City of Phoenix

Minutes

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

185872

City Council Formal Meeting

Wednesday, November 18, 2020 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, Nov. 18, 2020 at 2:31 p.m. in the Council Chambers.

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

The Mayor and Councilmembers attended the meeting virtually.

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

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6765 through G-6770, S-47067 through S-47126 and S-47129, and Resolutions 21879 through 21881 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

MINUTES OF MEETINGS

1 **For Approval or Correction, the Minutes of the Formal Meeting on Nov. 6, 2019**

Summary

This item transmits the minutes of the Formal Meeting of Nov. 6, 2019, for review, correction and/or approval by the City Council.

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

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

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

No: 0

BOARDS AND COMMISSIONS

2 Mayor and Council Appointments to Boards and Commissions

Summary

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

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

Alhambra Village Planning Committee

Appoint Drew Bryck, replacing Adryce Edstron on the committee, for a term to expire Nov. 19, 2022 as recommended by Councilwoman Pastor.

Camelback East Village Planning Committee

Reappoint Dawn Augusta, for a second term to expire Nov. 19, 2022 as recommended by Councilwoman Pastor.

Development Advisory Board

Appoint Joy Seitz, filling a Contractor vacancy on the board, for a term to expire Nov. 18, 2023 as recommended by Mayor Gallego.

Encanto Village Planning Committee

Appoint Opal Wagner, filling a vacancy on the committee, for a term to

expire Nov. 19, 2022 as recommended by Councilwoman Pastor.

Environmental Quality and Sustainability Commission
Appoint Columba Sainz, filling a vacancy on the commission, for a term to expire Aug. 31, 2023 as recommended by Mayor Gallego.

Historic Preservation Commission and Heritage Commission
Reappoint Christina Noble, for a second term in the Architects category to expire Oct. 9, 2023 as recommended by Mayor Gallego.

Phoenix Youth and Education Commission
Reappoint Tacy Ashby, for her eighth and final term to expire Aug. 31, 2021 as recommended by Mayor Gallego.
Reappoint Jeanine Bashir, for her fifth term to expire Aug. 31, 2021 as recommended by Mayor Gallego.
Reappoint Tracey Beal, for her fifth term to expire Aug. 31, 2021 as recommended by Mayor Gallego.
Reappoint Debbi Burdick, for her eight and final term to expire Aug. 31, 2021 as recommended by Mayor Gallego.
Reappoint Lauren Eckstein, for her second term to expire Aug. 31, 2021 as recommended by Mayor Gallego.
Reappoint Daniil Gunitskiy, for his eighth and final term to expire Aug. 31, 2021 as recommended by Mayor Gallego.
Reappoint Larry Johnson, for his second term to expire Aug. 31, 2021 as recommended by Mayor Gallego.
Reappoint Martin Perez, for his fifth term to expire Aug. 31, 2021 as recommended by Mayor Gallego.
Reappoint Larry Sandigo, for his fourth term to expire Aug. 31, 2021 as recommended by Mayor Gallego.
Reappoint Nedda Shafir, for her eighth and final term to expire Aug. 31, 2021 as recommended by Mayor Gallego.

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

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

No: 0

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

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

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

Note: One electronic comment was submitted in favor of Item 3.

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Stark, that Items 3-15 be recommended for approval. The motion carried by the following voice vote:

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

No: 0

3 (CONTINUED FROM NOV. 4, 2020) - Liquor License - Los Pinos Surf and Turf

Request for a liquor license. Arizona State License Application 119830.

Summary

Applicant
Juanita Esparza, Agent

License Type
Series 12 - Restaurant

Location
3618 W. Camelback Road
Zoning Classification: C-2
Council District: 5

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

The 60-day limit for processing this application is Nov. 8, 2020.

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

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

Public Opinion
One letter protesting the issuance of this license has been received and is on file in the Office of the City Clerk. The letter is from the Sevilla Neighborhood Association. They feel that based on the responses provided during interviews with the applicant, the applicant does not have the capability, qualifications and reliability to hold and control a liquor license. The neighborhood opposition also indicates concern with additional traffic, noise and over flow parking into nearby business and residential streets.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am an experienced licensee committed to upholding the highest standards for its business practices & employees. I have been trained in the techniques of legal & responsibility & have taken the Title 4 liquor law training course. I will oversee all employees and they will be properly trained in all aspects of the liquor law training course. I will provide a safe experience for staff & rest patrons."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Los Pinos Surf and Turf wishes to provide great quality service for all patrons. The restaurant will be a family facility for dining and will provide a safe environment for the public. In addition Los Pinos will responsibly adhere to all local government body rules & regs."

Staff Recommendation

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

Attachments

Liquor License Data - Los Pinos Surf and Turf
Liquor License Map - Los Pinos Surf and Turf

This item was recommended for approval.

4 Liquor License - Bell 76

Request for a liquor license. Arizona State License Application 117716.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 10 - Beer and Wine Store

Location
4121 W. Bell Road
Zoning Classification: C-2
Council District: 1

This request is for a new liquor license for a convenience store that sells 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 Nov. 27, 2020.

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

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

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

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The gas station/market at Bell 76 has offered fuel, grocery, household and convenience items, including beer and wine for many years. Applicant would like to continue to offer beer and wine to its customers 21 and over."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Bell 76
Liquor License Map - Bell 76

This item was recommended for approval.

5 Liquor License - Kings Beer & Wine

Request for a liquor license. Arizona State License Application 07070717.

Summary

Applicant
Sarah Fogleman, Agent

License Type
Series 7 - Beer and Wine Bar

Location
2811 N. Central Ave.
Zoning Classification: C-2 HRI TOD-1
Council District: 4

This request is for an ownership transfer of a liquor license for a beer and wine 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 Nov. 24, 2020.

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

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

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

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

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

because:
“My husband and I are career beverage-alcohol industry professionals with nearly 40 years combined industry experience. We understand the serious responsibilities that come with this incredible industry. We have responsibly operated in this industry for decades without incident.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“Kings beer & wine is a neighborhood institution that regulars call "the Cheers of Phoenix". Kings Beer & Wine was just voted "Best Bottle Shop 2020" by Phoenix Magazine readers and this shop draws customers daily from across the valley to shop at Kings due to the incredibly diverse extremely limited & continuously rotating craft beer & wine offerings. We will always support local Arizona brewers & wineries without this license we cannot opperate Kings Beer & Wine.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Kings Beer & Wine
Liquor License Map - Kings Beer & Wine

This item was recommended for approval.

6 Liquor License - Kings Beer & Wine

Request for a liquor license. Arizona State License Application 120806 & 120806S.

Summary

Applicant
Sarah Fogleman, Agent

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

Location
2811 N. Central Ave.
Zoning Classification: C-2 HRI TOD-1

Council District: 4

This request is for a new liquor license for a beer and wine store with sampling privileges. 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 Nov. 24, 2020.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"My husband and I are career beverage-alcohol industry professionals with nearly 40 years combined industry exerience. We understand the serious responsibilities that come with this incredible industry. We have

responsibly operated in this industry for decades without incident."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "Kings Beer & Wine is a neighborhood institution that regulars call "the Cheers of Phoenix". Kings Beer & Wine was just voted "Best Bottle Shop 2020" by Phoenix Magazine readers and this shop draws customers daily from across the valley to shop at Kings due to the incredibly diverse, extremely limited & continuously rotating craft beer & wine offerings. We will always support local Arizona breweries & wineries. Without this license we cannot operate Kings Berr & Wine."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Kings Beer & Wine
Liquor License Map - Kings Beer & Wine

This item was recommended for approval.

7 Liquor License - Original Genos

Request for a liquor license. Arizona State License Application 121747.

Summary

Applicant
David Ogaard, Agent

License Type
Series 12 - Restaurant

Location
2211 W. Camelback Road, Ste. 178 & 180
Zoning Classification: C-2
Council District: 4

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

The 60-day limit for processing this application is Dec. 4, 2020.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am a 37yr business owner."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We have a warm and friendly atmosphere that will responsibly serve our neighbors."

Staff Recommendation

Staff recommends approval of this application.

Attachments
Liquor License Data - Original Genos
Liquor License Map - Original Genos

This item was recommended for approval.

8 Liquor License - CVS/Pharmacy #11478

Request for a liquor license. Arizona State License Application 09070107.

Summary

Applicant
Jason Morris, Agent

License Type
Series 9 - Liquor Store

Location
3502 W. Camelback Road
Zoning Classification: C-2
Council District: 5

This request is for an ownership and location transfer of a liquor license for a retail pharmacy. This location is currently licensed for liquor sales with a Series 10 - Beer and Wine Store, liquor license.

The 60-day limit for processing this application is Nov. 29, 2020.

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

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

Other Active Liquor License Interest in Arizona
This 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:
"CVS/pharmacy holds approximately 6,500 licenses to sell alcoholic beverages throughout the United States and has comprehensive measures in place, including training programs, to ensure compliance with alcohol-related laws and regulations. CVS/pharmacy has over 14 stores in Arizona, the majority of which hold a Series 9/liquor store or Series 10/beer & wine store license with an excellent record with the Arizona liquor department."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"CVS/pharmacy is committed to providing quality goods and services to its customers. The ability of sell alcoholic beverages assures that customers are conveniently and substantially served by a responsible retailer."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - CVS/Pharmacy #11478

Liquor License Map - CVS/Pharmacy #11478

This item was recommended for approval.

9 Liquor License - Quick Snack and Gas

Request for a liquor license. Arizona State License Application 120787.

Summary

Applicant
Vaneet Sapra, Agent

License Type
Series 10 - Beer and Wine Store

Location
3455 W. Glendale Ave.
Zoning Classification: C-2
Council District: 5

This request is for a new liquor license for a convenience store that sells 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 Nov. 24, 2020.

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

Other Active Liquor License Interest in Arizona
This 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:
"I currently have 11 location with similar license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We will do best to clean up the location with best customer service and bring back what neighborhood needs."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Quick Snack and Gas
Liquor License Map - Quick Snack and Gas

This item was recommended for approval.

10 Liquor License - Beaut Burger

Request for a liquor license. Arizona State License Application 120334.

Summary

Applicant
Thomas Aguilera, Agent

License Type
Series 12 - Restaurant

Location
3301 E. Indian School Road, Ste. 100
Zoning Classification: C-1
Council District: 6

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow the sale of alcoholic beverages and to allow outdoor alcohol consumption. This business is currently under construction with plans to open in January 2021.

The 60-day limit for processing this application is Nov. 22, 2020.

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

Other Active Liquor License Interest in Arizona
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.

MSA Annex/Westbound/Beaut Burger (Series 6)
267 S. Avenida Del Convento, Tucson
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Falora (Series 12)
3000 E. Broadway Blvd., Tucson
Calls for police service: N/A - not in Phoenix
Liquor License violations: None

Sidecar (Series 6)
139 S. Eastbourne Ave., Tucson
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 serve as Agent on numerous liquor licenses in Arizona. I have been fingerprinted ans background checked. I have Title IV liquor training and have practiced as a Liquor Law attorney for over 20 years. I have completed all paperworked and have submitted same to the Arizona Department of Liquor Licenses and Control."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Clean vegetarian fare in a family friendly environment. This concept(our location in Tucson) has proven itself to meet a vital market segment...one where the guest's healthy, locally sourced food options are maximized while placing convenience at the forefront. The public is demanding more healthy fast casual vegetarian options and Beaut Burger is there to meet that growing interest."

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 - Beaut Burger
Liquor License Map - Beaut Burger

This item was recommended for approval.

11 Liquor License - Carniceria Los Vaqueros

Request for a liquor license. Arizona State License Application 120956.

Summary

Applicant
Jamal Jabbar, Agent

License Type
Series 10 - Beer and Wine Store

Location
6440 W. Van Buren St.
Zoning Classification: C-2 SP
Council District: 7

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 Nov. 27, 2020.

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

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

Other Active Liquor License Interest in Arizona
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.

La Mexicana Super Carniceria (Series 10)
5045 W. Thomas Road, Ste. 103-105
Calls for police service: 14
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 worked in convenience store as a owner/manager more than 10 years. This experience gave me the opportunity of learning the importance and significance of obtaining a liquor license. I am assured to uphold the laws and regulations about liquor license. I have never been involved in any criminal activity, no record of getting in trouble with law and authorities."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This store will provide a safe and secure place for the neighborhood to buy alcohol. The location will be convenient for the people in neighborhood who may not have access to transportation. Adding the

long time experience of the working in convenence store while upholding all the laws and regulations, the store will be a safe, secure and convenience place for the customers to purchase quality liquor."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Carniceria Los Vaqueros
Liquor License Map - Carniceria Los Vaqueros

This item was recommended for approval.

12 Liquor License - Pemberton

Request for a liquor license. Arizona State License Application 120762.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
1121 N. 2nd St.
Zoning Classification: DTC-West Evans Churchill HP
Council District: 7

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

The 60-day limit for processing this application is Nov. 23, 2020.

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

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

Other Active Liquor License Interest in Arizona
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.

Tuck Shop (Series 12)
2245 N. 12th St., Phoenix
Calls for police service: 1
Liquor license violations: None

Josephine / Coup De Grace (Series 12)
218 E. Portland St., Phoenix
Calls for police service: 7
Liquor license violations: None

Dressing Room (Series 12)
214 E. Roosevelt St., Phoenix
Calls for police service: 9
Liquor license violations: None

Cambria Hotel Downtown Phoenix Convention Center (Series 11)
222 E. Portland St., Phoenix
Calls for police service: 20
Liquor license violations: None

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

comment period.

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I will make sure all of my employees attend the Title 4 liquor law training. We will abide by liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We would like to offer our patrons a place to sit down relax and enjoy some amazing food."

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 - Pemberton
Liquor License Map - Pemberton

This item was recommended for approval.

13 Liquor License - The Rough Rider

Request for a liquor license. Arizona State License Application 120319.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location

1001 N. Central Ave. #001+101
Zoning Classification: DTC-Downtown Gateway
Council District: 7

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

The 60-day limit for processing this application is Nov. 27, 2020.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business

and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and services."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "The Rough Rider/The Park will feature a prohibition-themed restaurant in the basement, first floor, and new patio on the north side of the building now known as Ten-O-One on the northeast corner of Roosevelt and North Central Avenue. The restaurant will offer a wide-range of freshly-made dishes, including soups, salads, and appetizers, a seafood bar, and specialty entrees featuring gourmet burgers, pasta, chicken, duck, fish, and steak. Applicant would like to offer alcoholic beverage to guests 21 and over as an incident to the meals."

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

Attachments
Liquor License Data - The Rough Rider
Liquor License Map - The Rough Rider

This item was recommended for approval.

14 Liquor License - PIP Coffee and Clay

Request for a liquor license. Arizona State License Application 121191.

Summary

Applicant
Kenneth Bonnem, Agent

License Type
Series 12 - Restaurant

Location
2617 N. 24th St.
Zoning Classification: C-2

Council District: 8

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

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have completed both On-Premise Basic Certificate and the On-Off Premise Management Certificate. I have also been running my own business successfully for more than 20 years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor because:
"This area is changing and becoming a neighborhood where residents frequent local businesses, but there are very few places right now where people can gather and enjoy a drink with food. With a liquor license, we will be able to provide that place in a comfortable, appealing environment. We'll also be serving natural wine which is almost entirely missing from the Phoenix marketplace. We are hoping that all of our beer brands will be from local microbeweries in order to support the local community of manufacturers."

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 - PIP Coffee and Clay
Liquor License Map - PIP Coffee and Clay

This item was recommended for approval.

15 Off-Track Pari-Mutuel Wagering Permit - Dubliner Irish Pub & Restaurant

Request for an Off-track Pari-mutuel Wagering Permit for a business that has a Series 6 liquor license.

Summary
State law requires City Council approval before a State Off-track Pari-mutuel Wagering Permit can be issued.

Applicant
David Auther, Agent for Arizona Downs

Location
3841 E. Thunderbird Road, Ste. 111-113
Zoning Classification: C-2
Council District: 3

Public Opinion
Public notice was posted at the proposed location and special notice letters were mailed to residents within a 1/8 mile radius of the proposed location. The comment period expired Oct. 20, 2020. One letter protesting the issuance of this license has been received and is on file in the Office of the City Clerk. The letter is from a local resident who expressed concern about the potential increase in traffic at the location and the type of races that are wagered against.

Staff Recommendation
Staff recommends approval of this application. Staff gave careful consideration to the protest letter received, however after reviewing the application in its entirety staff is recommending approval of this application.

Attachments
Off-track Pari-mutuel Wagering Permit Data - Dubliner Irish Pub & Restaurant
Off-track Pari-mutuel Wagering Permit Map - Dubliner Irish Pub & Restaurant

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Note: Electronic comments were submitted on the following items.

Item 26 - Two opposed.
Item 44 - Two in favor.
Item 48 - One opposed.
Item 49 - One in favor.
Item 53 - One in favor.
Item 61 - One in favor.

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Stark, that Items 16-106 be approved or adopted except Items 17-20, 22, 24,

27, 35, 45-46, 56-57, 62 and 76; continuing Items 23 and 68 to the Dec. 2, 2020 City Council Formal Meeting; and noting Item 28 is as revised. The motion carried by the following vote:

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

No: 0

Item 16 and 21, Ordinance S-47067 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.

16 Firefighters Bookstore Inc.

For $20,000.00 in payment authority for a new contract, entered on or about Dec. 5, 2020 for a term of five years for Firefighter training textbooks for the Fire Department. The textbooks will assist the Fire Department in effectively communicating training requirements and curricula to firefighter recruits. Furthermore, utilizing the electronic textbooks will help current firefighters stay up to date on training requirements and to further their education. The contract contains both hard copy and electronic licenses.

This item was adopted.

21 Articulate Global, Inc.

For $49,600.00 in payment authority to purchase 40 Articulate 360 Teams licenses from Articulate Global, Inc. for the Human Resources Department. The purchase is needed to develop custom, interactive courses to be uploaded into the learning management solution which can be used citywide or for department specific use. The licenses include the ability to create fully responsive and interactive courses which can be used on every type of device; a content library of more than six million

images and customizable slide templates; a project review app; and, live and on-demand online training.

This item was adopted.

23 Canvass of Vote - November 2020 Mayor and Council Election

Canvass of the vote for the Tuesday, Nov. 3, 2020 Mayor and Council Election for the City Council to canvass the votes and announce and declare the results of the election.

Summary

On Tuesday, Nov. 3, 2020, the City of Phoenix held a Mayor and Council Election for registered voters in Phoenix to elect a mayor for a full four-year term and to decide on the approval or rejection of one ballot proposition. Also, registered voters in Council Districts 1, 3, 5 and 7 voted to elect council members to full four-year terms. There was no election for council members in Districts 2, 4, 6 and 8 because the terms of the city council members are staggered. This Mayor and Council Election was conducted by Maricopa County as part of the 2020 State General Election.

Citizen Notification

Voters on the Permanent Early Voting List (PEVL) received notification of the election from Maricopa County in early May 2020, and early ballots were mailed approximately 27 days before the election. The City mailed a Publicity Pamphlet in late September, before early ballots were mailed, to each household with an eligible registered voter. The Pamphlet contained general information about the election, including the deadline to return early ballots by mail, in-person voting options, and voter identification requirements. The Pamphlet also contained a list of names of the qualified candidates for Mayor and Council, the full text of the ballot proposition, a summary of the proposition and any arguments filed supporting or opposing the proposition. Election information was available at phoenix.gov/elections and maricopa.vote. Additionally, information was provided through multiple publications, news releases, and the official Phoenix election Twitter account, @PHXClerk. All election information was available at phoenix.gov/elections and provided in English and Spanish.

Concurrence

Maricopa County was responsible for the tabulation of ballots and provided election results for the Mayor and Council races and the City ballot proposition.
Note: The Official Results of the Election can be found at the end of these minutes.

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

25 Proposed Central Avenue and Jomax Road Annexation - Authorization to File

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

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

Location
The proposed annexation area includes parcel 210-13-001G located at 26238 N. Central Ave. (**Attachment A**). The Annexation area is approximately 0.49 acres (0.0008 sq. mi.) and the population estimate is 0.
Council District: 2

This item was approved.

26 Proposed 11th Avenue and Jomax Road Annexation - Authorization to File

Request to authorize the City Manager, or his designee, to file with the

Maricopa County Recorder's Office a blank petition for a proposed annexation. This annexation was request by James Colceri and Elizabeth Allard, for the purpose of joining to a property already in Phoenix and receiving city services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation.

Summary

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

Location

The proposed annexation area includes parcel 210-12-019R located at 26506 N. 11th Avenue (**Attachment A**). The annexation area is approximately 0.84 acres (0.0013 square miles) and the population estimate is 0.
Council District: 2

This item was approved.

28 SAP Programming Support Services (Ordinance S-47123)

Request to authorize the City Manager, or his designee, to enter into an agreement with Envision, LLC to provide SAP programming and technical support services. The aggregate value of this agreement will not exceed $2,704,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The primary function of this contract is to provide technical support services for business functions of the SAP system. The City utilizes the SAP system for critical financial accounting and reporting, procurement, accounts payables and receivables, business warehouse reporting, work order management, inventory management and plant maintenance. Due to the required highly specialized programming skills, contract services

are necessary to support the SAP system, which includes more than 3,000 users and interfaces with various City systems. This expenditure is necessary to provide staff augmentation for the programming of work processes and reporting applications within SAP, which will also provide expertise in advancing the role of data analytics to further enhance and optimize financial transparency for the City.

Procurement Information

A procurement process was conducted in accordance with Administrative Regulation 3.10 utilizing the existing IT Professional Services Qualified Vendor List established by the Information Technology Services Department. Seven vendors responded; 10 potential candidates were selected as the most qualified and interviewed. Two candidates from Envision, LLC were selected by the panel as the most qualified to provide the necessary services.

Contract Term

The contract term is five years, beginning on or about Nov. 1, 2020, with no options to extend.

Financial Impact

The aggregate value of this contract will not exceed $2,704,000, with estimated annual expenditures of $540,800. Funds are available in the Finance Department's operating budget related to SAP system support.

This item was adopted as revised.

29 Acquisition of Real Property for Installation of Fire Hydrants from Roma Avenue to Indian School Road, Between 24th to 27th Streets (Ordinance S-47071)

Request to authorize the City Manager, or his designee, to acquire real property and related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain, for installation of fire hydrants from Roma Avenue to Indian School Road, between 24th to 27th streets. Further request to authorize dedication of land and/or easements with roadway and/or public improvements to public use via separate recording instrument. Also request to authorize the City Controller to disburse all funds related to this item.

Summary

The installation of 12 fire hydrants is being performed as part of a water main replacement project to bring the area into compliance with current spacing design standards. The existing fire hydrant locations were installed prior to the adoption of the current design standards and do not meet the fire hydrant maximum spacing requirements in the Design Standards Manual for Water and Wastewater Systems. Acquisition is necessary because the existing right of way is not wide enough to accommodate the fire hydrants.

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

Financial Impact

Funding for acquisition is available in the Water Services Department's Capital Improvement Program budget.

Location

Roma Avenue to Indian School Road, Between 24th and 27th streets.
Council District: 6

This item was adopted.

30 Grant of Public Utility Easements on City-Owned Property for Sewer Lift Station 41 (Ordinance S-47073)

Request to authorize the City Manager, or his designee, to grant public utility easements, for the consideration of $1 and/or valuable consideration, for electrical facilities and installation of pad-mounted transformers on City-owned property in the Salt River Project (SRP) service area, and further ordering the ordinance recorded. The public utility easements, located within Pecos Park, are required for upgraded electrical facilities to Sewer Lift Station 41.

Summary

The public utility easements, more fully described in the legal descriptions within Exhibit "A" ("Easement Premises"), will be granted to all public service corporations, agricultural improvement districts, and telecommunication corporations providing utility service (collectively "Grantee") to the property located near Pecos Road and 48th Street, in perpetuity so long as Grantee uses the Easement Premises for the

purposes herein specified, for an indefinite period, subject to the following terms and conditions:

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

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

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

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

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

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

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

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

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

Location
Near Pecos Road and 48th Street
Council District: 6

This item was adopted.

31 Grant of Public Utility Easement on City-owned Property for 39th Avenue Interceptor Odor Control Station (Ordinance S-47077)

Request to authorize the City Manager, or his designee, to grant a public utility easement, for consideration of $1.00 and/or other valuable consideration, for electrical facilities and installation of a pad-mounted transformer on City-owned property in the Arizona Public Service (APS) service area, and further ordering the Ordinance recorded. The public utility easement is required for construction of improvements to the 39th Avenue Interceptor Odor Control Station.

Summary
This public utility easement is for the area more fully described in the legal description within Exhibit "A" ("Easement Premises") and will be granted to all public service corporations, agricultural improvement districts, and telecommunication corporations providing utility service (collectively "Grantee") to 39th Avenue Odor Control Station in perpetuity so long as Grantee uses the Easement Premises for the purposes herein specified for an indefinite period, subject to the following terms and conditions:

Grantee is hereby granted the right to construct, reconstruct, replace,

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

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

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

Grantor shall maintain an appropriate three-foot clear area around all edges of all equipment pads for Grantee Facilities in addition to a clear operational area that extends 10 feet immediately in front of all transformer or switching cabinet openings, within the Easement

Premises. No obstruction, trees, shrubs, fixtures, or permanent structures shall be placed or permitted by Grantor within said areas. Grantee is hereby granted the right to trim, prune, cut, and clear away trees, brush, shrubs, or other obstruction within said areas.

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

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

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

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

Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where the Easement Premises are located: (1) on a site that includes

Aviation Department facilities; (2) water and wastewater treatment facilities; (3) Police Department headquarters located at 620 W. Washington St.; (4) Fire Department headquarters located at 150 S. 12th St.; (5) City Hall located at 200 W. Washington St.; (6) City Court Building located at 300 W. Washington St.; (7) Calvin C. Goode Building located at 251 W. Washington St.; (8) Transit Operations Center located at 320 N. 1st Ave. or West Transit Facility located at 405 N. 79th Ave.; or (9) in a secured or fenced area.

Location
Near 39th and Peoria Avenues
Council District: 1

This item was adopted.

32 Cutter Aviation Equipment, Supplies and Maintenance - Requirement's Contract - EXC 20-076 (Ordinance S-47081)

Request to authorize the City Manager, or his designee, to enter into a contract with Cutter Aviation Phoenix, Inc. to purchase aircraft parts, equipment, supplies and maintenance for the Police Department, Air Support Unit. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $880,000.

Summary
The contract will supply the Phoenix Police Department Air Support Unit with F.A.A. approved parts, avionics, repairs, and instrument certifications and Cutter Aviation Phoenix, Inc. is the only Pilatus Service Center in Arizona. The parts and services provided are essential in order for the department to remain compliant with F.A.A. mandated regulations regarding aircraft airworthiness. Aircraft which are not airworthy are restricted from flight (grounded), potentially jeopardizing the safety of patrol officers and citizens if patrol and other critical public safety operations cease to be conducted.

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved determination memo citing the unique ability of Cutter Aviation Phoenix, Inc. to supply the variety of parts

and services needed by the Air Support Unit, within an acceptable time frame, in order to ensure proper operation of all aircraft and to prevent groundings for an extended period of time. The Deputy Finance Director recommends that the contract with Cutter Aviation Phoenix, Inc. be accepted.

Contract Term
The five-year contract term will begin on or about Dec. 1, 2020.

Financial Impact
The expenditures against this contract shall not exceed the aggregate amount of $880,000. Funds are available in the Police Department's budget.

This item was adopted.

33 Acceptance and Dedication of a Deed and Easements for Public Utility, Sidewalk, and Roadway Purposes (Ordinance S-47084)

Request for the City Council to accept and dedicate a deed and easements for public utility, sidewalk, and roadway 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: Marie S. Allen, its successor and assigns
Purpose: Public Utility
Location: 537 and 645 W. Vermont Ave.
File: FN 200584
Council District: 4

Easement (b)
Applicant: Carlos Frederico Rodriguez 2013 Irrevocable Trust, dated May 13, 2013, its successor and assigns
Purpose: Public Utility
Location: 8145 and 8149 N. 10th Place

File: FN 200583
Council District: 6

Deed (c)
Applicant: QuikTrip Corporation, its successor and assigns
Purpose: Roadway
Location: 4015 E. Cottonwood Lane
File: FN 200585
Council District: 6

Easement (d)
Applicant: Marketing Solutions Group, Inc., its successor and assigns
Purpose: Public Utility
Location: 4340 E. Cheery Lynn Road
File: FN 200593
Council District: 6

Easement (e)
Applicant: Amerco Real Estate Company, its successor and assigns
Purpose: Sidewalk
Location: 2225 W. McDowell Road
File: FN 200587
Council District: 7

This item was adopted.

34 Life Technologies Contract for DNA Analysis - Requirements Contract - RFA 16-017 (Ordinance S-47089)

Request to authorize the City Manager, or his designee, to allow additional expenditures and to extend Contract 141791 with Life Technologies Corporation for no more than one year. Further request authorization for the City Controller to disburse all funds related to this item, in an amount not to exceed $615,000.

Summary
The Police Department, Laboratory Services Bureau, Forensic DNA (FDNA) Section utilizes a variety of equipment, reagents, consumables and supplies, that have been extensively validated, and are only available through Life Technologies Corporation for the analysis of DNA, collected

as evidence from crime scenes. Extending this contract with Life Technologies Corporation will ensure continuity of the current DNA validated methods, which are critical to the operation of the FDNA section to provide information to law enforcement, courts, and the justice system.

Contract Term

Upon approval, the revised contract term will be extended through Nov. 30, 2021.

Financial Impact

With the approval of the additional expenditures of $615,000, the revised aggregate value will not exceed $3,690,000. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

This contract was originally approved by Formal Council Action on Nov. 18, 2015.

This item was adopted.

36 Landscape, Sprinkler and Irrigation Supplies (Ordinance S-47109)

Request to authorize the City Manager, or his designee, to allow additional expenditures and to extend contract 144233 with Ewing Irrigation Products, Inc. for no more than six months. Further request authorization for the City Controller to disburse all funds related to this item, in an amount not to exceed $210,000.

Summary

This contract provides an array of sprinkler and irrigation supplies used to repair and maintain various types of irrigation systems, located in landscape areas, owned or maintained by the City. The contract is primarily utilized by the Parks and Recreation Department but is available for citywide use. The contract extension will ensure that services are not interrupted while a new procurement process is completed.

Contract Term

The contract extension will begin Dec. 1, 2020 and end May 31, 2021.

Financial Impact

Upon approval of $210,000 in additional funds, the revised aggregate value of the contract will not exceed $1,737,195. Funds are available in various department's budgets.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Nov. 30, 2016; and on Nov. 20, 2019 for additional funding.

This item was adopted.

37 Authorization to Execute All Real Property Agreements and Grant Easements for State Route 85 Landfill Gas-to-Energy Production Facility (Ordinance S-47117)

Request to authorize the City Manager, or his designee, to execute all real property agreements and grant easements in support of the State Route 85 (SR 85) Landfill Gas-to-Energy Production Facility.

Summary

Ordinance S-43776 authorized a landfill gas-to-energy production facility agreement and land lease with Ameresco, Inc. As part of the land lease, Ameresco will require easements and real property agreements for access, underground distribution lines and other services necessary for operation of the facility. The real property needs will be designed to avoid conflicts with landfill operations and current uses. The term of the agreements and easements will run concurrently with the agreement and land lease.

Contract Term

The term of the lease, easements and related contracts will be 20 years, with five, two-year options to extend.

Concurrence/Previous Council Action

The Transportation and Infrastructure Subcommittee recommended City Council approval of the contract with Ameresco on June 13, 2017, by a vote of 4-0.

The City Council authorized a contract and land lease (Ordinance S-43776) on July 6, 2017.

Location

The SR 85 Landfill is located at 28361 W. Patterson Road, Buckeye,

Ariz.
Council District: Outside of City

This item was adopted.

38 Authorization to Accept and Dedicate Land for Roadway Purposes Pursuant to City Contract 143841 (Ordinance S-47122)

Request to authorize the City Manager, or his designee, to accept and dedicate land to public use for roadway purposes pursuant to City Contract 143841.

Summary
The Pointe South Mountain Business Park Association (Association) owns and operates 48th Street as a private street between the Pointe Parkway West traffic circle and Baseline Road. The City entered into a development agreement, City Contract 143841, for the construction of public improvements including the build out of 48th Street as a public roadway. The Association agreed to work with the City to secure dedications for this portion of 48th Street from the existing owners and members of the Association.

The land to be accepted and dedicated is a portion of the impacted parcels listed in **Attachment A**.

Concurrence/Previous Council Action
The City Council approved Agreement 143841 (Ordinance S-42441) on Jan. 6, 2016.

Location
48th Street between the Pointe Parkway West traffic circle and Baseline Road.
Council District: 6

This item was adopted.

39 Acceptance of an Easement for Vehicular Non-Access Purposes (Ordinance S-47088)

Request for the City Council to accept an easement for vehicular non-access purposes; further ordering the ordinance recorded.

Summary
Accepting the property interests below will meet the Planning and

Development Department's Single Instrument Dedication Process requirement prior to releasing any permits to applicants.

Easement (a)
Applicant: Marketing Solutions Group, Inc., its successor and assigns
Purpose: Vehicular Non-Access
Location: 4340 E. Cheery Lynn Road
File: FN 200593
Council District: 6

This item was adopted.

40 Hitachi Maintenance and Support (Ordinance S-47113)

Request to authorize the City Manager, or his designee, to authorize additional expenditures for nine months of annual maintenance and support for two of the City's Hitachi storage arrays with Relus Technologies, LLC (Relus), in an amount not to exceed $28,356 for the Information Technology Services Department. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
Relus provides the Information Technology Services Department with annual maintenance and support for two storage arrays that are no longer supported by Hitachi. The maintenance and support costs will provide support 24 hours a day, 7 days a week. Coverage also includes parts replacements, phone support, and on-site support. Maintenance and support are critical, as approximately 40 percent of all city data is stored in this environment. Service interruptions could cause system failures and significant loss of data.

Financial Impact
Additional funds in the amount of $28,356 are needed for continuous coverage. With the $28,356 in additional funds, aggregate costs will not exceed $129,256.

This item was adopted.

41 Master Telecom Infrastructure Agreement (Ordinance S-47074)

Request to authorize the City Manager, or his designee, to amend the term of Agreement 117110 and to authorize additional expenditures for

annual continuation of license and maintenance for use of leased fiber with Salt River Project Agricultural Improvement and Power District (SRP) in an amount not to exceed $1,633,720 for the Water Services Department. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 for public entities to authorize inclusion of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

SRP has an extensive, secure, and well-maintained network of dark fiber that is used by the Information Technology Services Department to provide telecommunications and data network connectivity between certain City facilities. Information Technology Services, in conjunction with the Water Services Department, oversee a Wide Area Network (WAN) that connects various Water Services facilities. The continued use of this contract allows the City to maintain the WAN in support of data services and critical City infrastructure.

Contract Term

The contract term will be extended through Nov. 17, 2028, with two ten-year renewal options.

Financial Impact

Additional spending authority in the amount of $1,633,720 is needed to continue to utilize the Master Telecom Infrastructure Agreement. With the $1,633,720 in additional spending authority, the contract's revised aggregate value is approximately $6,000,000. Funds are available in the Water Services Department's budget.

This item was adopted.

42 Authorization to Apply for Grant Funding for Network Storage and Payment Portal Project Costs (Ordinance S-47116)

Request authorization for the Phoenix Municipal Court to apply for grant funding in an amount not-to-exceed $140,000 from the Arizona Supreme Court-administered Judicial Collection Enhancement Fund (JCEF) to purchase network storage and for payment of costs associated with transitioning to an in-house customer payment portal for the Phoenix

Municipal Court. Further request to authorize the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The Phoenix Municipal Court is seeking grant funding to cover vendor processing fees associated with migrating our customer online payments to an in-house solution and to purchase additional network storage. The Court's pandemic response necessitated the rapid deployment of new services and changes to court operations; increased network storage capacity is necessary to ensure the continued operations of critical business systems.

Financial Impact

Funds will be made available in the Phoenix Municipal Court local JCEF account, as follows: $80,000 to be used for the purchase of network storage; and $60,000 to be used to cover vendor processing fees accrued during the transition to an in-house customer online payment portal, for a total amount not-to-exceed $140,000. 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 JCEF funds pursuant to Arizona Revised Statutes section 12-113. No General Fund dollars will be used.

This item was adopted.

43 Amendment to Intergovernmental Agreement with Arizona Department of Health Services for Immunization Services Provided by Fire Department (Ordinance S-47075)

Request authorization for the City Manager, or his designee, to enter into an amendment to Intergovernmental Agreement (IGA) 147956 with the Arizona Department of Health Services to accept funds to immunize children and adults residing in the City of Phoenix. Authorization also is requested for the City Treasurer to accept, and for the City Controller to disburse, all related funds.

Summary

The Arizona Department of Health Services (AZDHS) Arizona Immunization Program Office strives to meet national immunization goals outlined by the Centers for Disease Control and Prevention. AZDHS has revised the IGA to increase the following on an as-needed basis through

June 30, 2021: capacity for data entry, reminder recall activities, and vaccine cold storage capacity at an allocation not to exceed $10,000.00 and supplemental adult flu vaccination activities at an allocation not to exceed $10,000.00.

Efforts to increase flu vaccinations within the county, especially for high-risk adults, are intended to lessen flu hospitalization rates during the COVID-19 pandemic.

Contract Term
The four years and six months contract term will end on June 30, 2022.

Concurrence/Previous Council Action
This contract was originally approved by City Council on June 6, 2018.

Financial Impact
The Fire Department will be reimbursed at various rates by AZDHS. The aggregate reimbursement over the life the contract will depend on the number of immunization clinics hosted.

This item was adopted.

44 Authorization to Amend Contract with Central Arizona Shelter Services for COVID-19 Emergency Shelter and Rapid Re-housing Services (Ordinance S-47118)

Request authorization for the City Manager, or his designee, to amend Contract 152439 with Central Arizona Shelter Services, Inc. (CASS) to add $1,115,678. This additional funding will expand CASS's current operations under this contract by 25 additional beds for emergency shelter services, permanent supportive housing and rapid re-housing services. The contract aggregate amount will not exceed $4,604,605 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item. Funding is one-time Emergency Solutions Grant (ESG) monies from the U.S. Department of Housing and Urban Development (HUD). There is no impact to the General Fund.

Summary

As a result of the COVID-19 pandemic, the Human Services Department contracted with CASS to provide emergency shelter, permanent supportive housing and rapid re-housing services for vulnerable/at-risk seniors served by CASS at an alternate shelter location. Shelter services include, but are not limited to, the provision of security, meals and case management. CASS will expand their current operations under this contract at Best Western by 25 additional beds for emergency shelter services, permanent supportive housing and rapid re-housing services.

As part of the services provided, CASS entered into a Facilities Use Agreement (FUA) to house vulnerable seniors at the Best Western InnSuites Hotel located at 1615 E. Northern Ave., Phoenix, AZ 85020. City Council authorized a payment guaranty for the FUA on June 17, 2020.

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

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

Financial Impact
The aggregate value of this contract shall not exceed $4,604,605. Funding is one-time ESG monies through HUD. There is no impact to the General Fund.

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

On June 17, 2020, City Council approved the payment guaranty of the FUA with Ordinance S-46598.

On Sept. 2, 2020, City Council approved additional funding in the amount of $12,927 for hotel lease payments.

This item was adopted.

47 Enter into Contracts with Buyer's Choice Home Inspections LLC dba Blackstone Property Inspections, First Step Home Inspectors, LLC and Independent Inspector Network LLC for Home Inspection Services for Single-Family Homes (Ordinance S-47082)

Request to authorize the City Manager, or his designee, to enter into contracts with Buyer's Choice Home Inspections LLC dba Blackstone Property Inspections, First Step Home Inspectors, LLC and Independent Inspector Network LLC to provide single-family home inspections for the Housing Department's scattered site properties. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $75,000. There is no impact to the General Fund.

Summary

The Housing Department owns single-family homes designated as Public Housing. The U.S. Department of Housing and Urban Development (HUD) has approved the City's Section 18 and 32 plans, which provide, in part, that the City may dispose of these single-family homes pursuant to certain guidelines. For a flat, per-home fee, inspections will be performed in accordance with the Standards of Professional Practice for Arizona Home Inspectors established by the Arizona Board of Technical Registration.

Procurement Information

Invitation to Bid FY21-086-02 was conducted in according with Administrative Regulations 3.10. Five offers were received by Housing's Management Services Division on Sept. 15, 2020. The following five offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsiveness to services:

First Step Home Inspectors, LLC: $220.00 per inspection

Buyer's Choice Home Inspections LLC dba Blackstone Property Inspections: $249.00 per inspection

Independent Inspector Network LLC: $250.00 per inspection

Copley Residential and Commercial, LLC dba CRAC Inspect: $280.00 per inspection

B-Sure Home Inspection, LLC: $295.00 per inspection

The Housing Department Director recommends that the offers from Buyer's Choice Home Inspections LLC dba Blackstone Property Inspections, First Step Home Inspectors, LLC and Independent Inspector Network LLC be accepted as the lowest-priced, responsive and responsible offers.

Contract Term

The initial contract term will begin on or about Jan. 1, 2021 and end on Dec. 31, 2022. The contracts include an option to extend the term of the contracts up to three additional years which may be exercised in the discretion of the City Manager or his designee.

Financial Impact

The aggregate contract values including all option years will not exceed $75,000 (including applicable taxes). These contracts are funded with HUD funds. There is no impact to the General Fund.

This item was adopted.

48 Voluntary Acquisition of Real Property for Affordable and/or Mixed Income Housing Located North of Northwest Corner of Van Buren Street and 5th Avenue (Ordinance S-47121)

Request to authorize the City Manager, or his designee, to use federal Community Development Block Grant funding to acquire all real property and related property interests by voluntary acquisition within the City's appraised value, plus any usual and customary closing costs. Further request authorization to provide relocation assistance and benefits as federally mandated, and to execute agreements to minimize relocation

costs and allow occupants time to relocate, as may be necessary to and in furtherance of this acquisition. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary

The Housing Department in partnership with the Neighborhood Services Department (NSD) is seeking authority to voluntarily acquire two parcels (314 and 318 N. 5th Avenues) located north of the northwest corner of Van Buren Street and 5th Avenue through NSD's Strategic Acquisitions Program using Community Development Block Grant (CDBG) funds. This subject site would be acquired for the future development of affordable or mixed income housing within downtown Phoenix.

On June 16, 2020, Council approved the Housing Phoenix Plan which has a goal of creating or preserving 50,000 homes by 2030. The proposed acquisition aligns with the City Council approved Housing Phoenix Plan. This activity would be in alignment with the seventh policy initiative to expand affordable housing through preservation efforts. One such effort includes land banking as an option to procure land for the development of affordable housing or mixed income housing. The proposed acquisition is an innovative employment of the Land Banking policy initiative listed in the Housing Phoenix Plan. The Housing Department will return to City Council at a later date to receive input prior to proceeding with the redevelopment process for the subject site.

Financial Impact

There is no impact to the General Fund; funding is available in the federal Community Development Block Grant program.

Concurrence/Previous Council Action

The Housing Phoenix Plan was unanimously approved by City Council at the June 16, 2020 Policy meeting.

Location

North of the northwest corner of Van Buren Street and 5th Avenue.
Council District: 7

This item was adopted.

49 Authorization to Amend Contract with Area Agency on Aging, Region One, Inc. for Home Delivered Meals (Ordinance S-47112)

Request authorization for the City Manager, or his designee, to amend Contract 152984 with Area Agency on Aging, Region One, Inc. (AAA) to accept additional home delivered meal funding in the amount of $2,843,045 for a new contract total of $4,925,370. The term of this contract is from July 1, 2020 through June 30, 2021. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to these items. There is no impact to the General Fund.

Summary

Funds provided to the City of Phoenix through AAA are used to fund the City's Home Delivered Meal (HDM) program. The HDM program assists in increasing the nutrient intake of older adults at nutrition risk and allows them to remain independent in their homes.

Due to the COVID-19 pandemic, service needs have increased as more seniors have become homebound. In addition with Senior Centers being closed, there is an increased cost due to delivery of previous congregate meals to senior center members who are now at home. Seniors are at higher risk for severe illness from COVID-19. With the additional funding, the Human Services Department is projected to prepare and deliver approximately 243,580 additional nutritionally balanced meals to homebound and senior center members, bringing the overall projected number of meals served during the term of the contract to 533,580 meals.

Contract Term

This term of the contract is for one-year from July 1, 2020 through June 30, 2021, with three remaining one-year options to extend. Any extension option may be exercised in the discretion of the City Manager or his designee.

Financial Impact

The aggregate value of this contract shall not exceed $4,925,370. There is no match requirement for the additional funding. There is no impact to

the General Fund.

Concurrence/Previous Council Action
On May 16, 2018, City Council authorized staff to contract with Selrico Services, Inc. for food management of the Senior Congregate and HDM programs with Ordinance S-44610. Selrico Services produces and delivers meals according to the specified AAA standards for the HDM program. The contract term for Selrico is July 1, 2018 through June 30, 2023.

On April 3, 2019, City Council authorized staff to enter into contract with AAA, the City Treasurer to accept and City Controller to disburse funds with Ordinance S-45521.

This item was adopted.

50 2021-22 Housing and Urban Development Consolidated Plan Annual Action Plan Process

This report requests City Council approval of the 2021-22 Consolidated Plan Annual Action Plan process.

Summary
The 2021-22 Annual Action Plan examines housing and community development conditions and needs in the City of Phoenix, and defines strategies for addressing those needs throughout the year. The Annual Action Plan contains the planning and application requirements of four major U.S. Department of Housing and Urban Development (HUD) programs that provide critical funds to entitlement cities like Phoenix every year. The four fund sources are: the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). Through adoption of the 2020-24 Consolidated Plan in May 2020, City Council approved the general strategies and priorities for these programs. Each year the Annual Action Plan details how funds will be spent in the coming year.

The Annual Action Plan process will begin in November 2020 with a HUD-required public, virtual hearing to assess community needs

throughout Phoenix. Residents and neighborhood leaders will be invited to provide testimony regarding housing, homelessness, social services and community development issues and concerns. Residents who are unable to attend the public, virtual hearing will have the opportunity to submit their comments via e-mail or voicemail. This information, along with a needs assessment, will form the foundation of the draft 2021-22 Annual Action Plan. This plan will be available for an advertised 5-day public comment period in April 2021 before it will be reviewed and approved by City Council. The goal of the Annual Action Plan process, per HUD requirements, is to ensure comprehensive community planning and coordinated service delivery are utilized to meet critical housing and community development needs.

City Council will be asked to review and approve the draft 2021-22 Annual Action Plan in spring of 2021; the 2021-22 Annual Action Plan is due to HUD by May 15, 2021.

This item was approved.

51 2020 Community Development Block Grant Reprogramming Request (Ordinance S-47076)

Request to authorize the City Manager, or his designee, to reprogram $300,000 of available Community Development Block Grant (CDBG) program income to continue to fund additional targeted code enforcement. Further request to authorize the City Controller to disburse the funds for the purpose of this ordinance.

Summary

Each fiscal year, the Neighborhood Services Department (NSD) requests that program income from projects funded by CDBG allocation are reprogrammed to provided an additional year of continued funding for two Neighborhood Preservation Inspector I positions originally eliminated as part of the Feb. 3, 2009 General Fund budget reduction. Staff will continue to provide enforcement of the Neighborhood Preservation Ordinance in eligible, targeted low- and moderate-income census tracts, specifically in the City's targeted Neighborhood Initiative and Redevelopment areas, including the West Phoenix Revitalization Area through June 30, 2021.

Location

Targeted Neighborhood Initiative and Redevelopment areas citywide, including the West Phoenix Revitalization Area.

This item was adopted.

52 Electrical Services Citywide - Ordinance S-45778 Amendment (Ordinance S-47087)

Request to authorize the City Manager, or his designee, to amend Ordinance S-45778 to increase the aggregate contract value to $3,120,000 and add the Neighborhood Services Department (NSD) as an authorized user of the Public Works Department's Commercial Comm and Electric Inc. and Hawkeye Electric, Inc. contracts, as needed, for residential electrical work throughout the city of Phoenix. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

NSD manages Housing Rehabilitation Programs which improve Phoenix's housing stock and enhance the quality of life for low- and moderate-income property owners and tenants. The Housing Rehabilitation Programs offer no- or low-cost housing repair services that address health and safety hazards in the home, and promote conservation, sustainability, and energy efficiency to support and revitalize neighborhoods.

As a result of the COVID-19 public health crisis, the Housing Rehabilitation Programs' capabilities to respond to residential housing repair service demands have been severely reduced. The ability to use Public Works' contracts with Commercial Comm and Electric Inc. (Contract 150240) and Hawkeye Electric (Contract 150241) will increase the number of contractors available to perform electrical services through Neighborhood Services' Housing Rehabilitation Program; NSD does not seek to utilize Public Works' contract with Rus Kurz dba Performance Electric (Contract 150242) to complete these projects. The Neighborhood Services Department will add an additional $15,000 each to the Commercial Comm and Hawkeye Electric contracts annually (for a combined total of $120,000) over the life of the contract. NSD's additional funding will increase the aggregate contract value to $3,120,000.

Contract Term
The five-year contract term, in one-year renewals, commenced on or about July 1, 2019 to June 30, 2024.

Financial Impact
The aggregate value of Ordinance S-45778 over the five-year term, including this amendment, will not exceed $3,120,000. The $120,000 added to the Commercial Comm and Electric Inc. and Hawkeye Electric contracts through this amendment is funded through federal and state grants, and will have no impact on the General Fund.

This item was adopted.

53 Artist Design Contract for Cortez Park Well Site and Arizona Canal Public Art Project (Ordinance S-47110)

Request to authorize the City Manager, or his designee, to enter into a contract with artist John Randall Nelson to work with the City project team to enhance the design of walls, fences and landscaping for the Cortez Park ASR Well 317, at 35th Avenue and the Arizona Canal. Further request to authorize the City Controller to disburse all funds related to this item. This agreement will not exceed $50,000.

Summary
The Cortez Park Well Site and Arizona Canal is one of 33 projects in the Fiscal Year 2020-25 Public Art Project Plan that City Council approved on Sept. 16, 2020. The Art Plan includes $158,950 for this project, to commission an artist to design site enhancements to improve the security and appearance of Cortez Park ASR Well site and its surroundings. The artist would work with the community, the Water Services and other City departments to develop the design.

On Jan. 13, 2020, a five-person artist selection panel recommended John Randall Nelson (AZ) and four other finalists after reviewing a pool of 78 artists who had responded to a City-issued Request for Qualifications. In addition to Mr. Nelson, the finalists included: Steven Siegel (NY), Debbie Dickinson (WA), George Bates (NY), and Pete Goldlust (OR). On

Feb. 14, 2020, the panel reviewed proposals from and interviewed the five finalists before recommending that Mr. Nelson be contracted for this project. The panel based its decision on Mr. Nelson's concept for incorporating the history of the site (formerly the location of a Zanjero house) in his design, and his ability to work well with the community in carrying out the work.

The selection panel included: Jennifer Gill, Public Art Project Manager, Scottsdale Arts; Rachel Zebro, Assistant Curator of Phoenix Art Museum; Lennee Eller, Public Art Program Director, City of Sacramento; Aaron LaRoque, Phoenix Water Services Department; and Jeff Spellman and Cindy Jones, community representatives. Cynthia Brown (Parks and Recreation Department) and Fernando Felix (Neighborhood Services Department) served as panel advisers.

Financial Impact

The proposed $50,000 design contract will cover all costs related to the artist's working with City staff and project consultants to develop the design concept and construction documents for this project. The remaining project funds will be used for project construction and administration. Additional funds are expected to be requested for project construction once the design is complete. The percent-for-art funds for this project come from the Water Services Department Capital Improvement Program and are budgeted in the Public Art Plan Capital Improvement Program.

Concurrence/Previous Council Action

The Phoenix Arts and Culture Commission reviewed and recommended this item at its March 10, 2020 meeting.

Location

Near 35th Avenue and Dunlap Avenue
Council District: 1

This item was adopted.

54 Artist Fabrication and Construction Oversight Contract for

Community Well Site 156 Art Project (Ordinance S-47111)

Request to authorize the City Manager, or his designee, to enter into a contract with artist Jeff Zischke (AZ) to fabricate and install four sculptures and work with a Water Services Department design team to oversee construction and installation of safety and aesthetic enhancements for Community Well Site 156, at 6237 W. Osborn Road. Further request to authorize the City Controller to disburse all funds related to this item. This agreement will not to exceed $170,000.

Summary

Community Well Site 156 is one of 33 projects in the Fiscal Year 2020-25 Public Art Project Plan that City Council approved on Sept. 16, 2020. The Art Plan includes $797,174 for this project, to contract artist Jeff Zischke to work with a design team to create and install artworks and enhancements for Community Well Site 156.

On Dec. 12, 2018, City Council approved a $35,000 design contract (#149259-0) for Mr. Zischke to work with a Water Services Department team to redesign the site. The work included a community workshop in April 2019 attended by 14 residents who live near the inactive well site -- currently a vacant lot surrounded by a low chain link fence. They recommended that the empty lot be improved with additions of sculptures, plantings, walkways and shade trees. The community subsequently reviewed and recommended moving ahead with the design that the artist and team developed. In addition to the above enhancements, the improvements would include safety lighting.

Under this contract, the artist would fabricate and install four unique sculptures related to the themes of family, community, gardens and monsoons. Ranging in height from six to twelve feet, the sculptures would be made of durable, low-maintenance Corten steel and be mounted on secure concrete foundations inside raised planters, to discourage climbing. The artist would oversee the installation of the sculpture's foundations and other site improvements being carried out by a general contractor hired by the Water Services Department. He also would install the sculptures.

Financial Impact

The proposed $170,000 fabrication and construction oversight contract will cover all costs related to the artist's working with City staff and the Water Services Department design team to fabricate and install the sculptures and oversee construction and installation of the site's other enhancements. The remaining project funds will be used to construct and administer the site's overall landscape and safety improvements. The percent-for-art funds for this project come from the Water Services Department Capital Improvement Program and are budgeted in the Public Art Plan Capital Improvement Program.

Concurrence

The Phoenix Arts and Culture Commission reviewed and recommended approval of this item at its Oct. 13, 2020 meeting.

Location

6237 W. Osborn Road
Council District: 7

This item was adopted.

55 Phoenix Convention Center Department COVID-19 Response

This report provides information to the City Council on the business and operational impacts of the Coronavirus pandemic on the Phoenix Convention Center (PCC) and requests City Council approval to implement necessary and appropriate program budget reductions in response to event cancellations and projected revenue shortfalls.

Summary

In early 2020, the global spread of COVID-19 began to directly impact the convention and meetings industry. Meeting planners and national associations began cancelling conventions and trade shows out of an abundance of caution. In early March, the World Health Organization declared the Coronavirus outbreak a global health pandemic. This was followed by similar declarations from federal, state, and local government agencies as well as public health agencies including the Centers for Disease Control, the Arizona Department of Health Services. Additionally, the Governor's office has issued COVID-19 Executive Orders establishing guidance and criteria for hosting events. The declarations and guidance referenced above have resulted in cancellations and postponements of all large gatherings including conventions, meetings,

and public events.

At the time of the outbreak the PCC was on pace to host a record number of citywide convention groups in 2020. Since that time, a total of 186 events at the PCC have cancelled or postponed including 52 contracted conventions. The convention cancellations equate to a loss of more than 160,000 delegates, 224,000 hotel room nights and $235 million in direct visitor spending. As we approach the end of the calendar year, additional group business cancellations into the first half of 2021 are anticipated.

As a non-general fund enterprise department, the PCC relies on user generated fees and dedicated excise taxes to support operations and debt service. Direct operating revenues include facility rentals, commissions from services such as catering, audio visual, IT, and parking. Excise tax revenues are derived from hotel/motel, restaurant and bar, and construction activity. As a result of the pandemic, staff projects a decrease in direct operating revenues of $18.5 million on a budget of $60.8 million and a decrease in combined excise taxes of $20.7 million in FY 2020-21.

Accordingly, staff has developed an 18- to 24-month business recovery plan that ensures long-term financial stability and aligns operating expenses and staffing with business and operational needs. Concurrently, the department will continue to remain positioned to hold limited capacity meetings and events under strict COVID-19 protocols and ultimately a return to normal business operations.

As part of the business recovery plan, the PCC will require expense reductions to the department's operating budget. The proposed reductions include capital expenses, operating expenses, and personnel expenses. Personnel expense reductions include suspension of funding for: 22 vacant full-time positions, 21 vacant part-time positions, 25 filled full-time positions and reduction in funding for 47 filled part-time positions. A detailed summary of the proposed reductions is included in **Attachment A**. Staff is currently working closely with the Human Resources Department to develop a plan to transition affected full-time staff into other positions within the

City organization. Pending Council approval, the transition of staff is expected to be completed by Feb. 1, 2021. Our commitment is to identify an appropriate City job opportunity for all full-time staff.

The Coronavirus pandemic has impacted the entire visitor industry which includes convention centers, hotels, performing arts venues, stadiums and arenas. A recent industry survey conducted by the International Association of Venue Management reported that through Sept. 30, 2020; 49 percent of venues have furloughed or laid off full-time staff and 42 percent of venues have reduced their operating budgets. A summary of recent staffing reductions taken by comparable convention centers is included in **Attachment B**.

This item was approved.

58 Authorization to Enter into Agreement for FY 2020-21 Tourism and Hospitality Advisory Board Funds (Ordinance S-47083)

Request to authorize the City Manager, or his designee, to enter into a contract with Greater Phoenix Convention and Visitors Bureau (GPCVB) for FY 2020-21 Tourism and Hospitality Advisory Board (THAB) funds. The five-year aggregate value of the contract will not exceed $500,000. Further request authorization to the City Controller to disburse all funds related to this item.

Summary

The Tourism and Hospitality Advisory Board (THAB) is the City of Phoenix Board that, annually, reviews and recommends projects and/or programs that enhance the City's tourism and hospitality industry. The Board is comprised of eight hoteliers (one from each City Council district), three at-large members from hospitality related industries, and one non-voting member from the GPCVB. For FY 2020-21, $500,000 is appropriated for tourism and hospitality initiatives.

Procurement Information

The recommendation is in accordance with City of Phoenix Administrative Regulation 3.10, following the Request for Agreement (RFA) procurement process.

On Sept. 17, 2020 at the THAB meeting, the GPCVB presented the

proposed FY 2020-21 funding request and scope of work for consideration. In partnership with GPCVB, the current funding proposal will help aid in stimulating the local tourism and hospitality industry and assist in increasing activity to hotels and businesses in the local area; many impacted by the current pandemic. Under the proposal, the GPCVB will utilize THAB funding in the following areas to support the City's tourism and hospitality industry now and over the next several years:

Convention client hosting obligations ($150,000) - represents seven meetings and conventions taking place at the Phoenix Convention Center between January 2021 and July 2023. It is anticipated that these seven groups will generate approximately 45,000 event attendees and delegates, more than 46,000 hotel room nights and more than $450 in direct spending for every dollar invested.

Phoenix Convention Center Promotional support ($25,000) - funds will be used to support new convention business contracted during FY 2020-21 or later. The funds will assist newly contracted groups with support in areas of convention center rental abatements, IT costs, AV costs, registration, or transportation assistance. The destination will need a strong and robust base of group events to assist in the recovery from the current COVID Pandemic and these funds will be used to support those groups as opportunities arise.

Mega Event support for the 2023 NFL Super Bowl ($200,000) - funds will be utilized to offset expenses, such as facility costs, personnel, public safety, traffic barricades and street closures, fan and media events and other such hosting costs. This will be the third year of a five-year request to support the Super Bowl in 2023.

Mega Event support for the 2024 NCAA Men's Final Four ($125,000) - funds will be utilized to offset expenses, such as facility costs, personnel, public safety, traffic barricades and street closures, fan and media events and other related hosting costs. This will be the second year of a five-year request to support the NCAA Men's Final Four tournament in 2024.

Contract Term
The Contract term is for five years with no extension options.

Financial Impact
The budget will not exceed $500,000 over the life of the contact. THAB is funded through the Sports Facilities Fund, which is the hospitality industry's share of special excise taxes on hotel/motel lodging and rental cars.

Concurrence/Previous Council Action
The Workforce and Economic Development Subcommittee recommended approval of this item by a 4-0 vote at its Oct. 28, 2020 meeting. This item also was approved by the Tourism and Hospitality Advisory Board at its Sept. 17, 2020 meeting.

This item was adopted.

59 Authorization to Enter into a Requirements Contract for Payroll and Stagehand Services (Ordinance S-47101)

Request to authorize City Manager, or his designee, to enter into a contract with UTP Productions, Inc. to provide payroll and stagehand services, utilizing skilled labor from the International Alliance of Theatrical and Stage Employees Union Local 336 (IATSE Local 336) for the Phoenix Convention Center Department (PCCD). It is anticipated that this contract will result in expenditures of up to $850,000 over the five-year term of the contract.

Summary
The contractor will provide payroll services along with trained, experienced and qualified stagehand labor from IATSE Local 336 to support live events presented at the Orpheum Theatre and Symphony Hall. These services include riggers, stage fly-men, stage electricians, stage carpenters, audio technicians, supervisors and other skilled labor required to support live theatrical performances.

In addition, contractor will also provide payroll services and qualified stagehand labor to perform scheduled maintenance and repairs on theatrical equipment and systems for the Phoenix Convention Center,

Symphony Hall, Orpheum Theatre and Herberger Theatre. Systems to be maintained include manual rigging systems, audio visual equipment and various lighting equipment and controls.

Procurement Information
RFP 20-001 was conducted in accordance with Administrative Regulation 3.10. There were two proposals received by the PCCD Financial and Procurement Services Section on Sept. 1, 2020. The proposals were evaluated on price, responsiveness to specifications, and responsibility to provide the required services. The price was determined to be fair and reasonable. The solicitation notification was publicly posted and available for download from City's website.

The proposals were scored as follows:

UTP Productions, Inc. 800
Creative Backstage Group, LLC. 496

Contract Term
The five-year contract term will begin on or about Feb. 21, 2021.

Financial Impact
It is anticipated that this contract will result in up to $850,000.00 in expenditures over the five-year term of the contract. PCCD clients will pay UTP Productions, Inc. directly for stagehand services used in support of live events. Funds are available in the Phoenix Convention Center Department's budget.

Locations
Symphony Hall, 75 N. Second St.
Orpheum Theatre, 203 W. Adams St.
Herberger Theater, 222 E. Monroe St.
Council District: 7

Phoenix Convention Center, 100 N. Third St.
Council District: 8

This item was adopted.

60 Authorization to Enter into Intergovernmental Agreement with Arizona Health Care Cost Containment System in Support of Arizona State Opioid Response II Grant (Ordinance S-47120)

Request authorization for the City Manager, or his designee, to allow the Police Department to enter into an Intergovernmental Agreement with the Arizona Health Care Cost Containment System (AHCCCS) to sustain and enhance naloxone distribution, increase localized community prevention efforts, expand navigation and access to medication-assisted treatment programs and expand access to recovery support services. The amount of funding available under this agreement is $161,046. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

AHCCCS received a $31.6 million grant from the Substance Abuse and Mental Heath Services Administration to address the Opioid epidemic in the State of Arizona. The objective of the grant is to develop and support state, regional and local level collaboration and service enhancements to develop and implement best practices to comprehensively address the full continuum of care related to Opioid misuse, abuse and dependency.

Funding provided under this grant will be utilized to support the purchase and distribution of naloxone to support Arizona's goal of having 85 percent of the state covered by naloxone and reduce the number of Opioid overdose deaths in Arizona by 25 percent. These supplies will support the continuation of the Police Department's Narcan program and will provide necessary supplies to both utilized and expired doses for the 1,800 sworn officers in patrol.

Contract Term

Sept. 30, 2020 through Sept. 29, 2022.

Financial Impact

AHCCCS provides up to a maximum of $161,046 in funding under this agreement.

This item was adopted.

61 **Authorization to Enter into Agreement with Arizona Secretary of State to Receive Reimbursement for Police Services (Ordinance S-47124)**

Request retroactive authorization for the City Manager, or his designee, to allow the Police Department to enter into an agreement with the Arizona Secretary of State's Office to accept funds for overtime and associated fringe benefits for threat liaison officers (TLOs) providing services during the 2020 General Election process. Further request authorization for the City Treasurer to accept funds related to this item.

Summary
The Arizona Secretary of State's Office received federal funding for services provided during the 2020 General Election. These funds provide reimbursements to law enforcement agencies for the overtime and associated fringe benefits associated with providing TLO's services during the election.

The Police Department provided TLO's for a three-day period before, on and after election day. Responsibilities of the TLO's included responding to threats made at polling places and to any threats made to the election process.

Contract Term
There is no term associated with this agreement.

Financial Impact
There is no cost to the City.

This item was adopted.

63 **Amend City Ordinance S-45743 for Sale of City Property (Ordinance S-47102)**

Request to authorize the City Manager, or his designee, to amend City Ordinance S-45743 for the sale of City property at 4405 E. Winslow Ave. to update the sales price to reflect the current Fair Market Value (FMV).

Summary
On June 5, 2019 the Phoenix City Council approved City Ordinance

S-45743 which authorized the sale of four parcels located at 4405 E. Winslow Ave. at FMV to two owners of adjacent parcels so they can expand their properties. The parcels were appraised at the FMV of $58,000 for the two western parcels, and $28,000 for the two eastern parcels. The sale of the properties was delayed by the Federal Aviation Administration (FAA), which is required to review all sales transactions conducted at the Airport. The FAA ultimately concluded that the sales could proceed. During the FAA review process, the original appraisals exceeded their useful life, which caused the need for new appraisals. The new appraisals concluded the current FMV for the parcels has increased to $90,000 for the western parcels, and $46,000 for the two eastern parcels.

Financial Impact

Sale of the properties will result in payment to the City of $136,000.

Concurrence/Previous Council Action

The Aviation and Transportation Subcommittee recommended for approval the Sale of Four Parcels at 4405 E. Winslow Ave. on May 28, 2019, by a vote of 3-0.

The City Council approved the Sale of Four Parcels at 4405 E. Winslow Ave. (Ordinance S-45743) on June 5, 2019.

Location

4405 East Winslow Ave.
Council District: 8

This item was adopted.

64 AerSale, Inc. Amendment to Add 12 Acres at Phoenix Goodyear Airport (Ordinance S-47105)

Request to authorize the City Manager, or his designee, to amend AerSale, Inc. (AerSale) Hangar Lease 75812 to add an additional 12 acres of land at Phoenix Goodyear Airport (GYR).

Summary

AerSale currently leases Hangar 52, and approximately 44 acres of land under Hangar Lease 75812 where they conduct maintenance, repair, and overhaul (MRO) operations on commercial aircraft stored at GYR. AerSale has requested to increase their exclusive aircraft storage area

with the addition of 12 acres of land to accommodate additional aircraft.

Contract Term
The term of the current Hangar Lese expires on June 27, 2026, and will not be extended by this amendment.

Financial Impact
AerSale pays $193.69-per-month for each airplane stored at GYR. Depending on the size of airplanes stored, the additional 12 acres has the capacity to store up to 12 commercial aircraft, which would generate approximately $27,891 per year in revenue to GYR if the area is fully utilized.

Concurrence/Previous Council Action
This item was recommended for approval by the Phoenix Aviation Advisory Board on Oct. 15, 2020, by a vote of 6-0 and the Transportation, Infrastructure and Innovation Subcommittee on Nov. 4, 2020, by a vote of 4-0.

Location
Phoenix Goodyear Airport - 1658 S. Litchfield Road, Goodyear, Ariz.
Council District: Out of City

This item was adopted.

65 Worldwide Flight Services, Inc. Ground Lease at Phoenix Sky Harbor International Airport (Ordinance S-47106)

Request to authorize the City Manager, or his designee, to enter into a ground lease with Worldwide Flight Services, Inc. (WFS) at Phoenix Sky Harbor International Airport (PHX) for one year with two, one-year renewal options.

Summary
WFS currently leases cargo bays at the West Air Cargo complex at PHX where they process cargo for Amazon, Inc. WFS has requested to lease approximately one acre in the East Tonto Lot to park trailers used to transport cargo to Amazon's distribution warehouses in Phoenix and surrounding communities.

Contract Term

The term will be one year with two, one-year renewal options to be exercised at the sole discretion of the Aviation Director.

Financial Impact

Rent for the first year of the lease will be approximately $45,738-per-year ($1.05-per-square-foot) plus applicable taxes. Rent will be adjusted annually thereafter by the Phoenix-Mesa-Scottsdale Consumer Price Index. Total anticipated revenue over the term of the lease will be approximately $137,214.

Cocurrence/Previous Council Action

This item was recommended for approval by the Phoenix Aviation Advisory Board on Oct. 15, 2020, by a vote of 6-0 and the Transportation, Infrastructure and Innovation Subcommittee on Nov. 4, 2020, by a vote of 4-0.

Location

Phoenix Sky Harbor International Airport, East Tonto Lot - 610 S. 24th St.
Council District: 8

This item was adopted.

66 Luke Air Force Base 56th Fighter Wing Intergovernmental Agreement (Ordinance S-47107)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with Luke Air Force Base 56th Fighter Wing (Luke) for a term of nine years.

Summary

Luke, located in Glendale, Ariz., conducts flight training throughout the Southwest and is located at 14185 W. Falcon St. In 2010, the City and Luke entered into IGA 129687 in which the City agreed to authorize aircraft diverted from Luke to land at Phoenix Sky Harbor International Airport (PHX), Phoenix Deer Valley Airport (DVT) and Phoenix Goodyear Airport (GYR). The current IGA is set to expire and included one, five-year extension option. Luke has declined entering into the five-year extension option because they will need a longer overall term. In lieu of entering into the existing option, they have requested to enter into a new IGA that will provide Luke a longer term. The new agreement will continue to authorize diverted Luke aircraft to land at City-owned airports, ensure

safety and efficiency through the establishment of procedures for Luke aircraft to operate at a City airport, and establish procedures for Luke to recover its aircraft.

Contract Term
The term will be nine years with no option to renew.

Financial Impact
This is a non-revenue generating IGA. Luke will be responsible for reimbursement of any damage or removal of debris caused by diverted aircraft.

Concurrence/Previous Council Action
This item was recommended for approval by the Phoenix Aviation Advisory Board on Oct. 15, 2020, by a vote of 6-0 and the Transportation, Infrastructure and Innovation Subcommittee on Nov. 4, 2020, by a vote of 4-0.

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

This item was adopted.

67 Public Transportation Agency Safety Plan - Request for Approval

This report requests City Council approval of the City's Public Transportation Agency Safety Plan (PTASP), a new requirement of the Federal Transit Administration (FTA).

Summary
On July 19, 2019, the FTA published the PTASP Final Rule, requiring public transportation systems that receive federal grant funds to develop safety plans that include Safety Management Systems (SMS) and to set safety performance measure targets by Dec. 31, 2020.

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

Safety Management Policy - A commitment to safety, defining the system's objectives and employees' responsibilities to safety;
Safety Risk Management - A process for identifying, analyzing, documenting, and mitigating safety risks and hazards;
Safety Promotion - A procedure for safety training and communication; and
Safety Assurance - A responsibility for safety performance monitoring and measurement, management of change, and continuous improvement.

Safety Performance Measures outlined by the National PTASP, including specific definitions for "reportable events" occurring within the transit environment (or otherwise related to transit service, vehicles, or facilities), are as follows:

Fatalities - Total number of reportable fatalities; rate per total vehicle revenue miles by mode;
Injuries - Total number of reportable injuries; rate per total vehicle revenue miles by mode;
Safety Events - Total number of reportable events; rate per total vehicle revenue miles by mode; and
System Reliability - Mean distance between major mechanical failures by mode.

Additional Information

The City's draft PTASP (**Attachment A**) was developed through a collaborative process between staff from the Public Transit Department (PTD) and T2050 Project Management Consultant (PMC) Team. This Plan follows federally mandated processes and procedures, including SMS principles and methods.

In addition, the City coordinated its PTASP with the three service providers it contracts with to operate and maintain the City's bus and paratransit services. As a result, each contractor has developed its own respective safety plan unique to that contractor's operations, facilities, and workforces. Under the new FTA Final Rule, PTD is responsible for

administering the safety of the City's transit system, including oversight of the City's bus and paratransit service providers.

The Maricopa Association of Governments (MAG) coordinates and provides guidance to the regional transit agencies while the Arizona Department of Transportation (ADOT) provides assistance to transit agencies across the State. The City's regional partners, consisting of the Regional Public Transportation Authority (RPTA), Valley Metro Rail (VMR), Scottsdale, Glendale, and Peoria, also fall under the new FTA Final Rule and have created PTASPs specific to their transit operations.

Under federal requirements, the City's PTASP must be approved by the City Council. Once implemented, this Plan will be reviewed annually. The FTA then requires each transit system to annually self-certify that it has a PTASP that meets the requirements of the Final Rule. The FTA also intends to use its triennial oversight review program to assess compliance with the Final Rule.

Concurrence/Previous Council Action
This item was approved by the Citizens Transportation Commission on Oct. 22, 2020, by a vote of 10-0.

This item was approved by the Transportation, Infrastructure and Innovation Subcommittee on Nov. 4, 2020, by a vote of 4-0.

This item was approved.

68 Light Rail Small Business Financial Assistance Program Pilot (Ordinance S-47126)

Request to authorize the City Manager, or his designee, to implement a proposed Light Rail Small Business Financial Assistance Program (SBFAP) Pilot working with Valley Metro and to enter into a grant, and other agreements as necessary, for the Phoenix Community Development and Investment Corp (PCDIC) to supplement the SBFAP Pilot with $500,000 in grant funding. Further request to authorize the City Treasurer to receive, and the City Controller to disburse, all funds related to this item.

Summary

The South Central Extension/Downtown Hub (SCE/DH) and Northwest Extension Phase II (NWEII) projects are both currently under construction, which combined will expand the light rail system in the City by nearly eight miles.

Early-action business assistance within the SCE/DH corridor began in May 2018 through a Federal Transit Administration (FTA) Transit Oriented Development (TOD) Grant. Using funding from the SCE/DH TOD Grant, the City and Valley Metro worked with a consulting team to complete an inventory of more than 472 businesses along the SCE/DH corridor (from Van Buren Street to South Mountain Avenue, between 3rd Street and 3rd Avenue).

Currently, the City works with Valley Metro to provide a comprehensive business assistance program, utilizing individual business assessments, best practices, and work plans that address the unique needs of the affected businesses. The current business assistance program provides technical assistance to provide guidance and support in areas such as marketing and advertising programs and strategies, financial accounting and bookkeeping, website and e-commerce development and deployment, human resources, diversification of revenue streams, and other assistance that could improve business efficiencies.

The SBFAP Pilot would add a new element to light rail business assistance by providing financial assistance to help offset economic impacts to locally-owned small and micro businesses determined to have been directly impacted by construction along the SCE/DH and NWEII light rail extension corridors. This Pilot is proposed as a one-year program, but if successful and sustainable, could be extended for the duration of construction of both projects. This Pilot is intended only to apply to light rail projects with construction of three years or more with impacts to businesses located directly along, or accessed directly from, the alignment. The Pilot's aim is to help mitigate financial impacts and support the business retention of directly affected small and micro businesses. The Pilot would have a two-tiered approach, as outlined further in this report.

Several factors went into the creation of the proposed SBFAP Pilot,

including but not limited to:
Feedback and input received from impacted local business owners;
Feedback from Phoenix business owners impacted by previous light rail projects;
The unique nature and duration of construction for light rail projects and their impact on businesses directly located along the affected corridor;
Research of business assistance programs for similar transportation projects in other cities;
Recommendations from the TOD Business Assistance Grant Consultants;
Staffing levels;
Legal requirements/considerations; and
Availability of funds.

This Pilot will be assessed to evaluate participation levels, funding availability, effectiveness, and other considerations.

Funding

Tier I

The first tier of financial assistance would offer $1,000 in financial assistance to offset operational costs for small and micro businesses that meet the eligibility criteria, as outlined further in this report. If the SBFAP Pilot is approved to continue after the first year, the amount would be available annually for the duration of construction impacts to the businesses. Tier I does not require businesses to be able to provide detailed financial records demonstrating lost business revenue due to construction impacts. Due to the lower amount of less-restrictive funding currently available, Tier I provides a lower level of financial assistance. However, if additional funding resources, such as grants or donations, become available to help fund this program, those funding resources would increase the amount available to businesses and potentially raise the level of Tier I financial assistance.

Tier II

The second tier of financial assistance would offer up to $5,000 in

financial assistance to offset operational costs for small and micro businesses that meet the eligibility criteria, as outlined further in this report. If the SBFAP Pilot is approved to continue after the first year, the amount would be available annually for the duration of construction impacts to the businesses. The amount awarded under Tier II will be based on the business' revenue reduction up to the maximum. Tier II funding includes the use of T2050 funds currently allocated for light rail business assistance. Although a higher assistance amount is available through Tier II, these funds have more stringent legal requirements, which is why a review of financial records is necessary for businesses to access these funds.

Eligible business expenses for the SBFAP Pilot funds under both Tiers I and II will be specifically for the business' operational costs, including: (1) utilities; (2) rent or mortgage payments; (3) insurance; and (4) other types of documented business-related operational expenses, which may be requested and considered. Local, state, and federal taxes are not eligible operating expenses for purposes of the Pilot's assistance.

In addition to the financial assistance provided by the SBFAP Pilot, businesses will continue to be eligible to receive technical assistance for guidance and support in areas such as financial accounting/bookkeeping, marketing and advertising programs and strategies, website and e-commerce development and deployment, human resources, diversification of revenue stream, and other assistance that could improve business efficiencies.

Eligibility

Businesses seeking financial assistance grants will be required to apply to the SBFAP. To receive a financial assistance grant, a business must meet the following eligibility criteria.

Tier I

Affected business location must be physically located on, or directly accessed from: (1) Central Avenue, between Jefferson Street and Baseline Road (for SCE/DH); (2) Dunlap Avenue, between 19th and 25th Avenues (for NWEII); (3) 25th Avenue, between Dunlap Avenue and Mountain View Road (for NWEII); (4) Mountain View Road, from

25th Avenue to the former Metrocenter Mall property (for NWEII); or (5) the Metrocenter Mall property, as eligible businesses in the former Metrocenter Mall property are also within the program boundaries (for NWEII);

Be a locally-owned business with 15 or fewer employees and $500,000 or less in annual revenue for the overall business;

Be currently open and operational on the affected light rail construction alignment with posted hours of operation, as well as open and operational for at least 24 months prior to: (1) June 19, 2020 (for SCE/DH); and July 28, 2020 (for NWEII);

Conduct business directly with consumers where transactions primarily take place at the location on the affected construction alignment;

Be able to provide all necessary documents to verify program eligibility;

Be in good standing with all local, state, and federal taxing and licensing authorities; and

Sign a waiver releasing the City, Valley Metro, and any contractors selected to run the SBFAP Pilot from any claims related to revenue impacts arising out of light rail planning, design, and construction activities in order to receive this Pilot's funding support.

Tier II

Meet all the requirements of Tier I; and

Demonstrate, via financial business records, a loss in revenue after the commencement of construction and related activities in comparison with the same period in the year prior to the start of construction.

Staff estimates there are approximately 145 businesses in the SCE/DH corridor and about 60 businesses in the NWEII corridors that may be eligible under this program.

Ineligible Businesses

Businesses that would not be eligible include: residential property(ies); places of worship; schools; banks; hotels; government agencies; utility companies; businesses generating over 60 percent of revenues from the sale of alcoholic beverages; businesses generating revenues from the sale of marijuana; sexually oriented businesses or topless bars (as defined in the Phoenix City Code); and unoccupied buildings.

Program Administration

Valley Metro will implement program operation in conjunction with a Program Administrator. The Program Administrator will be responsible for reviewing applications, determining and monitoring eligibility, processing payments, providing overall customer service to businesses interested in the SBFAP, as well as thorough program documentation and regular financial and programmatic reporting. The City will ensure that regular audits of the SBFAP are conducted by the City Auditor and/or Valley Metro Auditor.

Financial Impact

The Phoenix Community Development and Investment Corporation (PCDIC) recently awarded a $500,000 grant to assist with funding the SBFAP Pilot. Combined with $1.86 million of T2050 funds currently allocated and available for light rail business assistance, the total budget currently available for distribution to businesses, including program administration, is approximately $2.36 million. Efforts are also underway to seek additional financial support from various community, private, and philanthropic organizations. Funding is available in the Public Transit Capital Improvement Program.

Concurrence/Previous Council Action

The Citizens Transportation Commission approved this item on Oct. 22, 2020, by a vote of 11-0.

The Transportation, Infrastructure and Innovation Subcommittee recommended this item for approval on Nov. 4, 2020, by a vote of 4-0.

Location

The Northwest Extension Phase II will run along Dunlap Avenue to 25th Avenue, then north to Mountain View Road, and then west across Interstate 17, via an elevated structure over the freeway, to its terminus adjacent to Metrocenter Mall.
Council Districts: 1, 3 and 5

The South Central Extension Downtown Hub will run along Central Avenue, from Jefferson Street to Baseline Road.
Council Districts: 7 and 8

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

69 Water Wagon Rental (Ordinance S-47080)

Request to authorize the City Manager, or his designee, to enter into an agreement with Empire Southwest, LLC to provide a water wagon rental for the Arizona State Route 85 (SR85) Landfill. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate amount for this agreement will not exceed $32,311.

Summary

The Public Works Department is seeking an 8,000-gallon water wagon rental to allow operations to continue at the SR85 Landfill in accordance with the Environmental Protection Agency (EPA) regulations and Maricopa County guidelines for dust control. This wagon will be used in place of a City unit that is being taken out of service for a rebuild of system components. The rebuild is estimated to take six weeks.

Procurement Information

Request for Quote (RFQ) 21-FSD-017 was conducted in accordance with Administrative Regulation 3.10. One successful bid was received that met the equipment requirements found in the solicitation, with Empire Southwest, LLC having the only available rental in Maricopa County. The bid was evaluated based on a four-week rental cost below:

Empire Southwest, LLC: $17,700.40

Contract Term

This contract will begin on or about Council approval on Nov. 18, 2020 and will be a one-time rental for the department.

Financial Impact

This item will have an aggregate amount of $32,311. Funds are available in the Public Works Department's budget.

Location

28361 W. Patterson Road, Buckeye, Ariz.
Council District: Out of City

This item was adopted.

70 Trommel Machine - Purchase and Maintenance of Equipment - Agreement Recommendation (Ordinance S-47085)

Request to authorize the City Manager, or his designee, to enter into an agreement with Machinex Technologies, Inc. to provide a specialized trommel and maintenance service for equipment to be used at the 27th Avenue Transfer Station. Further request to authorize the City Controller to disburse all funds related to this item. This agreement will have an aggregate amount of $1,280,000.

Summary

This agreement will provide design, installation and maintenance support of a specialized piece of equipment at the 27th Avenue Transfer Station. This equipment, a multi-stage trommel, will be used to process and sort Municipal Solid Waste (MSW) and contaminated recyclables from the residential stream. Machinex Technologies, Inc. will provide the technical expertise to ensure this equipment will be operated and maintained appropriately. They will also provide operational training for staff and perform periodic maintenance and service monitoring.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a determination memo, citing sole source. Machinex Technologies, Inc. is the sole manufacture of equipment and service provider for this specialized sorting machine.

Contract Term

This agreement will begin on or about Jan. 1, 2021, with four contract option years to be extended in increments of up to one year, with a total contract term of five years.

Financial Impact

The total aggregate amount is not to exceed $1,280,000 over the life of the agreement. Funds are available in the Public Works Department's budget.

Location
27th Avenue Transfer Station - 3060 S. 27th Ave.
Council District: 7

This item was adopted.

71 Keep Kids Alive Drive 25 Campaign

Request to authorize the City Manager, or his designee, to provide in-kind services in the form of City staff hours to collaborate with the Keep Kids Alive Drive 25 Campaign.

Summary
Keep Kids Alive Drive 25 (KKAD25) is a non-profit traffic safety organization based in Omaha, Neb., that was formed in 1998 to "educate motorists, pedestrians, and cyclists to practice behaviors that keep us all safe on and along roadways." KKAD25 campaigns work at the neighborhood level, involving residents in the creation of neighborhood-based plans for traffic safety. These plans may involve private property yard signs, creation of social media campaigns, or messaging actions that promote traffic safety without interfering with a city's established traffic guidelines. KKAD25 has worked with a variety of cities nationwide developing and engaging traffic safety campaigns to promote safe behaviors, including St. Louis, Mo., and Detroit, Mich.

KKAD25 recently received a $3,000 grant from the General Motors Company (GM) to fund a new project in Phoenix to develop grassroots campaigns for neighborhood traffic safety regarding issues like speeding, distracted driving, seatbelt use, and observing traffic signage and signals. KKAD25 contacted the Street Transportation Department to request guidance in approaching appropriate Phoenix neighborhoods interested in developing traffic safety plans. KKAD25 would like to work with under-served neighborhoods where residents do not have the financial resources to create their own neighborhood-based traffic safety campaigns.

KKAD25 is not requesting any financial assistance from the City but is requesting staff support and involvement to guide the actions of their campaigns in Phoenix, so they can be successful. The Street

Transportation Department is requesting approval to provide in-kind services in the form of City staff hours to collaborate with the KKAD25 campaign's goal of creating neighborhood traffic safety plans in select under-served neighborhoods in Phoenix.

Financial Impact

There is no direct financial impact to the City other than City staff hours to assist with the coordination of the KKAD25 campaign.

Concurrence/Previous Council Action

This item was approved by the Transportation, Infrastructure and Innovation Subcommittee on Nov. 4, 2020, by a 4-0 vote.

This item was approved.

72 91st Avenue Wastewater Treatment Plant, Plant 2B Rehabilitation - Engineering Services - WS90100112 (Ordinance S-47068)

Request to authorize the City Manager, or his designee, to enter into an agreement with Hazen and Sawyer, P.C., to provide Engineering Services that include: assessment, programming, design and possible construction administration and inspection services for the 91st Avenue Wastewater Treatment Plant (WWTP) Plant 2B Rehabilitation project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $4 million.

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

Summary

The purpose of this project is to rehabilitate or replace assets throughout

Plant 2B at the 91st Avenue WWTP and incorporate current technologies and equipment.

Hazen and Sawyer, P.C.'s services include, but are not limited to: preparation of complete sets of construction documents and any necessary special documents for the construction of the project; gather data and conduct evaluations; perform analyses to rehabilitate and make improvements to Plant 2B treatment systems including primary sedimentation, aeration, secondary sedimentation, reuse water system, disinfection, and ancillary equipment and systems; process air supply and distribution systems; and design of new odor control facility for the facility's common headworks.

The 91st Avenue WWTP is owned by the Sub-Regional Operating Group (SROG), consisting of the cities of Phoenix, Mesa, Tempe, Scottsdale, and Glendale, and operated by the City of Phoenix.

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

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

Selected Firm
Rank 1: Hazen and Sawyer, P.C.

Additional Proposers
Rank 2: Water Works Engineers, LLC
Rank 3: Carollo Engineers, Inc.
Rank 4: Black and Veatch Corporation
Rank 5: Greeley and Hansen, LLC
Rank 6: GHD, Inc.
Rank 7: Wilson Engineers, LLC

Rank 8: HDR Engineering, Inc.

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

Financial Impact
The agreement value for Hazen and Sawyer, P.C. will not exceed $4 million, including all subconsultant and reimbursable costs.

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

Concurrence/Previous Council Action
The SROG Advisors authorized the project on Sept. 9, 2020.

The City Council approved:
CMAR Preconstruction Services Agreement 152905 (Ordinance S-46930) on Sept. 16, 2020.

Location
91st Avenue WWTP
Council District: 7

This item was adopted.

73 Northwest Water and Wastewater Master Plan - Engineering Services - WS85500455 and WS90500307 (Ordinance S-47069)

Request to authorize the City Manager, or his designee, to enter into separate agreements with two consultants listed below, to provide Engineering Services that include study, design, and construction administration and inspection services for the Northwest Water and

Wastewater Master Plan project. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $17 million.

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

Summary

The purpose of this project is to study the project area to determine the water and wastewater infrastructure needed to plan for potential growth. Consultants will work with the City to evaluate and plan the long-term location and size of the infrastructure.

The Engineering consultants' services include, but are not limited to: design services for regional water infrastructure including a 52-Million Gallon per Day (MGD) pressure reducing valve station; 16- to 54-inch water transmission mains and 15 MGD booster pump station upgrades; design services for regional wastewater infrastructure including 5- to 12-MGD lift stations, 12- to 24-inch force mains and 15- to 60-inch gravity sewer mains; survey; acquiring easements, and assisting with the project bid process. Construction administration and inspection services include, but are not limited to: coordination with the contractor on site during construction; administration of the construction schedule, shop drawings and submittal review process, as well as payment applications; inspection of all construction activities; review and approval of change orders; and warranty inspection approximately 11 months after project completion.

These agreements are essential to the health, safety, and welfare of the public and critical operations for 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. A total of five firms submitted proposals for the combined procurement and are listed below:

Selected Firm (WS85500455 Water Master Plan)
Rank 1: Carollo Engineers, Inc.

Additional Proposers
Rank 2: Garver, LLC
Rank 3: Water Works Engineers, LLC
Rank 4: Kimley-Horn & Associates, Inc.

Selected Firm (WS90500307 Wastewater Master Plan)
Rank 1: Wilson Engineers, LLC

Additional Proposers
Rank 2: Carollo Engineers, Inc.
Rank 3: Garver, LLC
Rank 4: Water Works Engineers, LLC
Rank 5: Kimley-Horn & Associates, Inc.

Contract Term

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

Financial Impact

The total agreement value for Carollo Engineers, Inc. will not exceed $7 million and the total agreement value for Wilson Engineers, LLC will not exceed $10 million. The total fee will not exceed $17 million, including all subconsultant and reimbursable costs.

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

Location

North of the Central Arizona Project, south of Carefree Highway, west of I-17, and east of the City's west limits.
Council District: 1

This item was adopted.

74 Instrumentation and Control Systems Inspection and Testing Services for Water Remote Facilities - Engineering Services - WS85400011 (Ordinance S-47070)

Request to authorize the City Manager, or his designee, to enter into an agreement with Stephen C Clements dba Clements Inspection Services (CIS), to provide Engineering Services that include design and construction administration and inspection for the Instrumentation and Control Systems Inspection and Testing Services for Water Remote Facilities project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $900,000.

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

Summary

The purpose of this project is to improve the functionality, efficiency, and maintenance of the instrumentation and controls systems. The City has

incorporated Instrumentation & Controls Systems Inspection and Testing Services to assist the engineer and contractor during upgrades or expansions of the water distribution systems.

CIS's services include, but are not limited to: provide design support services consisting of presenting advice and technical consultations relative to installation techniques and procedures; attend design meetings and project engineer demonstrations; conduct 30, 60, 90 and 100 percent reviews of the project plans and specifications; support the engineering consultant with research of existing conditions and understanding of the Water Services Department's standards for instrumentation and control systems and update as necessary; construction support services to include equipment submittal and installation review, providing field observations reports, participating in factory testing, reviewing the completeness of required equipment testing documentation, and witnessing the instrumentation calibrations and loop checks; commissioning support services assistance on computer control strategy checkout, tuning of control loops, and performing loop tests, troubleshooting for the computer control system programmers, maintain designated instruments through final acceptance, educate the plant staff on the systems, support the maintenance staff on developing procedures for designated equipment; reviewing the accuracy of the as-built documentation for electrical drawings instrumentation diagrams; and coordination with the firm selected for Electrical and Arc Flash support services.

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

Selected Firm
Rank 1: Stephen C Clements dba Clements Inspection Services

Additional Proposer

Rank 2: DARCOR & Associates, Inc.

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

Financial Impact
The agreement value for Stephen C Clements dba Clements Inspection Services will not exceed $900,000, including all subconsultant and reimbursable costs.

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

This item was adopted.

75 Arc Flash Analysis, Electrical Design and Inspection Services for Water Remote Facilities - Engineering Services - WS85400011 (Ordinance S-47072)

Request to authorize the City Manager, or his designee, to enter into an agreement with Jacobs Engineering Group, Inc., to provide Engineering Services that include design review and construction administration and inspection for the Arc Flash Analysis, Electrical Design & Inspection Services for Water Remote Facilities project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $1.73 million.

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

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

Summary

The purpose of this project is to comply with National Fire Protection Association (NFPA) 70E requirements. The City currently owns and operates water remote facilities such as booster pump stations, steel tanks, ground water wells, and several other ancillary facilities which require electrical components to operate the facilities. The NFPA-70E established the requirements for safe work practices to protect personnel by reducing exposure to major electrical hazards. The Water Services Department is required to conduct Arc Flash Hazardous Analysis on all new motor control centers, switchgears, and power panels. Each site is required to have a five-year review and any changes are documented and re-analyzed.

Jacobs Engineering Group Inc.'s services include, but are not limited to: electrical design reviews; site inspections; arc flash hazardous testing to include as-built existing single-line diagrams; conducting load calculations for motor control centers, switchgears and power panels; and conducting a power system study and ground system testing.

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

Procurement Information

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

Contract Term

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

Financial Impact

The agreement value for Jacobs Engineering Group Inc. will not exceed $1.73 million, including all subconsultant and reimbursable costs.

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

This item was adopted.

77 Salt River Project Land Use License at 7th Street and the Arizona Canal - WS90501002 Lift Station 53 (Ordinance S-47090)

Request to authorize the City Manager, or his designee, to enter into a land use license with Salt River Project (SRP) at 7th Street and the Arizona Canal, south of Las Palmaritas Drive, for City of Phoenix project WS90501002 Lift Station 53. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. There is no financial impact to the City of Phoenix.

Summary

The land use license is necessary for the City’s installation of a new force main pipe from existing Lift Station 53 north of the Arizona Canal Diversion Channel, crossing under the Arizona Canal and connecting to the gravity sewer pipe located within 7th Street, south of the Arizona Canal. The license will allow construction, access and maintenance of the

new force main and will be consistent with, and shall not interfere with, U.S. Bureau of Reclamation fee property.

Contract Term
The term of the license shall be for 25 years beginning Dec. 1, 2020 and ending Nov. 30, 2045. The license may be renewed upon written agreement by the parties.

Financial Impact
There is no financial impact to the City of Phoenix for this license.

Location
7th Street and the Arizona Canal, south of Las Palmaritas Drive
Council District: 6

This item was adopted.

78 Central Arizona Water Conservation District Land Use Licenses for City of Phoenix Fiber Optic Facilities (Ordinance S-47091)

Request to authorize the City Manager, or his designee, to enter into two land use licenses with Central Arizona Water Conservation District (CAWCD) for City of Phoenix facilities installed in CAWCD-controlled land at three locations: 22nd Street and Deer Valley Drive, Cave Creek Road and Deer Valley Drive, and 7th Street and Happy Valley Road. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. There is no financial impact to the City of Phoenix.

Summary
In 2015, CAWCD granted permission to the City of Phoenix to install fiber optic facilities within CAWCD-controlled land prior to the execution of necessary land use licenses. The fiber optic installation was for the sole purpose of controlling City-owned traffic signals located within City rights-of-way, and the fiber optic installation was completed August 2015. CAWCD recently noted that the land use licenses were never executed and is requesting the City execute them retroactively to the original date of installation. The land use licenses are necessary for the City of

Phoenix to continue to operate and maintain its fiber optic facilities that encroach upon CAWCD-controlled land.

Contract Term
The term of the licenses shall be for 25 years beginning retroactively from date of installation of City facilities on Aug. 24, 2015 and ending Aug. 23, 2040. The licenses may be renewed upon written agreement by the parties.

Financial Impact
There is no financial impact to the City of Phoenix for this license.

Location
7th Street and Happy Valley Road
Council District: 1

22nd Street and Deer Valley Drive
Council District: 2

Cave Creek Road and Deer Valley Drive
Council District: 2

This item was adopted.

79 Salt River Project Construction License for City Subsurface Utility Excavation Purposes for City Project WS85500436 (Ordinance S-47092)

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project for Subsurface Utility Excavation (SUE) purposes. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. There is no financial impact to the City of Phoenix.

Summary
The purpose of this license is to allow the City's on-call contractor to perform SUE to determine the depth of SRP irrigation facilities. It is expected that these facilities are within the scope of the City's design for

project WS85500436 - 35th Avenue 16-inch Water Main; Carver to Dobbins Roads. Depth verification allows the City to design accordingly to avoid underground utility conflicts.

Contract Term
The term of the Construction License is one year, beginning when the Notice to Proceed date is issued to our on-call SUE contractor, on or about Nov. 18, 2020.

Financial Impact
There is no financial impact to the City of Phoenix.

Location
35th Avenue, Carver to Dobbins roads.
Council District: 8

This item was adopted.

80 Salt River Project Construction License for City Subsurface Utility Excavation Purposes for City Project WS85500428-1 (Ordinance S-47093)

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project for Subsurface Utility Excavation (SUE) purposes. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. There is no financial impact to the City of Phoenix.

Summary
The purpose of this license is to allow the City's on-call contractor to perform SUE to determine the depth of SRP irrigation facilities. It is expected that these facilities are within the scope of the City's design for project WS85500428-1 - Dobbins Road 16-inch Water Main; 43rd to 35th avenues. Depth verification allows the City to design accordingly to avoid underground utility conflicts.

Contract Term
The term of the Construction License is one year, beginning when the

Notice to Proceed date is issued to our on-call SUE contractor, on or about Nov. 18, 2020.

Financial Impact

There is no financial impact to the City of Phoenix.

Location

Dobbins Road, 43rd to 35th avenues
Council Districts: 7 and 8

This item was adopted.

81 Salt River Project Construction License for City Subsurface Utility Excavation Purposes for City Project WS85500429-2 (Ordinance S-47094)

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project for Subsurface Utility Excavation (SUE) purposes. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. There is no financial impact to the City of Phoenix.

Summary

The purpose of this license is to allow the City's on-call contractor to perform SUE to determine the depth of SRP irrigation facilities. It is expected that these facilities are within the scope of the City's design for project WS85500429-2 - Dobbins Road 24-inch Water Main; 35th to 27th avenues. Depth verification allows the City to design accordingly to avoid underground utility conflicts.

Contract Term

The term of the Construction License is one year, beginning when the Notice to Proceed date is issued to our on-call SUE contractor, on or about Nov. 18, 2020.

Financial Impact

There is no financial impact to the City of Phoenix.

Location
Dobbins Road, west of 32nd and east of 31st avenues
35th Avenue, south of Dobbins Road
Council District: 8

This item was adopted.

82 Salt River Project Construction License for City Subsurface Utility Excavation Purposes for City Project WS85509047 (Ordinance S-47095)

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project for Subsurface Utility Excavation (SUE) purposes. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. There is no financial impact to the City of Phoenix.

Summary
The purpose of this license is to allow the City's on-call contractor to perform SUE to determine the depth of SRP irrigation facilities. It is expected that these facilities are within the scope of the City's design for project WS85509047 - Water Main Replacement Area Bounded by Roeser to Broadway roads and 24th to 28th streets. Depth verification allows the City to design accordingly to avoid underground utility conflicts.

Contract Term
The term of the Construction License is one year, beginning when the Notice to Proceed date is issued to our on-call SUE contractor, on or about Nov. 18, 2020.

Financial Impact
There is no financial impact to the City of Phoenix.

Location
Roeser Road and 28th Street
Council District: 8

This item was adopted.

83 **Salt River Project Construction License for City Subsurface Utility Excavation Purposes for City Project WS85509026-1 (Ordinance S-47096)**

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project for Subsurface Utility Excavation (SUE) purposes. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. There is no financial impact to the City of Phoenix.

Summary

The purpose of this license is to allow the City's on-call contractor to perform SUE to determine the depth of SRP irrigation facilities. It is expected that these facilities are within the scope of the City's design for project WS85509026-1 - Water Main Replacement Area Bounded by Van Buren to Washington streets and 21st Place to 36th Street. Depth verification allows the City to design accordingly to avoid underground utility conflicts.

Contract Term

The term of the Construction License is one year, beginning when the Notice to Proceed date is issued to our on-call SUE contractor, on or about Nov. 18, 2020.

Financial Impact

There is no financial impact to the City of Phoenix.

Location

32nd and Van Buren streets and 32nd Street, north of Washington Street
Council District: 8

This item was adopted.

84 **Salt River Project Construction License for Traffic Signal Installation for City Project ST89340592 (Ordinance S-47097)**

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project (SRP) for traffic signal

installation work at 16th Street and Bethany Home Road. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. There is no financial impact to the City of Phoenix.

Summary

The purpose of this license is to allow the City to cross under as well as run parallel with SRP irrigation facilities to install a traffic signal pole, pull boxes and conduit at 16th Street and Bethany Home Road. This work is in conjunction with City project ST89340592 - 16th Street and Bethany Home Road Rebuild.

Contract Term

The term of the Construction License is one year, effective when the City begins construction, on or about Nov. 18, 2020.

Financial Impact

There is no financial impact to the City of Phoenix.

Location

16th Street and Bethany Home Road
Council District: 6

This item was adopted.

85 Salt River Project Land Use License with City of Phoenix for Private Commercial Development Project Laveen Gateway Plaza and Commons (Ordinance S-47098)

Request to authorize the City Manager, or his designee, to enter into a land use license with Salt River Project (SRP) for a private commercial development project, Laveen Gateway Plaza and Commons, located on the northwest corner of 51st and Southern Avenues. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. There is no financial impact to the City of Phoenix.

Summary

The land use license is necessary to facilitate the development of the property located on the northwest corner of 51st Avenue and Southern Avenue. The license will allow for the construction of right-of-way improvements, including sidewalk, curb, gutter, pavement and landscaping along Southern Avenue and will be consistent with and shall not interfere with U.S. Bureau of Reclamation fee property.

Contract Term

The term of the license shall be for 25 years beginning Dec. 1, 2020 and ending Nov. 30, 2045. The license may be renewed upon written agreement by the parties.

Financial Impact

There is no financial impact to the City of Phoenix.

Location

West side of 51st Avenue, north side of Southern Avenue
Council District: 7

This item was adopted.

86 Salt River Project Distribution Design and Construction Contract for South Mountain Ranger Station (Ordinance S-47099)

Request to authorize the City Manager, or his designee, to enter into a Distribution Design and Construction Contract with Salt River Project (SRP) for installation of an electrical transformer and service to a new ranger station, located at 10405 S. Central Ave. for City of Phoenix project PA77150023-1, South Mountain Ranger Station. Further request to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. Further request authorization for the City Controller to disburse all funds related to this item in an amount not to exceed $14,915.

Summary

The City is constructing a new ranger station at South Mountain Park that will require new electrical service for operational purposes. This Distribution Design and Construction Contract represents the cost for SRP’s electrical design, as well as installation of necessary facilities to

provide power for the City's requested needs.

Contract Term
The term of the contract will begin on or about Nov. 19, 2020 and will expire when the project is completed and accepted.

Financial Impact
Funding in the amount of $14,915 is available in the Parks and Recreation Department's Capital Improvement Program budget through the Phoenix Parks and Preserve Initiative fund.

Location
10405 S. Central Ave.
Council Districts: 6 and 8

This item was adopted.

87 Salt River Project Construction Services Agreement for Eototo Mini Park (Ordinance S-47100)

Request to authorize the City Manager, or his designee, to enter into a construction services agreement with Salt River Project (SRP) to install a new electrical service for Eototo Mini Park, located at 2223 E. Pueblo Ave. for City of Phoenix project PA75200617-1. Further request to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. Further request to authorize the City Controller to disburse all funds related to this item, in an amount not to exceed $4,353.

Summary
The City is renovating an existing park that will require a new electrical service for landscape and irrigation purposes. This Distribution Design and Construction Contract represents the cost for SRP's electrical design, as well as installation of necessary facilities to provide power for the City's requested needs.

Contract Term
The term of the contract will begin on or about Nov. 19, 2020 and will expire when the project is completed and accepted.

Financial Impact

Funding in the amount of $4,353 is available in the Parks and Recreation Department's Capital Improvement Program budget through the Phoenix Parks and Preserve Initiative fund.

Location

2223 E. Pueblo Ave.
Council District: 8

This item was adopted.

88 Request Retroactive Authorization to Apply for and Accept Funding from Flood Control District of Maricopa County for Fiscal Year 2021-22 Small Project Assistance Program (Ordinance S-47108)

Request to retroactively authorize the City Manager, or his designee, to apply for and accept funding from the Flood Control District of Maricopa County (FCDMC) for the Fiscal Year 2021-22 (FY 2022) Small Project Assistance Program (SPAP). The amount of financial assistance from the FCDMC is limited to 75 percent of project construction or up to $500,000 per project. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to the grant.

Summary

The FCDMC SPAP provides an opportunity for cities to cost-share flood hazard mitigation projects through local drainage solutions, with emphasis on projects that mitigate historical flooding issues. The application submittal period for FY 2022 SPAP funding opened on June 9, 2020. Project submittals are due by Oct. 16, 2022. The FY 2022 FCDMC SPAP program provides cost-share opportunities for project-related project development costs.

In coordination with multiple community members and drainage evaluations, Floodplain Management staff prepared a list of two local drainage projects that were submitted prior to Oct. 16, 2021. The two projects are: (1) Shaw Butte Mountain Access Tower Road Drainage Improvements; and (2) Arroyo Springs Drainage Improvement Project.

Financial Impact

The amount of financial assistance from the FCDMC is limited to 75 percent of the project construction costs or up to $500,000 per project. Submitting municipalities are solely responsible for rights-of-way acquisition, utility relocation, construction management, and operations and maintenance, and are responsible for construction costs in excess of the FCDMA's contribution limit. For any projects accepted by the FCDMC for SPAP FY 2022 funding, the City will be entering into separate agreements with Arizona Public Service on the Shaw Butte Mountain Access Tower Road Drainage Improvements and the Arroyo Springs Homeowners Association on the Arroyo Springs Drainage Improvement Project for funding participation. The City's cost share will be funded from the Local Drainage Solutions Program from the Street Transportation Department's Capital Improvement Program.

Concurrence/Previous Council Action

The Transportation, Infrastructure, and Innovation Subcommittee recommended City Council approval for submission of the Maricopa County FY 2021-22 Small Project Assistance Program, by a vote of 4-0 on Oct. 7, 2020.

Location

Arroyo Springs Drainage Improvement Project is located just southeast of Blackhawk Drive and 39th Drive.
Shaw Butte Mountain Access Tower Road Drainage Improvements are located just west of Central Avenue and Wood Drive.
Council Districts: 1 and 3

This item was adopted.

89 Water Services Department 23rd Avenue Wastewater Treatment Plant Microgrid - Amendment - Ordinance S-45905 (Ordinance S-47119)

Request to authorize the City Manager, or his designee, to execute an amendment to Ordinance S-45905 to modify the agreement with Arizona Public Service (APS) to a 30-year term, to enter into a 30-year lease agreement, and to execute all related agreements and easements necessary in support of the Microgrid agreement. Further request to authorize the City Treasurer to accept all funds related to the agreements.

Summary

Ordinance S-45905 approved a 20-year agreement for APS to provide standby power to the 23rd Avenue Wastewater Treatment Plant through a 6.25-megawatt microgrid. This amendment will allow for a 30-year agreement instead of 20 years and will provide for a coterminous lease and related real property rights for the microgrid site on City-owned property. The leased site is approximately 5,400 square feet and will not interfere with the City's current use or improvements. All other conditions and stipulations previously stated in the above referenced ordinance will remain the same.

Financial Impact

The anticipated expenses for the City remain unchanged at $3.4 million in capital costs, which began in Fiscal Year 2019-20, and it is anticipated there will be an additional $1.1 million in fuel costs to the City over the life of the contract. The aggregate value of the contract will not exceed $4.5 million; however, if the agreement is terminated early due to an uncured breach by the City, the City is obligated to compensate APS for its expenses and unrealized benefits of the full term of the agreement.

This amendment will authorize a ground lease rental rate to be paid by APS to the City of $2,572.94 per year, plus applicable taxes, and will increase 3 percent-per-year. APS will prepay the entirety of the rent at the beginning of the lease term.

Concurrence/Previous Council Action

The Water, Wastewater, Infrastructure and Sustainability Subcommittee heard this item for information only at its June 5, 2019 meeting.

The City Council approved Microgrid Agreement (Ordinance S-45905) on July 3, 2019.

Location

23rd Avenue Wastewater Treatment Plant

Council District: 7

This item was adopted.

90 Water Facility Drawing Management System with eQuorum -

Amendment (Ordinance S-47079)

Request to authorize the City Manager, or his designee, to add additional funding to Contract 144877 with eQuorum Corporation for the Water Facility Drawing Management System for the Water Services Department (WSD). Further request to authorize the City Controller to disburse all funds related to this item. The additional fee for services included in this agreement will not exceed $21,000.

Summary

This contract provides WSD with software licenses, support, and maintenance for the Image-Site facility drawing management system. This software is used primarily by internal and external engineers as well as treatment facility operators as the record-keeping system for facility asset and construction documents. These documents include all as-built record drawings for horizontal infrastructure such as pipes, valves, manholes, and fire hydrants; and construction drawings for vertical infrastructure such as treatment plants. The software is considered mission critical, and required to maintain operational efficiency and regulatory compliance as part of the WSD business plan.

This amendment is necessary because funding was exhausted sooner than anticipated due to a higher use of storage for as-builts, resulting from accelerated construction timelines throughout the City during the first three years of the agreement. The additional funding will be necessary to continue services through the end of the contract term.

Financial Impact

The initial agreement for the Water Facility Drawing Management System was approved for a fee not-to-exceed $100,000. This amendment will increase the agreement value by $21,000, for a new total not-to-exceed agreement value of $121,000. Funding is available in the Water Services Department's Operating budget.

Concurrence/Previous Council Action

The City Council approved Water Facility Drawing Management System Agreement 144877 (Ordinance S-43453) on April 19, 2017.

This item was adopted.

91 Intergovernmental Agreement with Arizona Department of

Environmental Quality for Operator Certification Test Administration Services - Amendment (Ordinance S-47086)

Request to authorize the City Manager, or his designee, to execute an amendment to Intergovernmental Agreement (IGA) 153119 with the Arizona Department of Environmental Quality (ADEQ) and its included License and Testing Service Agreement with the Association of Boards Certification (ABC) to extend the term of the agreement.

Summary

The purpose of this IGA and its included License and Testing Service Agreement is to allow the City of Phoenix to facilitate and administer ADEQ's Operator Certification Examinations, which are required by Arizona Administrative Code section R18-5-106. Operators are required to obtain and maintain these certifications, in order to maintain compliance with federal and state regulations that ensure the system's integrity and public health of water and wastewater facilities for the state of Arizona. Currently, as a result of COVID-19 restrictions, the City has facilitated and administered the Operator Certification Examinations because the only administrator in Maricopa County prior to the pandemic was unable to provide the required tests necessary for operators to be able to obtain their required certifications.

The agreement will expire on Dec. 31, 2020; however, the City and ADEQ have determined that due to continuing COVID-19 restrictions, the City should continue to administer the examinations. This amendment is adding only time and there are no additional financial impacts related to the item.

Contract Term

This amendment will extend the term by six months through June 30, 2021, with an option to extend the term an additional six months through Dec. 31, 2021.

Concurrence/Previous Council Action

The City Council approved Operator Certification Test Administration Services IGA 153119 (Ordinance S-46593) on May 6, 2020.

This item was adopted.

92 Hauling Water Sludge, Otto Trucking, Inc. - Amendment (Ordinance

S-47114)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 144498 with Otto Trucking, Inc to provide additional funding to the contract. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $900,000.

Summary

Request additional payment authority of $900,000 for Agreement 144498, for hauling water sludge for the Water Services Department. Sludge is produced at the Water Production Plants and Otto Trucking is responsible for sludge and bar screen conveyor screenings removal and disposal services.

This amendment is necessary because weather and water quality have created a high volume of sludge removal which has resulted in spending approximately 50 percent more than the annual estimate.

Financial Impact

The initial agreement for Hauling Water Sludge services was authorized for a fee not-to-exceed $3,055,825.

This amendment will increase the agreement by an additional $900,000, for a new total not-to-exceed agreement value of $3,955,825, including all subcontractor and reimbursable costs.

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

Concurrence/Previous Council Action

The City Council approved Hauling Water Sludge Agreement 144498 (Ordinance S-43120) on Dec. 14, 2016.

This item was adopted.

93 Resolution Adoption to Issue Bonds for Unpaid Assessments - Gold Key Racquet Club Repaving Improvement District - ST87200002 (ID 1308) (Resolution 21879)

Request City Council adoption of a resolution granting approval to issue bonds for unpaid assessments for the Gold Key Racquet Club Repaving

Improvement District project ST87200002 (ID 1308). The total estimated bond amount is $25,200.

Summary

On April 1, 2020, City Council approved the final assessments for the Gold Key Racquet Club Repaving Improvement District project ST87200002 (ID 1308). The project provided improvements in the area generally bounded by 2nd Street to the south, 1st Street and Dahlia Drive to the north, Central Avenue to the west, and 3rd Street to the east. The improvements consisted of the installation of pavement overlay, Americans with Disabilities Act (ADA) ramps, street signs, and related work.

Construction has been completed, final Improvement District assessments have been calculated, and all affected property owners have been notified as required under Arizona Revised Statutes sections 48-571 to 48-621.

Financial Impact

The total proposed improvement cost to the property owners was estimated at $201,600. There were a total of 46 parcels assessed: 45 assessed $4,200 each, and one assessed $12,600, where the Gold Key Racquet Club Clubhouse resides, because the parcel was three times the size of a typical lot. To date, the City has collected 40 of the 46 assessments, totaling $176,400. There are six property owners left to pay their assessments totaling $25,200. This remaining amount will be bonded, which was a requirement of administering this improvement district for unpaid bonds.

Concurrence/Previous Council Action

The City Council approved:

The intention to form the Gold Key Racquet Club Repaving Improvement District (Ordinance S-44862) on June 27, 2018;

The ordering of a notice and call for bids for repaving and related improvements on this project (Resolution 21675) on Sept. 19, 2018;

The authorization of a contract award to Sunland Asphalt & Construction, Inc. to provide design-bid-build services for this project (Ordinance S-45179) on Dec. 5, 2018;

On Dec. 18, 2019 a public hearing was set for Feb. 19, 2020, but postponed and on March 4, 2020 the hearing was reset and occurred on April 1, 2020; and

The final assessments (Resolution 21814) were approved on April 1, 2020.

Public Outreach

In March 2017, the affected property owners were polled by mail to determine the level of support for the proposed improvements. Poll results show 87 percent of the property owners supported the project.

Previous City Council actions were published with the Arizona Business Gazette on the following dates:
July 5, 2018
July 12, 2018
Sept. 20, 2018
Sept. 27, 2018
Dec. 20, 2018
March 19, 2020
March 26, 2020
April 23, 2020

Ordinance S-44862 was posted every 300 feet within the proposed improvement area on July 11, 2018. The legal protest period for Ordinance S-44862 expired on July 27, 2018, with no protests filed.

On March 6, 2020, all property owners within the project district were sent a "Notice of Assessment" and a "Notice of Hearings on Assessment" by certified mail. Additionally, a notice of hearing was published in the Arizona Business Gazette on March 19, 2020, and March 26, 2020.

Location

The repaving improvement district includes single-family residences and one commercial business located within an area generally bounded by 2nd Street to the south, 1st Street and Dahlia Drive to the north, Central Avenue to the west, and 3rd Street to the east.
Council District: 3

This item was adopted.

94 Final Plat - SWC 32nd Street & Bell Road - PLAT 200520 - Southwest Corner of 32nd Street and Bell Road

Plat: 200520
Project: 19-1498
Name of Plat: SWC 32nd Street & Bell Road
Owner(s): KFH Bell & 32nd, LLC
Engineer(s): AW Land Surveying, Inc.
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Oct. 5, 2020
Final Plat requires Formal Action Only

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

Location
Generally located at the southwest corner of 32nd Street and Bell Road.
Council District: 2

This item was approved.

95 Final Plat - Haverly Amended - PLAT 200593 - Southeast Corner of Central Avenue and Thomas Road

Plat: 200593
Project: 17-702
Name of Plat: Haverly Amended
Owner(s): Haverly Midtown, LLC
Engineer(s): AW Land Surveying, LLC
Request: A 1 Lot Commercial Subdivision Plat
Reviewed by Staff: Oct. 28, 2020
Final Plat requires Formal Action Only

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

easements as shown to the public.

Location
Generally located at the southeast corner of Central Avenue and Thomas Road.
Council District: 4

This item was approved.

96 Final Plat - Seasons at Dobbins - PLAT 200511 - 9510 S. 7th Street

Plat: 200511
Project: 19-1670
Name of Plat: Seasons at Dobbins
Owner(s): SMT Investors Limited Partnerships
Engineer(s): Sunrise Engineering
Request: A 61 Lot Residential Plat
Reviewed by Staff: Oct. 20, 2020
Final Plat requires Formal Action Only

Summary
Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to be recorded at same time as Abandonment ABND 200512.

Location
Generally located at 9510 S. 7th Street
Council District: 8

This item was approved.

97 Final Plat - Estrella Estates - PLAT 200567 - North of Apollo Road and West of 8th Place

Plat: 200567
Project: 17-3972
Name of Plat: Estrella Estates
Owner(s): Estrella Plans, LLC
Engineer(s): Evans Professional Land Surveys
Request: A 65 Lot Residential Subdivision Plat
Reviewed by Staff: Oct. 16, 2020

Final Plat requires Formal Action Only

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

Location
Generally located north of Apollo Road and west of 88th Place.
Council District: 8

This item was approved.

98 Abandonment of Easement - ABND 200512 - Northwest Corner of Thunderbird Trail and 7th Street (Resolution 21881)

Abandonment: 200512
Project: 19-1670
Applicant: Sunrise Engineering; Chris Moore
Request: To abandon the 8' public utility easements adjacent to APN's 300-64-008, 300-64-009, 300-64-010, 30064-011, 300-64-012, 300-64-013, 300-64-014, 300-64-015, 300-64-016, 300-64-017, 300-64-018, 300-64-019 and 300-64-020; per subdivision final Plat, "Thunderbird Country Club Estates Unit Three", Book 71, Page 21.
Date of Hearing: June 8, 2020

Summary
The resolution of the abandonment and the subdivision plat Final Plat for "Seasons at Dobbins", Plat 200511 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
NWC of Thunderbird Trail and 7th Street.
Council District: 8

This item was adopted.

99 Modification of Stipulation Request for Ratification of Oct. 21, 2020 Planning Hearing Officer Action - PHO-4-20_Z-125-01-2 -

Approximately 2,146 Feet West of the Southwest Corner of Black Mountain Parkway (48th Street Alignment) and Carefree Highway

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct. 21, 2020. This ratification requires formal action only.

Summary

Application: PHO-4-20--Z-125-01-2
Existing Zoning: C-2
Acreage: 4.50

Applicant: James Bulsiewicz, Hines
Owner: AABS Properties, LLC
Representative: Nick Wood, Esq., Snell & Wilmer, LLP

Proposal:
Review and approval of site plan for the future phase portion by the Desert View Village Planning Committee and Planning Hearing Officer per Stipulation 13 (west).
Technical corrections to Stipulations 12 (east) and 11 (west).

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Desert View Village Planning Committee heard this case on Oct. 6, 2020 and recommended approval, by a 10-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Oct. 21, 2020, and recommended approval with a modification and additional stipulations. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location

Approximately 2,146 feet west of the southwest corner of Black Mountain Parkway (48th Street Alignment) and Carefree Highway
Council District: 2
Parcel Address: N/A

This item was approved.

100 Modification of Stipulation Request for Ratification of Oct. 21, 2020 Planning Hearing Officer Action PHO-3-20_Z-122-03-7 - Approximately 430 Feet West of the Northwest Corner of 51st Avenue and Southern Avenue

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct. 21, 2020. This ratification requires formal action only.

Summary

Application: PHO-3-20--Z-122-03-7
Existing Zoning: S-1 (Approved C-2)
Acreage: 8.95

Applicant: Israel J. Lozoya
Owner: Robert Ballard
Representative: Mike March

Proposal:

Modification of Stipulation 1 regarding general conformance with the site plan dated March 10, 2006.
Deletion of Stipulation 6 regarding landscaped fingers.
Deletion of Stipulation 10 regarding equestrian amenities.
Modification to Stipulation 13 regarding general conformance to the elevations dated March 10, 2006 and specific design requirements.
Modification of Stipulation 20 regarding presentation of final landscape plan to Laveen Village for review.
Modification of Stipulation 23 regarding general conformance to sign designs dated April 28, 2004.
Technical corrections to Stipulations 3, 4, 5, 11, 12 and 16.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on Aug. 10, 2020 and recommended denial as filed and approval with modifications and additional stipulations, by an 8-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Oct. 21, 2020, and recommended approval with

modifications and additional stipulations. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location
Approximately 430 feet west of the northwest corner of 51st Avenue and Southern Avenue
Council District: 7
Parcel Address: N/A

This item was approved.

101 Modification of Stipulation Request for Ratification of Oct. 21, 2020 Planning Hearing Officer Action PHO-3-20_Z-121-03-7(8) - Approximately 660 Feet East of the Northeast Corner of 23rd and South Mountain Avenues

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct. 21, 2020. This ratification requires formal action only.

Summary
Application: PHO-3-20--Z-121-03-7(8)
Existing Zoning: S-1 (Approved R1-10)
Acreage: 10.0

Applicant: Casey Wollschlager, Summergate Companies
Owner: The Cheryl B. Larkey Trust
Representative: Adam Baugh, Withey Morris, PLC

Proposal:
Modification of Stipulation 1 regarding general conformance with the site plan date stamped Jan. 7, 2004.
Deletion of Stipulation 1.A regarding parking between Pad B, Baseline Road, and 27th Avenue.
Deletion of Stipulation 1.B regarding general conformance with open space as shown on the site plan dated Jan. 7, 2004.
Modification of Stipulation 3 limiting the development to a maximum of 562 dwelling units.
Modification of Stipulation 3.E limiting Parcel 8 to 21 dwelling units.

Technical corrections to Stipulations 2, 2.A, 2.B, 4, 5, 6, 7, 9, 10, 17, 18, 19, 20, 22, 23 and 28.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee opted not to hear this request.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Oct. 21, 2020, and recommended approval with modifications and additional stipulations. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location
Approximately 660 feet east of the northeast corner of 23rd and South Mountain Avenues
Council District: 8
Parcel Address: N/A

This item was approved.

102 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-20_Z-70-18-4- Approximately 170 Feet South of the Southwest Corner of 17th Street and Glenrosa Avenue (Ordinance G-6766)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct. 21, 2020.

Summary
Application: PHO-1-20_Z-70-18-4
Existing Zoning: R-4
Acreage: 0.95

Applicant: Ascend Properties, LLC
Owner: Ascend Properties, LLC
Representative: Ashley Marsh, Tiffany & Bosco, PA

Proposal:
1. Modification of Stipulation 4 regarding detached sidewalks and

landscaping standards along 17th Street.
2. Deletion of Stipulation 5 regarding 3-inch caliper trees along side yards adjacent to residential zoning.

Concurrence
Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee opted not to hear this request.
PHO Action: The Planning Hearing Officer heard this case on Oct. 21, 2020 and recommended approval with a modification. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Approximately 170 feet south of the southwest corner of 17th Street and Glenrosa Avenue
Council District: 4
Parcel Address: N/A

This item was adopted.

103 Amend City Code - Ordinance Adoption - Rezoning Application PHO-6-20_Z-50-08-5 - Approximately 780 Feet East of 23rd Avenue and Butler Drive (Ordinance G-6767)

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct. 21, 2020.

Summary
Application: PHO-6-20_Z-50-08-5
Existing Zoning: R-3A
Acreage: 8.55

Applicant:Trillium Residential SFR
Representative: Trillium Residential SFR
Owner: West Royal Development III, LLC

Proposal:
1. Modification of Stipulation 1 regarding Planning Hearing Officer review of residential elevations.
2. Modification of Stipulation 1.a regarding orientation of building entries.

3. Modification of Stipulation 2 regarding general conformance to the site plan date stamped Aug. 29, 2008.
4. Modification of Stipulation 2.b regarding residential building design and a Tree Preservation Plan.
5. Modification of Stipulation 2.c regarding a maximum of 11.12 dwellings per acre
4. Technical corrections to Stipulations 3, 5, 6, 7 and 8.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee heard this case on Sept.16, 2020 and recommended approval by a 14-0 vote.
PHO Action: The Planning Hearing Officer heard this case on Oct. 21, 2020 and recommended approval with modifications and an additional stipulation. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Approximately 780 feet east of 23rd Avenue and Butler Drive
Council District: 5
Parcel Address: N/A

This item was adopted.

104 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-20_Z-19-19-6 - Northeast Corner of 51st and Taylor Streets (Ordinance G-6769)

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct. 21, 2020.

Summary
Application: PHO-1-20_Z-19-19-6
Existing Zoning: A-1
Acreage: 1.17

Applicant: Ben Meyer, Mendil + Meyer Design Studio
Representative: Ben Meyer, Mendil + Meyer Design Studio
Owner: Blue Box Holdings, LLC

Proposal:
1. Modification of Stipulation 1 regarding general conformation to elevations date stamped April 10, 2019.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee opted not to hear this request.
PHO Action: The Planning Hearing Officer heard this case on Oct. 21, 2020 and recommended approval with a modification. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Northeast corner of 51st and Taylor Streets
Council District: 6
Parcel Address: N/A

This item was adopted.

105 Amend City Code - Ordinance Adoption - Rezoning Application PHO-7-20_Z-50-08-5 - Approximately 1,100 Feet North and 790 Feet West of the Northwest Corner of 19th and Northern Avenues (Ordinance G-6768)

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct. 21, 2020.

Summary
Application: PHO-7-20_Z-50-08-5
Existing Zoning: R-3A
Acreage: 10.69

Applicant: Trillium Residential SFR
Representative: Trillium Residential SFR
Owner: West Royal Development III, LLC

Proposal:
1. Modification of Stipulation 1 regarding Planning Hearing Officer review of residential elevations.

2. Modification of Stipulation 1.a regarding orientation of building entries.
3. Modification of Stipulation 2 regarding conformance to site plans date stamped Aug. 29, 2008, Jan. 31, 2013, and Jan. 20, 2016.
4. Modification of Stipulation 2.b regarding residential building design and a Tree Preservation Plan.
5. Modification of Stipulation 2.c regarding a maximum of 11.12 dwelling units per acre.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee heard this case on Sept. 16, 2020 and recommended approval, by a 14-0 vote.
PHO Action: The Planning Hearing Officer heard this case on Oct. 21, 2020 and recommended approval with modifications and an additional stipulation. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Approximately 1,100 feet north and 790 feet west of the northwest corner of 19th and Northern Avenues
Council District: 5
Parcel Address: N/A

This item was adopted.

106 Amend City Code - Ordinance Adoption - Rezoning Application Z-36-A-19-6 - Northwest Corner of 44th Street and Camelback Road (Ordinance G-6765)

Request to authorize the City Manager, or his designee, to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-36-A-19-6 for a Major Amendment to the Planned Unit Development (PUD) previously approved by Ordinance G-6642 (Case Z-36-19-6).

Summary
Current Zoning: PUD
Proposed Zoning: PUD
Acreage: 17.72 acres
Proposal: PUD Major Amendment to allow multifamily residential in LUA E and updates to associated development standards, and add a

supplement to the design guidelines for LUA H.

Owner: Camel Square, LLC and Sun Legacy Properties, LLC
Applicant: Ed Bull, Burch & Cracchiolo, P.A.
Representative: Ed Bull, Burch & Cracchiolo, P.A.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Camelback East Village Planning Committee heard this case on Oct. 6, 2020, and recommended approval, per the staff recommendation by an 18-0 vote.
PC Action: The Planning Commission heard this case on Nov. 5, 2020, and recommended approval, per the Camelback East Village Planning Committee recommendation by a 9-0 vote.

Location

Northwest corner of 44th Street and Camelback Road
Parcel Addresses: 5002, 5050, and 5110 N. 44th St.; 4222, 4250, and 4350 E. Camelback Road; and 4210 E. Medlock Dr.
Council District: 6

This item was adopted.

Items 17-20, Ordinance S-47067 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.

17 Arizona Forward Membership Renewal

For $25,000.00 in payment authority for the City's membership renewal and continued participation as a Visionary member of Arizona Forward for Fiscal Year 2020-21 for the City Manager's Office. Arizona Forward's 200 members include businesses, governmental agencies, nonprofit organizations and 17 municipalities including the City of Phoenix, which has been a member of Arizona Forward since 1990 and a Visionary member since 2007.

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

Yes: 7 - Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 2 - Councilman DiCiccio and Councilman Waring

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

For $149,629.60 in payment authority for 2021 Airports Council International - North America (ACI-NA) membership dues for the Aviation Department. ACI-NA is an organization that represents state, local, and regional governing bodies that own and operate commercial airports in North America and the world, with a focus on industry issues such as finance, safety, operations, business, and regulatory issues, as well as the Federal Aviation Administration, Department of Homeland Security and Customs and Border Protection. The item was approved by the Transportation, Infrastructure and Innovation Subcommittee on Nov. 4, 2020.

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

Yes: 7 - Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 2 - Councilman DiCiccio and Councilman Waring

Discussion

Mayor Gallego asked for Items 19 and 20 to be heard together.

Amy Meglio spoke without indicating a position, and started to discuss settlements from previous years.

Mayor Gallego asked Ms. Meglio to stop, and said Council was only taking

testimony on approval of Items 19 and 20.

After the vote, Mayor Gallego expressed condolences for the family that had the water main leak impact their home.

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Williams, that Items 19-20 be adopted. The motion carried by the following vote:

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

No: 0

19 Settlement of Claims(s) Cordova v. City of Phoenix

To make payment of up to $61,000.00 in settlement of claim(s) in *Cordova v. City of Phoenix*, 19-1174-001 PD GL, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

20 Settlement of Claim(s) Kiesner v. City of Phoenix

To make payment of up to $55,000.00 in settlement of claim(s) in *Kiesner v. City of Phoenix*, 19-1244-001 AU GL, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

22 Enter into Development Agreement with Taiwan Semiconductor Manufacturing Company (Ordinance S-47129)

Request to authorize the City Manager, or his designee, to enter into a Development Agreement (DA), and to execute any other instruments or documents as necessary with Taiwan Semiconductor Manufacturing Company (TSMC), a U.S.-based subsidiary, for development of a semi-conductor manufacturing campus in Phoenix. Further request to authorize for the City Controller to disburse all funds related to public infrastructure in an amount not to exceed $205 million with this action.

Summary

In May 2020, after a national search involving multiple states and regions, TSMC announced its intention to build and operate an advanced semiconductor fabrication facility in Phoenix. TSMC, headquartered in Hsinchu, Taiwan and established in 1987, has been the world's largest dedicated semiconductor foundry. In 2019, TSMC deployed 272 distinct process technologies and manufactured 10,761 products for 499 customers. TSMC is the first manufacturer to provide 5-nanometer production capabilities in the U.S., the most advanced semiconductor process technology available in the world.

TSMC plans to make a $12 billion investment into the new U.S. Phoenix manufacturing campus (Project). The TSMC Phoenix operation will result in approximately 1,900 new full-time jobs to be phased in over a five-year period with production starting in 2024. The project is still contingent upon several items including TSMC Board approval.

The City recognizes the resulting substantial economic impacts to the City and region from TSMC's expansion into Phoenix. Our estimates indicate that over a 20-year period this company will directly create an estimated $38.2 billion in economic output and $314 million in annual personal income. This innovative growing company will bring one of the largest single foreign investments in Arizona history and provide thousands of quality jobs, and will facilitate thousands of additional jobs to support its ecosystem and operation. This could greatly benefit those that have been impacted by layoffs and furloughs due to the COVID-19 pandemic. To support TSMC's new Phoenix operations and expand the package that has been provided at the State and Federal level, City staff recommends the following business terms:

TSMC agrees to expand into Phoenix with an approximately $12 billion advanced semiconductor fabrication campus.

TSMC intends to create approximately 1,900 total new jobs within five years of entering into the DA. The City realizes 1,900 jobs is a program model estimate and the DA is not contingent upon the exact total job creation nor is contingent upon the jobs created by the company.

Within five years from execution of the DA, TSMC shall complete construction of the Project.

TSMC shall dedicate any properties and easements needed for installation of the public improvements as described below.
The City shall construct and install certain regional public improvements to meet TSMC's construction timeline, as described below:

Streets: The City agrees to construct approximately three miles of full arterial streets including streets, curb, gutter, sidewalk, streetlights and landscaping that will serve the project and surrounding region totaling an estimated $61 million. The City plans to utilize a state infrastructure program known as Title 42-5032.02 for a portion of the construction costs for the streets component of the Project. The City has met with the Arizona Commerce Authority and will initiate its application in the near future. Further, the City anticipates recapturing infrastructure costs from adjacent future developers other than TSMC. The City also agrees to design and install one traffic signal at a cost of approximately $500,000 and potentially one additional traffic signal at a cost of approximately $500,000 depending on a future traffic study. Storm drainage infrastructure coordination will take place with the City focused on the improvements relating to the Public Infrastructure Improvements.

Water: The City agrees to construct new regional public water infrastructure improvements totaling an estimated $37 million to service the project and surrounding area. Infrastructure may include a pressure reducing station, 16-inch to 54-inch diameter water transmission mains, and possible booster pump station upgrades. The City agrees to provide adequate water to meet the demands of the Project at the standard City water rates.

Sewer: The City agrees to construct new public wastewater infrastructure improvements totaling an estimated $107 million to service the project and surrounding area. Infrastructure may include 15-inch to 60-inch diameter gravity sewer mains and necessary lift station(s) and associated force mains. The City agrees to convey and treat wastewater generated by the Project at the standard wastewater rates.

The City shall provide a professional team on-site or proximate to the site, dedicated to the Project to ensure responsiveness with construction plan review and inspections.

The DA may contain other terms and conditions deemed necessary by City staff.

Contract Term
The DA will be for a term of five years.

Discussion
Vice Mayor Guardado made a motion to adopt Item 22.

Councilwoman Williams seconded the motion.

Councilwoman Stark thanked Mayor Gallego for her hard work to get this business to Phoenix.

Mayor Gallego commented this was a team effort that started over a year ago when councilmembers met in Taiwan, and thanked the Phoenix Sister Cities program for putting together that delegation. She talked about meeting the executives from TSMC, and noted they were interested in a North American location for a semiconductor fabrication facility. She mentioned Phoenix was chosen as the location, and added there would be $12 billion in total capital investment with $16 billion in economic impact with 1,900 high-tech jobs and thousands of indirect jobs in the semiconductor ecosystem. She thanked the leadership at TSMC, Sandra Watson and the team at the Arizona Commerce Authority, Chris Camacho and the team at the Greater Phoenix Economic Council, and City staff. She stated this was led by Community and Economic Development Director Chris Mackay, and mentioned the City worked with the U.S. Department of Commerce to help in Taiwan.

Vice Mayor Guardado thanked Mayor Gallego for her leadership and those who went on the trip to Taiwan. She mentioned workers who were out of jobs would be able to fill in these amazing jobs, and added it was exciting to see these types of jobs come to Phoenix.

Mayor Gallego commented there would be an amazing partnership with education institutions to make sure there would be a great semiconductor workforce as well as other construction trades.

Councilwoman Pastor thanked everyone that helped with this project because it took a regional approach, and added under Mayor Gallego's leadership the City was able to bring it together with staff working to make this happen as quickly as it did.

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

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

No: 0

24 Proposed 77th Avenue and Glass Lane Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes section 9-471, on the proposed 77th Avenue and Glass Lane Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

Summary

This annexation was requested by John Fox, with William Seymour Co., Inc., for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation. Additionally, the annexation is recommended for adoption per the attached Task Force Analysis Report (**Attachment A**).

Public Outreach

Notification of the public hearing was published in the Arizona Business Gazette newspaper, and was posted in at least three conspicuous places in the area proposed to be annexed. Also, notice via first-class mail was sent to each property owner within the proposed annexation area.

Location

The proposed annexation area includes parcel 104-84-008G located at 6620 S. 77th Avenue (**Attachment B**). The annexation area is approximately 9.09 acres (0.0141 square miles) and the population estimate is zero.

Council District: 7

Discussion

Mayor Gallego opened the public hearing.

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

The hearing was held.

27 Adoption of an Ordinance Adding a New Chapter 20 to the Phoenix City Code Establishing the Office of Accountability and Transparency (Ordinance G-6770)

Request approval of the Ordinance adding Chapter 20 to the Phoenix City Code creating the Office of Accountability and Transparency, as set forth in **Attachment A**.

Summary

Adoption of this Ordinance will establish the Office of Accountability and Transparency (OAT) in the City Manager's Office. The OAT will monitor or participate in investigations that are brought forth against members of the Phoenix Police Department. It also will provide recommendations for training, policy, hiring practices, disciplinary actions and other oversight of the Police Department on behalf of the community. This item was discussed at a City Council Work Study Session on Sept. 8, 2020, and City Council Policy Session on Oct. 13, 2020. Draft Ordinances were presented which define the role of the Director and outline the scope of the Director and OAT duties.

Concurrence/Previous Council Action

City Council approved an item for creation of the OAT on Feb. 25, 2020 by a vote of 5-4. Further Council action has been taken authorizing the first year's budget allocation and creating the staff positions for the OAT.

Discussion

City Clerk Denise Archibald read the title of Ordinance G-6770.

Vice Mayor Guardado made a motion to adopt Item 27.

Councilmember Garcia seconded the motion.

Councilwoman Pastor made a substitute motion to adopt Item 27 with the following changes: section 20-5 section D should read, "Neither the Director nor any employee of the Office of Accountability and Transparency, nor their immediate family members shall have formerly been employees of any Arizona law enforcement agency."; section E number 4 should read, "Any such attorney cannot have personally participated in a lawsuit against the City of Phoenix or department within the past five years."

Vice Mayor Guardado seconded the motion.

Mayor Gallego announced there were 40 members of the public wishing to provide testimony on Item 27.

AJ Marsden spoke in opposition, and asked Council to ensure the Office of Accountability and Transparency and Civilian Review Board fostered communication and relationships between communities and police.

Mary Rose Wilcox spoke in full support of the ordinance, and said due to the unrest in the community it was now time to adopt this item to get a full civilian review board. She stated this ordinance would go a long way in achieving transparency.

Camille Johnson spoke in opposition, and read a quote from Councilwoman Pastor at a previous meeting. She asked why community leaders were not involved in this process, and added this policy would still be a failure even with changing the language slightly.

Bhatki Anbarasan spoke in opposition, and suggested this would lower the bar on accountability for police officers. She stated many groups and community members were being prohibited from joining the Office of

Accountability and Transparency, and said police oversight needed to happen.

Amy Meglio spoke in favor, and mentioned community leaders should have been able to participate and been consulted as integral components of the OAT and CRB. She said there needed to be compromise, and urged councilmembers to vote in favor.

Terri Becker spoke in favor, and stated it was imperative that the Director of the Office of Accountability and Transparency be a civilian because it would provide an independent, fair and rational investigative approach. She mentioned the purpose of OAT was to allow the Police Department to partner with representatives of the community, and encouraged Council to guarantee the OAT Director and staff would be qualified, inclusive and well-respected members of the community.

Hana Hehman spoke in opposition, and commented the community demanded an OAT that was independent, investigative, and transparent that would be created through a community process. She asked Council to vote no on Item 27, and work with black, indigenous and brown community leaders to hold police accountable.

Ben Lewis spoke in opposition, and said many of the people speaking today did not trust law enforcement.

Ann Hart spoke in favor, and stated a culture of accountability was important in law enforcement. She said adoption of OAT would help build trust between the police and community, and urged Council to adopt this ordinance.

Marcus Reid spoke in opposition, and mentioned he hoped this process would be more community focused. He asked Council to have OAT decide what investigations they wanted to look at, and added if that was not part of the ordinance, then Council should vote against this.

Dana Reed spoke in opposition, and stated she was against civilian oversight that did not include independent investigations and community participation.

Jeremy Helfgot spoke in favor on behalf of the Human Relations Commission and other boards he served on, and thanked councilmembers who were involved and helped lead this. He talked about how this ordinance needed to be refined to further expand civilian input, and urged Council to vote yes on this item.

Vanessa DiCarlo spoke in opposition, and mentioned the previous efforts for OAT had not been successful. She talked about how other civilian review boards across the country had reforms since their implementation, and asked Council to vote no until there would be an independent investigative OAT with real power.

Patricia Pagliuca spoke in opposition, and stated it was necessary for OAT to have independent investigative powers. She suggested Council was not willing to support the community demands, and added it was incorrect to say having the office was better than nothing.

Leah Terry spoke in opposition because she was against civilian oversight that did not include independent investigations and community participation.

Anne Ender spoke in opposition, and mentioned she was the President of Operation Blue Ribbon. She stated this board was duplicative and unnecessary, and added there was no real consensus on Council for what this board would accomplish.

Elizabeth Venable spoke in opposition, and said no one should fear a police officer. She commented no police officer should ever be on OAT, and added OAT needed to be independent, investigative and accountable to the community.

Armonee Jackson spoke in favor, and stated she believed it was imperative that voices of the community were heard. She stated having police involved in OAT would not get the transparency or accountability needed as a community to move forward.

Will Knight spoke in opposition, and noted he opposed this OAT model

because section 20-1 specifically said OAT shall monitor or participate in some investigations. He stated this was different than the policy adopted in February, and added this language undermined the entire effort. He commented the model adopted in February needed to be implemented with independent authority.

Ben Laughlin spoke in opposition to civilian oversight that did not include any investigative authority. He said there were aspects of this ordinance that would lead to greater transparency, but would not get closer to ending the violence.

Carol Cole Henry spoke in favor, and commended City Manager Ed Zuercher and Assistant City Manager Milton Dohoney, Jr. for trying to create the Citizens Review Board for the Police Department. She stated this was decades in the making, and said this was the third step in the process to implement OAT. She commented the time was now to adopt this ordinance with unanimous support.

Anesia Groves spoke in opposition, and stated OAT was supposed to be about saving lives and reducing harm, and added the community needed to drive the development of this office. She mentioned OAT needed to have independent investigative power.

Beth Ellison spoke in favor, and advocated for the stipulation on barring participation by current or former law enforcement. She talked about working with risk management and compliance in health care as it related to internal investigations, and said an external investigation independent of the Police Department allowed for communities to bring a diversity of perspective to the analysis.

Stanley Bates spoke in opposition, and read a petition suggesting that two independent oversight bodies were in place already and would be redundant and unnecessary.

Mayor Gallego said Council had procedures for petitions to go to the Land Use and Livability Subcommittee.

Councilman DiCiccio asked City Attorney Cris Meyer if the petition would

still be acceptable if Mr. Bates did not read it fully.

Mr. Meyer replied the petition had to be submitted in writing and signed by the individual, and noted with the virtual meetings the City had allowed petitions to be sent directly to the City Clerk Department. He stated it was not necessary to read the petition at the meeting, just reference it.

Robert Nichols spoke in favor, and said the proposal today did not conform to the model adopted in February. He noted he fully supported independent civilian oversight, but was in favor of the original intent of OAT. He asked Council to consult with community leaders, and added Phoenix desperately needed an independent investigative citizen review board.

Jess Bristow spoke in opposition of civilian oversight that did not include independent investigation and community participation.

Christopher Martinez spoke in opposition, and suggested Council was breaking an agreement made on civilian oversight that included independent investigations and community input. He asked Council to oppose these changes, and to allow the public to have the responsibility on this.

Jennifer Redd spoke in favor, and noted it was her understanding there would be opportunities in the future for amendments. She asked for Council to commit to OAT having the power on independent investigations when the current union contract ends on July 1, 2021, and to accept OAT in the new contract.

Viridiana Hernandez spoke in opposition because this would exclude independent investigation. She noted when this was passed in February the community would be part of drafting the language, and suggested the community was left out. She stated under this policy nothing would change under the investigation process, and advocated for making a change in the new Police Department Memorandum of Understanding.

Kenneth Smith spoke in favor of OAT with the ability to make amendments if necessary. He stated this should be set up to have

independent investigations, and stated while not perfect Council needs to pass this to get OAT established.

Shawn Severud spoke in opposition, and said the community need OAT but this was not the OAT the community asked for. He stated the process was not community driven or transparent, and requested Council take a step back to allow the community into the process. He commented this needed time because it was a life-altering decision for the people of Phoenix.

Parris Wallace spoke in opposition, and talked about how the community backed the decision in February because of the organizing and promise of independent investigations. She suggested this new policy was written behind closed doors, and added cops would still be investigating cops.

Xenia Orona spoke in opposition, and said the policy as written would not allow for accountability and transparency of the Police Department. She asked for OAT to be civilian-led, and talked about the push for civilian community oversight over the past years.

Dailen Rogers spoke in opposition, and clarified he was not opposed to the idea of OAT but was not in favor of OAT as currently written. He suggested there would be legal issues with the language in this ordinance, and advocated for Council to vote for the original intent of OAT.

Bailey Spears stated she supported OAT with the ability to expand the ordinance in the future. She asked Council to amend the ordinance to allow for independent investigations, and to encourage the City to expand engagement with activists who were trusted and respected by the public.

Kelly Kwok spoke in opposition of civilian oversight that did not include independent investigations and community participation. She suggested Council did not listen to the community, and added the proposed policy lacked a community-oriented draft process that would do more harm than good.

Janelle Wood spoke in favor on behalf of the Black Mothers Forum, and

urged Council to proceed with what had been started already. She said this had to start somewhere, and while it may not be perfect, it could be adjusted along the way. She encouraged Council to keep fighting for what was right for the people and to be courageous leaders.

Mayor Gallego asked Mr. Meyer to further explain the citizen petition process.

Mr. Meyer explained the City Charter had a provision allowing citizens to appear at a regular meeting and present a petition in writing, and noted the Charter required Council action on that petition within 15 days. He said acting on the petition could mean a wide variety of things, and added the City developed a procedure last year that all citizen petitions be placed on the next agenda of the Land Use and Livability Subcommittee.

Mayor Gallego said this conversation would continue, and mentioned a possible action would be for the Land Use and Livability Subcommittee to refer the petition back to the Public Safety and Justice Subcommittee.

Councilman DiCiccio inquired about the legality of hearing the petition at the subcommittee meeting.

Mr. Meyer replied the Charter said the petition had to be acted on by Council and did not say the full Council. He mentioned this procedure was put in place about a year ago with Council knowledge, and added the City had been consistent with that practice.

Councilman DiCiccio asked if Mr. Meyer interpreted Council as a subcommittee.

Mr. Meyer responded his interpretation was Council had to look at what the citizen presented and determine if any action could be taken. He noted it didn't actually require anything other than someone looking at it, and said in many cases Council would need more than 15 days to respond.

Councilman DiCiccio asked for Mr. Meyer's confirmation on interpreting Council as sending the petition to subcommittee.

Mr. Meyer answered his interpretation was the intent of the provision was for Council to consider the item to determine if it was to be brought back to Council for consideration. He stated he believed putting the citizen petition in the subcommittee and reviewing it would be complying with the Charter provision.

Councilman DiCiccio asked Mayor Gallego if both motions fail, could another motion be made.

Councilwoman Pastor asked Mr. Meyer for clarification that the citizen petition process has been in place for over a year and that subcommittees have legitimately been involved in the process since she was elected.

Mr. Meyer replied that was correct, and talked about how the process complied with the Charter provision. He noted under the old provision some petitions were denied without consideration because of the time frames.

Councilman DiCiccio stated he took issue with the motions made because it was part of a national attack on police officers as part of a movement that was anti-police.

Vice Mayor Guardado said Council needed to move forward with the motion made by Councilwoman Pastor. She stated Council had listened to constituents, and noted at the end of the day the goal was to have a safe city. She talked about how the majority of Council wanted to bring the community together with the Police Department, and repeated at the end of the day it was Council's job to help create a safer city.

Prior to his vote, Councilmember Garcia thanked everyone for providing comments, and talked about how this was difficult and a lot of work was needed to get this done. He noted there had been an ongoing 30-year fight to get this done, and mentioned this was never meant to end police brutality or systemic racism but would be a tool to end it. He said he was impressed by the knowledge and research from those who spoke, and noted that the office would be open for those who suffered harm and

would be a safe space. He said the Civilian Review Board would accompany OAT and would go through a similar process, and confirmed he would be voting yes.

Prior to her vote, Councilwoman Pastor clarified she would always fight for the community to have a voice in the process. She commented she knew the ordinance would not go as far as people wanted, but that with progress the work could continue.

Prior to his vote, Councilman Waring stated he was adamantly opposed to this, and added he did not think the result of this item would be what the activists expected. He repeated he was opposed to this, and said he would vote no.

Prior to her vote, Councilwoman Williams said she believed the entire Phoenix community should have a say in this. She noted she understood where people were coming from regarding those who spoke today, and added it was important to have a fair ordinance that the entire community supported.

A motion was made by Councilwoman Pastor, seconded by Vice Mayor Guardado, that this item be adopted with the following changes: section 20-5 section D should read, "Neither the Director nor any employee of the Office of Accountability and Transparency, nor their immediate family members shall have formerly been employees of any Arizona law enforcement agency."; section E number 4 should read, "Any such attorney cannot have personally participated in a lawsuit against the City of Phoenix or department within the past five years." The motion failed by the following vote:

Yes:	4 -	Councilmember Garcia, Councilwoman Pastor, Vice Mayor Guardado and Mayor Gallego
No:	5 -	Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Waring and Councilwoman Williams

Mayor Gallego announced Council would next move the to original motion.

Councilman Nowakowski asked Mr. Dohoney if outreach had been done in the community. He stated one of the themes in this discussion was on the lack of community involvement, and asked for clarification on what community involvement there was.

Mr. Dohoney noted there had been multiple meetings and work studies where everything associated with this topic was open. He talked about how Council chose Option B instead of Option A, and the draft process for creating the language based on Option B. He stated people made comments and submitted input, and mentioned the ordinance submitted today was shared with members of the community.

Mr. Zuercher clarified staff worked under the direction of Council, and mentioned Council had two work study sessions and a policy session that had the ordinance language available to the public as well as public comment available at the policy session.

Councilman Nowakowski asked if there was a community forum that explained why Council chose Option B.

Mr. Zuercher explained staff put this together and brought it back for Council review, and noted the public forum would have been the Council meetings where this was discussed by Council.

Councilman Nowakowski inquired about the three different boards for police oversight and if those boards had a mix of police officers and civilians.

Mr. Zuercher responded he would not classify those boards as oversight boards, but rather advisory boards to the Police Chief. He confirmed those boards did have civilians and police officers.

Councilman Nowakowski questioned who appointed members to the Use

of Force Board.

Mr. Dohoney answered there was a pool of people available when a case would come up, and the Board would be chosen from that pool of people.

Councilman Nowakowski asked choosing individuals from that pool would go through the Council, or if that would go through the City Manager and Police Chief.

Mr. Dohoney explained the process for those people interested from the community to submit an application, and noted the Police Department would then go through and choose different people for different cases.

Councilman Nowakowski asked who appointed the individuals from that pool of individuals.

Mr. Dohoney said it was a Police-appointed group, with the choice ultimately being from the Police Chief.

Councilman Nowakowski asked about the Discipline Review Board being a mix of civilians and police officers.

Mr. Dohoney replied that was correct that the board was a mix of civilians and police officers that would give advice to the Police Chief through the deliberative process.

Councilman Nowakowski questioned if those people were appointed by the Mayor, City Manager, Police Chief or Council.

Mr. Dohoney responded ultimately the Police Chief or Police Department would appoint them from the same pool he mentioned earlier.

Councilman Nowakowski asked about the Civil Service Board.

Mr. Zuercher answered those members were appointed by Mayor and Council, and added they were all civilians who where non-City employees. He clarified those members had the final say on discipline

for employees, which included police officers or other City employees.

Councilman Nowakowski thanked Mr. Dohoney, and said he wanted individuals to know there were three different boards.

Councilwoman Pastor asked Mr. Dohoney to explain the processes of the committees or boards.

Mr. Dohoney explained the process, and talked about how an example of a criminal investigation would go forward. He talked about how the administrative side would be handled different than the criminal side based on the Professional Standards Bureau to determine if actions of an officer were against policy. He continued to talk about the process where different boards would come into play based on each case, and concluded the recommendation from the Civil Service Board would be the final say where suspensions or termination would occur.

Councilwoman Pastor inquired how OAT would be different than boards mentioned previously.

Mr. Dohoney clarified there were two phases, with the first phase being the establishment of the office to create the staff. He said this staff would investigate police officers who have charges against them administratively, and talked about how staff would be able to ask questions throughout the process. He listed the conclusions that could be made based on OAT's investigation, and added those things did not exist today.

Mayor Gallego called for vote on the original motion to adopt the ordinance as posted in the packet.

Prior to his vote, Councilman Nowakowski said he believed there should have been some type of community outreach that was transparent where people could have input and understanding. He noted based on those who spoke today there needed to be community outreach, and added he would be voting no and hoped in the future there could be a process where the community had some say.

After the vote, Mayor Gallego stated it was clear to her that Council did not have consensus on the item.

Note: 85 electronic comments were submitted on Item 27, noting five were in support, seventy-four were opposed, one indicated no position, and five were neutral.

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

Yes:	4 -	Councilmember Garcia, Councilwoman Pastor, Vice Mayor Guardado and Mayor Gallego
No:	5 -	Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Waring and Councilwoman Williams

35 Ballot Sorting System Lease, Including Training, Maintenance, and Repair - Requirements Contract - RFP 21-001 (Ordinance S-47104)

Request to authorize the City Manager, or his designee, to enter into an agreement with Runbeck Election Services, Inc., to lease a ballot sorting system, including training, maintenance, and repair, in an amount not to exceed $363,000. Further request authorization for the City Controller to disburse funds related to this item.

Summary

The City of Phoenix, City Clerk Department conducts Municipal Elections for the City. Most voters in City of Phoenix elections vote using a ballot they received in the mail. The City of Phoenix's March 2021 projected registered voter count is over 860,000, with almost 670,000 of these voters on the Permanent Early Voting List (PEVL). Voters on the PEVL are automatically sent an early ballot by mail for each election in which they are eligible to vote, unless the voter requests the ballot not be mailed. Currently, mail in ballots are sorted manually by City staff. Utilizing a Ballot Sorting System to process early ballots and other election materials would provide a more efficient, accurate and timely manner to process ballot materials than a manual process.

This item has been reviewed and approved by the Information

Technology Services Department.

Procurement Information
Request for Proposal (RFP) 21-001 was conducted in accordance with Administrative Regulation 3.10. There were three offers received by the Finance Department's Procurement Division on Aug. 28, 2020. The proposals were scored by a three-member evaluation panel based on the following evaluation criteria: Approach to Scope of Work (400 Points); Offeror Firm's Experience and Personnel Qualifications (300 Points); Project & Testing Schedule, Training, Technical Support & Maintenance (100 Points); References (100 Points); and Cost (100 Points), for a total of 1,000 Points. The offeror scores are as follows:

1. Runbeck Election Services, Inc.: 840 Points
2. Fluence Automation: 763 Points
3. BlueCrest Inc: 719 Points

The Deputy Finance Director recommends that the offer from Runbeck Election Services, Inc. be accepted as the highest-scored, responsive, and responsible offer that is most advantageous to the City.

Contract Term
The five-year contract term shall begin on our about Dec. 1, 2020.

Financial Impact
The aggregate value of the contract will not exceed $363,000, with an estimated annual expenditure of $72,600. Funds are available in the City Clerk Department's budget.

Location
City Clerk Department, 200 W. Washington St., 15th Floor, Phoenix, AZ 85003
Council District(s): Citywide

Note: One electronic comment was submitted in favor of Item 35.

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

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

No: 1 - Councilman Waring

45 Adoption of a New Street Name to Replace Robert E. Lee Street (Ordinance S-47115)

Request to formally adopt a new name for Robert E. Lee Street in accordance with the City Council's approval at the Sept. 16, 2020 Formal Council Meeting to rename the street. Recommend the adopted name be effective March 1, 2021.

Summary

At the Sept. 16, 2020 Formal Council Meeting, the City Council approved the renaming of Robert E. Lee Street (**Attachment A**), as well as a policy to reimburse residents for any costs associated with updating their addresses, and a process to allow property owners to take an advisory vote on their preferred new names from those suggested during the public input process. This report outlines the results of the advisory vote on alternate street names.

Resident Alternate Name Preference Process

During the public input process, residents of the street and the community at large suggested alternate names for the street. Of the names suggested during the public input process, 44 met the requirements of the Maricopa Association of Governments Address and Street Assignment Policy Manual. These 44 names were included in a preference voting sheet (**Attachment B**) sent by certified mail to all 122 property owners on the street. That mailing included a postage paid, pre-addressed return envelope for those wanting to complete the paper survey and a letter with instructions for property owners that wanted to complete the survey online. Controls were put in place to ensure each property was allowed only one response. A reminder mailing was sent via first-class mail ten days later to any property owner that had yet to respond. In total, 60 property owners completed the survey, resulting in a response rate of 49 percent.

Property owners were allowed to rank their preferences for up to five names. Respondents were required to rank their chosen names in their order of preference; a single choice was automatically scored as a top choice. Each choice was assigned a numerical score based on how highly it was ranked; the top choice was assigned a value of five. Subsequent choices rated correspondingly lower values down to a value of one for a property owner's fifth choice. City staff totaled each name's numerical ranking values to provide a clear way to identify the property owners' top preferences.

Listed below are the top name preferences in order based on numerical ranking totals:

Desert Cactus Street: 225 (Of the 52 owners who ranked this name, 34 had it as their first choice.)
North Hills Street: 125 (Of the 34 owners who ranked this name, seven had it as their first choice.)
Edge Hill Street: 75 (Of the 28 owners who ranked this name, zero had it as their first choice.)
Black Mesa: 72 (Of the 25 owners who ranked this name, two had it as their first choice.)

Six names received numerical ranking totals between 50 and 21:
Neutral Way: 49 (Of the 17 owners who ranked this name, one had it as their first choice.)
Harriet Street: 34 (Of the 11 owners who ranked this name, two had it as their first choice.)
Buffalo Soldier Way: 28 (Of the eight owners who ranked this name, four had it as their first choice.)
Revolutionary: 27 (Of the eight owners who ranked this name, one had it as their first choice.)
John McCain: 25 (Of the ten owners who ranked this name, two had it as their first choice.)
Southwest Sun: 22 (Of the eight owners who ranked this name, two had it as their first choice.)

The remaining names all received cumulative ranking scores of 20 or

below and were chosen by nine or fewer property owners. Of these, two names received between five and nine total votes: James T Kirk and Rose Mofford. Eleven names received between two and five votes: Annie Dodge Wauneka, Calle de la Paz, Obama Drive, Surrender, Candelabra, John Lewis Way, Pico del Valle, Carpetbagger, Lincoln Ragsdale, Varlet, Vista al Valle. Nine names received a single vote: Aves de Arizona, Bell's Vireo, Bonita Calypto, Calle de Esperanza, Calle de la Fortuna, Calle de Muchos, Casas Pacificas, Jordin Sparks Ave., Schadenfreude. The remaining names received no votes: Blatteroon, Calle de Belleza, Camino de Montana, Casas de Bien, Casas de Bienestar, Charles Keating IV, Fatuous, Kaitlyn Dever Boulevard, Laurens Road, Pertinacious, Quisquous, and Schuyler Street.

Previous Public Input

Two community meetings were held to gather public input on the proposed renaming of Robert E. Lee Street. As part of the July 1, 2020 Council action to initiate the renaming process, the Council authorized a temporary revision to allow community meetings to be conducted virtually due to the COVID-19 pandemic. In the virtual forums, residents were able to participate online or use their phones, including traditional landline telephones, which is similar to public participation at Council meetings during the pandemic. Residents and property owners of Robert E. Lee Street were notified of the opportunity to participate in the meetings through certified mailings and signs placed at two locations along the street. The live community web forums were held on July 28 and Aug. 3, 2020. The community was also notified of the opportunity to provide input including telephone, Webpage comment form, and postal mail.

In all, 121 people participated in the community forums. Others submitted comments via e-mail, web form or other means (**Attachment C)**.

City Staff Updating Responsibilities and Resident Reimbursement

As was outlined in the City Council Report for the Sept. 16, 2020 Formal Council Meeting, City staff will take several steps to notify government and other agencies of the official name change. Staff also has prepared extensive background material for residents to assist them updating personal and government accounts, and Phoenix Public Library staff will continue to be available to directly assist impacted residents. Staff also

will send to all property owners and residents via certified mail a third set of documents that includes a formal letter of approval, a copy of the recorded ordinance, and a completed address change notification. Residents can keep these documents in their records should they need to document or show proof of the street name change for any reason in the future.

Staff is implementing the cost reimbursement policy approved by the Council on Sept. 16, 2020. Residents, property and business owners will be able to request reimbursement by mail or online using scanned documentation. The reimbursement form will be included in the final mailing sent after adoption of a new name.

Timing of Change

If the City Council approves a new name at the Nov. 18, 2020 Formal Council Meeting, staff recommends that the effective date of a new street name be no earlier than March 1, 2021. This will ensure any change is after the holiday season and will allow sufficient time for residents to process changes.

Concurrence/Previous Council Action

The City Council approved the renaming of Robert E. Lee Street (Ordinance S-46949) on Sept. 16, 2020.

Location

Robert E. Lee Street
Council District: 2

Responsible Departments

This item is submitted by Deputy City Managers Mario Paniagua and Jeff Barton, the Planning and Development, Street Transportation, Finance, Budget and Research and Library departments.

Discussion

Councilwoman Williams made a motion to adopt Item 45 with the new street name of Desert Cactus Street to replace Robert. E. Lee Street effective March 1, 2021.

Councilwoman Stark seconded the motion.

Jeremy Helfgot spoke in favor, and commented he had been speaking on items related to this for the past three years and was hoping to see this item be adopted. He noted this was a positive step for Phoenix, and encouraged Council to vote yes on this item.

Note: Two members of the public wished to speak on Item 45, noting one was in favor and one was opposed, but were not connected to the meeting. Six electronic comments were submitted on Item 45, with one in favor and five in opposition.

A motion was made by Councilwoman Williams, seconded by Councilwoman Stark, that this item be adopted with the street name change to Desert Cactus Street effective March 1, 2021. The motion carried by the following vote:

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

No: 0

46 Adoption of a New Street Name to Replace S** Peak Drive (Ordinance S-47125)**

Request to formally adopt a new name for S**** Peak Drive in accordance with the City Council's approval at the Sept. 16, 2020 Formal Council Meeting to rename the street. Recommend the adopted name be effective March 1, 2021.

Summary

At the Sept. 16, 2020 Formal Council Meeting, the City Council approved the renaming of S**** Peak Drive (**Attachment A**), as well as a policy to reimburse residents for any costs associated with updating their addresses, and a process to allow property owners to take an advisory vote on their preferred new names from those suggested during the public input process. This report outlines the results of the advisory vote on alternate street names.

Resident Alternate Name Preference Process

During the public input process, residents of the street and the community at large suggested alternate names for the street. Of the names suggested during the public input process, seven met the requirements of the Maricopa Association of Governments Address and Street Assignment Policy Manual. These seven proposed names were included in a preference voting sheet (**Attachment B**) sent by certified mail to all 20 property owners on the street. That mailing included a postage paid, pre-addressed return envelope for those wanting to complete the paper survey and a letter with instructions for property owners that wanted to complete the survey online. Controls were put in place to ensure each property was allowed only one response. A reminder mailing was sent via first-class mail ten days later to any property owner that had yet to respond. In total, 13 property owners completed the survey, a response rate of 65 percent.

Property owners were allowed to rank their preferences for up to five names. Respondents were required to rank their chosen names in their order of preference; a single choice was automatically scored as a top choice. Each choice was assigned a numerical score based on how highly it was ranked; the top choice was assigned a value of five. Subsequent choices rated correspondingly lower values down to a value of one for a property owner's fifth choice. City staff totaled each name's numerical ranking values to provide a clear way to identify the property owners' top preferences.

Listed below are the top five name preferences in order based on numerical ranking totals:

Mountain Trail Drive: 45 (Of the 11 owners who ranked this name, six had it as their first choice)
Coyote Crossing: 38 (Of the 10 owners who ranked this name, two had it as their first choice)
Desert Sunset: 33 (Of the eight owners who ranked this name, two had it as their first choice)
Piestewa Peak Drive: 25 (Of the seven owners who ranked this name, three had it as their first choice)
Humble Way: 14 (Of the six owners who ranked this name, zero had it as

their first choice)

One name, Charles Keating IV received one vote. The seventh name, Michael Williams, received no votes.

Previous Public Input

Three community meetings were held to gather public input on the proposed renaming of S**** Peak Drive. As part of the July 1, 2020 Council action to initiate the renaming process, the Council authorized a temporary revision to allow community meetings to be conducted virtually due to the COVID-19 pandemic. In the virtual forums, residents were able to participate online or use their phones, including traditional landline telephones, which is similar to public participation at Council meetings during the pandemic. Residents and property owners of S**** Peak Drive were notified of the opportunity to participate in the meetings through certified mailings and signs placed at two locations along the street. A third community web forum was scheduled to provide members of the Native American community and the public an opportunity to comment on the renaming proposal. The live community web forums were held on July 30, Aug. 5 and Aug. 11, 2020. The community was also notified of the opportunity to provide input including telephone, Webpage comment form, and postal mail.

In all, 117 people participated in the community forums. Others submitted comments via e-mail, letter or other means (**Attachment C)**.

City Staff Updating Responsibilities and Resident Reimbursement

As was outlined in the City Council Report for the Sept. 16, 2020 Formal Council Meeting, City staff will take several steps to notify government and other agencies of the official name change. Staff also has prepared extensive background material for residents to assist them updating personal and government accounts, and Phoenix Public Library staff will continue to be available to directly assist impacted residents. Staff also will send to all property owners and residents via certified mail a third set of documents that includes a formal letter of approval, a copy of the recorded ordinance, and a completed address change notification. Residents can keep these documents in their records should they need to document or show proof of the street name change for any reason in

the future.

Staff is implementing the cost reimbursement policy approved by the Council on Sept. 16, 2020. Residents, property and business owners will be able to request reimbursement by mail or online using scanned documentation. The reimbursement form will be included in the final mailing sent after adoption of a new name.

Timing of Change

If the City Council approves a new name at the Nov. 18, 2020 Formal Council Meeting, staff recommends that the effective date of a new street name be no earlier than March 1, 2021. This will ensure any change is after the holiday season and will allow sufficient time for residents to process changes.

Concurrence/Previous Council Action

The City Council approved the renaming of S**** Peak Drive (Ordinance S-46950) on Sept. 16, 2020.

Location

S**** Peak Drive
Council District: 6

Responsible Departments

This item is submitted by Deputy City Managers Mario Paniagua and Jeff Barton, the Planning and Development, Street Transportation, Finance, Budget and Research, and Library departments.

Discussion

Councilman DiCiccio made a motion to adopt Item 46 with the street name changed to Mountain Trail Drive effective March 1, 2021.

Councilwoman Williams seconded the motion.

Ginger Sykes Torres spoke in favor, and stated changing the street name would help create a healthier community for all residents. She suggested changing the name of the street to Piestewa Peak Drive because the road ended at the trailhead of Piestewa Peak.

James Covarrubias spoke in favor, and commented changing the street name to Piestewa Peak would honor veterans, Native Americans, and women.

Jeremy Helfgot spoke in favor.

Ernest Martinez spoke in favor, and mentioned he was the coordinator for the Piestewa Fallen Heroes Sunrise Service. He noted a majority of comments received were in favor of changing the street name to Piestewa Peak Drive, and added the name change would undo the harm made by the previous street name.

Shaylin Shabi Young spoke in favor, and thanked the City for eliminating the old street name. She said this was an opportunity for positive change, and asked Council to acknowledge Lori Piestewa with the street name change.

Linda Grass spoke about the process of changing the street name in 2017. She suggested at that time the process was done without homeowner knowledge, and added a majority of the homeowners did not want a name change. She advocated for changing the street name to Mountain Trail Drive because Piestewa may be difficult to spell and pronounce for those not familiar with the area.

Jesse Ary suggested the name of the street should be changed to Piestewa Peak Drive, and related the street name to other street names that were historically named.

Councilwoman Pastor stated she received several calls and emails about the name changing process, and said Council postponed the vote to have neighbors participate in the process. After hearing testimony from the public, she made a substitute motion to change the street name to Piestewa Peak Drive.

Councilmember Garcia seconded the motion.

Councilman DiCiccio said he liked the idea of Piestewa Peak Drive, but noted the way the ordinance was set up, it required the individuals living

on that street to have a majority say on the name change. He commented he would not be supporting the substitute motion because this was not the street name the citizens on that street chose.

Mayor Gallego commented the City had a robust process, and expressed appreciation for City staff led by Deputy City Manager Mario Paniagua. She asked Mr. Paniagua to explain how Council established the policies for street names, and asked if Councilwoman Pastor's substitute motion would be allowed.

Mr. Paniagua explained the process for renaming was set in 2017, and mentioned a memo initiated by Mayor Gallego and Councilwoman Williams from the July 1, 2020 City Council Formal Meeting started the process for these streets being renamed. He talked about how staff was directed to conduct community meetings virtually, and added members of the community along with the residents on S**** Peak Drive participated by providing input and name change suggestions. He noted at the Sept. 16, 2020 City Council Formal Meeting action was taking to rename this street, and said residents affected by the name change were given the opportunity to provide their top choice for the new name. He stated 13 of the 20 property owners responded with the top choice being Mountain Trail Drive.

City Manager Ed Zuercher added the property owners had an advisory vote on their preferred names but Council had the ultimate authority to pick the new name.

Mayor Gallego thanked Mr. Paniagua for the time he put into this, and expressed gratitude for the Intertribal Association of Arizona who allowed her to attend their meeting to discuss the name change.

Mr. Paniagua clarified for the substitute motion, that it should include an effective date to make sure the community would know when the name change would occur.

Councilwoman Pastor asked what Mr. Paniagua would recommend for an effective date.

Mr. Paniagua responded the recommendation would be for March 1, 2021.

Councilwoman Pastor confirmed she would add that to her substitute motion.

Councilman DiCiccio asked if the Native American community raised any concerns with the street name change.

Mr. Paniagua replied some of those community members who spoke today preferred Piestewa Peak Drive, and added the Native American community provided significant input during the public process over the summer for Piestewa Peak Drive.

Councilman DiCiccio commented he was glad the street name was changing, and said he would be supportive of the individuals in that area.

Councilmember Garcia mentioned he was glad the street name would be changed, and talked about how this would be an opportunity to repair the harm. He said this was an opportunity for Council to honor an indigenous woman, and thanked Councilwoman Pastor for making the motion.

Councilman DiCiccio said he agreed with the substitute motion because it honored a great woman and was the main entryway into the mountain.

Mayor Gallego commented Lori Piestewa was a true American hero and this would honor her.

Note: Three electronic comments were submitted on Item 46, noting one in support and two in opposition.

A motion was made by Councilwoman Pastor, seconded by Councilmember Garcia, that this item be adopted with the street name changed to Piestewa Peak Drive effective March 1, 2021. The motion carried by the following vote:

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

No: 0

56 **Public Hearing and Resolution to Approve the 2021 Downtown Enhanced Municipal Services District Assessments (Resolution 21880)**

Request to hold a public hearing for the approval of the 2021 Downtown Enhanced Municipal Services District (Downtown EMSD) assessments and adopt a resolution approving such assessments for the 2021 calendar year. The General Fund estimated annual expenditure for this program is $339,491.

Summary

Pursuant to State law, a public hearing must be held prior to the annual adoption of the assessments for the Downtown EMSD. The City Council authorized the formation of the Downtown EMSD in 1990 to provide enhanced public services, above and beyond the level of services provided in the remainder of the City. The costs for the Downtown EMSD's services are paid through assessments on property owners within the Downtown EMSD boundaries, which are generally bounded by Fillmore Street on the north, 7th Street on the east, 3rd Avenue on the west, and on the south by the railroad tracks south of Jackson Street. The City contracts directly with Downtown Phoenix, Inc. (DPI) to implement the work program, as described in **Attachment A**. The work plan and budget for calendar year 2021 provides a variety of enhanced services in the downtown core, including the Ambassadors program, streetscape improvements and maintenance, the Clean Team program, marketing, event promotion, business assistance and transportation services.

The annual assessments for the Downtown EMSD will be levied for the 2021 calendar year after the required legal process for the Downtown EMSD has been completed. Assessments are determined in proportion to the benefits received by each parcel. There are approximately 785 parcels in the Downtown EMSD that the budget will be assessed on. This

is based on the approved Downtown EMSD assessment diagram that indicates the properties to be assessed for enhanced municipal services. This diagram is on file in the office of the Director of the City of Phoenix Street Transportation Department, and was posted online at the City's Community and Economic Development Department website.

The figures below represent the assessments for private and public property owners based on the approved 2021 Downtown EMSD budget of $3,622,705. This includes $140,684 for streetscape maintenance expenses, which are paid only by property owners and tenants adjacent to the Streetscape Improvement District, as shown below.

Downtown EMSD Calendar Year 2021 Assessments
Private Property Owners Assessments: $1,675,941
Public Property Assessments: $1,986,764
Total Assessments: $3,662,705

Streetscape Maintenance Expenses (expenses included in the figures above)
Private Property Owners Assessments: $81,795
Public Property Assessments: $58,889
Total Streetscape Expenses: $140,684

Financial Impact

The City's total estimated annual expenditure for this program is $1,197,007, which includes:

$339,491 from the General Fund (which represents an approximately $37,679 decrease from 2020);
$503,959 from the Phoenix Convention Center;
$120,379 from the Sports Facilities Fund;
$8,409 from the Genomics Facilities Operations and Maintenance Fund; and
$224,771 from collections from tenants on City-owned properties.

Concurrence/Previous Council Action

The Workforce and Economic Development Subcommittee recommended for approval:
The Work Plan and Budget on Sept. 23, 2020, by a vote of 3-1.

The City Council approved:
The 2021 Downtown EMSD Estimate of Expenses, Assessment of Expense and set the Public Hearing Date of Nov. 18, 2020 for the hearing on the estimated assessments (Resolution 21871) on Oct. 21, 2020; and
The 2021 Downtown EMSD Assessment Diagram (Resolution 21872) on Oct. 21, 2020.

Public Outreach
On Oct. 21, 2020, the City Council set the date of Nov. 18, 2020 as the date for the public hearing on the Downtown EMSD assessments. On Oct. 22, 2020, a total of 27 days prior to the hearing, which is greater than the legally required 20 days, all property owners were notified by mail of their annual assessment cost by the Street Transportation and Community and Economic Development departments. In addition to the budget and work plan recommended by the Workforce and Economic Development Subcommittee on Sept. 23, 2020, DPI has sent letters to all property owners, and the Downtown EMSD Board approved the 2021 budget at its June 2020 board meeting. To answer any questions that property owners in the Downtown EMSD might have, Community and Economic Development Department staff made themselves available virtually for an hour prior to the Nov. 18, 2020 public hearing. Notice of the public hearing was also published in the Record Reporter as specified below. No further notification is required after the public hearing.

Revised published dates: The Record Reporter
Oct. 28, 2020
Oct. 30, 2020

Location
The Downtown EMSD is generally bounded by Fillmore Street on the north, 7th Street on the east, 3rd Avenue on the west, and on the south by the railroad tracks south of Jackson Street.
Council Districts: 7 and 8

Discussion
Mayor Gallego declared the public hearing open.

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

The hearing was held. A motion was made by Vice Mayor Guardado, seconded by Councilman Nowakowski, that this item be adopted. The motion carried by the following vote:

Yes: 7 - Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 2 - Councilman DiCiccio and Councilman Waring

57 **Authorization to Pay Invoices for 2021 Downtown Enhanced Municipal Services District (Ordinance S-47103)**

Request to authorize the City Manager, or his designee, to pay all invoices received from Downtown Phoenix, Inc. (DPI) through the Phoenix Downtown Enhanced Municipal Services District (EMSD) Agreement, in an amount not to exceed $3,662,705 for work related to the calendar year 2021 Downtown EMSD budget and work plan through Dec. 31, 2021. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The City Council authorized formation of the Downtown EMSD in 1990 to provide enhanced public services, above and beyond the level of services provided in the remainder of the City. The City contracts directly with DPI to implement the work program of the Downtown EMSD, including the Ambassadors program, streetscape improvements and maintenance, the Clean Team program, marketing, event promotion, business assistance and transportation services. Pursuant to State law, each year a budget must be approved for the Downtown EMSD. This action is the final step in the annual budget process to authorize the Community and Economic Development Department to pay DPI for services rendered in calendar year 2021 under the Downtown EMSD contract.

Financial Impact

The City's total estimated annual expenditure for this program is $1,197,007, which includes:

$339,491 from the General Fund (which represents an approximately $37,679 decrease from 2020);
$503,959 from the Phoenix Convention Center;
$120,379 from the Sports Facilities Fund;
$8,409 from the Genomics Facilities Operations and Maintenance Fund; and
$224,771 from collections from tenants on City-owned properties.

An additional $789,756 is collected from other government-owned properties including Maricopa County, Maricopa County Stadium District and the State of Arizona. The remaining $1,675,941 of funds are collected from private property owners through an assessment on their property tax bill. The total amount for the 2021 calendar year budget is $3,662,705.

Concurrence/Previous Council Action
The Workforce and Economic Development Subcommittee recommended for approval:
The Work Plan and Budget on Sept. 23, 2020, by a vote of 3-1.

The City Council approved:
The 2021 Downtown EMSD Estimate of Expenses, Assessment of Expense and set the Public Hearing Date of Nov. 18, 2020 for the hearing on the estimated assessments (Resolution 21871) on Oct. 21, 2020; and
The 2021 Downtown EMSD Assessment Diagram (Resolution 21872) on Oct. 21, 2020.

Public Outreach
On Oct. 21, 2020, the City Council set the date of Nov. 18, 2020 as the date for the public hearing on the Downtown EMSD assessments. On Oct. 22, 2020, a total of 27 days prior to the hearing, which is greater than the legally required 20 days, all property owners were notified by mail of their annual assessment cost by the Street Transportation and Community and Economic Development departments. In addition to the budget and work plan being recommended by the Workforce and Economic Development Subcommittee on Sept. 23, 2020, DPI has sent letters to all property owners, and the Downtown EMSD Board approved

the 2021 budget at its June 2020 board meeting. To answer any questions that property owners in the Downtown EMSD might have, Community and Economic Development Department staff made themselves available virtually for an hour prior to the Nov. 18, 2020 public hearing. Notice of the public hearing was also published in the Record Reporter as specified below. No further notification is required after the public hearing.

Revised published dates: The Record Reporter
Oct. 28, 2020
Oct. 30, 2020

Location

The Downtown EMSD is generally bounded by Fillmore Street on the north, 7th Street on the east, 3rd Avenue on the west, and on the south by the railroad tracks south of Jackson Street.
Council Districts: 7 and 8

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

Yes:	7 -	Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego
No:	2 -	Councilman DiCiccio and Councilman Waring

62 Distributed Antenna System Solicitation Request

This report requests the City Manager, or his designee, to authorize the Aviation Department to issue a Revenue Contract Solicitation (RCS) for design, implementation, and ongoing operation and maintenance of an airport Distributed Antenna System (DAS) to improve cellular service at Phoenix Sky Harbor International Airport (PHX).

Summary

The cellular service at PHX is limited and inconsistent because of physical structures in and around the airport campus. Terminal buildings, parking garages, and other structures make it difficult to receive an optimal cellular service inside the terminals and concourse facilities.

On average, approximately 123,000 passengers pass though Sky Harbor facilities on a daily basis (pre-COVID-19). Robust and reliable cellular service is essential to provide passengers a world-class experience that enables them to stay connected while traveling. Passengers need robust cellular service for mobile check-in, in-app upgrades, and timely flight notifications from airlines. Furthermore, COVID-19 has increased the need to carry out traditional transactions in a "touchless" manner, which also requires ubiquitous and strong cellular service for all passengers. Improvement in these services cannot be made by relying on legacy outdoor towers. With the advent of 5G technology, passengers are looking for next-generation wireless experience in our facilities. Because of the Federal Communications Commission's designated 5G frequency spectrum, it is extremely difficult to provide 5G service inside airport terminals and other facilities from outdoor sites.

A DAS will provide the necessary infrastructure to deliver world-class 4G and 5G cellular service to passengers at PHX. It will ensure adequate coverage and capacity that is needed to support a wireless experience (such as streaming media, video, and online gaming) that is ubiquitous in today’s world and one that passengers expect while at the airport. The DAS will cover all public access areas of the airport in Terminals 3 and 4, parking garages, Rental Car Center and select non-public access areas.

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

Procurement Information
Aviation Department will issue an RCS to select a service provider to design, build, operate and maintain the DAS system. Aviation intends to issue the solicitation in mid-December 2020. It is estimated that the contract will be awarded in May/June 2021.

Evaluation criteria for responsive and responsible respondents include:
Method of Approach.
Qualifications and Experience.
Revenue to the Airport.
Business Plan and Wireless Service Provider on-boarding.

Contract Term
The term of the contract will be 10 years, with two, one-year options to extend that may be exercised at the sole discretion of the Aviation Director.

Financial Impact
Revenue will be set at a later date based on market data.

Concurrence/Previous Council Action
The Transportation, Infrastructure and Innovation Subcommittee recommended approval of this item on Nov. 4, 2020, by a vote of 4-0.

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

Discussion
Benjamin Benulis spoke in opposition, and mentioned he was a health care provider. He compared the effects of electromagnetic activity to 5G radiation on people, and asked for safer technology be used at Sky Harbor Airport to deliver high-speed connectivity.

Doug Staab spoke in opposition, and said he was a certified EMS safety consultant. He stated there weren't enough tests done on 5G technology other than tests done in Europe, and added the data showed it was dangerous to humans, animals and the environment.

Shana Cynamon spoke in opposition, and suggested 5G technology used microwave radiation that was harmful. She stated other countries have banned 5G technology, and advocated for hard-wired connections throughout the airport instead.

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

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

No: 1 - Councilman DiCiccio

76 **Materials Testing and Construction Administration and Inspection On-Call Services for Light Rail Extensions - Amendment 1 (Ordinance S-47078)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 150948 with Structural Grace, LLC, to approve a name change to CONSOR Engineers, LLC. There is no additional time or funding associated with this amendment.

Summary

The purpose of this project is for the consultant to provide construction administration and inspection services on an as-needed basis for the following light rail extensions: Light Rail South Central Extension/Downtown Hub (SCE); Light Rail Northwest Extension Phase II (NW2); and Light Rail Capitol/I-10 West Extension (Cap/I-10W). On Dec. 31, 2019, Structural Grace, LLC formally merged into and changed its name to CONSOR Engineers, LLC.

This amendment is necessary because on Dec. 31, 2019, Structural Grace, LLC notified the City of its name change, resulting from a merger, from Structural Grace, LLC to CONSOR Engineers, LLC.

Previous Council Action

The City Council approved:

Light Rail Extension Construction Administration and Inspection On-Call Consulting Services Agreement 150948 (Ordinance S-46008) on Sept. 18, 2019.

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

Yes: 7 - Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 2 - Councilman DiCiccio and Councilman Waring

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

000 CITIZEN COMMENTS

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

Mayor Gallego confirmed with City Clerk Denise Archibald that there were no speakers for Citizen Comments.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 5:28 p.m.

MAYOR

ATTEST:

CITY CLERK

TS

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 18th day of November, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of September, 2023.

CITY CLERK