funds are required.

Concurrence/Previous Council Action
The Head Start Birth to Five Parent Policy Council approved the request to release the Child Care Partnerships RFP on Feb. 12, 2018.
The Parks, Arts, Education and Equality Subcommittee, as the Head Start Governing Body, approved the request to release the Child Care Partnerships RFP on March 14, 2018.
The Head Start Birth to Five Policy Council approved the award recommendation of the QVL on May 13, 2019.

This item was adopted.

67 Head Start Birth to Five Program Educational Service Providers Qualified Vendor List (Ordinance S-45881)

Request to authorize the City Manager, or his designee, to approve a Qualified Vendor List (QVL) and enter into contracts with eligible

contractors to provide educational services for the Human Services Department Head Start Birth to Five Program. Expenditures shall not exceed $79,148,870 over the life of the QVL. Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families and restricted funding from the Phoenix Suns organization. No additional General Funds are required. Further request authorization for the City Controller to disburse all funds related to this item for the life of the contracts.

Summary

The Human Services Department is seeking to establish a QVL to provide educational services for the Head Start Birth to Five Program.

Head Start programs prepare America's most vulnerable young children to succeed in school and in life beyond school. To achieve this, Head Start programs deliver services to children and families in core areas of early learning, health, and family well-being while engaging parents as partners. The City of Phoenix (City) Head Start Birth to Five program is a comprehensive school readiness program with multiple service options. The overall goal is to increase the social competence and school readiness of young children living in poverty and facing other risk factors. Utilizing a two-generational approach, the City program provides educational services and tiered case working supports to stabilize families.

Head Start - Birth to Five Program Educational Service Providers (ESP) will increase access to high-quality, comprehensive early learning services for low-income preschool children and their families in a center-based model. Funding is currently available to serve 2,963 children in multiple locations.

Procurement Information

A Request for Qualifications, RFQu-19-EDU-26, was issued in accordance with City of Phoenix Administrative Regulation 3.10 to establish a QVL. The Human Services Department received 11 offers on Feb. 15, 2019. All offers were determined to be responsive and responsible to the solicitation requirements.

The five-person committee evaluated all offers based on the following

criteria: Method of Approach, Financial Capacity, Professional Development Plan, and Organization Chart. Offerors within a competitive range are eligible for inclusion in the QVL. The Evaluation Committee scores are as follows (500 points possible):

Deer Valley Unified School District: 488 Points.
Wilson Elementary School District: 475 Points.
Fowler Elementary School District: 418 Points.
Washington Elementary School District: 433 Points.
Greater Phoenix Urban League: 411 Points.
Roosevelt Elementary School District: 373 Points.
Alhambra Elementary School District: 360 Points.
Booker T. Washington Child Care Development Center: 331 Points.
Murphy Elementary School District: 185 Points.
Neighborhood Ministries - Katy's Kids Preschool: 184 Points.
Tutor Time Learning Center: 131 Points.

In accordance to the Evaluation Committee, the following offerors are recommended to be added to the QVL:

Alhambra Elementary School District.
Booker T. Washington Child Care Development Center.
Deer Valley Unified School District.
Fowler Elementary School District.
Greater Phoenix Urban League.
Roosevelt Elementary School District.
Washington Elementary School District.
Wilson Elementary School District.

Contract Term
This term of the QVL will be from July 1, 2020 through June 30, 2024. During the term of the QVL, contracts, including any extensions, will be executed on an as-needed basis in the discretion of the City Manager, or his designee.

Financial Impact
The aggregate amount of all contracts resulting from this QVL will not

exceed $79,148,870 over the life of the QVL. Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families and restricted funding from the Suns organization. No additional general funds are required.

Concurrence/Previous Council Action

The Head Start Birth to Five Policy Council approved the request to release the Educational Service Providers RFP on Feb. 12, 2018.

Parks, Arts, Education and Equality Subcommittee, as the Head Start Governing Body, approved the request to release the Educational Service Providers RFP on March 14, 2018.

The Head Start Birth to Five Policy Council approved the award recommendation of the QVL on June 13, 2019.

This item was adopted.

68 Phoenix Public Library Yavapai County Consulting Services Contract Request (Ordinance S-45849)

Request to authorize City Manager, or his designee, to enter into a contract with Yavapai County through the Yavapai County School Superintendent (YCSS) to provide Phoenix Public Library (PPL) assistance in identifying and applying for funds, equipment, vendors and service providers in order to support PPL's participation in the federal E-Rate program. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate value of the contract's term will not exceed $60,000.

Summary

Phoenix Public Library is a participant in the federal E-Rate program, the commonly used name for the Schools and Libraries Service Fund, which is administered by the Universal Service Administrative Company under the direction of the Federal Communications Commission. The E-Rate Program provides discounts and financial support for telecommunications services, internet access, internal connections and basic maintenance of the internal connections for schools and libraries. In order to be eligible for the significant discount, Phoenix Public Library must provide certain resources such as: computers, telephones, software, and other elements necessary to fully utilize the connectivity funded by the E-Rate Program. The E-Rate Program assures that library customers have access to advanced telecommunication services at

reasonable rates regardless of their location.

Yavapai County School Superintendent is an independent consulting firm that specializes in helping libraries apply for funding under the E-Rate Program; identifying the appropriate funds available; and selecting the necessary equipment, vendors, and service providers to qualify for E-Rate Program funding and utilizing them in a manner that achieves the goals of the E-Rate Program and the Library.

Contract Term

The term of the contract is for a one-year term, with four one-year renewal options.

Financial Impact

The value of the contract term shall not exceed $60,000, with payment terms up to $12,000 each year.

..Department

Responsible Department

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and Phoenix Public Library.

This item was adopted.

69 **Sky Train Stage 2 Rental Car Center Station Weather Fence Fabrication Oversight Contract (Ordinance S-45877)**

Request to authorize the CIty Manager, or his designee, to enter into a contract with R&R Studios, LLC, or its City-approved designee, for an amount not to exceed $115,000 to work with an Aviation Department design and construction team to oversee fabrication and installation of approximately 460 feet of protective weather fencing for the Phoenix Sky Harbor International Airport (PHX) Rental Car Center Sky Train Station. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Fiscal Year 2018-23 Public Art Project Plan includes a project to commission an artist to work with an Aviation Department design and construction team to create weather fencing for the Rental Car Center Sky Train Station.

On Nov. 15, 2017, City Council approved a $220,000 design contract for artists Rosario Marquardt and Roberto Behar (FL), doing business as R&R Studios, LLC, to work with an Aviation Design Team to design and engineer protective weather fencing for the new Rental Car Center Sky Train Station platform as part of the Sky Train Stage 2 project. Since then, the artists and team have finalized construction documents for the fence and its associated lighting. The multi-colored fence will include approximately 460 feet of tubular posts in 112 panels along the north and south sides of the station platform, and will include lighting at night. As part of this contract, R&R Studios will provide fabrication and installation oversight to complete the project.

Financial Impact

The PHX Sky Train Rental Car Center Weather Fence is one of 31 projects in the Fiscal Year 2018-23 Public Art Project Plan that City Council approved on June 28, 2018. The Art Plan includes $1,484,787 for this project. The proposed $115,000 contract will cover all costs related to the artist to oversee the fabrication and installation of the work. The remaining project funds will cover project fabrication, installation and administration. The percent-for-art funds for this project come from the Aviation Department Capital Improvement Program.

Concurrence/Previous Council Action

The Phoenix Arts and Culture Commission reviewed and recommended approval of this item at its June 18, 2019, meeting.

Location

1805 Sky Harbor Circle
Council District: 8

This item was adopted.

70 Artist Design Contract for Community Lift Stations - Water Services West Yard Public Art Project (Ordinance S-45879)

Request to authorize the City Manager, or his designee, to enter into a contract with the artist team of Gabriel and Isaac Fortoul, doing business as the Fortoul Brothers, LLC., or its City-approved designee, for an amount not to exceed $95,000 to work with a project architectural team to design safety and aesthetic enhancements for fences, gates and

pedestrian approaches from nearby transit to the Water Services Department's new West Service Yard, at 47th Avenue and Camelback Road. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Fiscal Year 2018-23 Public Art Project Plan includes a project to commission artists to work with landscape architects and other design professionals to enhance the security and appearance of community lift stations, well sites and other water facilities Citywide. These sites play an essential role in the City's water delivery and service system. The West Service Yard will encompass 36 acres and require design and construction of approximately 3,500 linear feet of wall and fences, three large rolling security gates, and easy pedestrian access to and from a transit stop on Camelback Road. The site's customer service center is expected to accommodate 1,000 customers a day, 500 of whom are expected to arrive on foot or by bus.

On June 7, 2019, a five-person artist selection panel recommended the Fortoul Brothers from a qualified pool of 30 artists who had responded to a City-issued Request for Qualifications. The panel based its decision on the team's ability to work well with the community and project design team, its expertise in creating successful works of community-based public art, and its potential to create highly durable enhancements that suit the needs of the community and site.

The selection panel included Raymundo Cabrera, Community Outreach Specialist, ASU Herberger Institute for Design and the Arts; Jamie Johnson, Sevilla Neighborhood Association community representative; Raphael Ngotie, Public Art Specialist and United States Embassy Facility Manager, Abidjan, Cote d'Ivoire; Rebecca Rothman, Tempe Public Art Director; and Can Xiao, Water Services Department Project Manager. Project Architect Sergio Martinez served as an adviser to the panel.

Financial Impact

The Community Lift Stations project is one of 31 projects in the Fiscal Year 2018-23 Public Art Project Plan that City Council approved on June 28, 2018. The Art Plan includes $180,604 this fiscal year to begin design for this project. The proposed $95,000 contract will cover all costs

related to the artists' working with the overall project team to develop the the project's design concepts and construction documents. Funds for project construction would be requested once the design phase is completed successfully. Funds for this project come from the Water Services Department Capital Improvement Program budget.

Concurrence/Previous Council Action
The Phoenix Arts and Culture Commission reviewed and recommended approval of this item at its June 18, 2019, meeting.

Location
West Service Yard located at 47th Avenue and Camelback Road
Council District: 5

This item was adopted.

71 Aquatic Venue, Splash Pad and Commercial Swimming Pool Repair Services (Ordinance S-45866)

Request to authorize the City Manager, or his designee, to enter into contracts with Shasta Industries, Inc. and Waternuts Aquatic Enterprises, Inc. dba Commercial Pool Repair to provide aquatic venue, splash pad and commercial swimming pool repair services for the Parks and Recreation Department in an amount not to exceed $300,000 over the three-year term of the contract. Further request authorization for the City Controller to disburse funds related to this item.

Summary
These contracts will provide a wide variety of repair and maintenance services, as needed, to ensure proper operations at current aquatic venues that include both splash pads and commercial swimming pools throughout the City. These facilities are heavily utilized by residents of Phoenix during the summer months and these contracts will ensure that the department can repair and maintain the equipment at these facilities to enhance and support the quality of the equipment and the customer experience.

Procurement Information
Request for Qualifications (RFQu) 19-023 was conducted in accordance with Administrative Regulation 3.10, with the intent of establishing a

Qualified Vendor List (QVL) of qualified vendors to provide aquatic venue, splash pads and commercial swimming pool repair services. There were two offers received by the Finance Department's Procurement Division on May 3, 2019.

The following vendors are being recommended to be included in the QVL:
-Shasta Industries, Inc.
-Waternuts Aquatic Enterprises, Inc. dba Commercial Pool Repair

The Deputy Finance Director recommends that the offers from the above vendors be accepted as responsive and responsible offers that are most advantageous to the City.

Contract Term
The three-year contract term shall begin on or about July 1, 2019.

Financial Impact
The combined aggregate value of the contracts will not exceed $300,000 over the contract term. Funds are available in the Parks and Recreation Department's budget.

This item was adopted.

74 Phoenix Convention Center Exclusive Event Utility Services - Requirements Contract - RCS 19-002 (Ordinance S-45853)

Request to authorize the City Manager, or his designee, to enter into a five-year contract with Commonwealth Electric Company of the Midwest for exclusive event utility services at the Phoenix Convention Center Department (PCCD). This is a revenue generating contract anticipated to result in approximately $5 million in revenue over the life of the contract, and a capital investment of $24,100. Further request authorization for the Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary
On Feb. 20, 2019, Phoenix City Council authorized the issuance of a Revenue Contract Solicitation (RCS) for Exclusive Event Utility Services at PCCD. PCCD event utility services are a critical component of the department's overall operations. An important goal of the PCCD is to

maintain its distinctive brand by offering premium level services. The event utility services include: electric, non-potable water, compressed air and natural gas. The successful respondent will provide PCCD with commissions from revenue-generating activity conducted at PCCD for the rights of exclusivity for providing utility services.

Procurement Information
On Feb. 21, 2019, the PCCD issued RCS 19-002 for exclusive event utility services, with responses due on April 10, 2019. The procurement was conducted in accordance with Administrative Regulation 3.10. Two firms attended the pre-proposal conference. One response was received and was reviewed for minimum qualifications. The response was found to be responsive and responsible.

The evaluation committee consisted of qualified staff from the PCCD, the Planning and Development Department and Aventura. On April 25, 2019, the members met, reviewed and scored the submitted proposal based on the following criteria:

-Qualifications of Proposer (400 points)
-Financial Return to the City (300 points)
-Operations Plan (200 points)
-Business Plan (100 points)

One proposal was received, accepted and scored:
Commonwealth Electric Company of the Midwest: 950 points (out of a possible 1,000)

The City Transparency policy is in effect until the resultant Agreement from this RCS is awarded.

Contract Term
The contract term is for five years covering Oct. 1, 2019, through Sept. 30, 2024, with no extension options.

Financial Impact
This is a revenue-generating contract and is anticipated to result in approximately $5 million in revenue over the life of the contract and a

capital investment of $24,100.

Concurrence/Previous Council Action

The Planning and Economic Development Subcommittee recommended approval of this item by a 4-0 vote at its June 4, 2019 meeting.

Public Outreach

The RCS was advertised on the City of Phoenix website and in the Arizona Business Gazette.

This item was adopted.

75 Arizona Task Force One Uniforms and Clothing - Requirements Contract - IFB 19-090 (Ordinance S-45850)

Request to authorize the City Manager, or his designee, to enter into a contract with International Corporate Apparel, Inc. to provide the Fire Department with Arizona Task Force One (AZ-TF1) clothing. Further request authorization for the City Controller to disburse all funds related to these items. The aggregate contract value will not exceed $348,050.

Summary

The City of Phoenix is the sponsoring agency for Arizona Task Force One (AZ-TF1), a Federal Emergency Management Agency (FEMA) and Urban Search and Rescue (US&R) Task Force. Per the requirements in the FEMA/US&R Cooperative Agreement and in accordance with the FEMA/US&R Program Office, the City agrees to maintian a cache of equipment, which includes uniforms and AZ-TF1 clothing for the Fire Department. The department is one of 28 national US&R response system task forces that can rapidly deploy skilled personnel and state-of-the-art equipment to sites of natural disasters, terrorist attacks, and building collapses. The Fire Department must maintain standardized equipment, including uniforms, for deployment to national incidents at the request of the Federal Emergency Management Agency (FEMA).

Procurement Information

IFB 19-090 was conducted in accordance with Administrative Regulation 3.10. Three offers were received by the Procurement Division on Jan. 25, 2019. The Deputy Finance Director recommends that the offer from International Corporate Apparel, Inc. be accepted as the most responsive and responsible bidder, which is the most advantageous to

the City.

Contract Term
The five-year contract term will begin on or about July 1, 2019 and end on or about June 30, 2024.

Financial Impact
The expenditures against this contract shall not exceed the aggregate amount of $348,050. Funds are available in the Fire Department's budget.

This item was adopted.

76 Provide Fire Protection Services to Laveen Fire District (Ordinance S-45886)

Request authorization for the City Manager, or his designee, to enter into an agreement for the provision of fire protection services to the Laveen Fire District. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary
The purpose of this agreement is for the Phoenix Fire Department (PFD) to provide fire protection services to the Laveen Fire District. Under the agreement, PFD will continue to provide fire protection and suppression services, basic life support (BLS) and advanced life support (ALS) emergency medical services, ambulance transportation services, and fire, medical, and ambulance dispatch services.

Contract Term
The agreement shall be effective upon approval and execution and shall remain in effect for a period of three years.

Financial Impact
Laveen Fire District will reimburse the City of Phoenix for all services performed.

This item was adopted.

77 Authorization to Enter Into Purchase Order Agreement with Med-Eng, LLC (Ordinance S-45865)

Request to authorize the City Manager, or his designee, to proceed with a

one-time purchase of two Explosive Ordnance Disposal (EOD) 9 bomb suits and one helmet for the Phoenix Police Department, Homeland Defense Bureau and to waive, or make an exception to PCC 42-18 (Phoenix City Code, Chapter 42 Risk Management, Contract provisions; indemnification prohibition) in order to enter into purchase order agreement. The aggregate value of this purchase will not exceed $51,325. Further request authorization for the City Controller to disburse all funds related to this item.

SummaryThe Police Department requires the purchase of Explosive Ordnance Disposal (EOD) 9 bomb suits and one helmet for the Phoenix Police Department Homeland Defense Bureau. Currently, the department has two EOD 9 suits and one helmet, which are reaching the end of their life cycles. The purchase of the suits and helmet will provide the critical equipment required to safely enter an area with an explosive device. The equipment is designed to provide superior protection while also being ergonomically designed to allow the bomb technicians to move, climb and bend to safely and swiftly approach explosive devices.

Med-Eng, LLC submitted exceptions to the Purchase Order Terms and Conditions, Item 5, Indemnification. The exceptions do not foreclose all liability on the part of the vendor. The exception merely limits certain claims that may be brought against the vendor that may result from the use of the equipment. It does not release the vendor from its obligations under warranty for uniforms or equipment that are or may be defective.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition Determination Memo citing Med-Eng, LLC as the supplier of the EOD 9 bomb suit and helmet that best meets the specification and performance standards of the Police Department. A Special Circumstance Without Competition Determination Memo was completed and approved by the Deputy Finance Director recommending the procurement with Med-Eng, LLC be accepted.

Financial Impact

The total cost of this equipment will not exceed $51,325. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action
The one-time payment of $51,325 was adopted at the City Council Formal Agenda meeting on April 17, 2019 (Ordinance S-45539-23).

This item was adopted.

78 National Vehicle Location Service Database - Requirements Contract (Ordinance S-45846)

Request to authorize the City Manager, or his designee, to enter into a contract with Vigilant, Inc. (or its City-approved designee) to provide the Automatic License Plate Recognition System equipment, National Vehicle Location Service (NVLS) database application and support services for the Phoenix Police Department (PPD). The aggregate contract value shall not exceed $1,155,000 (including applicable taxes). Further request authorization for the City Controller to disburse all funds related to this item.

Summary
This contract will provide the PPD with automatic license plate reader equipment and subscription services to the National Vehicle Location Service (NVLS) database. The service also includes the Law Enforcement Archival and Reporting Network (LEARN) database, an online analytic platform that allows license plate data and images to be aggregated and analyzed for law enforcement. LEARN provides agencies with a way to manage vehicle hotlists, query historical license plate reader data and use advanced analytics for enhanced investigations. LEARN is a hosted solution that allows data sharing and interoperability with other law enforcement agencies nationwide. Together, NVLS-LEARN subscription service helps the department reduce auto thefts and related crimes involving vehicles, increases auto theft vehicle recovery rates and increases investigative leads to reduce auto thefts and vehicles used in gateway crimes (i.e. robbery, burglary of residence).

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

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing continuity of service to support PPD's public safety efforts.

Contract Term
The five-year contract term shall begin on or about June 19, 2019.

Financial Impact
The aggregate contract value shall not exceed $1,155,000 (including applicable taxes); with $25,000 for subscription services from March 1, 2019 - May 31, 2019, and an estimated annual expenditure of $226,000 thereafter. Funds are available in the Police Department's budget.

This item was adopted.

80 Preliminary Engineering Services for Railroad Relocation Project (Ordinance S-45876)

Request to authorize the City Manager, or his designee, to enter into a contract with Union Pacific Railroad Company (UPRR) to provide preliminary engineering review of concepts and design plans for the relocation of the UPRR railroad north of Air Lane and adjacent to Phoenix Sky Harbor International Airport (PHX). The cost of the contract will not exceed $200,000 over the two-year term of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Aviation Department's PHX Comprehensive Asset Management Plan (CAMP) recommends the relocation of the railroad so that PHX may use its land north of Air Lane to develop new cargo, aero-biz, and support facilities, which are needed to meet current and future anticipated business demands.

This request is specific and limited to reimbursing UPRR for its costs in an engineering review of the Aviation Department's proposed concepts and plans. This request does not seek funding for City of Phoenix engineering costs or services related to the railroad project. These services and costs are covered under the Aviation Department's Planning

On-Call contract.

Contract Term
The term of the contract is two years and will begin on or about July 1, 2019.

Financial Impact
The contract amount will not exceed $200,000 over the two-year term of the contract. Funds are available in the Aviation Department's budget.

Concurrence/Previous Council Action
On June 11, 2019, the City Council approved the CAMP and directed staff to forward the plan to the Federal Aviation Administration for review.

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

This item was adopted.

82 Street Transportation Department Asbestos and Lead Paint On-Call Consulting Services (Ordinance S-45859)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the eight consultants listed below to provide Asbestos and Lead Paint On-Call Consulting Services for the Street Transportation Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $750,000 for each agreement.

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

interest in real property.

Summary

The On-Call consultants will be responsible for providing Asbestos and Lead Paint On-Call Consulting Services citywide to various City departments that include, but are not limited to: survey of designated City facilities and/or facility components for asbestos containing materials; production of National Emissions Standards for Hazardous Air Pollutants; complaint asbestos survey reports in accordance with Asbestos Hazard Emergency Response Act protocol; Housing and Urban Development type lead paint surveys and other related environmental services; laboratory analysis; development of plans and specifications; construction administration and inspection services to manage abatement activities; air monitoring; monitoring and evaluation of Contractor performance; final clearance; and other related services as requested by the City.

Procurement Information

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

Selected Firms

Rank 1: Adams and Wendt, Inc.
Rank 2: FM Group Inc.
Rank 3: Terracon Consultants, Inc.
Rank 4: Ninyo & Moore, Geotechnical Consultants Inc.
Rank 5: Dominion Environmental Consultants, Inc.
Rank 6: ATC Group Services LLC
Rank 7: Partner Assessment Corporation
Rank 8: Geotek, Inc.

Additional Proposers

Rank 9: Western Technologies, Inc.
Rank 10: Arizona Environmental Specialist, L.L.C.

Contract Term

The term of each agreement is up to three years, or up to $750,000, whichever occurs first. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement values for each of the On-Call consultants will not exceed $750,000, including all subconsultants and reimbursable costs. Funding is available in citywide Capital Improvement Program and operating budgets. The Budget and Research Department will review and approve funding availability prior to issuance of any On-Call task order of $100,000 or more. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

This item was adopted.

83 Intergovernmental Agreement with Arizona State University for Services Associated with Transportation Engineering Projects (Ordinance S-45863)

Request to authorize the City Manager, or his designee, to enter into a Master Intergovernmental Agreement (IGA) with the Arizona Board of Regents, Arizona State University (ASU), for services associated with transportation engineering projects for a total not to exceed $500,000. Further request authorization to enter into project agreements as necessary within the Council-approved expenditure authority, and for the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix Street Transportation Department would like to partner with ASU on various transportation projects involving design, construction, maintenance, operations or research. ASU would make its qualified personnel and students available to the City on an as-needed basis to address the City's needs by providing opportunities for engineering work on specific projects. City funding would cover costs to pay personnel and students for their time on the projects. The City recognizes the importance of allowing students the opportunity to access engineering work experience as a part of their learning experience.

ASU's research and engineering services can offer to improve processes and approaches that save resources or improve the allocation of resources.

Contract Term

After Council approval, the term of the IGA will be five years. Provisions of this agreement include an option to renew the agreement for an additional five years, which may be exercised by the City Manager or designee.

Financial Impact

The cost to fund this agreement is $500,000. Funding is available in the Street Transportation Department’s Capital Improvement Program.

This item was adopted.

84 Intergovernmental Agreement with University of Arizona for Services Associated with Transportation Engineering Projects (Ordinance S-45867)

Request to authorize the City Manager, or his designee, to enter into a Master Intergovernmental Agreement (IGA) with the Arizona Board of Regents, University of Arizona (UA), for services associated with transportation engineering projects for a total not exceed $500,000. Further request authorization to enter into project management agreements as necessary within the Council-approved expenditure authority, and for the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix Street Transportation Department would like to partner with UA on various transportation projects involving design, construction, maintenance, operations or research. UA would make its qualified personnel and students available to the City on an as-needed basis to address the City's needs by providing opportunities for engineering work on specific projects. City funding would cover costs to pay personnel and students for their time on the projects. The City recognizes the importance of allowing students the opportunity to access engineering work experience as part of their learning experience. UA's research and engineering services can offer to improve processes and approaches that save resources or improve the allocation of resources.

Contract Term

After Council approval, the term of the IGA will be five years. Provisions of this agreement include an option to renew the agreement for an additional five years, which may be exercised by the City Manager or designee.

Financial Impact

The cost to fund this agreement is $500,000. Funding is available in the Street Transportation Department's Capital Improvement Program.

This item was adopted.

85 Intergovernmental Agreement with Northern Arizona University for Services Associated with Transportation Engineering Projects (Ordinance S-45868)

Request to authorize the City Manager, or his designee, to enter into a Master Intergovernmental Agreement (IGA) with the Arizona Board of Regents, Northern Arizona University (NAU), for services associated with transportation engineering projects for a total not to exceed $500,000. Further request authorization to enter into project agreements as necessary within the Council-approved expenditure authority, and for the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix Street Transportation Department would like to partner with NAU on various transportation projects involving design, construction, maintenance, operations or research. NAU would make its qualified personnel and students available to the City on an as-needed basis to address the City's needs by providing opportunities for engineering work on specific projects. City funding would cover costs to pay personnel and students for their time on the projects. The City recognizes the importance of allowing students the opportunity to access engineering work experience as a part of their learning experience. NAU's research and engineering services can offer to improve processes and approaches that save resources or improve the allocation of resources.

Contract Term

After Council approval, the term of the IGA will be five years. Provisions

of this agreement include an option to renew the agreement for an additional five years, which may be exercised by the City Manager or designee.

Financial Impact

The cost to fund this agreement is $500,000. Funding is available in the Street Transportation Department's Capital Improvement Program.

This item was adopted.

86 Parts and Services for CUES-brand Equipment Contract (Ordinance S-45851)

Request to authorize the City Manager, or his designee, to add funds to Contract 144417, AZ Wastewater Industries Inc., for the purchase of three new closed circuit television cameras. The additional funds are not to exceed $73,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Water Services Department uses CUES-brand equipment to inspect and assess the condition of existing sanitary sewer pipeline using closed circuit television and zoom cameras, variable weight tracked transporters, single/multi-conductor cables and Granite XP video software. The reason for additional funding is the unforseen failure and replacement of closed-circuit television cameras used in the inspection of sewer pipe.

Financial Impact

With the additional funds of $73,000, the total contract expenditure will not exceed $423,000 over the life of the contract including the two option years to extend. Funds are available in the Water Services Department's budget.

Concurrence/Previous Council Action

The City Council approved Ordinance S-43202 on Jan. 25, 2017 in the amount of $350,000 to include the initial three-year term and the two, one-year option years to extend.

This item was adopted.

87 Purchase Replacement Actuators for 91st Avenue Wastewater

Treatment Plant (Ordinance S-45856)

Request to authorize the City Manager, or his designee, to purchase three replacement actuators for the Water Services Department (WSD) to be used for blowers at the 91st Avenue Wastewater Treatment Plant (WWTP). Further request to authorize the City Controller to disburse all funds related to this item. The aggregate contract amount will not exceed $56,775.

Summary

REXA brand actuators are critical for controlling the guide vanes on blowers at WWTPs to maintain constant intake air pressure. The three existing actuators have been reliable; however, they are approximately 15 years old and their constant movement causes parts such as circuit boards, gear pumps, motor and seals to deteriorate. It is important that the actuators are operating properly to conserve energy and control blower pressures. Without constant intake air pressure from the blowers, the 91st Avenue WWTP will lose the ability to process or treat raw sewage. Due to the importance, cost, age and the unavailability of replacement parts, it is recommended to procure new actuators rather than rebuild the existing units.

Procurement Information

A Request for Quotes (RFQ) was conducted in accordance with Phoenix City Code 43-11.D and 43-40. The RFQ was sent to three vendors and three responses were received.

#1 - Industrial Automation Services: $56,775.00
#2 - Alb Piping Products & Services: $65,500.00
#3 - Core & Main: $77,800.02

The procurement officer recommends the offer from Industrial Automation Services be accepted as the best value and most advantageous to the City.

Contract Term

This is a one-time purchase.

Financial Impact

One-time purchase in the amount of $56,775.

Location

91st Avenue Wastewater Treatment Plant
Council District: 7

This item was adopted.

88 **Add Funds to Manhole Covers, Rings, and Meter Boxes Contract (Ordinance S-45861)**

Request to authorize the City Manager, or his designee, to add funds to Contract 144688, Arizona Water Works Supply for purchase of manhole covers, rings, and meter boxes. Further request to authorize the City Controller to disburse all funds related to this item. The additional funds will not exceed $275,000.

Summary

The Water Services Department uses manhole covers, rings, and meter boxes for new installation as well as repair and replacement of the current City infrastructure. This amendment is necessary to accommodate the increased rate of replacement of existing infrastructure as a result of both increased inspections from the Water Services Department and the Council approved Accelerated Pavement Maintenance Program which enabled rehabilitation of City streets sooner than previously anticipated.

Financial Impact

The initial aggregate contract was executed for value not to exceed $350,000 with a later amendment that increased the contract value by an additional $25,000. This amendment will increase the contract by an additional $275,000, for a new total not-to-exceed $650,000.

Concurrence/Previous Council Action

The City Council approved:

Manhole Covers, Rings, and Meter Boxes Contract 144688 (Ordinance S-43122) on Dec. 14, 2016

Manhole Covers, Rings, and Meter Boxes Contract 144688 (Payment Ordinance 44957) on Sept. 5, 2018

This item was adopted.

90 Stormwater and Wastewater Sampling Equipment (Ordinance S-45864)

Request to authorize the City Manager, or his designee, to enter into a contract with Western Environmental Equipment Co., for stormwater and wastewater sampling equipment for the Water Services Department (WSD). Further request to authorize the City Controller to disburse all funds related to this item. The contract value will not exceed $750,000.

Summary

WSD utilizes Teledyne ISCO stormwater and wastewater sampling equipment, distributed by Western Environmental Co., to collect, analyze and test water samples to satisfy the requirements for various regulatory permits, including Phoenix's Municipal Separate Storm Sewer System and National and Arizona Pollutant Discharge Elimination System Permits. The sampling systems include the equipment, associated system software licenses, and repair services.

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

Procurement Information

Under Phoenix City Code Section 43.11(d) and the City's Administrative Regulation 3.10, the competitive procurement process was waived as a result of a Determination Memo citing Western Environmental Equipment Co., as the sole source distributor for Teledyne ISCO equipment. Teledyne ISCO does not certify other vendors to supply or maintain its proprietary equipment.

Contract Term

The contract term is for five years effective from July 1, 2019, through June 30, 2024.

Financial Impact

The value of the contract is not to exceed $750,000. Funding for this contract is available in the WSD Operating budget.

This item was adopted.

91 U.S. Bureau of Reclamation 'WaterSMART Water Marketing Strategy' Grant (Ordinance S-45870)

Request to authorize the City Manager, or his designee, to apply for, accept, and if awarded, disburse funding for U.S. Bureau of Reclamation (BOR) (grant opportunity announcement BOR-DO-19-F006) 'WaterSMART Water Marketing Strategy' Grant opportunity. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. If awarded, this grant would provide funding for an amount not to exceed $200,000.

Summary

The Central Arizona Water Clearinghouse (Clearinghouse) is a collaborative project first developed by the City of Phoenix and a team of water professionals, academics, and non-profit organizations. The purpose of the Clearinghouse is to create water management tools to facilitate market-based transactions that will advance water resources sustainability of the City and other water users in Central Arizona.

The Water Services Department is seeking to advance development of the Clearinghouse with funding from the BOR 'WaterSMART Water Marketing Strategy' Grant for Fiscal Year 2019. The grant application would be for up to $200,000 to develop a project that can be completed in two years and will proactively address water supply reliability and increase water management flexibility among water users, especially during times of shortage, thereby helping to prevent water conflicts and increasing resiliency.

The City would use this grant funding to advance the development of the Clearinghouse. There is no matching required by the City.

Financial Impact

The anticipated grant from the BOR will provide funding up to $200,000. No matching funds are required by the City and would require in-kind resources only.

This item was adopted.

92 Map of Dedication for City North - 190002 - Deer Valley Drive and 56th Street

Plat: 190002
Project: 04-4082
Name of Map of Dedication: Map of Dedication for City North
Owner(s): CPF Vaseo Associates, LLC
Engineer(s): Coe & Van Loo Consultants, Inc.
Request: A Commercial MOD
Reviewed by Staff: May 30, 2019

Summary

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

Location

Deer Valley Drive and 56th Street
Council District: 2

This item was approved.

93 Final Plat - Happy Valley Road and 15th Avenue - 180123 - Southeast Corner of Happy Valley Road and 15th Avenue

Plat: 180123
Project: 18-1700
Name of Plat: SEC Happy Valley Road and 15th Avenue
Owner(s): Red Hawk Partners, LLC and Deer Valley Venture, LLC
Engineer(s): Superior Surveying Services, Inc.
Request: A 3 Lot Commercial Subdivision Plat
Reviewed by Staff: May 28, 2019
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment V180062.

Location

Generally located at the southeast corner of Happy Valley Road and 15th Avenue.
Council District: 1

This item was approved.

94 Final Plat - Anderson ROW - 180128 - South of Osborn Road and West of 15th Street

Plat: 180128
Project: 16-3372
Name of Plat: Anderson ROW
Owner(s): Tepe, LLC
Engineer(s): Jacobs Wallace, LLC
Request: A 8-Lot Residential Plat
Reviewed by Staff: May 30, 2019

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
South of Osborn Road and west of 15th Street
Council District: 4

This item was approved.

95 Final Plat - 30th Street Townhomes Replat - 180111 - Southwest Corner of Fairmount Avenue and 30th Street

Plat: 180111
Project: 16-1679
Name of Plat: 30th Street Townhomes Replat
Owner(s): 3900 N. 30th St., LLC
Engineer(s): DRW Engineering, Inc.
Request: 1-Lot Commercial Subdivision Plat
Reviewed by Staff: April 10, 2019
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 amends the prior plat (Book 1379, Page 11, MCR) and dedicates an additional public utility easement.

Location

Southwest corner of Fairmount Avenue and 30th Street
Council District: 6

This item was approved.

96 Final Plat - Las Palmas Inn - 180096 - Southwest Corner of Grand Avenue and Polk Street

Plat: 180096
Project: 17-3707
Name of Plat: Las Palmas Inn
Owner(s): 765 NW Grand Avenue, LLC
Engineer(s): Superior Surveying Services, Inc.
Request: A 1 Lot Commercial Plat
Reviewed by Staff: May 29, 2019
Final Plat requires Formal Action Only

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

Location
Generally located at the southwest corner of Grand Avenue and Polk Street.
Council District: 7

This item was approved.

97 Final Plat - Ellison Trails - 190015 - Southwest Corner of 55th Avenue and Elliot Road

Plat: 190015
Project: 18-1138
Name of Plat: Ellison Trails
Owner(s): Northside Hay Company, Inc.
Engineer(s): James A. Loftis, Registered Land Surveyor
Request: A 174-Lot Residential Plat
Reviewed by Staff: May 29, 2019
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
Southwest corner 55th Avenue and Elliot Road
Council District: 8

This item was approved.

98 Abandonment of Easement - V180062F - 24855 N. 15th Ave. (Resolution 21760)

Abandonment: V180062F
Project: 18-1700
Applicant: Charles Eckert, Jr.; Red Hawk Development Corporation
Request: To abandon two patent easements on common boundary line between parcels APN 210-08-026A and 210-08-026B on the west and APN 210-08-021 on the east of property.
Date of Decision: Nov. 27, 2018

Summary
The resolution of the abandonment and the commercial subdivision plat Final Plat for "SEC of Happy Valley Road and 15th Avenue," Plat 180123 are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location
24855 N. 15th Ave.
Council District: 1

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.

Items 24, 33, 38, and 43, Ordinance S-45845 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.

24 Solar Star Arizona III, LLC

For $1,350,000.00 in payment authority for Contract 132993 to provide solar power services to the Lake Pleasant Water Treatment Plant for the Water Services Department. The 7.5 megawatt solar facility produces approximately 75 percent of the Plant's power needs.

Discussion

Mayor Gallego announced Leonard Clark submitted a comment card in favor of Item 24.

Mr. Clark stated he strongly supported this item regarding solar power for the water treatment plant and that he read in the agenda it will provide up to 75 percent of the power at the water treatement plant. He expressed his hope that people were learning how to make their own solar power to liberate themselves from APS and SRP.

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

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

No: 0

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

For $35,176,065.00 in payment authority for Contract 132409 for Fiscal Year 2019-20 for delivery of Colorado River water to the City of Phoenix for the Water Services Department. This agreement provides irrigation,

municipal, and industrial water to the Phoenix service area.

Discussion

Mayor Gallego announced Leonard Clark submitted a comment card in favor of Item 33.

Mr. Clark stated he was a citizen of District 1 and his concern of possible spot shortages in northern Phoenix. He reminded citizens that they live in the desert and of the importance of water. He expressed his hope that the City of Phoenix continues to be the leader in innovation and saving water.

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

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

No: 0

38 National Association of Clean Water Agencies - Annual Payment

For $57,325.00 in payment authority for membership renewal to the National Association of Clean Water Agencies (NACWA) for the Water Services Department. NACWA conducts a financial survey of the wastewater industry that Water Services uses to benchmark its operations, provides information used by Water Services to formulate policy recommendations on national Clean Water Act issues and offers opportunities to collaborate with colleagues around the country to help shape national policy. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

Discussion

Leonard Clark stated Phoenix leads the way and is the largest city in Arizona and added he strongly approved of Item 38. He discussed children born with physical and cognitive challenges and explained some people are attributing that to what is in the water. He addressed his concerns about the outlying cities around the valley and the need for Phoenix to have the cleanest water.

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

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

No: 0

43 **Various Vendors to Provide for Legal Services for the City of Phoenix**

For $516,000.00 in additional payment authority for outside legal counsel during Fiscal Year 2017-19 for the Law Department. Additional funds are needed due to an increase in legal costs associated with several large, complex number of cases, and cases that went to trial.

Discussion

Councilmember Garcia asked staff how many unusual and complex cases were related to the Police Department.

City Attorney Cris Meyer responded that about 40 percent of the cases the City hires outside counsel for relate to the Police Department.

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

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

No: 1 - Councilmember Garcia

72 **Authorization to Issue Request for Proposals for Disposition and Redevelopment of City-Owned Property at 723 W. Polk St.**

Request to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) to select a development team and begin negotiations for the disposition and redevelopment of a City-owned parcel located at 723 W. Polk St.

Summary

The City owns a parcel located in the Downtown Phoenix Redevelopment Area, comprised of approximately 73,220 square feet (SF), or 1.68 acres, at 723 W. Polk St., at the southwest corner of 7th Avenue and Polk Street (the Site). The Site is zoned C-3 (General Commercial) and is within the Arts, Culture and Small Business and the Capital Mall overlays. The Site was deeded to the City in 1920 to allow the establishment of the American Legion Post Number No. 1 (Legion). The original agreement allowed the Legion to use the Site, subject to certain limitations and contract provisions, for 99-years with an end date of Feb. 20, 2019. In September 2018, City Council approved an 18-month lease extension to allow the Legion to celebrate its 100-year anniversary in its original location. The property is not designated on the Phoenix Historic Property Register or the National Register of Historic Places. A National Register Nomination has been prepared by representatives not associated with the Legion, but the Site is owned by the City and the Legion does not support the nomination moving forward. Staff has been in ongoing meetings with the Legion regarding the future of this Site and the Legion would remain a tenant on the Site until the successful proposer begins development. Staff has commissioned an appraisal of the Site and acknowledges the Site will likely need to be rezoned prior to redevelopment occurring, and this would need to be done prior to disposition of the Site.

With approval, staff will issue an RFP seeking offers for the disposition and redevelopment of the Site for a compatible, infill, mixed-use, mixed-income development. Up to 25 Veterans Affairs Supportive Housing Project-Based Vouchers under the Housing Choice Vouchers Program will be made available for the project. The successful proposer will be required to:

Provide at least 3,000 SF for community support services for veterans.

Include an interpretive feature documenting the history of Luke-Greenway American Legion Post No. 1.

Each proposer will be required to:

Include mixed-income residential units, with at least 30 percent affordable or workforce housing with a preference for veterans.

Demonstrate experience completing at least three mixed-use projects

and at least one veterans or affordable housing development.

The RFP will require proposers to consider incorporating elements of the Site's existing buildings in the proposed development and will include standard terms, conditions and other necessary requirements, and will include the following evaluation criteria (1,000 possible points):

Concept to Activate the Site (0-400 points).
Return to the City (0-350 points).
Proposer's Qualifications and Experience (0-250 points).

The Return to the City criterion will include payments and other consideration that provide public benefits.

Staff anticipates the RFP will be issued in Summer 2019 and will remain open for at least 60 days. Responsive proposals will be evaluated by a panel including City staff and community representatives. Following negotiations with the recommended proposer, business terms will be presented to the Planning and Economic Development Subcommittee for review and recommendation, and then to the full City Council for approval.

Concurrence/Previous Council Action
This item was recommended for approval at the Planning and Economic Development Subcommittee meeting on June 4, 2019, by a vote of 4-0.

Public Outreach
Staff presented to the Downtown Voices Coalition on May 11, 2019; the Grand Avenue Members Association, Inc. and the Grand Avenue Arts & Preservation group on May 16, 2019; the Historic Preservation Commission on May 20, 2019 and the Roosevelt Action Association on May 21, 2019. Staff also reached out to the Capitol Neighborhood Coalition and the Triangle Neighborhood Association to provide information.

Location
723 W. Polk St.
Council District: 7

Discussion

Vice Mayor Waring motioned to approve Item 72, seconded by Councilwoman Williams.

Councilwoman Pastor thanked Councilman Nowakowski for all his work on this item. She reflected on how the property was deeded to the City of Phoenix over 100 years ago for the expression and purpose of the American Veterans and American Legion Post 1 and how on Feb. 20, 2019 the deed ended. She discussed the importance of continuing to honor the legacy of the property.

Councilwoman Pastor asked staff if it was possible to deed the property for 99 years, have a 99-year restriction, to maintain workforce and affordable housing on the property.

Community and Economic Development Director Chris Mackay responded that the property was in the City's ownership and at the direction of the Council, a restriction could be placed on the property as part of the proposal for that period of time.

Councilwoman Pastor noted she had looked at the agenda packet and RFP and asked about the possibility of placing a concept to activate the site in the evaluation area.

Ms. Mackay answered it was absolutely possible if they put language in the concept to activate the site, they could work with Historic Preservation to allow points for preservation of a portion of the building at the direction of Council. The points would be received if a proposer chose to preserve a portion or elements of the building.

Councilwoman Pastor explained she was asking the question because on June 4, 2019, they held a committee meeting and she had asked about some form of preserving the property and now she wanted to know if it was possible.

Ms. Mackay again stated they could add that portion into the RFP and into the scoring criteria.

Councilwoman Pastor asked why the City was not leasing the land instead of selling it.

Ms. Mackay responded that it was up to the City Council to decide whether to dispose of the land or choose to maintain a long-term land lease. She stated the City has done both and reminded Council of the recently approved 99-year land lease with Central Station.

Councilwoman Pastor asked Councilman Nowakowski if she could add friendly amendments to his motion.

Councilman Nowakowski responded that he thought it would be ideal to have a 99-year concept where American Legion is at the location working as they are now. He reflected on past conversations about ensuring whoever develops the property knows that American Legion is a part of the property for the next 99 years. He added that he would like to hear comments from American Legion about the other issues Councilwoman Pastor spoke about.

Councilman DiCiccio stated he would be supportive of whatever Councilman Nowakowski wanted to do, as long as the American Legion would be included in the deed restriction. If they are not, then he would not support the item.

Ms. Mackay responded to the comment Councilman Nowakowski made about the American Legion remaining at the site for an additional 99 years. She stated that upon guidance from the law department the City has in the RFP that the veterans community services and veterans services would remain on the site and that it would be a minimum of 30 percent workforce or affordable housing with a preference to veterans. She added that they could not name one specific organization as to the veterans preference, but it does state that it is for veterans.

Councilman DiCiccio reiterated that if the City is going to do a deed restriction on affordable housing, he wants to ensure the American Legion or any veteran related organization is also deed restricted in the property. He added he would not support the item if that is not included.

Councilman Nowakowski asked if it would be legal to state it the way Councilman DiCiccio stated it.

Ms. Mackay answered they could absolutely list it as the preference for veterans organizations.

Councilman Nowakowski asked the person who seconded the original motion if it was okay with them to add the friendly amendment.

Councilwoman Pastor asked if Councilman Nowakowski would be willing to add the concept about activating the site and stated they were incentive points.

Ms. Mackay confirmed the concept to activate the site would not be required but they would be additional points received in the RFP.

Councilman Nowakowski stated he did not have a problem with that.

Councilwoman Pastor discussed that it was up to Council to decide whether to sell the land or lease it and clarified that it was not a part of the friendly amendment.

Mayor Gallego announced there were several individuals present to testify.

Patrick Mays introduced himself as a three-term past commander of the American Legion Post 1 and added he had been chosen by the members of Post 1 to be their representative in matters concerning lease and development of the property. Mr. Mays talked briefly about the American Legion and its mission. He stated he had made it his goal to secure a long-term solution so Post 1 could remain on its current historic site by connecting with the community and the City. He discussed that after several meetings with the Community and Economic Development Department, he was able to secure a lease extension for the American Legion Post 1 until 2020. He stated the American Legion needs and deserves to be preserved. He explained that it has always been the American Legion's position that adaptive reuse of their current facility is preferable, but that it should remain an option. By making it a mandate or

restriction, it limits their opportunity. Mr. Mays concluded that he had been assured the American Legion would have an opportunity to offer input on the RFPs that are received, and because of that, the American Legion Post 1 endorses the RFP process going forward.

Beatrice Moore stated this building contributes substantially to the historic fabric of historic Grand Avenue. She explained the building is eligible for historic preservation but that it does not mean the whole site has to have a historic overlay. She asked why the City was not providing 100 percent affordable housing for veterans at the site. She added that if anything new is constructed and added to the site, it should be affordable housing for veterans. Ms. Moore stated the City doesn't need more housing downtown, they need more affordable housing. She suggested changing the RFP to include a substantial historic preservation component for the building and perhaps adding some new construction for affordable housing for veterans. She clarified she was not talking about a overlay on the whole site, but on the building alone which adds more potential for the entire site.

Councilman DiCiccio stated he had a similar conversation with Chris Mackay and added he thought they were going to make the site 100 percent veterans oriented when they had talked. He asked what happened to that.

Ms. Mackay explained to bring the site to development standards, they brought a minimum of 30 percent workforce or affordable housing, with a preference to veterans. She added it did not preclude a submitter to submit other things on the site or other types of workforce housing. As they visited with housing entities and others, they thought workforce housing was a good component in downtown Phoenix in addition to veterans housing. She stated the goal is to bring a lot more workforce housing and to identify in the RFP the site is a mixed income site with workforce and affordable housing.

Councilman DiCiccio expressed that it was a great opportunity to focus primarily on the veterans and stated he wanted to add a friendly amendment to the motion to gear the entire project towards veterans with affordable and workforce development housing towards veterans.

Ms. Mackay stated it was her understanding that in accordance with the Fair Housing Act, the City could control preference to veterans but could not state one specific entity. She added she would like to look to Housing Director Cindy Stotler for clarification.

Councilman DiCiccio read that it said there would be 25 Veterans Affairs Supportive Housing (VASH) based vouchers and asked why they cannot do all veterans housing if they can do 25.

Cindy Stotler explained the Housing Department offered up 25 VASH vouchers during the subcommittee meeting when it was requested by Councilman Nowakowski to ensure at least 25 units would be set aside specifically for veterans. She added they could look at adding more vouchers and clarified they could only offer what they have.

Councilman DiCiccio stated all available vouchers could be focused here.

Mayor Gallego discussed the importance of remembering the community process where people came forward and said they wanted to see diverse communities and they thought mixed use and mixed income was important to provide housing for teachers and others who work in the community. She added that some of the stakeholders had said they liked the idea of seeing different mixes of incomes and diverse communities can be healthier. She noted her perspective of seeing value in having diverse price points.

Councilwoman Pastor asked what categories the vouchers are used for.

Ms. Stotler explained there are regular Section 8 vouchers that are available to anyone with household incomes at 50 percent or below of area median income, VASH vouchers are for veterans only and come through the Veterans Administration. She further explained the complications with making the site all Section 8 or making it permanent supportive housing.

Councilwoman Pastor stated it was her understanding that veteran

services were part of the RFP.

Ms. Mackay confirmed Councilwoman Pastor was correct.

Councilmember DiCiccio suggested a friendly amendment making all available VASH vouchers available for the site. The site would be required to service the entire veteran community of however many vouchers were available rather than limiting it to 25 VASH vouchers.

Councilwoman Williams asked Ms. Stotler where else the vouchers could be used.

Ms. Stotler clarified the VASH vouchers are specifically set aside for veterans coming through the Veterans Administration. She stated the Housing Department had a total of 903 vouchers. If they were put on the site, they would not be meant for anyone except veterans,

Councilwoman Williams asked if there were veterans currently using the vouchers that would no longer receive them if the vouchers were moved all to the site.

Ms. Stotler responded she had 251 unleased and unused vouchers and explained she had the capacity to lease up only those unleased vouchers. She stated she had to project out some upcoming use and that she could not guarantee that 250 VASH vouchers were going to be open when the RFP comes through.

Councilwoman Williams requested for Ms. Stotler to restate what she said.

Ms. Stotler explained she had 250 available VASH vouchers and the Housing Department had committed to use 25 of the vouchers to the project. She concluded this would mean there are 25 less vouchers for people to go out and find housing elsewhere. Ms. Stotler further explained the 250 available VASH vouchers were for veterans to find housing wherever they wanted to live. If they were committed to the site, that would be peoples only option for those VASH vouchers.

Councilwoman Williams asked Ms. Mackay how many units the project will have.

Ms. Mackay answered they did not know yet and it depended how the RFPs are submitted. There could be several hundred units, it could be 100 or 200 units. She suggested a way to word the RFP could be to clarify they were going to dedicate 25 VASH vouchers to the site and require an additional 30 percent for workforce or affordable housing with a preference to veterans. This would create a mixed-use project for affordable, workforce, and veteran housing.

Councilwoman Williams responded she liked Ms. Mackay's idea and suggested Council include that in the RFP.

Councilman DiCiccio pointed out the land was given to the City of Phoenix on a 99-year lease for veterans. He explained that he did not want to over complicate it and suggested if there were 250 veterans, they would get to use the VASH vouchers first. He added he would support the item if the maker of the motion was willing to add language regarding veteran preference on a friendly amendment.

Ms. Mackay sought clarification on Councilman DiCiccio's friendly amendment. She asked if this would be a voucher project for the site thats developed, using all 250 VASH vouchers.

Councilman DiCiccio injected that a veteran may decide the site is not where they want to live. He clarified this would give them first priority to choose if they want live there.

Ms. Mackay explained as the project is taken out for an RFP, the vouchers are a part of the RFP. This is so the bidder knows they are bidding on 250 VASH vouchers. She clarified they could add a requirement that it provide veteran services and provide community services for veterans, but they cannot specifically state one veterans organization.

Councilman DiCiccio agreed.

Vice Mayor Waring discussed the uncertainty of the amount of rooms a proposer may include in the project. He asked if the proposers have to include at least 250 rooms and above on their proposal.

Ms. Stotler explained there are 250 unleased VASH vouchers, but that does not mean all the vouchers will be available for the project when the RFP comes through. She further explained there are other commitments out there for vouchers to be used at other projects. She concluded she did not want everyone stuck on the number of 250 vouchers because she could not commit that many at the time.

Vice Mayor Waring stated he was using that number as a sort of benchmark and summarized that the amount of vouchers available for the project will be between 25 and 250.

Ms. Mackay asked to clarify if the concept being discussed was a 100 percent VASH based voucher development on the site.

Vice Mayor Waring stated he did not think they were trying to limit the project to the number of vouchers, they want a good project and want to use the vouchers that are available.

Ms. Mackay explained the Housing Department could list the number of available project-based vouchers in the RFP, which would be somewhere between 25 and the number they could commit to the project.

Councilwoman Pastor stated Ms. Mackay answered the question. She asked Ms. Stotler to verify if she could find out the number of available VASH vouchers they could commit to the project after the Council Meeting.

Ms. Stotler answered yes, the Housing Department could do that once they are able to confirm how many vouchers are uncommitted.

Councilman Nowakowski asked if they were allowed to put a percentage of housing that veterans will be given preference to, such as 60 percent. They could supply the vouchers to those who need them if the vouchers are available.

Ms. Mackay explained that the Council could put a percentage with a preference to veterans and up to a specific number of VASH vouchers are available that are project-based should they use them.

Councilman Nowakowski replied he would be happy with 60 percent.

Councilman DiCiccio added the percentage to be at least 60 percent be directed towards veterans.

Vice Mayor Waring said he was good with that percentage if the Housing Department could ensure they would be able to implement that. He asked Councilman DiCiccio or Councilman Nowakowski to repeat the substitute motion.

Councilman DiCiccio stated at least 60 percent of the housing units are to be directed toward veterans. He added it was a good compromise and great opportunity and that it was time to act on it.

Councilwoman Pastor confirmed it would be at least 60 percent of housing united for affordable and workforce housing, with a preference to veterans.

Mayor Gallego called up Bob Graham, whom submitted a comment card for Item 72.

Mr. Graham introduced himself as a historical architect, long time member of the Central City Village Planning Committee, and President of the Grand Avenue Members Association. He noted three points for Council to consider: Phoenix has a strong record for historic preservation and a responsibility to preserve the building, respectful rehabilitation of the property was feasible, and a requirement should be added to the RFP so the development preserves the historic building without destroying its historical integrity.

Joan Kelchner stated she agreed with Councilman DiCiccio that the project should be 100 percent veteran housing. She recalled her conversation with Lisa Glow, CEO of CASS, regarding veterans and

specifically senior veterans looking for places to live. Ms. Kelchner discussed the flagpole that is located on the site and noted it was a landmark downtown. She offered herself to serve as a member on the panel which will review RFPs.

R. Kyle Foxcroft submitted a comment card for the record in favor of Item 72.

Mayor Gallego asked for staff to talk about the flagpole and gateway features.

Ms. Mackay explained the flagpole was one of the most significant things they heard about when they talked with the community. She added that should Council decide to move the RFP forward, maintaining the flagpole would be significant to the property and it can be made a requirement on the RFP. Ms. Mackay spoke about the discussion with the community regarding the site as a gateway element into the west side of downtown and into Grand Avenue. Creating the gateway element into downtown and Grand Avenue is listed for points under creation of place in the RFP.

Councilwoman Pastor requested clarification on the motion.

Mayor Gallego announced there would be a Council meeting the following week in case Council decided they wanted to continue the item to ensure they spell out explicitly what is being requested.

Vice Mayor Waring asked if Ms. Mackay understood what they intended.

Ms. Mackay repeated the motion back to council, stating that she understood the project would be taken out for RFP with a 99-year restriction; it would maintain a veterans presence in services for the veterans with a 99-year deed restriction on the site; the site is to be listed on the RFP as either for sale or for lease; there would be elements or portions of the building considered under part of the proposal to activate the site; additional points would be given if the proposer maintained features and portions of the site; it would be up to 60 percent of affordable and workforce housing with a preference towards veterans; there would be a minimum of 25 VASH vouchers that would be applied to

the project; and the vouchers do not limit the proposers in the number of units that they could fit on the site should they choose to bring in additional workforce and market rate.

Vice Mayor Waring asked a hypothetical question about what would happen if there were 100 units, with 60 units being set aside for veterans, but there were not 60 VASH vouchers.

Ms. Mackay answered there is also affordable and workforce housing, which would still give preference to veterans. She explained that not all veterans qualify for VASH vouchers and that some can afford a portion of the rental rate and qualify for affordable and workforce housing.

Councilman Waring confirmed with Ms. Mackay the 60 percent does not necessarily limit how many vouchers the Housing Department has.

Councilwoman Stark asked if there was a choice for the veteran who receives a VASH voucher. She stated she still wanted the veterans to have choices.

Ms. Stotler explained the 250 unleased vouchers are choice vouchers. If the Housing Department commits 25 vouchers to the project, the veteran could either take the voucher and live at the proposed site or decide to take a choice voucher and live elsewhere.

Councilman DiCiccio got clarification from Ms. Mackay about how the 60 percent preference towards veterans would work to ensure that veterans got the first opportunity for housing at the project.

A motion was made by Vice Mayor Waring, seconded by Councilwoman Williams, that this item be approved with the following stipulations: a 99-year restriction on the property to require 60 percent of the site to be for affordable and workforce housing with a preference towards veterans, with a minimum of 25 VASH vouchers; to maintain a veterans presence in community and services with a 99-year deed restriction on the site; the site is to be listed on the RFP as either for sale or for lease; to award additional points to proposers who maintain features on their RFP proposal under the concept to activate the site; to allow the flagpole to remain on the site; and

include architectural elements that will befit a gateway into Downtown and the Grand Avenue area. The motion carried by the following vote:

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

No: 0

73 Authorization to Extend Professional Services Agreement with Molera Alvarez, LLC (Ordinance S-45888)

Request to authorize the City Manager, or his designee, to extend the Professional Services Agreement 139598-3 with Molera Alvarez, LLC, for 60 days, and authorize the City Controller to disburse funds in an amount not to exceed $41,172 for the duration of the 60-day extension. There is no impact to the General Fund. Funding is available in the Downtown Community Reinvestment Fund.

Summary

The City has established a recognized leadership position in Mexico as it relates to key relationships and economic opportunity. Maintaining this leadership position requires a sustained effort to leverage the success to date and position Phoenix for increased economic opportunity as Mexico remains the top trading partner for both the City and State of Arizona.

On March 20, 2019, City Council authorized staff to issue a Request for Proposals (RFP) for Mexico Trade Development Consulting Services to facilitate economic activity between Mexico and Phoenix in anticipation of the July 31, 2019 expiration of the current contract for similar services. The RFP was issued on March 21, 2019 and an award recommendation was posted on June 10, 2019. On June 17, 2019, the City received two protests of the award recommendation. Staff is unable to submit the award recommendation for City Council consideration until the protest process and any subsequent appeal process have been completed.

To avoid any lapse in these important economic development consulting services, staff requests authorization to extend the current Mexico trade development representative professional services agreement 139598-3,

with Molera Alvarez, LLC, which expires on July 31, 2019, for an additional 60 days. If approved, the contract extension would be in effect until City Council has approved an award recommendation for the current RFP or Sept. 30, 2019, whichever occurs first. Without this extension, trade development activities conducted by the consultant will cease and the City will no longer have contract staff in the Mexico City and Hermosillo offices. This could have a negative impact on the progress the City has made to establish its leadership position regarding Mexico trade.

Contract Term

The term of the contract extension is for a maximum of 60 days.

Financial Impact

Funding for this contract extension will not exceed $20,585.56 monthly, for a maximum total cost of $41,172. There is no impact to the General Fund. Funding is available in the Downtown Community Reinvestment Fund.

Discussion

A motion was made by Councilwoman Williams, seconded by Councilwoman Pastor, to approve Item 73.

Councilman Nowakowski made a substitute motion to disapprove a two-month extension. He added that Council had been approving the extension for over a year and it was time to make a decision about their presence in Mexico. He stated not having a presence in Mexico for two months in the summertime would not hurt the City much and they could work with the state office if there were any future meetings set up. Additionally, language could be added to ensure economic developments are included in the RFP.

Councilwoman Williams commented on the reason why the extension was being requested. She confirmed with Community and Economic Development Director Chris Mackay there was a challenge.

Ms. Mackay provided background information on the RFP that was issued and the new RFP. She explained there were five proposals recieved, two of which were disqualified, the other three moved foward. Her department

had a recommended proposer they were prepared to bring forward to Council but received a protest from another valid proposer and a second protest from one of the disqualified proposers. They are now in the process of responding to the protests but the process would extend past Council closing for the summer. To keep the Mexico offices open and operating, an extension would be needed.

Councilwoman Williams asked if the extension would just keep this open through the summer until the matter is resolved. Ms. Mackay answered that was correct.

Councilwoman Williams stated she was comfortable going forward with the staff recommendation of the extension and noted the importance of keeping offices in Mexico oepn.

Councilman Nowakwoski asked Ms. Mackay if there was not enough time to respond to the protest.

Ms. Mackay answered there was enough time to respond to the protest, but the protester recieves a seven day appeal on the City's response to the protest. She added it was the appeal process that would take them past July 3, 2019.

Councilman Nowakowski asked Ms. Mackay when the first extension happened.

Ms. Mackay explained that the original RFP was issued in 2013, it called for a two-year contract with three one-year extensions.

Councilman Nowakowski confirmed with Ms. Mackay this would be the fourth extension.

Councilwoman Guardardo seconded Councilman Nowakowski's substitute motion.

Carmen Ronan submitted a comment card for the record in favor of Item 73.

A motion was made by Councilman Nowakowski, seconded by

Councilwoman Guardado, that this item not be adopted. The motion carried by the following vote:

Yes: 6 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Vice Mayor Waring and Mayor Gallego

No: 3 - Councilwoman Pastor, Councilwoman Stark and Councilwoman Williams

79 Utilize State of Arizona Cooperative Contract for Ammunition Products Statewide - CTR043473 (Ordinance S-45871)

Request to authorize the City Manager, or his designee, to allow the use of the State of Arizona Cooperative Contract CTR043473 with Diamondback Police Supply Co., Inc. for the supply of ammunition products statewide. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value is $425,000.

Summary

The Police Department's Special Assignment Unit, Downtown Operations Unit and Firearms Training Detail utilize Combined Tactical Systems (CTS) ammunition and less-lethal products on a routine basis. The CTS products include flash bang diversionary devices, flash bang diversionary training device components, chemical agents, riot control agents, smoke and less-lethal impact products. The less-lethal products have been extensively tested by all three units of the Police Department.

Procurement Information

In accordance with Administrative Regulation 3.10, a participation agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement process, as set forth in the Phoenix City Code, chapter 43. The State of Arizona's contract covers the purchase of ammunition products statewide for the officers of the Police Department. The contract was awarded on March 30, 2019. The use of this cooperative agreement will provide the City with national government pricing and volume discounts on these products.

Contract Term

The contract term will begin on or about June 20, 2019 and end on or about June 19, 2024.

Financial Impact

The aggregate contract value will not exceed $425,000. Funds are available in the Police Department's budget.

Discussion

A motion was made by Vice Mayor Waring, seconded by Councilwoman Williams, that Item 79 be adopted.

Mayor Gallego announced there was one comment card submitted wishing to speak, and a very large number of comment cards submitted in support.

Councilmember Garcia asked what the need is and how the need is determined. He referenced the incident that took place a couple years ago at the convention center with the Trump rally and questioned the need and expectations of the department.

Executive Assistant Police Chief Michael Kurtenbach explained this item would allow the Police Department to use a state cooperative contract to purchase items they already have. They are not new items, and they are less lethal products. The would be utilized by the Police Department special assignments unit, downtown operations unit, and firearms training detail. He listed some of the items that are being requested, such as flash bang diversionary devices, chemical agents, riot control agents, and less lethal impact weapons. He further explained this was an opportunity for the Police Department to de-escalate encounters, limit injury, and limit property damage that may occur.

Councilmember Garcia asked what replacing the items meant.

Mr. Kurtenbach answered the proper term would be to replenish what they have.

Councilman Nowakowski asked what would be left if they were not to replenish supplies.

Mr. Kurtenbach stated they would run the risk of not having these tools available.

Councilman DiCiccio read the first sentence of the item. He asked for clarification on if the contract is not limited and if it also allows future purchases.

Mr. Kurtenbach stated it was allowing the department to purchase up to $425,000 of items.

Councilman DiCiccio replied he wanted to make sure the City would be able to make purchases on a continuing basis if needed.

City Manager Ed Zuercher clarified there were two aspects to the contract. One aspect is that it allows the City to use to contract with Diamondback Police Supply and the second part is that the Police Department would have authorization to spend up to $425,000. If the Police Department needed more, they would need to return to Council to get more payment authority above $425,000.

Councilman DiCiccio confirmed with Mr. Zuercher that the contract allows the City to use the cooperative.

Councilwoman Pastor commented this contract was allowing the City to use the state contract.

Mr. Zuercher stated this was correct. It is a five-year contract term for up to $425,000.

Councilman DiCiccio stated the officers need to be armed with bullets, guns, and everything available in the tool chest. He added he was supportive of the contract.

Councilmember Garcia stated he believed the opposite and that what he has seen in the last couple months and years has proven the Police Department is not able to properly use weapons. He added the City was in a lawsuit because of it and encouraged not supporting any more spending for the Police Department until they implement policy and better

training for the officers.

Mayor Gallego announced Luke Black submitted a comment card wishing to speak and there were 15 comment cards submitted in favor for the record.

Mr. Black spoke in opposition to the contract and asked Council to vote no on the item. He stated there was not significant protocol in place to assure that officers know how to use the equipment. Mr. Black further discussed the Mayor's promise to take action in relation to the Police Department's use of violence. He pleaded for police violence to be taken seriously.

Councilman DiCiccio stated he believed there was a false narrative occurring that police officers are bad. He claimed the Police Department had done nothing wrong and talked about the political pressures to fire police officers. He requested that all communication between the City Manager's Office, himself, and the Police Department is documented. He added that police officers do the right thing and nothing should be politically motivated.

Vice Mayor Waring explained this was an item to give police officers the tools to do their jobs. He described the demand for perfection and excellence from police officers and noted they have incredibly high stress jobs. He stated it was discouraging to hear them being micromanaged. He discussed the meetings that took place the previous week and the statements that were made about police officers. He asked Mr. Kurtenbach how many interactions police officers have with the public every year.

Mr. Kurtenbach answered the police department received approximately 2.3 million calls into the communication center last year, with about 700,000 dispatch calls in addition to other daily contacts police officers have.

Vice Mayor Waring stated he had previously voted no on body worn cameras because the cost of the cameras was equivalent to 44 officers. He added those officers could have had thousands of interactions with

the public while the cameras are used in very few cases. Vice Mayor Waring elaborated on the expectation for perfection in comparison with the millions of interactions a year, and discussed situations from 2016-18 with police officer involved shootings. He concluded it was fundamentally wrong to not provide police officers with the tools they need to stay alive.

Joe Clure introduced himself as a retired police officer of 34 years. He spoke in favor of the item and thanked Councilman DiCiccio and Vice Mayor Waring. He discussed a recent study on the recent 44 shootings and talked about the deadly threats Phoenix police officers face. He noted it does not help conversations or create constructive dialogue when police officers doing their jobs are classified as murderers.

Mayor Gallego announced it was Phoenix's goal to ensure every officer and member of the public go home safely and the City will continue to make investments to strengthen the police force. She added there were no additional comment cards submitted on the item but invited people to come forward if they wished to testify.

Andrea Max introduced herself as a dispatcher for the Police Department. She stated it was heartbreaking to have Councilman Garcia and the public say Phoenix police officers are bad. She reflected on receiving calls from people threatening to kill the dispatchers, officers, and their families and described them as the worst calls imaginable. Ms. Max stated the ammunition was for the officers to do things less lethal. She further explained the people being threatened are anyone who works for the Phoenix police department, including dispatchers, jail staff, and code enforcement. She asked for the threats to stop.

Mayor Gallego encouraged anyone who received a threat to report it.

Councilman DiCiccio requested to get copies of the tapes so he could make it available to the public.

Leonard Clark spoke in opposition to Item 79. He stated he does not hate the police but that it has to be acknowledged that Phoenix is one of the last major cities in the United States that does not have a civilian review board with regulatory powers. Mr. Clark thanked the police for

sacrificing their lives, asked them to stop killing innocent people, and thanked Councilman Garcia for standing up.

Alfie Safa submitted a card in favor of this item and asked for people to use common sense. He explained that if the non-lethal ammunition was not replenished, officers would be left with batons and lethal options. He further explained the reason for non-lethal ammunition was so citizens could go home alive.

The following individuals submitted comment cards for the record in favor of Item 79:
Bridget Cavanaugh
John Chambers
Barbara Chambers
Dana Corum
Christina Donaldson
Jillian Gabbs
Melissa Goldberg
Katheryn Gealey Goldberg
Kathee Frings
Crystal Schenk
Haley Schuster
Teresa Warren

Prior to Councilman Nowakowski's vote, he explained he was voting yes because it was replenishing non-lethal ammunition and that it was a tool that should be used before using lethal weapons. He added that he has blocked off his summer and has meetings set up with individuals from the community, police force, and community leaders to talk about issues.

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

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

81 Proposed Downtown Shared Electric Scooter Pilot Program (Ordinance G-6602)

Request to authorize approval for the City Manager, or his designee, to implement a proposed Shared eScooter Pilot Program within the downtown area to provide additional mobility options to Phoenix residents, employees, students and visitors, and to demonstrate and evaluate the feasibility of a citywide Shared eScooter Program. Further request to amend chapters 4, 23, 24, 31, 36 and 39 of the Phoenix City Code to establish the Downtown Shared eScooter Pilot Program and update the related civil and criminal violations sections effective Aug. 1, 2019. Program costs will be recovered through the proposed pilot program fees and revocable operating permit requirements.

Summary

Shared electric scooters (eScooters) are a micro-mobility service made available to the public for a fee through private vendors, and are stored and used within the public right-of-way. Users of shared eScooter services typically use a smartphone to locate and pay to use the eScooters on a short-term basis.

In January 2019, the City of Phoenix received a letter from the Phoenix Community Alliance (PCA), encouraging and supporting the implementation of a shared eScooter pilot program in the downtown area. The City has also received inquiries from the public requesting eScooters be made available in Phoenix. The City currently has existing ordinances in effect that ban the use of motorized scooters within City limits.

Proposed Pilot Program

Staff proposes a Downtown Shared eScooter Pilot Program within the downtown area to demonstrate and evaluate whether a citywide Shared eScooter Program is feasible. The proposed pilot program enables deployment of this multi-modal transportation option with requirements that help ensure order and aesthetics, minimize potential visual blight, and maintain safety for all users of the right-of-way. An ordinance change would be required as part of the proposed pilot program to allow the use of eScooters legally within the City. The proposed pilot program requires the vendor to obtain a permit to operate eScooters within the public

right-of-way, as well as comply with proposed regulations for parking, operations, data sharing, and rider safety and education. At the Jan. 22, 2019 meeting, the Aviation and Transportation Subcommittee (A&T) recommended Council approval of the Shared eScooter Pilot Program for downtown Phoenix.

Based on the letter from PCA with some revisions based on community feedback, the initial boundaries of the proposed pilot program were to be from 7th Avenue to 7th Street and from Buckeye Road to McDowell Road. However, based on feedback from Council members, the proposed pilot program boundary will be modified slightly west to include the area bounded by Roosevelt Street and Grand Avenue, and a reduction of the northern boundary to Portland Street between 7th Avenue and Central Avenue. Inside the pilot program boundary area, City-identified staging/parking locations would be delineated. These locations are where vendors would deploy eScooters each day and where riders would be expected to return them. Geofencing would be used to manage the riding of eScooters outside of the pilot program boundary area. Crossing the geofenced boundary would cause the eScooter to alert the rider and slow to no more than four miles per hour.

Other proposed pilot program elements would include:

Pilot program will include the following fees: $500 application fee, $5,000 permit fee for six months, $0.10 per ride surcharge fee and $80 relocation fee.

Riders shall be at least 18 years of age and have a valid drivers license.

Helmets are encouraged but not required.

Vendors shall limit the maximum speed of eScooters to 15 mph.

Riding on sidewalks will be prohibited.

Each vendor will not be allowed more than 300 eScooters total for the pilot program (unless a revised maximum is authorized by the Street Transportation Director).

All eScooter staging/parking within the boundary area must be at designated locations (**Attachment A - eScooter Parking Locations**).

Vendors are required to pickup and relocate to an authorized parking location any scooter that is improperly parked or discarded within two hours of being notified. Any scooters not picked up by the vendors will

be picked up by the City and the $80 relocation fee for each scooter will be assessed to the vendor.

Vendors must implement geofencing at required locations that alerts rider and slows the eScooters to no more than four miles per hour within designated areas (**Attachment B - eScooter Geofencing Map**).

Vendors and users will be required to indemnify, defend, and release the City of Phoenix (**Attachment C - Dockless Scooter Release Agreements**).

Vendors will be required to provide insurance coverage that meets or exceeds City of Phoenix insurance requirements (**Attachment D - Standard Insurance Requirements**).

Vendors will be required to provide staff during the pilot program to proactively monitor and relocate eScooters to appropriate parking areas during normal operating hours.

Vendors and their representatives will be required to park in legal vehicle parking spaces during pickup and drop-off of eScooters.

Vendors are required to have staff on hand to relocate eScooters to appropriate parking areas for events with greater than 5,000 persons.

Vendors will provide an appropriate data-sharing format for use by the City.

Vendors are responsible to adhere to all industry-wide safety and maintenance standards.

Regulations are subject to change per the direction of the Street Transportation Director.

The proposed ordinance (**Attachment E**) changes would incorporate a definition for an electric standup scooter and legalize electric scooter operation as part of the proposed pilot program. Additionally, the ordinance will authorize the City of Phoenix Police Department or peace officer to issue civil traffic citations for among other things, speed limit violations, yielding the right of way, parking violations, and riding on the sidewalk. This ordinance change will have a one-year sunset clause to accommodate the proposed pilot program and additional review and vetting period.

Staff proposes a six-month pilot program to monitor vendor operations, assess user demand and evaluate the impacts to the City. Some of the

performance data collected would include ridership trends, safety incidents, complaints, vendor collected rider surveys, general operator compliance, or other relevant data. The pilot program will assist the City in determining the future steps for the expansion and/or continuance of a shared eScooter program. The proposed fees for the pilot program are intended to recover the costs for administering the program and will be evaluated during the pilot program. After three months of pilot program operations, staff will report back to both the A&T Subcommittee and the Planning and Economic Development (PED) Subcommittee.

Community Engagement

Based on guidance from the A&T and PED Subcommittees, Street Transportation staff held 10 community meetings with neighborhood associations in and around the pilot program boundary to provide information, answer questions, address concerns, and collect feedback (**Attachment F - Community Responses**). Although the dialogue encompassed a number of areas, the top five comments focused on enforcement, general safety, riding on sidewalks, parking concerns, and need for bicycle infrastructure.

Street Transportation staff also held several stakeholder meetings with internal and external agencies within the pilot program boundary area, including Arizona State University, the Arizona Diamondbacks, Maricopa County, the Phoenix Suns, and public safety representatives. Major concerns included parking of eScooters, blocking access to transit stops and other facilities, riding eScooters into buildings and through pedestrian thoroughfares, and enforcement.

The details and provisions in the proposed pilot program outlined above incorporate the input and feedback received from both the community groups and downtown stakeholders. Further, in response to requests from both the PED Subcommittee and the community, City staff will provide additional bicycle facilities prior to the start of any pilot program and will also monitor eScooter usage patterns and identify locations for additional bicycle facilities to be implemented after the initial pilot program. Initial staff assessments have identified existing and potential future bicycle facilities (**Attachment G - Bicycle Facilities Map**).

State Legislative Changes

Senate Bill 1398, which was approved by the State of Arizona on April 22, 2019, defines what an electric standup scooter is. Under the bill, electric standup scooters are excluded from the definitions of moped, motorcycle, motor driven cycle, motor vehicle, and vehicle. The bill specifies that electric standup scooters are subject to the same statutory requirements and local regulations as a bicycle. There are legal arguments under which impaired standup scooter riders may be held accountable under state statutes. The application of state DUI laws to bicycles is currently under review in the Arizona Court of Appeals.

Financial Impact

The following vendor fees are proposed under the pilot program: $500 application fee, $5,000 permit fee for six months, $0.10 per ride surcharge fee and $80 relocation fee. In accordance with A.R.S. 9-499.15, the proposed fees will be properly posted to the City's website and will remain posted for a minimum of 60 days prior to Council action.

Concurrence/Previous Council Action

The Aviation and Transportation Subcommittee recommended this item for approval on Jan. 22, 2019, by a vote of 3-0.

The Planning and Economic Development Subcommittee heard this item for information and discussion on Feb. 5, 2019, and also received an update for information and discussion on June 4, 2019.

The Aviation and Transportation Subcommittee is scheduled to review this item on June 25, 2019.

Location

The initial boundary of the proposed pilot program was to be from 7th Avenue to 7th Street and from Buckeye Road to McDowell Road. Based on feedback from Council members, the proposed pilot program boundary will be modified slightly west to include the area bounded by Roosevelt Street and Grand Avenue, and a reduction of the northern boundary to Portland Street between 7th Avenue and Central Avenue. Council Districts: 4, 7 and 8

Discussion

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

Mayor Gallego announced there were eight comment cards submitted marked in favor, with four cards submitted wishing to speak.

Leonard Clark expressed his strong support of having electric scooters and noted they make less carbon than cars. He compared bikes and scooters and concluded scooters are the way to go.

Nourie Boraie thanked staff for their hard work and stated she was in favor of the item.

Daniel Leimone stated he was in favor of the scooter program and discussed the two square mile geofencing limits on the scooters. He said the program would not be as effective as it could be because of the limit and suggested reconsidering geofencing and make it more like the program in Scottsdale, Tempe, and Mesa. Mr. Leimone noted the City was looking at spending money on parking and explained scooters could be parked at already available bike racks.

Councilwoman Pastor thanked City staff, leadership, and her colleagues for reviewing the scooter pilot program. She commented it had taken several months to deliver the program and put citizens' safety first. She explained this was a pilot program to see what impact it would have on downtown and the special parking was due to lessons learned from other cities where scooters are being parked anywhere. She noted this item took deep deliberation and went through two committees for review.

Councilwoman Williams thanked staff and the vendors. She stated her concern was about liability and they had worked through it and were in a good place to go forward to test the program.

Councilman Nowakowski commented the Council listened to the community and the industry. He explained the majority of the project was in the downtown area in Districts 7 and 8 and they listened to all the concerns. He thanked staff for ensuring the concerns were addressed. He stated his hope that the pilot program works out and that it can spread throughout the whole city.

Councilwoman Pastor noted she received a question from a constituant

the night prior regarding geofencing. She explained the constituant lived where the geofencing happens and that she infromed the constituant he had the following two choices: where the scooter lands, the constituant would also be able to pick up a grid bike and continue on his route using the grid bike, or he could use the light rail.

The following individuals submitted comment cards marked in favor of Item 81 for the record:
Jon Brodsky
R. Kyle Foxcroft
Dan Klocke
Andy Norman Lucich
Joshua Miller
RJ Price
Taylor Strand

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

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

No: 0

89 Intergovernmental Agreement for Diverting, Treating, Storing, Recovering, and Transporting the Town of Cave Creek's Water and for Supplying Water to the Town Under Emergency Conditions (Ordinance S-45862)

Request to authorize the City Manager, or his designee, to execute an Intergovernmental Agreement (IGA) between the City of Phoenix (Phoenix) and the Town of Cave Creek (Cave Creek) for Phoenix to: divert, treat, and transport Cave Creek's water through Phoenix's water infrastructure; store and recover Cave Creek's water in groundwater aquifers via Phoenix's groundwater recharge wells; and supply Cave Creek with water under emergency conditions. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

Under a separate IGA with Cave Creek, City Contract 149354, Phoenix is constructing capital improvements and accepting funds/infrastructure from Cave Creek to provide all domestic water and fire flow service for Phoenix's service area within Cave Creek. That IGA required Phoenix and Cave Creek to negotiate this new IGA now before the City Council. After Phoenix's construction of the necessary improvements and Cave Creek's completion of the required connections, Phoenix will have the necessary infrastructure to assist Cave Creek with water delivery.

This second IGA with Cave Creek will allow Phoenix to divert, treat, store, recover, and transport Cave Creek's water and, if/when needed, supply water to Cave Creek under emergency conditions. Cave Creek will pay Phoenix for the cost of service to divert, treat, store, recover, and transport Cave Creek's water. Under emergency water supply conditions, Cave Creek will pay the standard outside City rates established by Code. Cave Creek will be responsible for all costs associated with construction and operation of an interconnection with Phoenix's existing water distribution system.

Contract Term

The term is for 10 years, with an option to extend the term for another 10 years.

Financial Impact

There is no net financial impact to the City.

Concurrence/Previous Council Action

The City Council approved Water Service Infrastructure IGA Contract 149354 (Ordinance S-45329) on Jan. 23, 2019.

Location

In the area between Carefree Highway to south of Tapekim Road, from 40th to 56th streets.
Council District: Out of City

Discussion

Leonard Clark appologized for surpassing the limit of speaking on five items due to the chance to speak impromptu on Item 79. He spoke in

support of the deal with Cave Creek but noted it illustrated the current shortages. He suggested the Valley cities need to work together to better conserve water.

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

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

No: 0

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

CITIZEN COMMENTS

Noel Rosen stated he represented Rally For Law Enforcement and that he was present to support Phoenix police. He spoke about the police video incident, the $10 million lawsuit, charges the parents in the video are facing, the attacking of police officers, and what transpired at the June 19, 2019 Formal City Council meeting. He concluded there was a war on police and the City needed to back their police officers.

Heidi Garrett introduced herself as a member of Apologia Church and stated she was there to speak for those who cannot speak for themselves. She spoke about her children, adoption, and the matter of abortion. She asked for Council to use their authority and to be a voice for the unborn.

Paul Yoder saluted the police force and Council for doing a wonderful job. He shared his disappointment at the lack of leadership from the Mayor when she presided over the June 19, 2019 Formal City Council meeting. He recounted an incident that happened several years ago in Cambridge, MA involving police. He urged the Council and Mayor to remember good leadership is to remain impartial and wait until the facts are in before pronouncing judgments.

John Harrington thanked the Police Department for the over 300 service calls from his building ran by the Housing Department. He stated he was bullied and intimidated by the Housing Department and discussed his housing situation. He

noted he was elected President of the Resident Council of Pine Tower in August 2017 and has had a problem with the Housing Department going by the MOU. He stated he had been given three eviction notices and discussed the eviction process, and explained he was waiting to be evicted by MOU rules, claiming he could only be evicted by HUD through the court. Mr. Harrington described he had been institutionalized by the city because his civil rights were limited.

Mayor Gallego asked a staff member to follow up with Mr. Harrington.

Dorie Levy thanked Councilman DiCiccio for supporting the police officers. She stated she was a 9-1-1 operator and dispatcher for the Phoenix Police Department. She talked about the memorial room in the Phoenix Police Museum for police officers who have lost their lives and tactical plans that have been learned from each situation. She explained the Disciplinary Review Board has citizens on the board and asked for support for the police officers. She further explained that the lack of respect from the public has resulted in 9-1-1 operators leaving the department.

Councilman DiCiccio stated he spoke to union leader Frank Piccioli who informed him the police department was 15 to 20 individuals short in dispatch. He added he would be supportive of adding more dispatchers and asked where they were in the process of finding out if they could move a proposal forward for adding more dispatchers.

Israel Menges stated abortion is murder and against the law. He read John 3:11-12 and further discussed abortion and that people's sins can be forgiven.

Ele Menges discussed the process of abortion, aftermath of abortion, and motherhood. She asked Council to uphold Arizona law 13-3603 and pleaded for Council to make Phoenix a sanctuary city for the unborn.

Desiree Maes explained she came to speak to Mayor Gallego specifically but first encouraged Councilman DiCiccio to be bold and stand up for the children that are dying. She discussed Mayor Gallego's State of the City Address and questioned her stance on abortion. Ms. Maes informed Council she was pro-choice most of her life but changed her mind and asked Council to make Phoenix a sanctuary city for the pre-born.

Katt McKinney stated she represented several victims of police brutality by the Phoenix Police Department. She provided examples of a systemic problem. She asked why there were more police shootings in the city than anywhere in the country.

Mayor Gallego announced Eric Brock would be the final testimony.

Councilman DiCiccio stated Mr. Brock used to be an intern in his office and he is now an intern in the state Treasurer's Office. He highlighted that Mr. Brock was attending American University, a brilliant young man, and that he wants to become president some day.

Mr. Brock submitted a citizen petition that would require City agencies to seek permission from the Council when acquiring facial recognition and other privacy-invasive technologies. He discussed challenges associated with facial recognition and noticed that efficiency will be the greatest downfall. He requested Council to direct City staff to research, outline, and find acceptable uses of the the technology, measures to secure data collected, and limitations of the technology. This would be for the purpose of formulating a citywide policy to be considered by Council in the future.

The following individuals submitted comment cards for Citizen Comments but were not heard:
Jean Briese
Leonard Clark
Zach Conover
Frank Cunningham
Heidi Garrett
R. E. Gullion
Kathryn Kobor
Jennifer Menges
Trupe Menges
Mark Rodriguez
Connor Smith
Neil Westbrooks

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 5:07 p.m.

MAYOR

ATTEST:

CITY CLERK

EH

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 26th day of June, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 24th day of June, 2020.

CITY CLERK