City of Phoenix

Minutes

City Council Formal Meeting

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

186289

Wednesday, April 19, 2023 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, April 19, 2023 at 2:39 p.m. in the Council Chambers.

Present: 9 - Councilwoman Betty Guardado, Councilwoman Kesha Hodge Washington, Councilwoman Ann O'Brien, Councilwoman Laura Pastor, Councilman Kevin Robinson, Councilwoman Debra Stark, Councilman Jim Waring, Vice Mayor Yassamin Ansari and Mayor Kate Gallego

Councilwoman O'Brien joined the voting body virtually following Item 81 and disconnected from the meeting during Citizen Comments.

Mayor Gallego acknowledged the presence of Carmen Cota and Gloria San Miguel, Spanish interpreters. In Spanish, Ms. San Miguel announced their availability to the audience.

The City Clerk confirmed copies of the titles of Ordinances G-7100 through G-7104, S-49567 through S-49632, and Resolutions 22111 through 22114 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.

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

BOARDS AND COMMISSIONS

1 **Mayor and Council Appointments to Boards and Commissions**

Summary

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

The following individuals were recommended for appointment by Mayor Gallego and City Manager Jeffrey Barton:

Phoenix Deferred Compensation Board/Post Employment Healthcare Plan Board

Appoint Inger Erickson, replacing Karen Peters as Chair, filling a partial term to expire Sept. 30, 2024, as recommended by City Manager Jeffrey Barton and Mayor Gallego.

Public Safety Personnel Retirement System Local Fire Pension Board/Public Safety Personnel Retirement System Local Police Board

Appoint Scott Steventon, serving in an ex-officio position, for a term to expire June 30, 2026, as recommended by Mayor Gallego.

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

Yes:	8 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman O'Brien

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

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

A motion was made by Vice Mayor Ansari, seconded by Councilwoman Stark, that Items 2-11 be recommended for approval, except Item 2. The motion carried by the following vote:

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

Absent: 1 - Councilwoman O'Brien

3 Liquor License - Streets of New York #31

Request for a liquor license. Arizona State License Application 233075.

Summary

Applicant
Theresa Morse, Agent

License Type
Series 12 - Restaurant

Location
1985 W. Happy Valley Road, Ste. 105
Zoning Classification: Approved C-2 DVAO
Council District: 1

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

The 60-day limit for processing this application is April 28, 2023.

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 am the owner of numerous Streets of New York store that sell alcoholic beverages. I ensure there is a manager on premise who is trained in Arizona Liquor Law to prevent sales to underage and obviously intoxicated customers."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The location on Happy Valley Road had a liquor license however, I took over the location under the Corporation as opposed to a franchise. Therefore, this location has already been serving food and alcoholic beverages to the community. As a corporate store, our policies and procedures will be more strict. I am looking forward to serving residents in another Phoenix location."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Streets of New York #31
Liquor License Map - Streets of New York #31

This item was recommended for approval.

4 Liquor License - Wineot

Request for a liquor license. Arizona State License Application 07070748.

Summary

Applicant
Terry Gardona, Agent

License Type
Series 7 - Beer and Wine Bar

Location
30835 N. Cave Creek Road, Ste. 125
Zoning Classification: C-1 PCD
Council District: 2

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

The 60-day limit for processing this application is April 23, 2023.

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:
"Of our prior experience and training, in addition to successfully completing basic and Management Title 4 liquor training. We have hired former DLLC detective Keith Turner to assist in our application."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"There was a previous business in this location which was of the same license type and business model. Our new business will be operated professionally and by the owners, therefore being able to better facilitate the highest quality of service and enforcement of the city and state laws and rules."

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 - Wineot
Liquor License Map - Wineot

This item was recommended for approval.

5 Liquor License - Lovecraft Beer Shop and Ale House

Request for a liquor license. Arizona State License Application 232579.

Summary

Applicant
Rebecca Golden, Agent

License Type
Series 12 - Restaurant

Location
3128 E. Cactus Road
Zoning Classification: C-2
Council District: 3

This request is for a new liquor license for a restaurant. This location is currently licensed for liquor sales with a Series 6 liquor license and does not have an interim permit.

The 60-day limit for processing this application is April 25, 2023.

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.

Lovecraft Beer Shop and Ale House (Series 6)
3128 E. Cactus Road, Phoenix
Calls for police service: 10
Liquor license violations: In February 2019, a fine of $2,500 was paid for failure to request ID from an underage buyer and for selling, giving or furnishing an underage person with alcohol.

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 held several Arizona liquor licenses from 2011 to date without any incident. I am Title 4 Manager certified and understand the responsibility of a liquor license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Lovecraft currently operates as a restaurant, and will continue to provide an upscale dining location to an up and coming neighborhood."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Lovecraft Beer Shop and Ale House
Liquor License Map - Lovecraft Beer Shop and Ale House

This item was recommended for approval.

6 Liquor License - Lovecraft Beer Shop and Ale House

Request for a liquor license. Arizona State License Application 232582.

Summary

Applicant
Rebecca Golden, Agent

License Type
Series 7 - Beer and Wine Bar

Location
3128 E. Cactus Road
Zoning Classification: C-2
Council District: 3

This request is for a new liquor license for a beer and wine bar. This location is currently licensed for liquor sales with a Series 6 liquor license and does not have an interim permit.

The 60-day limit for processing this application is April 25, 2023.

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.

Lovecraft Beer Shop and Ale House (Series 6)
3128 E. Cactus Road, Phoenix
Calls for police service: 10
Liquor license violations: In February 2019, a fine of $2,500 was paid for failure to request ID from an underage buyer and for selling, giving or furnishing an underage person with alcohol.

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 held several Arizona liquor licenses from 2011 to date without any incident. I am Title 4 Manager certified and understand the responsibility of a liquor license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Lovecraft currently operates as a restaurant, and will continue to provide an upscale dining location to an up and coming neighborhood."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Lovecraft Beer Shop and Ale House
Liquor License Map - Lovecraft Beer Shop and Ale House

This item was recommended for approval.

7 Liquor License - Special Event - Laveen Youth Football

Association

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

Summary

Applicant
Richard Lewis-Goodall

Location
4344 W. Indian School Road, Ste. 100
Council District: 5

Function
Concert and Dance

Date(s) - Time(s) / Expected Attendance
June 9, 2023 - 8 p.m. to 2 a.m. / 700 attendees
June 10, 2023 - 8 p.m. to 2 a.m. / 700 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

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

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

Summary

Applicant
Margaret Dodd

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

Function

Silent Auction

Date(s) - Time(s) / Expected Attendance
April 29, 2023 - 6 p.m. to 10:15 p.m. / 350 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - Ajo Al's Mexican Cafe

Request for a liquor license. Arizona State License Application 233590.

Summary

Applicant
Patrick Dains, Agent

License Type
Series 12 - Restaurant

Location
5101 N. 16th St.
Zoning Classification: C-2
Council District: 6

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 May 2, 2023.

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:
"We have operated the business for the last 28 years with a liquor 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 employ multiple people to the business and have a full servic restaurant for people to eat and drink at."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Ajo Al's Mexican Cafe
Liquor License Map - Ajo Al's Mexican Cafe

This item was recommended for approval.

10 Liquor License - Little O's On Central

Request for a liquor license. Arizona State License Application 232498.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
8525 N. Central Ave.
Zoning Classification: R1-6 HCRO
Council District: 6

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in May 2023.

The 60-day limit for processing this application is April 24, 2023.

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.

Little O's (Series 12)
521 W. McDowell Road, Phoenix
Calls for police service: 11
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:
"Currently own another successful location in Phoenix. Will continue to ensure our employees are Title 4 liquor law trained."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This is a laid back casual restaurant with flavorful food. A place to bring the neighborhood together."

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 - Little O's On Central
Liquor License Map - Little O's On Central

This item was recommended for approval.

11 Liquor License - Pizza Hut #41008

Request for a liquor license. Arizona State License Application 232617.

Summary

Applicant
Theresa Morse, Agent

License Type
Series 10 - Beer and Wine Store

Location
3220 E. Baseline Road, Ste. 126
Zoning Classification: C-1 BAOD
Council District: 8

This request is for a new liquor license for a beer and wine store. This location was not previously licensed for liquor sales and does not have an interim permit. This business has plans to open in May 2023.

The 60-day limit for processing this application is April 24, 2023.

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:
"The owners have extensive experience owning and managing liquor licensed establishment in AZ and other states. All employees and owners are familiar with current liquor laws and are required to take liquor law classes. The owners primary purpose is to provide a safe environment for families whether dining in or simply take-out pizza. The owners have area coaches to provide oversight to all establishments and will comply with all city, county and state laws"

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This business a beer and wine store with restaurant food to go which will service the local community for pick up or delivery of orders through trained employees. The company policy is very strict to ensure no person underage or obviously intoxicated is sold any alcoholic beverage. There will not be any consumption of alcohol on site or on an adjacent property to conform with Arizona Liquor Law."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Pizza Hut #41008
Liquor License Map - Pizza Hut #41008

This item was recommended for approval.

2 Liquor License - Crazy Girls Cabaret

Request for a liquor license. Arizona State License Application 06070604.

Summary

Applicant

Jeffrey Oursland, Agent

License Type
Series 6 - Bar

Location
1926 W. Deer Valley Road
Zoning Classification: C-3 DVAO
Council District: 1

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

The 60-day limit for processing this application is April 25, 2023.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona
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.

Rush Gentlemen's (Series 6)
910 N. McClintock Drive, Tempe
Calls for police service: N/A - not in Phoenix
Liquor license violations: In May 2021, a fine of $1,500 was paid for failing to comply with Title IV.

Dirty's Topless Bar & Patio (Series 6)
3308 Grand Ave., Phoenix
Calls for police service: 22
Liquor license violations: In October 2020, a fine of $7,500 was paid for failing to comply with the Governor's Executive Orders related to COVID-19 to cease and desist licensed activity.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I was born in Phoenix in 1966. I graduated from Brophy College Preparatory in 1984. I graduated from Northern Arizona University in 1989 with a Finance degree. I worked for the government as a FDIC Bank Examiner for approximately one year after graduating from NAU. After which, I worked for myself buying and selling Real Estate for my personal Investment portfolio. To date, I have accumulated over 50 rental properties that I self manage in Phoenix, Mesa and Tempe. I work with many of the low income housing programs offered through the City of Phoenix and Tempe by helping families qualify to rent my properties. In November of 2010, I purchased a 16.5 percent interest in the Candy Store. I was found to be capable, reliable and qualified to be added as an owner to the Candy Store's Liquor license. I was also vetted by the City Council members and Liquor Department at the time. The Candy Store has a very clean record with no liquor violations in the past 10 years. I also currently have over 10 years of Adult Use experience helping the other owners manage the Candy Store. In March of 2017, I purchased 25 percent of Centerfolds Cabaret. Centerfolds Cabaret also has Adult use, but does not currently have an active liquor license. I am one of two Co-managing members that operate Centerfolds Cabaret. We have been open for over three years with no violations. I addition, I have had three more years of Adult Use managing this business. In February of 2021, I received approval for a new liquor license at Crazy Girls Cabaret located 1926 W. Deer Valley Road, Phoenix, AZ 85027. Crazy Girls Cabaret has a very clean record with no liquor violations. In June of 2022, I received approval for a new liquor license at Rush Gentlemen's Club located at 910 North McClintock Drive Tempe, AZ 85281. I am active in

neighborhood and civil events and consider myself a good citizen of Phoenix. I am a responsible business man. I am capable, reliable and qualified to be on another liquor license. I have completed both Basic and Management Title 4 Training. Crazy Girls Cabaret is an established business. This change is strictly to remove one member and add on a new member. Business operations will remain the same."

Staff Recommendation

Staff recommends approval of this application.

Discussion

Councilwoman Stark said she spoke to Councilwoman O'Brien about this item and moved to disapprove because the applicant has not shown he is capable, qualified or reliable based on his prior liquor license violations.

Councilwoman Pastor seconded the motion.

Jeffrey Miller, with Arizona Liquor Industry Consultants, stated he was working with the applicant to file the acquisition of control for this location. He mentioned the father sold his shares to the applicant who was now joining the business. He conveyed the applicant was a current licensee who operated other clubs in the metro area with no issues. He added the applicant had done the required training and was capable, reliable and qualified based on the applicant's other licensed establishments.

Mayor Gallego clarified a yes vote would support the motion for disapproval, noting it would go to the State for additional review.

A motion was made by Councilwoman Stark, seconded by Councilwoman Pastor, that this item be recommended for disapproval based on the applicant not being capable, qualified or reliable due to prior liquor license violations. The motion carried by the following vote:

Yes:	8 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman O'Brien

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Electronic comments were submitted for the record on Item 51 as follows: 1 in opposition and 4 in support.

A motion was made by Vice Mayor Ansari, seconded by Councilwoman Pastor, that Items 12-108 be approved or adopted, except Items 22-26, 32, 45, 48-50, 52, 60, 62-63, 66-67, 78, 81-82 and 108; and noting that Items 107-108 are add-ons. The motion carried by the following vote:

Yes:	8 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman O'Brien

Items 12-21, Ordinance S-49567 was a request to authorize the City Controller to disburse funds, up to amounts indicated, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 42-13.

12 Angels on Patrol

For $25,000 in payment authority to support the Angels on Patrol Program. The program provides direct and immediate aid to crime victims and residents who are experiencing crisis situations, upon recommendation by an on-duty police officer. The program is unique in that it provides immediate response, often within two hours of request, and has been proven effective at providing added stability to Phoenix residents. Funding will be provided by the City Council District 6 Office.

This item was adopted.

13 Public Safety Personnel Retirement System

For $89,350 in annual payment authority to purchase the Fiscal Year 2023-24 employer cost of the Firefighter and Peace Officer Cancer Insurance Policy program for the Fire Department.

This item was adopted.

14 United Phoenix Firefighters Association

For $300,000 in annual payment authority for the Employee Wellness and Assistance program for Fiscal Year 2023-24 for the Fire Department. The program provides employee assistance and professional services to Fire employees and their family members, and is part of the Memorandum of Understanding.

This item was adopted.

15 Industrial Commission of Arizona

For $97,230 in payment authority for the Human Resources Department to pay taxes to the Industrial Commission of Arizona for Workers Compensation injuries. The City of Phoenix has been self-insured for Workers Compensation injuries since 2003 and taxes are due quarterly based on premiums that would have been paid by an employer if the employer had been fully insured by a Workers Compensation insurance carrier.

This item was adopted.

16 American Society of Composers, Authors and Publishers dba ASCAP

For $55,000 in payment authority to purchase annual music licenses for the Parks and Recreation Department. The license allows copyrighted music to be played at all City parks and facilities. The payment authority is for calendar years 2023 through 2027.

This item was adopted.

17 Active Network, LLC

For $12,125 in payment authority for the Parks and Recreation Department to purchase 25 total Honeywell Genesis 7680G Scanners to scan membership card barcodes. Scanning membership cards allows for tracking the number of visitors in centers for reporting purposes. Currently, seven of the existing 19 scanners are not working and are

irreparable. All scanners must be replaced because the existing older scanners and the new scanners will not work on the same upgraded technology.

This item was adopted.

18 Global Music Rights, LLC

For $55,000 in payment authority to purchase annual music licenses for the Parks and Recreation Department. The license allows copyrighted music to be played at all City parks and facilities. The payment authority is for calendar years 2023 through 2027. The license will be renewed and paid annually.

This item was adopted.

19 Ghaster Painting & Coating Inc.

For $13,015 in payment authority for the purchase of exterior painting services for the Parks and Recreation Department for the Phoenix Center for the Arts. The Parks and Recreation Department has an operating agreement with the Phoenix Center for the Arts for the management and operation of the facility, located at 1202 N. 3rd St. Ghaster Painting & Coating Inc. was hired by the Phoenix Center for the Arts to perform the exterior painting of the City-owned facility.

This item was adopted.

20 Grate Solutions Company Inc. and Neenah Foundry Company

For $75,000 in payment authority for two new contracts with Grate Solutions Company Inc. and Neenah Foundry Company, entered on or about June 1, 2023, for a term of two years for storm drain/catch basin grates and frames for the Street Transportation Department. The Street Maintenance Division is responsible for maintaining the City's roadways, including flooded streets, clogged storm drains, and wash maintenance. Replacement storm drain grates and frames are needed to repair various storm sewer inlets throughout the City due to damage and/or wear and tear. Each contract will have $37,500 in payment authority and capacity.

This item was adopted.

21 Settlement of Claim(s) Vannan v. City of Phoenix

To make payment of up to $75,000 in settlement of claim(s) in *Vannan v. City of Phoenix,* 21-0974-001, GL, BI, for the Finance Department

pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving a dog bite incident with the Police Department on Dec. 13, 2021.

This item was adopted.

27 ACFR, Fed Single Audit and Other Audits - Amendment (Ordinance S-49618)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 145008 with Forvis, LLP, to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $3,230,225.

Summary

This contract will provide annual audit services by external auditors as required by Phoenix City Charter and Code and other audits, as needed. The extension will provide consistency and continuity in response to changes in Governmental Accounting Standards and the continued need for ongoing accounting of American Rescue Plan Act (ARPA) funding through 2026.

Contract Term

Upon approval the contract will be extended through June 30, 2028.

Financial Impact

Upon approval of $3,230,225 in additional funds, the revised aggregate value of the contract will not exceed $6,540,965. Funds are available in various department budgets.

Concurrence/Previous Council Action

The Audit Committee:

• Recommended approval of this item on Jan. 17, 2017.

The City Council previously reviewed this request:

• Financial Audits, 145008, Ordinance S-43235 on Feb. 15, 2017;
• Financial Audits, 145008, Ordinance S-44629-0042 on June 6, 2018;
• Financial Audits, 145008, Ordinance S-44902-0063 on Aug. 29, 2018;
• Financial Audits, 145008, Ordinance S-48373 on March 22, 2022;

This item was adopted.

28 Auditing and Consulting Services - MCC180241 - Amendment (Ordinance S-49584)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 150616 with Eide Bailly LLP; Contract 150617, Berry, Dunn, McNeil & Parker, LLC; Contract 150635, MGT of America Consulting, LLC; Contract 150640, Heinfeld, Meech, & Co.; Contract 150641, REDW, LLC; Contract 150642, Myers and Stauffer LC; and Contract 150660 with Clifton, Larson, Allen, LLP, for the purchase of auditing and consulting services for the Information Technology Services (ITS) Department in support of various Citywide departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $300,000.

Summary

These contracts will provide external expertise for auditing and consulting services. ITS, in support of maintaining Citywide Payment Card Industry (PCI) compliance, is utilizing an external auditor to obtain a PCI-certified Qualified Security Assessor to perform services required for PCI Data Security Standards (DSS). Compliance with PCI DSS is mandated by the payment card industry in order for the City to process payment card transactions. Services will include, but are not limited to, a report on compliance, a gap analysis, an analysis of the existing PCI structure, and assistance to the City in providing guidance and recommendations on improving current processes.

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

Contract Term

The contract terms remain unchanged, ending on May 31, 2024.

Financial Impact

Upon approval of $300,000 in additional funds, the revised aggregate value of the contracts will not exceed $1,790,700. The additional funds are needed to continue PCI services while ITS enters into new agreements. Funds are available in the Information Technology Services

Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Ordinance S-45691 on June 5, 2019;
- Ordinance S-47336 on March 3, 2021;
- Ordinance S-47892 on Aug. 25, 2021; and
- Ordinance S-48836 on July 1, 2022.

This item was adopted.

29 Public Communication Equipment and Services Contract - COOP 23-053 - Request for Award (Ordinance S-49569)

Request to authorize the City Manager, or his designee, to enter into a cooperative participating agreement with Motorola Solutions, Inc., to provide citywide public communications equipment under the cooperative established by the State of Arizona under solicitation number ADSPO19-00008376. City Council previously awarded participating agreements to multiple vendors under this cooperative. Motorola Solutions, Inc. was not included at that time as the City was still in negotiations with them. Funds previously authorized by the City Council to vendors under the cooperative may be applied to this agreement and funds requested herein may be applied to the other cooperative participating agreements. Further request to authorize the City Controller to disburse all fund related to this item. These additional expenditures will not exceed $23,200,000.

Summary

This contract will provide public communication equipment, including two-way radios, digital microwave terminals, land mobile radio base station antennas, radio dispatch consoles, microwave antennas, back-up batteries, prefab communications shelter and services to support Information Technology Services Department and departments citywide. Radios for the Fire, Police and Aviation departments are on a replacement cycle, for which this contract will serve as a mechanism to procure radios as needed. Equipment and services purchased under this agreement are critical for public safety communications in the region.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Alternative Competition. The State of Arizona consolidated various cooperative agreements into one large cooperative contract providing a wide variety of communication equipment and services. Consolidation of these cooperatives decreases contract administration efforts. These agreements were awarded through a competitive process consistent with the City's procurement processes as set forth by Phoenix City Code Chapter 43. Utilization of the State cooperative allows the City to benefit from statewide government pricing and volume discounts than what would otherwise be obtained by an individual entity because of the collective volume of potential purchases by numerous local government entities.

Contract Term

The contract will begin on or about April 1, 2023 and expire on May 14, 2026.

Financial Impact

Upon approval of the $23,200,000 in additional funds, the revised aggregate value of the contract will not exceed $41,752,000. Funding is available in various departments' budgets.

Concurrence/Previous Council Action

The City Council previously reviewed this request:
Authorizing the initial contracts and expenditures, Ordinance S-47466, April 21, 2021.

This item was adopted.

30 Acceptance of a Quit Claim Deed from Maricopa County for Real Property Along the North Side of Hatcher Road at Carol Avenue (Ordinance S-49568)

Request for the City Council to accept a quit claim deed from the Maricopa County Board of Supervisors for real property along the north side of Hatcher Road at Carol Avenue; further ordering the ordinance recorded.

Summary

The real property, identified by Maricopa County Assessor parcel number 157-21-030H, is approximately 7,172 square feet and is encumbered by a roadway easement. The property was partially improved with the Carol Avenue access road from Hatcher Road, a cul-de-sac, and a public sidewalk. The remainder of the site is a large unimproved landscape median separating the access road and cul-de-sac.

The Water Services Department agreed to accept the property by quit claim deed for a fee of $300, paid to the county at the time the request for purchase was submitted. Water Services staff plans to improve and maintain the landscape median. The Maricopa County Board of Supervisors held the title to the property in the interest of the State of Arizona under a Treasurer's Deed and conveyed the property to the City by quit claim deed, under Maricopa County recording number 20230061410. There are no additional costs related to this acceptance. The roadway portion of the property will be dedicated via separate recording instrument.

Location

Along the north side of Hatcher Road at Carol Avenue.
Council District: 3

This item was adopted.

31 Acceptance and Dedication of Right-of-Way Abandoned by Arizona Department of Transportation Resolution 2023-01-A-001 (Ordinance S-49572)

Request for the City Council to accept and dedicate to public use right-of-way abandoned by Arizona Department of Transportation Resolution 2023-01-A-001; further ordering the ordinance recorded.

Summary

The right-of-way is no longer needed by the Arizona Department of Transportation (ADOT) for state transportation purposes. The City will accept jurisdiction, ownership, and maintenance responsibilities, subject to appurtenant, existing access control, which shall remain intact and under ADOT control. Costs of the additional maintenance are not

significant.

A map depicting the right-of-way can be found in Exhibit A to be recorded with the ordinance. The ADOT Resolution was recorded with the Maricopa County Recorder on Jan. 20, 2023, recording number 20230032753.

Location
East and west of State Route Loop 202, from 51st to 63rd avenues along Baseline Road, Dobbins Road, Elliot Road and Estrella Drive.
Council District: 7

This item was adopted.

33 Acceptance of Easements for Drainage Purposes (Ordinance S-49606)

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

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

Easement (a)
Applicant: United EM Holding, Inc., its successor and assigns
Purpose: Drainage
Location: 777 W. Alameda Road
File: FN 220054
Council District: 1

Easement (b)
Applicant: Buckeye 59, LLC, its successor and assigns
Purpose: Drainage
Location: 5858 W. Watkins St.
File: FN 220034
Council District: 7

This item was adopted.

34 **Acceptance of a Traffic Control Easement at the Northeast Corner of 18th Street and McDowell Road (Ordinance S-49586)**

Request for the City Council to accept a traffic control easement from Hamid Mazen H. and Asad M. Jada; further ordering the ordinance recorded.

Summary

The permanent easement for a traffic signal modernization project was donated by Hamid Mazen H. and Asad M. Jada, as husband and wife, as community property with right of survivorship. The approximately 93-square-foot traffic control easement is located at the northeast corner of 18th Street and McDowell Road within Maricopa County Assessor's parcel number 117-13-108A and is more fully described in the legal description to be recorded with the ordinance.

Location

Northeast corner of 18th Street and McDowell Road.
Council District: 8

This item was adopted.

35 **Grant of a Public Utility Easement on City-owned Property near Tatum Boulevard and Jomax Road (Ordinance S-49573)**

Request the City Council to grant a public utility easement for consideration of $1 and/or other valuable consideration, for the installation of an underground distribution electrical line on City-owned property for Well 312 in the Arizona Public Service Company service area and ordering the ordinance recorded.

Summary

This public utility easement is more fully described in the legal description ("Easement Premises") recorded with the ordinance and will be granted to all public service corporations and telecommunication corporations (collectively "Grantee") providing utility service to the property located near Tatum Boulevard and Jomax Road in perpetuity, so long as the Grantee uses the Easement Premises for the purposes herein specified, 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 Tatum Boulevard and Jomax Road.
Council District: 2

This item was adopted.

36 Release an Easement for Sidewalk Purposes and Rescind Dedication to Public Use Authorized by Ordinance S-49462 (Ordinance S-49612)

Request authorization to terminate and release an easement for sidewalk purposes that was recorded on March 2, 2023, in the office of the Maricopa County Recorder as document number 2023-0105693. Additionally request that the City Council rescind the City's acceptance and dedication of this easement pursuant to Ordinance S-49462 adopted March 1, 2023, and further order the Ordinance recorded.

Summary
The easement that affects the property located at 316 W. Broadway Road, was submitted by the Planning and Development Department for acceptance and dedication under FN 220114; however, requirements related to the Bureau of Reclamation must be met prior to recordation and dedication of this easement. The easement is identified as Easement (g) in Ordinance S-49462, more fully described in the legal description recorded with this Ordinance.

All other acceptance and dedications set forth in Ordinance S-49462 will remain in effect except as modified by this rescission.

Concurrence/Previous Council Action
Acceptance and Dedication of Easements and a Deed for Sidewalk, Public Utility and Roadway Purposes (Ordinance S-49462) on March 1,

2023.

Location
316 W. Broadway Road, Maricopa County Assessor parcel number 113-07-120B.
Council District: 7

This item was adopted.

37 Amend Ordinance S-49471 for Acquisition of Real Property for Roadway Improvements along 32nd Street from Cheryl Drive to Cholla Street (Ordinance S-49608)

Request the City Council amend Ordinance S-49471 for authorization to acquire additional real property and related property interests required for roadway improvements along 32nd Street from Cheryl Drive to Cholla Street.

Summary
Ordinance S-49471 authorized acquisition of real property and related property interests required for roadway improvements along 32nd Street from Cheryl Drive to Cholla Street. Acquisition from a parcel that was not identified during preliminary design is necessary to accommodate project construction. All other conditions and stipulations previously stated in Ordinance S-49471 remain the same.

The additional parcel affected by this project and included in this request is identified by Maricopa County Assessor's parcel number 165-03-015D located at 10220 N. 32nd St.

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

Location
Along north 32nd Street from Cheryl Drive to Cholla Street.
Council District: 3

Concurrence/Previous Council Action
The City Council approved the acquisition of Real Property for Roadway

Improvements along 32nd Street from Cheryl Drive to Cholla Street (Ordinance S-49471) on March 1, 2023.

This item was adopted.

38 Outside Bindery Services - IFB 18-227 - Amendment (Ordinance S-49610)

Request to authorize the City Manager, or his designee, to execute amendments to Contract 147545 with Pavlik Laminating, Inc. and Contract 147551 with MG Trust Investments, LLC dba American Bindery & Mailing to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-44524.

Summary
The contracts will provide all labor, materials, equipment, transportation and other services necessary to furnish the City Clerk Department with bindery services on an as-needed basis. Additional time is needed to complete the new procurement and the extension will allow for continuation of these crucial services supporting the administrative functions of the City.

Contract Term
Upon approval the contract will be extended through May 14, 2024.

Financial Impact
The aggregate value of the contract will not exceed $105,000 and no additional funds are needed.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• Outside Bindery Services - Contracts 147545 and 147551 (Ordinance S-44524) on May 2, 2018.

This item was adopted.

39 Statewide Foreign Language Interpretation and Translation Services - ADSPO 13-00002842 - Amendment (Ordinance S-49615)

Request to authorize the City Manager, or his designee, to execute amendment to contracts 147849 with AT Translators LLC, and 147848 with PCI & TS LLC to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-49131.

Summary

These contracts will provide in-person, telephone and written interpretation and translation services on an as-needed basis. Interpreter and translation services are provided during public, private and community meetings and events in addition to emergency and non-emergency situations. A one-year extension will allow for uninterrupted availability of services pending the completion of a new solicitation.

Contract Term

Upon approval the contracts will be extended through April 17, 2024.

Financial Impact

The aggregate value of the contracts will not exceed $897,109 and no additional funds are needed.

Concurrence/Previous Council Action

The City Council previously reviewed this request:
• Statewide Foreign Language Interpretation and Translation Services 147849, 147848 (Ordinance S-44495) on April 18, 2018;
• Statewide Foreign Language Interpretation and Translation Services 147849, 147848 (Ordinance S-46961) on Oct. 7, 2020;
• Statewide Foreign Language Interpretation and Translation Services 147849, 147848 (Ordinance S-49131) on Nov. 2, 2022.

This item was adopted.

40 Law Technical Consulting Services - RFA 16-136 - Amendment (Ordinance S-49617)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 142939 with Scott Shipley, to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $100,000.

Summary

This contract will provide technical consulting services to the Law Department in support of the Criminal Division's business systems and application. This extension is for a one year period with an additional one year optional renewal.

Contract Term

Upon approval the contract will be extended through April 30, 2025.

Financial Impact

Upon approval of $100,000 in additional funds, the revised aggregate value of the contract will not exceed $400,000. Funds are available in the Law Department’s budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

• Law Technical Consulting Services 142939 (Ordinance S-42441) on April 20, 2016.

This item was adopted.

41 SAP System Modernization - Requirements Contract - RFP 21-074 - Amendment (Ordinance S-49630)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 155443 with Labyrinth Solutions LLC, dba InvenioLSI for the purchase of enhanced services, licensing, support, and maintenance for the Finance Department to further support the existing SAP application and infrastructure. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $3,000,000.

Summary

The City currently utilizes the SAP system for critical financial accounting and reporting processes, procurement, accounts payables and receivables, grant management, inventory management, and overall financial reporting and analytics. SAP has more than 3,000 users across all City departments and interfaces with numerous other Citywide systems and applications. The Finance Department has consolidated the management of all SAP licensing, infrastructure, support and maintenance into one contract with Labyrinth Solutions LLC, dba

InvenioLSI. The additional expenditures will allow for continued modernization upgrades to the SAP system in the areas of accounts payables and receivables, travel management, treasury and debt management, enhanced analytics and real estate accounting.

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

Contract Term
The contract term remains unchanged, ending on Oct. 17, 2031, with an additional five-year option to extend.

Financial Impact
Upon approval of $3,000,000 in additional funds, the revised aggregate value of the contract will not exceed $43,000,000. Funds are available in the Finance Department's budget.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• SAP System Modernization Contract 155443 (Ordinance S-47563) on May 19, 2021.

This item was adopted.

42 Spray Paint, Turf Paint, and Painting Supplies - IFB 18-175 - Amendment (Ordinance S-49627)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 147166 with PPG Architectural Finishes, Inc., to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-44379.

Summary
This contract will provide various types of paint and painting supplies. The primary departments utilizing this contract are Aviation, Parks and Recreation, and Neighborhood Services. The requested products are critical for the maintenance and operations of City-owned properties and facilities, and an extension is needed to allow additional time to complete a new procurement process.

Contract Term
Upon approval the contract will be extended through March 31, 2024.

Financial Impact
The aggregate value of the contract will not exceed $1,350,000 and no additional funds are needed.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• Spray Paint, Turf Paint, and Painting Supplies, Contract 147166 (Ordinance S-44379) on March 21, 2018.

This item was adopted.

43 Annual Expenditure Limitation Report Designee to Arizona Auditor General (Resolution 22113)

Request City Council approval to designate Chief Financial Officer Kathleen Gitkin for purposes of submitting the Fiscal Year (FY) 2022-23 and FY 2023-24 Annual Expenditure Limitation Report (AELR) to the Arizona Auditor General on the governing body's behalf.

Summary
Arizona Revised Statute 41-1279.07 (E) requires each county, city, town and community college district to provide the name of the Chief Fiscal Officer that the governing board designates to submit the current year's AELR on the governing body's behalf each year. The FY 2022-23 designation is necessary to submit the current fiscal year AELR to the Auditor General by July 31. The FY 2023-24 designation will align the City with statutory timing requirements.

This item was adopted.

44 Pharmacy Benefit Management Services - RFP HR 22-001 - Request for Award (Ordinance S-49593)

Request to authorize the City Manager, or his designee, to enter into a contract with Elixir Rx Solutions, LLC to provide Pharmacy Benefit Management Services for the City's eligible Employees, Non-Medicare Retirees and their eligible dependents. Further request to authorize the

City Controller to disburse all funds related to this item. The total value of the contract will not exceed $215,000,000.

Summary

Elixir Rx Solutions, LLC will partner with the City and selected Health Plan Third Party Administrators (TPAs) to find sustainable and affordable solutions to optimize the pharmacy care experience of eligible plan participants while keeping costs contained. Other services include efficient claims adjudication, quality customer service to include dedicated onsite representative, Opioid Safety program, experience reporting, pass-through network rates at retail reimbursements, and competitive discounts in all areas to include Retail 30 and 90 days, Mail, Brand and Generic medications with performance guarantees in place. The current contract with Elixir is set to expire Dec. 31, 2023.

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

Procurement Information

RFP HR 22-001 was conducted in accordance with Administrative Regulation 3.10. The Human Resources Department received nine proposals. The Notice of Solicitation was emailed to 1,232 vendors registered in ProcurePHX and known vendors in the pharmacy benefit manager health care industry.

The offers were scored using the following criteria: Qualifications, Experience and References (250 points), Method of Approach (450 points) and Pricing (300 points). Two of the nine offers received were deemed non-responsive. The evaluation occurred by a five-person panel. The panel determined that three offers were within the competitive range. Finalist presentations were conducted with all offers in the competitive range, and Best and Final Offers (BAFOs) were conducted with two offers. After reviewing the BAFO response, it was the consensus of the evaluation committee to recommend award to Elixir Rx Solutions, LLC. The BAFO resulted in an overall reduction over the five year contract period of $8.4 million.

The consensus scores are as follows:

Caremark PCS Health, LLC: 879 points
Elixir Rx Solutions, LLC: 956 points
Express Scripts, Inc: 882 points
IngenioRx, Inc.: 860 points
Magellan Rx Management, LLC: 902 points
Navitus Health Solutions, LLC: 726 points
OptumRx, Inc.: 890 points

After reaching consensus, the evaluation committee recommends award to Elixir Rx Solutions, LLC., as the highest scored, responsive and responsible offer most advantageous to the City.

Contract Term
The five-year contract term shall begin on or about Jan. 1, 2024.

Financial Impact
The aggregate five-year contract value for these services shall not exceed $215 million and will be paid by the City's Health Care Benefits Trust Fund. No General Funds are needed.

This item was adopted.

46 Request Authorization to Disburse Tribal Gaming Grant Funds (Ordinance S-49628)

Request to authorize the City Controller to further disburse tribal gaming grant funds awarded to the Office of Environmental Programs from the Gila River Indian Community for the Seeding Abundance and Growing Our Future project, to three different partner agencies.

Summary
In 2021, the Office of Environmental Programs (OEP) submitted an application for funding consideration to the Gila River Indian Community (GRIC) under the 2021 funding cycle. Staff requested $289,356 over three years for the Seeding Abundance and Growing Our Future project, which provides equipment and training for consumers located in food deserts to grow their own food, and develops new urban farmers resulting in improved health as well as business and community engagement.

The project was selected for a three-year grant funding from GRIC in

2021. The project will fund installation of up to 36 backyard gardens for Phoenix residents experiencing food insecurity and living in food desert areas and provide education and hands-on training for five urban agriculture fellows. The backyard garden program will empower residents to grow healthy food in their own backyards to improve health, promote physical activity, decrease food insecurity and hunger, and potentially decrease household food budgets.

OEP is using the expertise of three local organizations experienced in growing food for this project. Lehr Innovations, LLC (Lehr), NxT Horizon LLC (NxT) and Tiger Mountain Foundation (TMF) collaborated on the GRIC grant application and were named as partners to provide garden installation, training, operation and maintenance services.

Lehr is a Phoenix-based organization founded by Ed Williams, who invented the Linking Ecosystems and Hardware for Regeneration Gardens system as a sustainable, regenerative growing method for busy urban lifestyles.

NxT is a Phoenix-based organization founded by Dr. George Brooks, Jr., a nationally recognized aquaponics expert.

TMF is a Phoenix-based nonprofit organization whose mission is to empower communities to better themselves through cultivating gardens.

Lehr, NxT, and TMF will install backyard gardens using aquaponics, growing produce and protein (fish and shrimp), and raised beds. The systems chosen are cost-effective and water-efficient growing methods and suitable for the Phoenix climate and growing seasons. These systems will be installed for up to 32 residents living in the South Mountain, Maryvale, Laveen, and Estrella Village planning areas. Applicants for the program must meet eligibility criteria, such as low income and living within the program's geographic boundary, with preference for applicants living in food deserts and applicants that are Black, indigenous, or people of color. Homeowners or renters (with written permission from landlord) will be provided with the gardening system of their choice, which includes system installation, including equipment, materials, supplies and labor, and gardening training

throughout the 12-month program. Program outreach materials, applications, and training materials will be provided in English and Spanish.

Lehr will install eight raised-bed garden systems for a cost not to exceed $27,000; NxT will install 12 aquaponics systems for a cost not to exceed $99,246, and TMF will install 12 traditional raised bed garden systems for a cost not to exceed $74,592. The systems include all materials, supplies, equipment, labor, and 12 months of on-call training, maintenance, and repair services.

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

Financial Impact
There is no budgetary impact to the City and no general funds are required. Entities that receive gaming grants are responsible for the management of those funds.

Concurrence/Previous Council Action
Council approved the Gila River Indian Community Gaming Grants, Ordinance S-47639 on June 16, 2021.

This item was adopted.

47 Award of Federal Housing Opportunities for Persons With AIDS Funding (Ordinance S-49614)

Request City Council to grant authorization for the City Manager, or his designee, to enter into contracts with Southwest Behavioral and Health Services and Area Agency on Aging Region One, Inc. for the Housing Department's federally funded Housing Opportunities for Persons With AIDS (HOPWA) Program. Further request authorization for the City Controller to disburse all funds over the life of the contracts. The total value of the contracts will not exceed $24,036,268.

Summary
The City receives an annual allocation of federal HOPWA funds from the U.S. Department of Housing and Urban Development (HUD). The City can utilize these funds to provide housing and supportive services to

households at or below 80 percent of the Area Median Income (AMI) and have at least one member diagnosed with human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS).

On Feb. 3, 2023, the Housing Department issued a Request for Proposals (RFP) inviting sealed offers for the administration of HOPWA programs to include: Transitional Housing and Supportive Services; Supportive Services for Tenant-Based Rental Assistance (TBRA); Employment Services; Housing Advocacy; and Housing Information Services.

Procurement Information
The RFP was available through the City's website through March 6, 2023. A selection committee comprised of two representatives from City departments and one community representative evaluated the proposals on a 1,000-point scale based on the following criteria:
Experience and Qualifications
Methodology, Design and Implementation
Organizational Structure and Capacity

Contract Term
The City intends to enter into three-year contracts with the option to extend the agreements for two additional one-year periods that may be exercised at the discretion of the City Manager or his designee. Contracts commence on July 1, 2023.

Southwest Behavioral and Health Services (SBH)
The agency has more than 30 years experience housing vulnerable populations. SBH has been providing HOPWA-funded housing and supportive services since 1995. Contracts for Transitional Housing and Supportive Services and Employment Services will be awarded.

Area Agency on Aging Region One, Inc. (Care Directions)
The agency has provided services to adults diagnosed with HIV/AIDS for 30 years and services through the HOPWA program since 1998. Contracts for Supportive Services for TBRA, Housing Advocacy, and Housing Information Services will be awarded.

Financial Impact

The five-year aggregate estimated contract value is an amount up to $24,036,268, which includes contractual increases of 20 percent for years two through five. There is no impact to the General Fund. HOPWA is a federally funded program.

Location

HOPWA services are provided to residents in Maricopa and Pinal Counties.

This item was adopted.

51 Authorization to Enter Into Contract with Community Bridges, Inc. (Ordinance S-49597)

Request to authorize the City Manager, or his designee, to enter into contract with Community Bridges, Inc. (CBI) to acquire real property located at 2425 S. 24th St. Phoenix, AZ 85034 (Shelter). The total value of the contract will not exceed $12.5 million. Maricopa County and the City of Phoenix are each contributing $6.25 million in American Rescue Plan Act (ARPA) funds toward this project. Further request to authorize the City Controller to disburse all funds related to this item. There is no impact to the General Fund. Funding is available through the City's allocation of ARPA funds received from the federal government and is part of the Homelessness Projects program.

Summary

CBI currently leases the Shelter and provides bridge housing and supportive services to guests staying at the Shelter. Temporary lodging and appropriate services are provided to individuals experiencing homelessness as the service provider moves individuals into housing, with the end goal of ending their homelessness. Supportive services are provided to support long term success in retaining housing.

Maricopa County and the City of Phoenix have joined efforts to provide funding in support of CBI’s acquisition of the Shelter as an immediate solution to address the growing number of unsheltered individuals in the downtown area.

Contract Term

The term of the contract will begin on or about May 1, 2023, through Dec.

31, 2024.

Financial Impact
The total value of the contract will not exceed $12.5 million. Funding is available from the City's and County's ARPA allocations. There is no impact to the General Fund.

Location
2425 S. 24th St.
Council District: 8

This item was adopted.

53 Lyngsoe Systems Inc. Exterior Lockers Contract - EXC 22 - 137 - Request for Award (Ordinance S-49575)

Request to authorize the City Manager, or his designee, to enter into a contract with Lyngsoe Systems Inc., to provide exterior locker systems allowing 24 hour, seven day a week access for customers to pick up and return items for the Library Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $1,171,171.

Summary
This contract will provide for the installation of exterior lockers and configuration services at the direction of the Library Department. The exterior smart lockers provide 24-hour contactless access for customers to retrieve reserved items at their convenience by simply presenting their patron card to the built-in reader. The lockers can also be used to return items to the Library. For Library staff, a staff interface will allow for a quick and easy process of retrieving items and loading the exterior smart lockers with new items. This system will integrate directly with the Library Department's library system, Polaris, ensuring ease of use and current information updates.

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

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. Lyngsoe Systems Inc. is able to directly integrate with the Library Department's primary business application, Polaris, which will govern the use of the exterior smart lockers. The built-in communication compatibility between Lyngsoe Systems Inc. and Polaris will allow for uninterrupted seamless customer service by the Library Department. The Library Department will be using American Rescue Plan Act (ARPA) funds, which requires the use of those funds by the end of the fiscal year.

Contract Term

The contract will begin on or about April 19, 2023, for a five-year term with no options to extend.

Financial Impact

The total contract value will not exceed $1,171,171. Of the total contract value, $865,000 will be provided by ARPA funds and $306,171 will be provided by operating funds available in the Public Library Department's budget in the out years for software maintenance.

This item was adopted.

54 Interactive Elements, Furnishings and Associated Services (Library Locations) - RFA 18-292 - Amendment (Ordinance S-49605)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 147819 with Burgeon Group, LLC to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-44669.

Summary

This contract will provide initial design and build out of First Five Year interactive areas in various Library locations and includes fixtures, furnishings, and inspection and repair services. The interactive areas are

dedicated, safe and engaging spaces within the libraries for children from birth to age five and their families to play and learn. The Library Department follows established early literacy research and practices in designing the spaces for maximum effect and enjoyment. This extension will allow for improvements at additional locations consistent with those efforts.

Contract Term
The current term of the contract expires in June 2023. Upon approval the contract will be extended through June 14, 2028.

Financial Impact
The aggregate value of the contract will not exceed $2 million and no additional funds are needed.

Concurrence/Previous Council Action
The City Council previously approved this request:
• Interactive Elements, Furnishings and Associated Services, Contract 147819, Ordinance S-4469, June 15, 2018.

This item was adopted.

55 Safety Data Sheet Database Management Services - RFP 17-019 - Amendment (Ordinance S-49616)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146267 with Kelleher, Helmrich & Associates, Inc. to extend the contract term and allow additional expenditures to provide Safety Data Sheet (SDS) database management services for the Office of Environmental Programs. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $50,000.

Summary
This contract will provide a Contractor-hosted web-based Safety Data Sheet (SDS) database including updates and maintenance for the Office of Environmental Programs to manage safety data records of chemicals and products used citywide. Access to the database is through an external link on InsidePHX and can be viewed by all City employees. In the event of a workplace exposure to chemical products, City employees

can easily search the database and provide the correct SDS to emergency and medical responders. The database is needed to meet the requirements of the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard. The extension of this contract and additional funds are needed to maintain access to the database to ensure employee safety and compliance with OSHA requirements and will allow for a new procurement to be completed without a lapse in services.

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

Contract Term
Upon approval the contract will be extended through April 30, 2024, with an additional one-year option to extend through April 30, 2025.

Financial Impact
Upon approval of $50,000 in additional funds, the revised aggregate value of the contract will not exceed $178,000. Funds are available in the Office of Environmental Programs' budget.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
Safety Data Sheet Database Management Services (Ordinance S-43984) on Oct. 18, 2017; and
Safety Data Sheet Database Management Services (Ordinance S-49067) on Oct. 12, 2022.

This item was adopted.

56 Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing and Related Products and Services - 2017001134 - Amendment (Ordinance S-49620)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 148081 with Playcore Wisconsin, Inc., dba Game Time to extend the contract term and allow additional expenditures. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $900,000. There is no impact to the General Fund. Funding is available

through the City's allocation of the American Rescue Plan Act (ARPA) received from the federal government and is under the Phoenix Parks Improvements program of the strategic plan.

Summary

This contract will support efforts to repair and replace current playground and outdoor fitness equipment throughout the City. This contract will ensure that the department can purchase a wide variety of new equipment to enhance and support the quality of recreational programs and services that are provided to the residents of the City. This contract will also be utilized for Parks and Recreation capital improvements serving qualifying census tracts as approved by the City Council in the ARPA Strategic Plan. The extension of this contract and additional funds are needed to continue these essential department operations. The contract extension will also allow for a new procurement to be completed without a lapse in services. The ARPA funding being requested is to be used on ARPA projects.

Contract Term

Upon approval the contract will be extended through June 30, 2024. It includes an option to extend through June 30, 2026.

Financial Impact

Upon approval of $900,000 in ARPA funds, the revised aggregate value of the contract will not exceed $1,100,000. No General Funds are requested.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing and Related Products and Services, Contract 148081 (Ordinance S-44491) on April 18, 2018.

City Council approved the ARPA Second Tranche Strategic Plan allocating $2.9 million for Phoenix Parks Improvements on June 7, 2022.

This item was adopted.

57 Playground, Fitness and Related Equipment - 14X-BANG0220 - Amendment (Ordinance S-49621)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 144992 with Dave Bang Associates, Inc., to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed. Request to continue using Ordinance S-43468.

Summary

This contract will provide playground, fitness and related equipment used in the Human Services Department Head Start Birth to Five Program and the Parks and Recreation Department. The program provides comprehensive educational and child/family development services to low-income families with children ages birth to five years old. The program requires age appropriate playground structures that meet health and safety licensing requirements. A one-year extension will allow for continuous availability of services pending the completion of a new solicitation.

Contract Term

Upon approval, the contract will be extended through April 24, 2024.

Financial Impact

The aggregate value of the contract will not exceed $2.5 million and no additional funds are needed.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

Playground, Fitness and Related Equipment 144992 (Ordinance S-43468) on May 10, 2017.

Playground, Fitness and Related Equipment 144992 (Ordinance S-44496) on April 18, 2018.

This item was adopted.

58 Recreational and Playground Equipment, Accessories and Supplies - RFP #030117 - Amendment (Ordinance S-49623)

Request to authorize the City Manager, or his designee, to execute amendments to Contracts 147842 with Landscape Structures, Inc., and 147930 with Miracle Recreation Equipment Company, to extend the contract terms and allow additional expenditures. Further request to authorize the City Controller to disburse all funds related to this item. The

additional expenditures will not exceed $800,000.

Summary

These contracts will provide for the repair and replacement of current playground and outdoor fitness equipment in various park locations throughout the City for the Parks and Recreation Department. These contracts will ensure that the department can purchase a wide variety of new equipment to enhance and support the quality of recreational programs and services that are provided to the residents of Phoenix. The extension of these contracts and additional funds are needed to continue these essential department operations. The contract extension will also allow for a new procurement to be completed without a lapse in services.

Contract Term

Upon approval, the contracts will be extended through Oct. 31, 2023.

Financial Impact

Upon approval of $800,000, the revised aggregate value of the contracts will not exceed $6.8 million. Funds are available in the Parks and Recreation Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:
• Recreational and Playground Equipment, Accessories and Supplies Contracts 147842 and 147930 (Ordinance S-44469) on April 18, 2018;
• Recreational and Playground Equipment, Accessories and Supplies Contracts 147842 and 147930 (Ordinance S-46181) on Nov. 20, 2019;
• Playground and Outdoor Fitness Products/Services Contract 147930 (Ordinance S-48188) on Dec. 15, 2021.

This item was adopted.

59 Fitness Equipment Purchase, Repair and Preventative Maintenance - MESC 17H-GSRC-0930 - Amendment (Ordinance S-49624)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 147449 with Gym Source USA, LLC to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed. Request to continue using ordinance S-44490.

Summary

This contract will provide repair services and regularly scheduled preventative maintenance of fitness equipment, as well as allowing the purchase of new fitness equipment, on an as-needed basis. The Parks and Recreation Department operates multiple community centers that provide City residents the use of various fitness equipment, such as free weights and circuit weights, and miscellaneous cardio fitness machines. It is imperative that the fitness equipment operate safely and according to manufacturer specifications in order to provide core services to City residents. A one-year extension will allow for continued availability of these crucial services pending the completion of a new solicitation.

Contract Term

Upon approval the contract will be extended through May 14, 2024.

Financial Impact

The aggregate value of the contract will not exceed $150,000 and no additional funds are needed.

Concurrence/Previous Council Action

The City Council previously reviewed this request:
• Fitness Equipment Purchase, Repair and Preventative Maintenance - 147449 (Ordinance S-44490) on April 18, 2018.

This item was adopted.

61 Authorization to Enter into Contracts for Firework Events (Ordinance S-49629)

Request to authorize the City Manager, or his designee, to execute contracts with multiple vendors to provide fireworks display services and event activities for the Parks and Recreation Department. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate value of the contracts will not exceed $150,000.

Summary

Under the contracts, pyrotechnic entertainment and related activities will be provided for Fourth of July events sponsored by the Parks and Recreation Department. Anticipated events that provide firework displays at various locations throughout the City include After Dark in the Park,

Light Up the Sky and the Phoenix Fabulous Fourth. Fireworks displays are presented for the benefit of City of Phoenix residents attending Parks and Recreation Department Fourth of July events.

Procurement Information

A Request for Proposals process was completed on March 10, 2023; however, no proposals were received. Therefore, in accordance with Administrative Regulation 3.10, a standard competition was waived as a result of approved Determination Memos based on Special Circumstances without Competition.

Contract Term

The contract terms will be for the agreed upon events schedule for 2023.

Financial Impact

The combined total for any related contracts will not exceed $150,000. Funds are available in the Parks and Recreation Department's Operating Budget.

Location

Council Districts: 1, 4 and 5

This item was adopted.

64 1016 N. 2nd St. Parcel Disposition and Redevelopment - Authorization to Issue Solicitation

Request City Council to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) for the disposition and redevelopment of City-owned property located at 1016 N. 2nd St. and to begin negotiations with the recommended proposer.

Summary

The City owns 0.4 acres of land at 1016 N. 2nd St. (Site), located on the west side of 2nd Street, mid-block between Portland and Roosevelt streets. The Site was acquired by the City in 2004 and is zoned Downtown Code - Evans Churchill West Character Area. The Site currently contains a surface parking lot, which was licensed in January 2023 to Steel & Spark, LLC for the installation of the temporary Sparkbox demonstration project. Staff is recommending issuance of an RFP for disposition and redevelopment of the property to bring a permanent,

urban, mixed-use development to the Site.

The RFP will seek competitive proposals to bring appropriately dense development to the Site consistent with the Downtown Code Form Based Zoning Ordinance. The Zoning at this Site provides reduced setbacks and requirements for activating uses facing the street. The Site is located two city blocks from Valley Metro Light Rail and within Roosevelt Row. To capitalize on the Site's location, the RFP will seek proposals with space and design or programmatic elements that support the First Friday Artwalk and the arts community along Roosevelt Row, along with accessibility to the public.

Prior to issuance of the RFP, an appraisal of the Site, which is currently underway, will be completed. Each proposer will be required to offer a value equal to or greater than the Site's appraised value and demonstrate successful completion of at least one vertical development with at least three stories within the last seven years. Proposals that include residential development will also be required to allocate at least 20 percent of the totals units as affordable or workforce housing units.

The RFP will include standard terms, conditions and other necessary requirements, and proposals will be evaluated according to the following criteria:
Concept to Redevelop the Site (0-375 points).
Return to the City (0-325 points).
Proposer's Qualifications and Experience (0-300 points).

Staff anticipates the RFP will be issued later this year and be open for at least 60 days. Responsive proposals will be evaluated by a panel that includes City staff and community representatives. Following negotiations with the recommended proposer, business terms will be brought to the full City Council for consideration.

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

Public Outreach
This prospective RFP was presented to the following neighborhood

groups on the dates indicated below:
Roosevelt Row CDC - Feb. 6, 2023.
Downtown Voices Coalition - Feb. 11, 2023.
Central City Village Planning Committee - Feb. 13, 2023.
Evans Churchill Community Association - March 8, 2023.

Previous Council Action
The item was recommended for approval by the Economic Development and Equity Subcommittee at the Feb. 22, 2023 meeting by a vote of 4-0.

Location
The Site includes three individual parcels (Assessor Parcel Numbers 111-36-029A, -029B and -030) and is collectively referred to as 1016 N. 2nd St.
Council District: 7

This item was approved.

65 Vacant Storefront Improvement Assistance Program (Ordinance S-49574)

Request to authorize the City Manager, or his designee, to implement the Vacant Storefront Improvement Assistance Program (Program) and enter into agreements as necessary with retail/commercial building owners (Owners), or their designees, to provide financial assistance for public infrastructure improvements (Improvements). Further request authorization for the City Controller to disburse all funds related to this item. Funding for this program will not exceed $2 million. There is no impact to the General Fund. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) funding received from the federal government under the City's Neighborhood Sustainability category.

Summary
Prior to the COVID-19 pandemic (Pandemic), the retail market was undergoing several changes leading to a significant increase in retail vacancy. Disruptions such as advances in shopping technology, retailers/brands that had become irrelevant, and shifts in consumer spending behavior all served as a catalyst to a decline in brick-and-mortar retail space occupancy. The Pandemic exacerbated the issues struggling landlords were already experiencing as retailers were forced to close and

further change how they did business. Technology advances from e-commerce competitors greatly affected businesses that did not have the technological advances or the funding to pivot and compete with online retailers. Restrictions placed on in-person shopping and services further constrained retailers dependent on their brick-and-mortar spaces. These issues ultimately forced the permanent closure of many businesses, resulting in a significant increase in citywide retail vacancy.

While the Phoenix market has experienced success in Pandemic recovery, premium, minimally challenged and newer retail properties were among the first to be improved and occupied. Challenged commercial retail properties and shopping centers in older, under-served communities continue to experience prolonged vacancy. Many older buildings are good spaces but cannot be used due to infrastructure requirements that are not cost effective or site and building issues, such as no certificate of occupancy, asbestos mitigation, or lack of sprinkler systems, which are required when repurposing older retail buildings that do not have these features. For example, the work that accompanies a fire sprinkler system includes an underground fire line, fire backflow preventer and a street tap. These are costly items that often deter redevelopment efforts, resulting in prolonged retail vacancy; however, updates and improvements to infrastructure can open up possibilities, as these items increase the allowable area of occupancy without changing the building’s construction.

The Vacant Storefront Improvement Assistance Program aims to alleviate these obstacles by providing financial assistance for public infrastructure improvements to support the improvement and occupancy of vacant retail properties and the overall safety of the surrounding community. This will allow retail building owners to remain competitive with improved storefronts while revitalizing and beautifying the surrounding community. Examples of potential public infrastructure items include:

Sidewalk/street repairs
Street lights
Place making signage
Landscape enhancements/improvements in the right-of-way

Median installation
Bus shelter enhancements/improvements
Water/sewer line installation and/or extension
Public art installation

The Improvements will either be scheduled for completion by the City's Street Transportation Department (Streets), or other appropriate department(s), for installation or an approved Owner may opt to complete the Improvement directly. Any Improvements completed by an Owner must be in compliance with Planning and Development, Streets and other associated department's standards. The Improvements must comply with Arizona Revised Statutes Title 34. Performance and timeline indicators will be put into place to ensure compliance with ARPA General Rules.

Retail or commercial building owners located in the City who were impacted by the Pandemic and meet one or more of the following eligibility criteria may qualify for the Program:

25 percent revenue loss or 10 percent vacancy increase when comparing 2019 to 2020 and 2021; or
Located in or immediately adjacent to a Qualified Census Tract; or
Are an adaptive reuse development opportunity created by the Pandemic.

The maximum amount awarded per project will be approximately $250,000. An evaluation panel comprised of City staff will review each application for eligibility and provide a recommendation for approval or denial. The panel will consider costs, location, historic nature of the property, and community benefit. Each approved applicant will enter into a contract with the City to outline the terms and conditions of awarded funds.

Financial Impact
Total funding not to exceed $2 million. There is no impact to the General Fund. Funding is available through the City's allocation of the ARPA funding received from the federal government and is under the City's Neighborhood Sustainability category.

Concurrence/Previous Council Action
This item was presented and adopted as part of the American Rescue Plan Act Second Tranche Strategic Plan by the City Council at the April 12, 2022 and June 7, 2022 Policy Meetings.

This item was adopted.

68 Microception for Violent Crimes Bureau - RFA 19-109 - Amendment (Ordinance S-49609)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 150069 with Microception, Inc. to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $18,040.

Summary
This contract will provide support for software that is used by the Police Department to conduct digitally recorded interviews related to major felonies and other high-profile cases. A continuation of this support and service is crucial to Police Department operations. Additional time is needed to complete the new procurement and the additional funds will allow for continued service through the extended contract term.

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

Contract Term
Upon approval the contract will be extended through April 30, 2024.

Financial Impact
Upon approval of $18,040 in additional funds, the revised aggregate value of the contract will not exceed $77,080. Funds are available in the Police Department’s budget.

Concurrence/Previous Council Action
The City Council previously approved this request:
• Microception for Violent Crimes Bureau - Contract 150069 (Ordinance S-45627-40) on May 15, 2019.

This item was adopted.

69 Aviation Fire Alarm System and Energy Manager Program Maintenance Contract - RFA 23-024 - Request for Award (Ordinance S-49578)

Request to authorize the City Manager, or his designee, to enter into a contract with Honeywell International, Inc. to provide fire alarm system and energy manager program maintenance services at Phoenix Sky Harbor International Airport. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $2,750,000.

Summary

Phoenix Sky Harbor International Airport (Airport) is served exclusively by a Honeywell International, Inc. (Honeywell) fire alarm network, which consists of a proprietary software application known as the Enterprise Building Integrator (EBI) System. The Honeywell fire alarm network is a critical life safety system that encompasses the entire Airport, including the Rental Car Center and the East Economy parking structure, and is designated as the Emergency Response Communications system for the Airport. The EBI system also interfaces with the Access Control and Alarm Monitoring System and the Digital Video Monitoring System.

The fire alarm network is an Underwriter Laboratories listed network that conforms to all fire alarm and building codes. Fire alarm system engineering and programming must be performed by qualified individuals trained by the manufacturer and certified by the National Institute for Certification in Engineering Technologies (NICET). Honeywell will provide Honeywell-trained and NICET-certified staff to perform file maintenance, perform fire alarm panel programming, install software updates and conduct virus detection maintenance.

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

Procurement Information

In accordance with Administrative Regulations 3.10, standard competition was waived as a result of an approved Determination Memo based on Special Circumstances Without Competition. In November 2020 a Request for Information was issued for qualified firms experienced in the

deployment and support for fire alarm management, monitoring, and energy management solutions in medium to large airports. It was determined that replacement of the system would be cost prohibitive at approximately $50,000,000.

Contract Term
The contract will begin on or about May 1, 2023, for a five-year term with no options to extend.

Financial Impact
The total contract value will not exceed $2,750,000 for the five-year contract term.

Funding is available in the Aviation Department's operating budget.

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

This item was adopted.

70 Terminal Airport Advertising Concessions Contract Term Extension (Ordinance S-49579)

Request to authorize the City Manager, or his designee, to amend the Terminal Advertising Program Concession Lease 135006 with Lamar Airport Advertising Company, formerly known as Lamar Alliance Airport Advertising Company, to extend the term for three additional years with the Aviation Department.

Summary
In January 2021, Phoenix City Council authorized the Aviation Department to extend the airport food and beverage, and retail concessionaire leases an additional three years as part of the relief efforts to offset the financial impact of the COVID-19 pandemic. The Terminal Advertising Program Concession Lease 135006 (Lease) with Lamar Airport Advertising Company (Lamar) was inadvertently omitted from the other airport concessionaire lease extensions. The Lease is set to expire on May 31, 2023. Similar to other Aviation Department airport concessionaires, Lamar experienced an unprecedented decline in sales

and revenue due to the impact of reduced passenger activity - down 41 percent in 2020 and 37 percent in 2021, as well as the cancellation of approximately 50 advertising contracts.

As part of the current Lease, Lamar has contracts with two local small business Airport Concession Disadvantaged Business Enterprise (ACDBE) partners to provide support services. Throughout the financial strains experienced in 2020 and 2021, Lamar maintained these contractual agreements with their ACDBE partners and retained 100 percent of their staffing personnel with no layoffs, furloughs, or reduction of staffing levels. Additionally in June 2020, Lamar completed their required capital investment in mid-term equipment refurbishment in Terminal 3 and Terminal 4 by installing new digital displays and fixtures.

A three-year contract extension is consistent with recent guidance by the Federal Aviation Administration Office of Civil Rights that eased the pre-authorization requirement on concession contract extensions if the extension does not exceed three years.

Contract Term
The term will be extended for three additional years, expiring on May 31, 2026. The amendment will include non-discrimination language requirements and equal pay commitments consistent with the other Aviation Department airport concessionaire contracts.

Financial Impact
Lamar will continue to pay rent at the Minimum Annual Guarantee of $3,100,000, or percent rent based on gross sales, whichever is greater.

Extending the term of the Lease for three years will result in no additional cost to the Aviation Department.

Concurrence/Previous Council Action
The City Council approved:
Lease 135006 (Ordinance S-39260) on Oct. 17, 2012;
Lease 135006 - Amendment (Ordinance S-46708) on June 8, 2020;
Lease 135006 - Amendment (Ordinance S-46836) on July 1, 2020;

Lease 135006 - Amendment (Ordinance S-47197) on Dec. 16, 2020.

Location
Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road
Deer Valley Airport, 702 W. Deer Valley Road
Goodyear Airport, 1658 S. Litchfield Road, Goodyear, AZ
Council Districts: 1, 8, and Out of City

This item was adopted.

71 Tal Wi Wi Ranch Water Distribution System Maintenance and Operation Services Contract - RFP 23-014 - Request for Award (Ordinance S-49585)

Request to authorize the City Manager, or his designee, to enter into a contract with Blue World Construction, Inc. to provide water distribution system maintenance and operation services at the Tal Wi Wi Ranch site. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $500,000.

Summary
This contract will provide specific tasks for the operation and maintenance of a water distribution system owned by the City of Phoenix Aviation Department (Aviation) at the Tal Wi Wi Ranch site. The water distribution system provides water to fewer than 25 people at six residential and office locations at Tal Wi Wi Ranch site. These services are essential for the safety of this community and to ensure compliance and in accordance with Arizona Administrative Code, Title 18, Environmental Quality, Chapter 4, Department of Environmental Quality Safe Drinking Water.

Procurement Information
In accordance with Administrative Regulation 3.10, a Request for Proposal was issued. One vendor submitted a proposal deemed responsive and responsible. An evaluation committee evaluated the offer based on the following criteria with a maximum possible point total of 1,000:

Firm Experience and Qualifications (0-350 points)
Method of Approach (0-300 points)

Staff Experience and Qualifications (0-200 points)
Pricing (0-150 points)

After reaching consensus, the evaluation committee recommends award to the following vendor:

Blue World Construction, Inc.

Contract Term
The contract will begin on or about June 1, 2023, for a three-year term with two one-year options to extend.

Financial Impact
The total contract value not exceed $500,000 for the five-year contract term.

Funding is available in the Aviation Department's budget.

Concurrence/Previous Council Action
The Business and Development Subcommittee (BDSC):
Recommended approval of this item, by a vote of 3-0, and
The Phoenix Aviation Advisory Board (PAAB):
Recommended approval of this item, by a vote of 6-0.

Location
9801 N. Litchfield Road, El Mirage, AZ
Council District: Out of City

This item was adopted.

72 Phoenix Sky Harbor International Airport Terminal 3 North Concourse 2 Package 1 Airfield Services - Engineering Services - AV08000086 FAA (Ordinance S-49588)

Request to authorize the City Manager, or his designee, to enter into an agreement with Kimley-Horn and Associates, Inc. to provide Engineering Services that include program validation, design, and possible construction administration and inspection services for the Phoenix Sky Harbor International Airport Terminal 3 North Concourse 2 Package 1

Airfield Services 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 $3,636,000.

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

Summary

The purpose of this project is to reconstruct an airfield vehicle and pedestrian access gate to replace the existing Gate 141, redevelop the American Airlines mail sort facility named C-Point and improve the vehicle service roads to provide inter-terminal passenger bus service between Terminal 3 and Terminal 4 of Phoenix Sky Harbor International Airport.

Kimley-Horn and Associates, Inc.'s services include, but are not limited to: coordinate all permits, approvals and utility location; prepare monthly progress reporting; perform all design services including integrated technology specialties; collaborate with Construction Manager at Risk (CMAR); verify Leadership in Energy and Environmental Design requirements and certification level; develop and submit drawings and specifications for all phases of design; collaborate with the City to meet project requirements for scope, budget and schedule; address stakeholder and CMAR design/constructability review comments from milestone reviews; prepare cost estimates and reconcile with CMAR construction cost estimates; perform value engineering; make presentations to stakeholders; prepare and submit FAA monthly

construction progress reports; and during construction, respond to Requests for Information; review and validate CMAR change notifications and change orders; participate in Operational Readiness Activation and Transition meetings; perform field inspections and prepare reports to ensure compliance with the project plans and specifications; participate in warranty inspection; and provide other services as needed for a complete project.

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

Selected Firm
Rank 1: Kimley-Horn and Associates, Inc.

Additional Proposer
Rank 2: HDR Engineering, Inc.
Rank 3: Stantec Consulting Services, Inc.
Rank 4: TRACE Consulting, LLC

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

Financial Impact
The agreement value for Kimley-Horn and Associates, Inc. will not exceed $3,636,000, including all subconsultant and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. The Aviation Department anticipates grant funding for a portion of this project. 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
3400 E. Sky Harbor Blvd.
Council District: 8

This item was adopted.

73 Phoenix Sky Harbor International Airport Terminal 3 North Concourse 2 Package 3 Airport Concourse - Architectural Services - AV08000087, AV13000003 FAA (Ordinance S-49589)

Request to authorize the City Manager, or his designee, to enter into an agreement with Hellmuth, Obata & Kassabaum, Inc., dba HOK to provide Architectural Services that include program validation, design, and possible construction administration and inspection services for the Phoenix Sky Harbor International Airport Terminal 3 North Concourse 2 Package 3 Airport Concourse 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 $30.7 million.

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

Summary
The purpose of this project is to develop a new six-gate, two level airport

concourse at Terminal 3 of Phoenix Sky Harbor International Airport to accommodate operations for airlines, passengers and airport staff. The planned work will include an aircraft apron to accommodate six Airplane Design Group III aircraft that may service two Airplane Design Group V via two-for-one exchange; a connector bridge between the existing and new concourse to facilitate passenger movement with moving walkways; and one or more passenger bus lobbies at Terminal 4 north concourses to facilitate passageway or a tunnel to facilitate inter-terminal passenger connections between Terminal 3 and Terminal 4.

Hellmuth, Obata & Kassabaum, Inc., dba HOK's services include, but are not limited to: coordinate all permits, approvals and utility location; prepare monthly progress reporting; perform all design services under this contract; provide design team to deliver complete project including integrated technology specialties; collaborate with the selected Construction Manager at Risk (CMAR); verify Leadership in Energy and Environmental Design requirements and certification level; develop and submit drawings and specifications for all phases of design; collaborate with the City to meet project requirements for scope, budget and schedule; address stakeholder and CMAR design/constructability review comments from milestone reviews; prepare cost estimates and reconcile with CMAR construction cost estimates; perform value engineering; make presentations to stakeholders; prepare and submit FAA monthly construction progress reports; and during construction, respond to Requests for Information; review and validate CMAR change notifications and change orders; participate in Operational Readiness Activation and Transition meetings; perform field inspections and prepare reports to ensure compliance with the project plans and specifications; participate in warranty inspection; and provide other services as needed for a complete project.

Procurement Information

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

Selected Firm
Rank 1: Hellmuth, Obata & Kassabaum, Inc., dba HOK

Additional Proposers
Rank 2: DWL Architects+Planners, Inc.
Rank 3: M. Arthur Gensler Jr. and Associates, Inc.
Rank 4: Stantec Consulting Services, Inc.

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

Financial Impact
The agreement value for Hellmuth, Obata & Kassabaum, Inc., dba HOK will not exceed $30.7 million, including all subconsultant and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. The Aviation Department anticipates partial grant funding for this project. 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
2485 E. Buckeye Road
Council District: 8

This item was adopted.

74 Phoenix Sky Harbor International Airport Terminal 3 North Concourse 2 Package 1 Airfield Services - Construction Manager at Risk Preconstruction Services - AV08000086 FAA (Ordinance

S-49590)

Request to authorize the City Manager, or his designee, to enter into an agreement with Kiewit Infrastructure West Co., to provide Construction Manager at Risk Preconstruction Services for the Phoenix Sky Harbor International Airport Terminal 3 North Concourse 2 Package 1 Airfield Services project. Further request to authorize execution of amendments to the agreement as necessary within the City 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 $569,000.

Summary

The purpose of this project is to reconstruct an airfield vehicle and pedestrian access gate to replace the existing Gate 141, redevelop the American Airlines mail sort facility named C-Point, and improve the vehicle service roads to provide inter-terminal passenger bus service between Terminal 3 and Terminal 4 of Phoenix Sky Harbor International Airport.

Kiewit Infrastructure West Co., will begin in an agency support role for Construction Manager At Risk Preconstruction Services. Kiewit Infrastructure West Co., will assume the risk of delivering the project through a Guaranteed Maximum Price agreement.

Kiewit Infrastructure West Co.'s Preconstruction Services include, but are not limited to: detailed cost estimating and knowledge of marketplace conditions; project planning and scheduling; construction phasing and scheduling that will minimize interruption to airport and stakeholder operations; construction phasing that matches grant funding amounts; provide alternate systems evaluation and constructability studies; advise the City on ways to gain efficiencies in project delivery; provide long-lead procurement studies and initiate procurement of long-lead items; assist in the permitting processes, and protect the owner's sensitivity to quality, safety and environmental factors; and participate with the City in a process to establish a Small Business Enterprise goal for the project.

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. Three firms submitted proposals and are listed below.

Selected Firm
Rank 1: Kiewit Infrastructure West Co.

Additional Proposers
Rank 2: Sundt Construction, Inc.
Rank 3: J. Banicki Construction, Inc.

Contract Term
The term of the agreement is five 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 Kiewit Infrastructure West Co. will not exceed $569,000, including all subcontractor and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. The Aviation Department anticipates partial grant funding for this project. 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
2485 E. Buckeye Road
Council District: 8

This item was adopted.

75 Phoenix Sky Harbor International Airport Terminal 3 North Concourse 2 Package 3 Airport Concourse - Construction Manager at Risk Preconstruction Services - AV08000087, AV13000003 FAA (Ordinance S-49591)

Request to authorize the City Manager, or his designee, to enter into an agreement with McCarthy Building Companies, Inc. to provide Construction Manager at Risk Preconstruction Services for the Phoenix Sky Harbor International Airport Terminal 3 North Concourse 2 Package 3 Airport Concourse 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 $4,797,000.

Summary

The purpose of this project is to develop a new six-gate, two level airport concourse at Terminal 3 of Phoenix Sky Harbor International Airport to accommodate operations for airlines, passengers and airport staff. The planned work will include an aircraft apron to accommodate six Airplane Design Group III aircrafts that may service two Airplane Design Group V via two-for-one exchange; a connector bridge between the existing and new concourse to facilitate passenger movement with moving walkways; and one or more passenger bus lobbies at Terminal 4 north concourses to facilitate passageway or a tunnel to facilitate inter-terminal passenger connections between Terminal 3 and Terminal 4.

McCarthy Building Companies, Inc. will begin in an agency support role for Construction Manager at Risk Preconstruction Services. McCarthy Building Companies, Inc. will assume the risk of delivering the project through a Guaranteed Maximum Price agreement.

McCarthy Building Companies, Inc.’s Preconstruction Services include, but are not limited to: detailed cost estimating and knowledge of marketplace conditions; project planning and scheduling; construction phasing and scheduling that will minimize interruption to airport and stakeholder operations; construction phasing that matches grant funding amounts; provide alternate systems evaluation and constructability studies; advise the City on ways to gain efficiencies in project delivery;

provide long-lead procurement studies and initiate procurement of long-lead items; assist in the permitting processes and protect the owner's sensitivity to quality, safety and environmental factors; and participate with the City in a process to establish a Small Business Enterprise goal for the project.

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

Selected Firm
Rank 1: McCarthy Building Companies, Inc.

Additional Proposers
Rank 2: Hensel Phelps Construction Co.
Rank 3: Austin Commercial, LP
Rank 4: Hunt Construction Group, Inc. dba AECOM Hunt
Rank 5: The Weitz Company, LLC

Contract Term
The term of the agreement is five 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 McCarthy Building Companies, Inc. will not exceed $4,797,000, including all subcontractor and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. The Aviation Department anticipates partial grant funding for this project. 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
2485 E. Buckeye Road
Council District: 8

This item was adopted.

76 Ground Lease with Mesa Airlines, Inc. (Ordinance S-49599)

Request to authorize the City Manager, or his designee, to amend Ground Lease Agreement 134356 with Mesa Airlines, Inc. at Phoenix Sky Harbor International Airport to extend the lease to Dec. 31, 2027, with three one-year options to extend the term.

Summary
Mesa Airlines, Inc. (Mesa) has leased a corporate hangar and contiguous ramp space at Phoenix Sky Harbor International Airport (PHX) under the current ground lease since 2012. The ground lease is on its fourth and final extension and is scheduled to expire on Sept. 30, 2023. Mesa uses the hangar and ramp space for maintenance of their fleet of regional jets. Mesa currently flies regional jets through PHX on routes for American Airlines, but the air carriers are winding down their relationship within the next year. Mesa intends to allocate aircraft and pilots in a new partnership with United Airlines, Inc. Mesa has asked to extend the lease to Dec. 31, 2027, with three one-year options to extend.

Contract Term
The term will be extended, expiring Dec. 31, 2027, with three one-year options to extend that may be exercised at the sole discretion of the Director of Aviation Services.

Financial Impact
Annual rent for the first year of the extension for the hangar and apron will be approximately $414,879 and will be adjusted per the Phoenix-Mesa-Scottsdale Consumer Price Index (CPI) at the beginning of the calendar year for each year of the extension. Total anticipated rent from this lease over the term, if all options are exercised, will be approximately $3,007,872, not including CPI.

Concurrence/Previous Council Action

The City Council approved:
Ground Lease 134356 (Ordinance S-38371) on Dec. 14, 2011; and
Ground Lease 134356 - Amendment (Ordinance S-44612) on May 16, 2018.

The Business and Development Subcommittee recommended approval of this item on March 2, 2023 by a vote of 3-0.
The Phoenix Aviation Advisory Board recommended approval of this item on March 16, 2023 by a vote of 6-0.

Location

Phoenix Sky Harbor International Airport - 3949 E. Air Lane
Council District: 8

This item was adopted.

77 Civil Air Patrol Lease Extension at Phoenix Deer Valley Airport (Ordinance S-49625)

Request to authorize the City Manager, or his designee, to execute an amendment to extend a hangar lease with Civil Air Patrol (CAP) for five years with two one-year options at Phoenix Deer Valley Airport (DVT).

Summary

CAP leases a corporate hangar at DVT of approximately 6,000 square feet under the terms of Corporate Hanger Lease Agreement 136822. CAP is a non-profit United States Air Force Auxiliary which provides aviation-related education and flight training to local youth and adults to assist federal and local state authorities in the event of local and national emergencies. CAP uses the hangar facility in support of its non-profit and non-commercial mission, which includes aerial search and rescue, humanitarian aid services, and a cadet program that introduces cadets to aviation.

CAP has been a tenant at DVT since 1989 and leases the hangar facility for one dollar per year consistent with FAA regulations recognizing CAP as a not-for-profit aviation organization and the direct benefits of CAP unit to DVT and to the aviation community.

Contract Term

The term will be for five years with two one-year options to extend, which may be exercised by the Director of Aviation Services. Provisions of the amendment will include an option for CAP to extend the term for an additional five years if CAP invests a minimum of $1 million to expand or modernize the hangar.

Financial Impact

Rent for the lease will remain at $1 per year, which is consistent with rent CAP pays at other airport locations in Arizona. Total rent under the maximum aggregate term of the lease will be $12.

Concurrence/Previous Council Action

City Council previously approved:
Lease Agreement 136822 (Ordinance S-39339) on Nov. 7, 2012;
Extension of Lease Agreement 136822 (Ordinance S-46174) on Nov. 20, 2019;
The Phoenix Aviation Advisory Board, Business and Development Subcommittee recommended approval of this item on March 2, 2023 by a vote of 3-0;
The Phoenix Aviation Advisory Board recommended approval of this item on March 16, 2023 by a vote of 6-0.

Location

Phoenix Deer Valley Airport, 702 West Deer Valley Road
Council District: 1

This item was adopted.

79 Automobiles, SUVs, Vans, and Light Trucks, with Related Equipment and Accessories Contract - COOP 23-065 - Request for Award (Ordinance S-49571)

Request to authorize the City Manager, or his designee, to enter into a contract with 72 Hour LLC, dba National Auto Fleet Group to provide automobiles, SUVs, vans, and light trucks, with related equipment and accessories, for the Public Works Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $8,520,000.

Summary

This contract will provide a supplemental supply of new vehicles provided by multiple foreign and domestic manufacturers. The City of Phoenix traditionally purchases vehicles from local dealerships through City contracts managed by the Public Works Department. However, the Department has identified a need to broaden purchasing options to support the purchase of electric vehicles from various manufacturers as they become available. This contract supports the Phoenix Climate Action Plan, Transportation Electrification Plan, and Sustainability Goals.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Alternative Competition. Sourcewell is a State of Minnesota local government unit and service cooperative created under the laws of the State of Minnesota that offers cooperative procurement solutions to government entities. Sourcewell's cooperative agreement best aligns with the Public Works Department's need to broaden its available resources for purchasing alternative fleet vehicles. Sourcewell's contract was competitively bid and was awarded in a manner consistent with the City of Phoenix's procurement processes. The cooperative agreement is a procurement solution that offers competitive pricing by utilizing a percentage off of the Manufacturer's Suggested Retail Price/List, across 15 manufacturers, for automobile purchases.

Contract Term

The contract will begin on or about June 1, 2023, for a five-year term, with no options to extend.

Financial Impact

The contract value will not exceed $8,520,000 for the five-year term.

Funding is available in various City departments' budgets.

This item was adopted.

80 Renewable Natural Gas - Contract Recommendation (Ordinance S-49595)

Request to authorize the City Manager, or his designee, to enter into a

contract with U.S. Venture Inc., DBA U.S. Gain for the supply of Renewable Natural Gas (RNG). Further request to authorize the City Treasurer to accept all monies and credits related to this item.

Summary

The Public Works Department is responsible for providing fuel, including Compressed Natural Gas (CNG), to the City's vehicles and equipment. U.S. Gain will deliver RNG and provide it to the four major service centers through a pipeline. Renewable natural gas is carbon neutral or carbon negative as it captures methane that would otherwise be released into the atmosphere from organic sources. The RNG will be used to power solid waste collection vehicles.

Procurement Information

This item is exempt from Administrative Regulation 3.10 citing fuel purchase.

Contract Term

This contract will begin on or about June 1, 2023, for a five-and-one-half-year period.

Financial Impact

This item will have no impact to the General Fund.

This item was adopted.

83 Rules and Regulations for Operation and Movement of Overdimensional Vehicles and Overweight Vehicles (Ordinance S-49570)

Request the City Manager, or his designee, to approve Rules and Regulations for the operation and movement of overweight and overdimensional vehicles or combination of vehicles, mobile homes and houses on the City’s roadways, and to repeal Ordinance S-20764. Request the City Manager, or his designee, designate a Permit Supervisor from the Street Transportation Department to oversee and monitor the Overdimensional and Overweight Permit Program.

Summary

Arizona Revised Statutes, title 28, chapter 3, article 18, provides that local authorities may issue special permits for the operation or movement of oversize and overweight vehicles including, but not limited to, mobile

homes and houses. Arizona Revised Statutes, section 28-1104, provides that if a special permit is issued, the local authority may establish limitations and set forth conditions of operation of the vehicle or vehicles to reduce damage to the roads, surfaces or structures, and may require other security measures as deemed necessary to compensate for any injury to any roadway or road structure.

In 1992, City Council authorized the City Manager to designate a Permit Supervisor from the Phoenix Police Department to manage these applications. The Police Department was authorized to accept and review the applications pursuant to the Overdimensional and Overweight Permit Program. If an application met the requirements set forth in the Rules and Regulations, the Police Department would issue the permit. The permits allow legal travel on the City's right-of-way for oversize and overweight vehicle loads. Shifting this function to the Street Transportation Department allows the Police Department to focus on their core department functions and the Street Transportation Department already manages other uses within the right-of-way. There is already permit management functions within the Street Transportation Department for right-of-way and the acceptance and review of applications and issuance of permits for the Overdimensional and Overweight Permit Program fits in the overall City Manager's effort to maximize Department efficiencies.

Financial Impact

There is no financial impact to the City.

This item was adopted.

84 Large Diameter Sanitary Sewer Rehabilitation - Grade 5 Pipe - Engineering Services Amendment - WS90500273 (Ordinance S-49582)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 150127 with Brown and Caldwell, Inc., to provide Construction Administration and Inspection Services for the Large Diameter Sanitary Sewer Rehabilitation - Grade 5 Pipe project. Further request to authorize execution of amendments to the agreement, as necessary and within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to

this item. The additional fee for services will not exceed $1.5 million.

Summary

The Large Diameter Sanitary Sewer System includes approximately 220 miles of pipe with diameter sizes greater than 15 inches and over 1,900 sanitary sewer manholes. The 2019 Large Diameter Sanitary Sewer Condition Assessment Report recommended rehabilitation of 55 pipe segments with Grade 5 Structural Rating. Grade 5 pipe segments contain severe defects that are the highest priority to rehabilitate.

This amendment is necessary as the project was phased into four design packages versus a single package and the project deliverable was changed to manhole rehabilitation work sheet versus typical design sheet. This change increased overall project duration and review periods. This amendment will provide additional time to the agreement.

Brown and Caldwell, Inc.'s additional services include, but are not limited to: administer the construction schedule; review of submittals; issue interpretations and clarifications; certify contractor progress payments; inspections, survey, material testing, record drawings and project documents; and field administration.

Contract Term

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

Financial Impact

The initial agreement for Engineering Services was approved for an amount not to exceed $3.1 million.

This amendment will increase the agreement by an additional $1.5 million, for a new total amount not to exceed $4.6 million, including all subconsultant and reimbursable costs.

Concurrence/Previous Council Action

The City Council approved:

Engineering Services Agreement 150125 (Ordinance S-45716) on June

5, 2019.

This item was adopted.

85 Name Change on Multiple City Agreements to Ardurra Group, Inc. - Amendment (Ordinance S-49583)

Request to authorize the City Manager, or his designee, to execute an amendment with Ritoch-Powell & Associates Consulting Engineers, Inc. to Agreement 155659 for Pavement Maintenance Job Order Contract Support Construction Inspection On-Call Services and to Agreement 156759 for the Water Main Replacement Program Engineering / Consulting On-Call Services to approve a name change to Ardurra Group, Inc. 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.

Summary

On Feb. 1, 2022, the City and Ritoch-Powell & Associates Consulting Engineers, Inc., entered into the Pavement Maintenance Job Order Contract Support Construction Inspection On-Call Agreement 155659. On Oct. 1, 2022, the City and Ritoch-Powell & Associates Consulting Engineers, Inc., entered into the Water Main Replacement Program Engineering / Consulting On-Call Agreement 156759.

This amendment is necessary because on March 10, 2022, Ritoch-Powell & Associates Consulting Engineers, Inc. notified the City of its name change from Ritoch-Powell & Associates Consulting Engineers, Inc. to Ardurra Group, Inc. and is now operating under the name of Ardurra Group, Inc.

Contract Term

The term of the agreements remains unchanged. 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 initial agreement values remain unchanged.

Concurrence/Previous Council Action

The City Council approved:

Pavement Maintenance Job Order Contract Support Construction Inspection On-Call Services Agreement 155659 (Ordinance S-48178) on Dec. 15, 2021; and

Water Main Replacement Program Engineering / Consulting On-Call Services Agreement 156759 (Ordinance S-48881) on July 1, 2022.

This item was adopted.

86 Name Change Agreement to Ardurra, Inc. - Engineering On-Call Services for Calendar Years 2023-2024 - Amendment (Ordinance S-49600)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 157195 with Ardurra, Inc. to approve a name change to Ardurra Group, Inc. for the Citywide Engineering On-Call Services for Calendar Years 2023-2024 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.

Summary

On Oct. 12, 2022, the City Council approved Ordinance S-49068 for the Citywide Engineering On-Call Services for Calendar Years 2023-2024 with a clerical error on one of the consultant's name. The consultant's name was listed as Ardurra, Inc. and the firm is operating under Ardurra Group, Inc.

This amendment is necessary to correct a clerical error of the consultant's name.

Contract Term

The term of the agreement remains unchanged.

Financial Impact

The initial agreement remains unchanged.

Concurrence/Previous Council Action

The City Council approved:

- Engineering On-Call Services for Calendar Years 2023-2024

Agreements 157189-157248 (Ordinance S-49068) on Oct. 12, 2022.

This item was adopted.

87 Aviation Department Facility Condition Assessment On-Call Services (Ordinance S-49592)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the five consultants to provide Facility Condition Assessment On-Call services for the Aviation Department. Further request to authorize execution of amendments to the agreements, as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $1,750,000.

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

Summary

The City's Administrative Regulation 5.43 requires Facility Condition Assessments (FCAs) be conducted on all City-owned and maintained facilities every 10 years, which necessitates a certain number of Aviation properties to be assessed annually to support a 10-year rotation. The FCAs will serve as operating and capital planning tools with the supporting data and information necessary to identify and address immediate needs, establish or modify preventative maintenance programs, and develop business cases for capital maintenance or replacement at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport. This program will ensure

facility management needs are identified, planned and budgeted in a timely fashion, which is necessary for the safety of employees, business partners and customers. In addition to saving time and money, this dedicated on-call for the Aviation Department will provide access to firms with the necessary comprehensive experience in conducting FCAs at airports and other complex 24/7/365 facilities.

The On-Call consultants will be responsible for providing On-Call Facility Condition Assessment services for City-owned and City-maintained facilities that include, but are not limited to: General Civil, Survey, Structural, Mechanical, Plumbing, Electrical, and Energy services; perform FCAs to meet the requirements set forth in American Society for Testing and Materials Designation: E2018-15, Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process; current Americans with Disabilities Act standards; current Phoenix Building Construction Codes; and the current International Building Code.

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. Sixteen firms submitted proposals and are listed in **Attachment A**.

Contract Term

The term of each agreement is up to five years, or up to $1,750,000 aggregate, whichever occurs first. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The total value for the On-Call consultant agreements will not exceed $1,750,000, including all subconsultant and reimbursable costs.

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

Location

Phoenix Sky Harbor International Airport located at 2485 E. Buckeye Road
Phoenix Deer Valley Airport located at 702 W. Deer Valley Road
Phoenix Goodyear Airport located at 1658 S. Litchfield Road, Goodyear, Ariz.
Council Districts: 1, 8 and Out of City

This item was adopted.

88 **BNSF Railway Company Preliminary Engineering Services Agreement for Engineering and Construction Services on Lower Buckeye Road from 27th to 19th Avenues - ST85100411 (Ordinance S-49596)**

Request to authorize the City Manager, or his designee, to enter into a Preliminary Engineering Services Agreement with BNSF Railway Company to authorize engineering and construction services. 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.

Summary

The City is constructing a Capital Improvement Program project on Lower Buckeye Road from 27th to 19th avenues that will encroach on BNSF Railway Company facilities. The purpose of this agreement is to authorize BNSF Railway Company to begin engineering design and allow for the future construction of facilities that will be impacted by the City's work. As this is a Preliminary Agreement, there are no funds identified at this time.

Contract Term

The term of the Agreement will begin on or about April 1, 2023, and will expire when work is complete on approximately Dec. 30, 2024.

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

Location
Lower Buckeye Road, 27th to 19th avenues.
Council District: 7

This item was adopted.

89 Request Approval to Accept Funding and Enter into Development Agreement with VIAONE Development for the Skunk Creek Channelization Design Concept Report (Ordinance S-49604)

Request to authorize the City Manager, or his designee, to accept funding and enter into a Development Agreement (DA) and to execute any other instruments or documents as necessary with VIAONE Development, in collaboration of the Skunk Creek Channelization Design Concept Report (DCR). Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item. The amount of financial assistance from VIAONE Development shall not exceed $75,000.

Summary
The City will request the Maricopa County Flood Control District (MCFCD) complete a Design Concept Report (DCR) to assess the feasibility of channelizing Skunk Creek along Interstate 17 (I-17) corridor, north of the Central Arizona Project (CAP) Canal. The channelization of the wash is intended to reduce the floodplain footprint within the corridor, while not adversely impacting adjacent properties and the existing crossings over the CAP Canal. Successful channelization may recover developable land located within the Federal Emergency Management Agency (FEMA) 100-Year floodplain of Skunk Creek.

Skunk Creek is a major watercourse that flows from the northeast part of Maricopa County and parallels I-17 before crossing it in a southwest direction. The drainage area is about 50 square miles with a 100-year flow rate of 26,700 cubic feet per second (cfs) north of the CAP Canal. The configuration of the channel can be broken into two segments: north

from Carefree Highway to Sonoran Desert Drive and south from Sonoran Desert Drive to CAP Canal. The channel is wider and braided between Sonoran Desert Drive and the CAP Canal providing the opportunity for encroachment and narrowing of the floodplain. In comparison, the upper reach of the channel is narrow and floodplain well contained and channelization will not yield significant land recovery.

MCFCD has indicated they will fund a majority (90 percent) of the DCR with the matching funding (10 percent) coming from the City or other participating stakeholders. VIAONE Development is willing to providing the City's matching share.

Financial Impact

The amount of financial assistance from VIAONE Development is limited to $75,000. Any additional City matching funds required will be funded from the Local Drainage Solutions Program from the Street Transportation Department's Capital Improvement Program.

Location

Skunk Creek along Interstate 17 corridor, north of the Central Arizona Project Canal
Council District: 2

This item was adopted.

90 Request Amendment to Intergovernmental Agreement with Flood Control District of Maricopa County and City of Scottsdale for Rawhide Wash Flood Hazard Mitigation Project Construction (Ordinance S-49601)

Request to authorize the City Manager, or his designee, to amend an Intergovernmental Agreement (IGA) with the Flood Control District of Maricopa County (FCDMC) and the City of Scottsdale for the Rawhide Wash Project Construction to revise the cost share allocation among the parties.

Summary

The Rawhide Wash Flood Hazard Mitigation project is defined as the conveyance alternative presented in the Pinnacle Peak West Area Drainage Master Study. The northern limit of the infrastructure is approximately the Rawhide Wash alluvial fan apex located north of Happy

Valley Road and the southern limit is the bridge crossing at Pinnacle Peak Road east of Scottsdale Road. The project improvements will include construction of new floodwalls and levees and re-construction of existing floodwalls and levees. Upon completion of this construction project, there will be a submittal of an application for a Federal Emergency Management Agency (FEMA) Letter of Map Revision to revise the apex flow discharge and the re-delineation of the floodplain limits downstream of Scottsdale Road within City of Phoenix jurisdiction. Floodplain re-delineation within City of Phoenix jurisdiction will be based on existing condition drainage infrastructure, development activities, and topography that will reduce the existing Special Flood Hazard Area Zone "AO." After completion of the proposed project, approximately 1,933 acres of land will no longer be designated in a FEMA delineated floodplain. Approximately 80 percent (1,531 acres) of this land is within Phoenix jurisdiction, while the remaining 20 percent (402 acres) are within the City of Scottsdale and unincorporated County areas. The cost share analysis was developed based on flood damage reduction, flood insurance savings, reduced cost of fill for future development and the elimination of redundant infrastructure costs. This resulted in a cost share of 50 percent FCDMC, 40 percent City of Phoenix, and 10 percent City of Scottsdale.

Due to the uncertainty of the market and increasing materials prices, the construction cost of the Project requires an increase from the original estimate of $15 million to $30 million. The FCDMC with the City of Phoenix and City of Scottsdale agreed to modify the project cost share of the delta between the original amount associated with IGA and the final construction cost at 65 percent/35 percent. The 50 percent/50 percent cost share will still apply to the original amount approved by the IGA.

The final design has been finalized and construction is scheduled to be complete in October 2023.

Financial Impact

The revised project construction cost is estimated at $30 million. Of this amount, the City's cost share is estimated to be $10.2 million, with the remainder covered by FCDMC and the City of Scottsdale. Funds are available in the Street Transportation Department's Capital Improvement

Program budget. The project is located entirely outside of the City of Phoenix and the City of Scottsdale will be performing the long-term operations and maintenance of the project infrastructure after it is constructed.

Concurrence/Previous Council Action

On July 6, 2017, Council approved the request to apply for FCDMC funds for Flood Control Projects under the Capital Improvement Project Prioritization Process.

The Rawhide Wash Project was submitted and approved by the FCDMC on Oct. 25, 2017, for Fiscal Year 2018-19.

An IGA for the design phase was recommended for approval by the Water, Wastewater, Infrastructure and Sustainability Subcommittee at the Nov. 7, 2018, meeting by a vote of 4-0.

The original IGA, which covered design, right of way and utility relocation for this project, was approved by the City Council on Dec. 12, 2018 (Ordinance S-45224).

The IGA for the project construction phase was recommended for approval by the Transportation, Infrastructure and Innovation Subcommittee at the Nov. 6, 2019, meeting by a vote of 4-0.

Location

The northern limit of the project is generally the Rawhide Wash alluvial fan apex located north of Happy Valley Road, and the southern limit is the bridge crossing at Pinnacle Peak Road.

Council Districts: 2 and Out of City

This item was adopted.

91 Intergovernmental Agreement with City of Glendale for Installation of a High Intensity Activated CrossWalK at 53rd Avenue and Camelback Road (Ordinance S-49622)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the City of Glendale for the installation of a High Intensity Activated CrossWalK (HAWK) at 53rd Avenue and Camelback Road. Additionally, request the City grant exception pursuant to Phoenix City Code section 42-20 to authorize indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code section 42-18.

Summary

The City of Glendale wishes to coordinate with the City of Phoenix Street Transportation Department (Streets) for the installation of a HAWK at 53rd Avenue and Camelback Road. Most of this intersection is located within the City of Glendale, but the south side of the road and intersection are located within the City of Phoenix.

The IGA will authorize the City of Glendale to install the HAWK signal system and equipment within the portion of the road and intersection in City of Phoenix at the Camelback Road and 53rd Avenue intersection to provide a safe crossing for pedestrians. Streets will review and approve the design and provide no-cost permits for the construction and traffic control to the City of Glendale for project-related work that lies within Phoenix. The City of Glendale will administer construction, fund, and assume responsibility for the project. In addition, the City of Glendale will own, maintain, operate, and pay all utility costs associated with the HAWK pedestrian signal system. The agreement will authorize the installation of the HAWK that will allow pedestrians to cross the road safely.

Contract Term

This agreement will become effective as of the date it is approved by all of the parties and will remain in effect as long as the HAWK remains operational.

Financial Impact

The project is funded by the City of Glendale and will have no financial impact on the City of Phoenix.

Location

53rd Avenue and Camelback Road
Council Districts: 5 and Out of City

This item was adopted.

92 Citywide General Construction - Job Order Contracting Services Amendment - 4108JOC209 (Ordinance S-49602)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 156753 with McCarthy Building Companies, Inc. to provide continued General Construction Job Order Contracting

Services for capital projects citywide and to authorize execution of a Job Order Agreement in an amount not to exceed $6 million for the 27th Avenue Material Recovery Facility Upgrade 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.

Summary

The purpose of this project is to upgrade the existing Material Recovery Facility (MRF). The facility was originally commissioned in 1998 and additions to the facility and limited upgrades were made in 2013, but the essential equipment and associated facility infrastructure remained the same. Over 20 years of use as a municipal recycling facility has caused significant wear on the MRF area infrastructure and revolutionary advances in automated recycling equipment during that time has led to the need for a significant upgrade in the area intended to house the new state-of-the-art equipment currently contracted with Machinex. Installation will happen in the fall of 2023 with a start up in the spring of 2024.

This amendment is necessary to provide all of the infrastructure upgrades to support the new operation. The upgrades include: a new electrical distribution system; extensive structural concrete systems and large-scale floor replacements; mechanical system upgrades; fire alarm system modifications; and complete lighting system modifications. Use of a Job Order Contract (JOC) construction services contract allows the City to address the specialized aspects of the project and timeline requirements to ensure that the facility experiences minimal down time to recycling operations. This amendment will allow for issuance of a job order agreement to McCarthy Building Companies, Inc. for an amount not to exceed $6 million for the 27th Avenue MRF replacement project building upgrade requirements.

Contract Term

The term of the agreement remains unchanged. 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 initial master agreement for Job Order Contracting Services was approved for an amount not to exceed $15 million, including all subcontractor and reimbursable costs. The agreement value for this JOC remains unchanged.

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

Concurrence/Previous Council Action

The City Council approved Job Order Contract Master Agreement 156753 (Ordinance S-48850) on July 1, 2022.

This item was adopted.

93 Salt River Project Land Use and Construction Licenses for Grand Canalscape Phase III - ST87600131-1 (Ordinance S-49631)

Request to authorize the City Manager, or his designee, to enter into both a Land Use License and a Construction License with Salt River Project for work associated with City of Phoenix project ST87600131-1 Grand Canalscape Phase III. 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.

Summary

The City is designing a pathway for pedestrian and bicycle use that will incorporate public art, lighting, landscaping and neighborhood access points along the Grand Canal. The purpose of the Salt River Project (SRP) Land Use License is to allow the City to construct and maintain the designed pathway along the Grand Canal from 75th Avenue to 47th Avenue. The purpose of the SRP Construction License is to allow the City to construct a new headwall and pedestrian bridge and install underground electrical facilities, that cross under as well as run parallel

with the Grand Canal, for lighting and landscaping purposes. The work associated with this license is in conjunction with City Project ST87600131-1.

Contract Term
The term of the Land Use License shall be for 19 years beginning June 1, 2023, and ending May 31, 2042. The term of the Construction License is one year, effective when the City begins construction on or about June 1, 2023.

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

Location
Grand Canal from 75th Avenue to 47th Avenue
Council Districts: 4 and 5

This item was adopted.

94 Salt River Project Distribution Design and Construction Contract for Temporary Pole Relocations at 59th Avenue and Dobbins Road - WS90500286-1 (Ordinance S-49598)

Request to authorize the City Manager, or his designee, to enter into a Distribution Design and Construction Contract with Salt River Project (SRP) for the temporary relocation of electrical facilities at 59th Avenue and Dobbins Road for City of Phoenix Project WS90500286-1. 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. Additionally, request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $12,137.16.

Summary
The City constructed a new sewer line on 59th Avenue from Baseline to Dobbins roads. At the 59th Avenue and Dobbins Road intersection, SRP poles were temporarily relocated to provide safe overhead clearances for construction equipment being operated by the City's contractor. The work was completed in 2020 and recently, SRP discovered the contract

was not executed.

Contract Term
Upon approval, the contract will be executed on or about April 20, 2023.

Financial Impact
Funding in the amount of $12,137.16 is available in the Water Services Department Capital Improvement Project budget.

Location
59th Avenue and Dobbins Road
Council Districts: 7 and 8

This item was adopted.

95 Hoses and Fittings - RFQ-2223-WWT-549 - Request for Award (Ordinance S-49619)

Request to authorize the City Manager, or his designee, to enter into an agreement with Central Hydraulics, Inc., dba Curry Fluid Power, to provide hoses and fittings for maintenance and repairs as required by Wastewater Treatment Plants. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the agreement will not exceed $95,000.

Summary
The agreement will provide the City of Phoenix Wastewater Treatment Plants with the necessary hoses and fittings to perform the proper maintenance, repairs, and replacements of hoses. Without the agreement, the plant's ability to quickly replace and repair hoses and transfer liquids and react to emergency situations is limited. The agreement will also save on rental costs for hoses and fittings.

Procurement Information
The recommendation was made using a Request for Quote process in accordance with City of Phoenix Administrative Regulation 3.10.

One vendor was found to be responsive and responsible. Following an evaluation based on price, the procurement officer recommends award to the following vendor:

Selected Bidder

Central Hydraulics, Inc., dba Curry Fluid Power: $25,155

Contract Term

The agreement will begin on or about April 28, 2023, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed $95,000.

Funding is available in the Water Services Department Operating budget.

This item was adopted.

96 Apply for Bureau of Reclamation WaterSMART: Water Recycling and Desalination Planning Grant Opportunity for Federal Fiscal Year 2022-23 - Federal Bipartisan Infrastructure Law Funding (Ordinance S-49581)

Request to retroactively authorize the City Manager, or their designee, to apply for and accept, and if awarded, enter into an agreement for disbursement of Federal funding from the Bureau of Reclamation through the Federal Fiscal Year 2022-23 WaterSMART: Water Recycling and Desalination Planning grant opportunity. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The total grant funds applied for will not exceed $1 million and the City's local match will not exceed $13,705,799.

Summary

The Water Services Department (WSD) submitted a grant application to the Department of Interior, Bureau of Reclamation for a WaterSMART: Water Recycling and Desalination Planning grant to fund a project that pertains to water reuse at the Cave Creek Water Reclamation Plant. If awarded, WSD would utilize grant funds for a demonstration facility for Advanced Water Purification at the Cave Creek Water Reclamation Plant to augment current water supplies. The grant project period will extend over three years.

The WaterSMART: Water Recycling and Desalination Planning grant submittal deadline was Feb. 28, 2023.

Due to the timing of the deadlines and a shortage of City staff, WSD submitted applications prior to obtaining City Council approval. If City Council does not approve this retroactive request, the application will be withdrawn by WSD.

Financial Impact

The estimated total cost for the project is approximately $14,705,799. The maximum federal participation rate is 50 percent with a minimum local match of 50 percent of the total eligible project cost. If awarded, the federal grant would not exceed $1 million and the City's costs would be approximately $13,705,799 for the local match.

Funding for the local match is available in the Water Services Department's Capital Improvement Program budget. Potential grant funding received is available through the Federal Bipartisan Infrastructure Law from the Bureau of Reclamation through the Federal Fiscal Year 2022-23 WaterSMART: Water Recycling and Desalination Planning grant opportunity.

Location

Cave Creek Water Reclamation Plant
Council District: 2

This item was adopted.

97 Map of Dedication - 29th Avenue and Bronco Butte Trail - MOD 220003 - North of Sonoran Desert Drive and West of North Valley Parkway

Map of Dedication: 220003
Project: 21-5022
Name of Map of Dedication: 29th Avenue and Bronco Butte Trail
Owner(s): W. L. Gore & Associates, Inc., B/A North Valley, LLC, The Village at Bronco Trail, LLC, CWS Bronco Butte MF, LP, CWS 29th Sonoran MF, LP, Sonoran Desert Retail, LLC, Acero Sonoran Desert, LLC
Engineer: Kirk J. Pangus, RLS
Request: Public rights-of-way and easement dedication
Reviewed by Staff: March 24, 2023

Final MOD requires Formal Action Only

Summary

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

Location

Generally located north of Sonoran Desert Drive and west of North Valley Parkway

Council District: 2

This item was approved.

98 Final Plat - Circle K, NWC 52nd St & Van Buren - PLAT 210094 - Northwest Corner of 52nd Street and Van Buren Street

Plat: 210094
Project: 18-4059
Name of Plat: Circle K, NWC 52nd St & Van Buren
Owner: Circle K. Stores, Inc.
Engineer: Jeffrey K. Bauer, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: March 13, 2023
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the northwest corner of 52nd Street and Van Buren Street

Council District: 6

This item was approved.

99 Final Plat - 48th Street & Washington - PLAT 220094 - Southwest Corner of 48th Street and Washington Street

Plat: 220094
Project: 21-1644

Name of Plat: 48th Street & Washington
Owner: 48th & Washington Street, LLC
Engineer: Richard G. Alcocer, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: March 13, 2022
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the southwest corner of 48th Street and Washington Street
Council District: 8

This item was approved.

100 Final Plat - Harmony at the Park Three - PLAT 220108 - Southwest Corner of 20th Street and Villa Street

Plat: 220108
Project: 20-907
Name of Plat: Harmony at the Park Three
Owner: City of Phoenix Housing Department
Engineer: Richard A. Stockman, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: March 20, 2023
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 20th Street and Villa Street
Council District: 8

This item was approved.

101 Waiver of Patent Easement - ABND 220045 - Northeast Corner of

19th Avenue and Park View Lane (Resolution 22112)

Abandonment: ABND 220045
Project: 21-3718
Applicant: Adam Baugh
Request: To waive the City's interest in the federal patent easements encumbering the northern, eastern and southern 33-feet of the parcel.
Date of Decision/Hearing: Sept. 22, 2022

Location
Northeast corner of 19th Avenue and Park View Lane
Council District: 1

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

This item was adopted.

102 Modification of Stipulation Request for Ratification of March 15, 2023, Planning Hearing Officer Action - PHO-1-23--Z-136-05-8 - Northwest Corner of 16th Street and Portland Street

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on March 15, 2023. This ratification requires formal action only.

Summary
Application: PHO-1-23--Z-136-05-8
Existing Zoning: R-5 HP
Acreage: 5.57

Owner: 1110 North 16th Street LLC
Applicant: Pennrose, et al.
Representative: Susan E. Demmitt, Gammage & Burnham PLC

Proposal:
1. Review of conceptual site plan by the Planning Hearing Officer per Stipulation 2.
2. Technical correction to Stipulation 1.

VPC Action: The Central City Village Planning Committee heard this request on March 13, 2023, and recommended approval by a vote of 13-0.
PHO Action: The Planning Hearing Officer recommended approval with a modification and additional stipulations.

Location
Northwest corner of 16th Street and Portland Street
Council District: 8
Parcel Address: 1510 E. Portland St.

This item was approved.

103 Remove/Replace Zoning District - I-17 and Deer Hollow Lane - Annexation 522 - Approximately 1,250 Feet North of the Northeast Corner of Circle Mountain Road and I-17 (Ordinance G-7104)

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 removing the Maricopa County RU-43 zoning district and replacing it with the City of Phoenix S-1 zoning district on property at the location described below, which was annexed into the City of Phoenix on Jan. 4, 2023, by Ordinance S-49314.

Location
Approximately 1,250 feet north of the northeast corner of Circle Mountain Road and I-17
Council District: 1

This item was adopted.

104 Remove/Replace Zoning District - 95th Ave and Broadway Road - Annexation 524 - 9349 W. Broadway Road (Ordinance G-7103)

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 removing the Maricopa County RU-43 zoning district and replacing it with the City of Phoenix S-1 zoning district on property at the location described below, which was annexed into the City of Phoenix on Jan. 4, 2023, by Ordinance S-49315.

Location
9349 W. Broadway Road
Council District: 7

This item was adopted.

105 Resolution of Intent and Resolution Ordering Formation of the Verdin Community Facilities District (Resolution 22114)

Resolution declaring the intent to form, and ordering formation of the Verdin Community Facilities District of the City of Phoenix (CFD or District) pursuant to Arizona Revised Statutes (A.R.S.) title 48, chapter 4, article 6 (sections 48-701 to 48-724).

Summary

Pursuant to A.R.S. title 48, chapter 4, article 6, the City is authorized to form a CFD within its corporate boundaries. A.R.S. 48-702 provides that after filing a general plan for the CFD with the clerk of the municipality outlining a general description of public infrastructure improvements for which the district is proposed to be formed and the general areas to be improved, the City Council may adopt a resolution declaring its intention to form the district on a presentation of a petition signed by the owners of at least 25 percent of the land-area proposed to be included in the district. A.R.S. 48-707(F) provides that, upon receipt of a petition signed by owners of all of the land in the proposed district and approval to form by the municipality, the municipality may declare the district formed and waive compliance with the provisions of the Act for posting, publication, mailing, notice, hearing or election.

On Feb. 8, 2023, Taylor Morrison (Applicant) and MacEwen Ranch, LLC (Owner) submitted an application requesting formation of the Verdin CFD, along with a petition that Applicant certifies has been signed by 100 percent of the property owners within the proposed district boundaries, and a proposed general plan for the CFD. The complete application is on file with the Planning and Development Department; the petition and proposed boundaries of the CFD are attached as **Attachment A**. The City's Chief Financial Officer has deemed the application complete, and staff has analyzed the application. Staff has determined that the proposed CFD, under the terms and conditions of the proposed development and inter-governmental agreement recommended for Council approval, is financially viable and complies with the City's policy for formation of community facilities districts. Staff recommends proceeding with the formation of the CFD. If formed, the CFD may not meet or take any action unless and until sufficient insurance, including

Director's and Officer's Insurance, is obtained by the CFD and approved by the City's Chief Financial Officer.

Financial Impact

There is no anticipated financial impact to the City. The CFD Development Agreement will contain provisions to fund all operations and maintenance expenses of the District, including the levy of ad valorum taxes and specific developer contributions to cover revenue shortfalls.

Concurrence/Previous Council Action

City Council approved General Plan Amendment (GPA-DSTV-1-18-2) and Rezoning (Z-62-18-2) on May 5, 2022. Taylor Morrison/MacEwan Ranch will enter into separate development agreements related to Sonoran Desert Drive street improvements, along with water or sewer infrastructure obligations in order to develop the parcel. Staff will work with the developer on the specifics and bring those items forward for City Council approval at a future City Council meeting.

Public Outreach

A.R.S. 48-707(F) provides that, upon receipt of a petition signed by owners of all of the land in the district described and approved by the municipality, the municipality may declare the district formed and waive compliance with the provisions of the Act for posting, publication, mailing, notice, hearing or election. On April 5, 2023, the Applicants submitted a petition signed by owners of all the land in the district described on **Attachment A**, the petition to form a community facilities district.

Location

The Verdin Community Facilities District is generally the 473 acres of land on the south side of Sonoran Desert Drive between the 16th and 24th street alignments.

Council District: 2

This item was adopted.

106 Enter into Agreements for Participation in Construction, Operation and Maintenance of Certain Public Facilities to Serve the Proposed Verdin Development and Administration of Verdin Community Facilities District (Ordinance S-49611)

Request to authorize the City Manager, or his designee, to negotiate and enter into a three-party development agreement and inter-governmental agreement (CFD DA), or other agreements as necessary, between the City of Phoenix (City), Taylor Morrison/Arizona, Inc., an Arizona Corporation, and MacEwen Ranch, LLC, an Arizona Limited Liability Company, (collectively, Developer) or its City-approved designee, and the to-be-formed Verdin Community Facilities District (District) outlining the parties' participation to construct, finance, operate, and maintain certain public water, sewer, roadway, drainage, and trail facilities necessary to serve the Verdin development, and for administration of the District. Further request authorization for the City Treasurer to accept and for the City Controller to disburse funds related to this item.

Summary

The Developer submitted an application requesting to form the Verdin CFD. Staff evaluated the application for compliance with state law and consistency with the City's CFD Policy and recommended City Council proceed with forming the District, per a Resolution. City staff and the Developer have reached general agreement on the major terms and conditions that would govern the District. If authorized by City Council, and subsequently approved by the District Board, the CFD DA would, at a minimum, address the following:

The Developer, at its sole risk, is to design and construct to City standards, and dedicate to the City all public facilities necessary to serve the Verdin development.

The City shall accept ownership of the facilities upon completion to the City's satisfaction.

The District Board shall consist of the Mayor and City Council.

The District may retain independent advisors, attorneys, bond counsel, engineers or other professionals at the District's expense.

The District shall be granted bond authorization of $80,000,000. Bonds are to be issued with a term not to exceed 25 years.

The Developer shall be reimbursed no more than $72,000,000. To qualify for reimbursement the Developer must, among other considerations, remain in compliance with public procurement rules pursuant to Arizona Revised Statutes (A.R.S.) title 34.

The District Board shall have the sole and absolute discretion to issue and/or approve the sale of District bonds or levy District taxes, and the

District shall not be obligated to issue or continue to issue any District bonds or levies.

District bonds shall be issued in separate series over time when the assessed value of the property within the District is sufficient to support bond debt service given a target tax rate of $3.85 per $100 of net assessed limited property valuation, or at such time as Taylor Morrison provides collateral in amounts and type acceptable to the District Board. For purposes of the foregoing, all property in the District owned by the Developer, or any entity owned and controlled by the Developer, shall be assigned the last certified assessed value such property had when categorized as "vacant" for purposes of net assessed limited property valuation.

Expenses incurred to issue bonds shall be included as part of each bond series and repaid with bond proceeds.

The City and the District shall have no obligation for costs incurred by the Developer in excess of available bond proceeds after sale, unless otherwise agreed to by the parties prior to any encumbrance. For example, the Developer and City may enter into a separate Water and/or Sewer Repayment Agreement. However, any and all costs that are the subject of a Repayment Agreement are not eligible for reimbursement by the District.

The District shall levy up to a $0.30 ad valorum tax for Operation and Maintenance (O&M) costs in accordance with A.R.S. 48-701. If, at any time, the O&M tax revenue is insufficient to cover expenses, including City staff costs for administering District activities, the Developer shall agree to cover the shortfall such that there is no negative fiscal impact on general City operations. The Developer has further agreed to address, in separate development agreements, certain rate revenue shortfalls (e.g. sewer rates) necessary to mitigate negative fiscal impacts on City enterprise operations (e.g. sewer lift station and force mains) associated with serving the Verdin development.

Concurrence/Previous Council Action

City Council has approved:

General Plan Amendment (GPA-DSTV-1-18-2) and Zoning Amendment (Z-62-18-2) on May 5, 2022.

Location

The Verdin Community Facilities District is generally the 473 acres of land on the south side of Sonoran Desert Drive between the 16th and 24th street alignments.
Council District: 2

This item was adopted.

107 State of Arizona American Rescue Plan Act (ARPA) Subrecipient Funding (Ordinance S-49632)

Request to authorize the City Manager, or his designee, to enter into an intergovernmental agreement (IGA) with the State of Arizona to accept up to $3 million of American Rescue Plan Act (ARPA) funding to respond to the negative impacts of the COVID-19 pandemic. Further request authorization to enter into agreements with eligible Phoenix entities to address impacts of the pandemic in an aggregate amount up to $3 million using the ARPA funds awarded by the State. Further request authorization for the City Treasurer to accept and for the City Controller to disburse funds related to this item. There is no impact to the General Fund.

Summary
With City Council approval, the City will accept additional ARPA funding as a subrecipient of the State of Arizona to address negative impacts of the COVID-19 pandemic. With this funding, the City will enter into agreements with eligible entities to address negative health and economic impacts of the COVID-19 pandemic.

Contract Term
If approved, the IGA term will be Jan. 1, 2023 through Dec. 31, 2023, with a one-year renewal option. Related funding agreements will also expire on Dec. 31, 2023, with a one-year renewal option.

Financial Impact
There is no net financial impact by this action to the program.

This item was adopted.

22 Public Comment on Proposed MOU Between City of Phoenix and Laborers' International Union of North America, LIUNA Local 777 (Unit 1)

Request for City Council to receive public comment on the terms of the

proposed Memorandum of Understanding (MOU) with the Laborers' International Union of North America, LIUNA Local 777 (Unit 1).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon."

Discussion

Mayor Gallego announced the next several items were public hearings related to Memorandum of Understandings with city labor groups. She mentioned it was a two-step process with a hearing today and the vote at a subsequent Council meeting. She stated there were similar investments, including increased compensation for employees and said she would recognize council members who wished to speak on Items 22-26.

Mayor Gallego declared the public hearing open. Noting no one was present to speak, she declared the public hearing closed. She recognized Councilwoman Guardado for comments.

Councilwoman Guardado remarked these labor contracts were an investment in the people who make the City run. She expressed staff deserved to be paid well and provide good benefits. She said she was happy more public pools would be open this year because the city retained more lifeguards and supervisors based on wage changes last year. She stressed companies the city did business with should also pay their workers fairly. She encouraged her colleagues to approve these labor contracts and lead by example by improving wages on city projects.

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

The public comments hearing was held.

23 Public Comment on Proposed MOU Between City of Phoenix and American Federation of State, County and Municipal Employees, AFSCME Local 2384 (Unit 2)

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) with the American Federation of State, County and Municipal Employees, AFSCME Local 2384 (Unit 2).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon."

Discussion

Mayor Gallego declared the public hearing open.

Jason Henley, President of AFSCME Local 2384, spoke in support on behalf of the 1,485 members. He mentioned there had been a lack of wages and benefits in skilled trades since the recession. He thanked Council for going the extra mile and encouraged Council to approve the MOU at the next meeting.

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

Mayor Gallego declared the public hearing closed.

The public comments hearing was held.

24 Public Comment on Proposed MOU Between City of Phoenix and American Federation of State, County and Municipal Employees, AFSCME Local 2960 (Unit 3)

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) with the American Federation of State, County and Municipal Employees, AFSCME Local 2960 (Unit 3).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its

agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon."

Discussion

Mayor Gallego declared the public hearing open.

Frank Piccioli, President of AFSCME Local 2960, spoke in support, noting negotiations were beneficial for employees and the City. He said the increased wages and bonuses would encourage more people to work for the City as well as retain employees. He thanked the Council, labor relations and management for their support of employees during negotiations by giving competitive wages and bonuses to staff. He added he wanted to talk in the future about providing benefits to part-time employees.

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

Mayor Gallego declared the public hearing closed.

The public comments hearing was held.

25 Public Comment on Proposed MOU Between City of Phoenix and Phoenix Law Enforcement Association, PLEA (Unit 4)

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) with the Phoenix Law Enforcement Association, PLEA (Unit 4).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon."

Discussion

Mayor Gallego declared the public hearing open.

Stephani Espinosa, with The Pueblo's Budget, spoke in opposition, noting Phoenix police officers received $20 million in pay raises last summer. She expressed Phoenix police officers were the highest paid in

the state and said funds from this MOU should go to community resources. She conveyed The Pueblo's Budget included investments in labor for all City employees who keep Phoenix thriving, such as a pay increase, which was met with resistance by the City based on various reasons. She added these funds could help unsheltered people with housing, plus free transportation and other resources for investment in community members.

Anne Ender, with Operation Blue Ribbon, spoke in support, noting there were not enough officers and this contract as well as wages would attract good people and retain current officers. She said she wanted public safety in her neighborhood and collaborated with them. She encouraged Council to start speaking up for officers and approve this MOU.

Shalae Flores expressed she was opposed as she did not trust negotiations taking place behind closed doors. She also claimed details of the MOU were being withheld which impacted the community. She suggested these funds be used for community resources, such as housing and public transportation. She thanked City officials who asked the hard questions and urged them to continue striving for accountability.

Ben Loughlin spoke in opposition of pay raises for Phoenix police officers as they received pay raises last summer. He expressed it was unfair to give police officers two pay raises when there were vacancies as well as programs and services that needed these funds. He said clean parks, reliable trash pickup, Head Start and more housing would be better for neighborhoods than more pay for police officers. He encouraged Council to open PLEA negotiations to the public which would also make the contract public.

Leonard Clark said he was opposed as this would rob citizens of money for police officers. He stressed the country needed to reform police departments.

Electronic comments were submitted for the record on this item as follows:
- 9 in opposition
- 1 with no position

Mayor Gallego declared the public hearing closed.

The public comments hearing was held.

26 Public Comment on Proposed MOU Between City of Phoenix and International Association of Fire Fighters, IAFF Local 493 (Unit 5)

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) with the International Association of Fire Fighters, IAFF Local 493 (Unit 5).

Section 2-218 (G) of the Meet and Confer section in the City Code provides that a proposed MOU be filed with the City Clerk following its ratification by the employee organization and, "At the earliest practicable date thereafter the City Council of the City of Phoenix shall provide on its agenda an opportunity for public comment on the terms of the Memorandum of Understanding prior to the Council acting thereon."

Discussion

Mayor Gallego declared the public hearing open. Noting there was no one present to speak, she declared the public hearing closed.

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

The public comments hearing was held.

32 Acceptance and Dedication of Easements and Deeds for Public Utility, Roadway, Sidewalk and Shared Use Path Purposes (Ordinance S-49603)

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

Summary

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

<u>Easement (a)</u>

Applicant: A Day to Remember LLC, its successor and assigns

Purpose: Public Utility
Location: 8035 N. 43rd Ave.
File: FN 230023
Council District: 1

Deed (b)
Applicant: Maricopa County Community College District, its successor and assigns
Purpose: Roadway
Location: South 59th Avenue and Southern Avenue
File: FN 220116
Council District: 7

Easement (c)
Applicant: Wilshire Apartments LLC, its successor and assigns
Purpose: Sidewalk
Location: 1844 N. 83rd Ave.
File: FN 230024
Council District: 7

Deed (d)
Applicant: Buckeye 59, LLC, its successor and assigns
Purpose: Roadway
Location: 5858 W. Watkins St.
File: FN 220034
Council District: 7

Easement (e)
Applicant: Buckeye 59, LLC, its successor and assigns
Purpose: Shared Use Path
Location: 5858 W. Watkins St.
File: FN 220034
Council District: 7

NOTE: Councilwoman Pastor said she had a conflict of interest on this item.

A motion was made by Vice Mayor Ansari, seconded by Councilwoman Stark, that this item be adopted. The motion carried by

the following vote:

Yes:	7 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego
No:	0	
Conflict:	1 -	Councilwoman Pastor
Absent:	1 -	Councilwoman O'Brien

45 Resolution to Declare the Second Monday in October of Each Year as a Designated City Holiday Known as Indigenous Peoples' Day (Resolution 22111)

This item is a proposed Resolution for the City Council to declare the second Monday in October of each year as a designated City holiday, beginning in 2023.

Summary

Indigenous Peoples' Day is a holiday to honor, recognize, and celebrate the traditions and cultures of the indigenous communities that have lived in the Americas for thousands of years.

Discussion

A motion was made and seconded to approve this item.

Councilwoman Pastor expressed excitement for this item as she was working with the Native American community to declare this resolution as well as a land acknowledgement on the second Monday in October.

Mayor Gallego mentioned the Human Relations Commission was also working on that piece, noting the Parks and Recreation Board already moved forward on it. She agreed this was an exciting item as it was several years in the making and recalled two particular residents asked Council to recognize Indigenous People's Day. She conveyed the City originally did so as a recognized day, whereas this vote would designate it as a City holiday. She said she looked forward to supporting the motion.

Councilman Waring wanted to know if this would be a day off and the cost for the City being closed.

Assistant City Manager Lori Bays replied the cost for an additional holiday was approximately $1.5 million to the General Fund and about $2 million to all funds.

Councilman Waring asked if the City was taking away a holiday.

Ms. Bays responded no.

Councilman Waring questioned if the City should take away a holiday.

Ms. Bays replied that was a decision for the Council, noting the proposal was to add Indigenous People's Day as a holiday without removing other holidays.

Councilman Waring asked if the days after Thanksgiving and Christmas were paid holidays.

Ms. Bays responded the day after Thanksgiving was a paid holiday while just Christmas Day was a paid holiday.

Councilman Waring questioned if the City could do a swap so employees use a vacation day for this holiday as that would be revenue neutral.

Ms. Bays replied she assumed that would be revenue neutral and said that was a decision for the Council. She added it would need to be negotiated with the labor groups as the current holidays were part of the memoranda of understanding.

Councilman Waring asked if days off were included in the compensation packages that were just discussed.

Ms. Bays affirmed the current City holidays were costed to the labor packages, noting this would be an additional holiday that was not costed to the package before Council.

Councilman Waring inquired if this holiday was included in negotiations.

Ms. Bays responded it was not included in this year's negotiations, but would be in the future as part of the holiday package.

Councilman Waring wanted clarification taxpayers were being asked to pay $2 million for the City to not be open another day.

Ms. Bays pointed out this item was brought forward at the request of Council last October when Indigenous People's Day occurred. She emphasized staff was asked to look into it and bring back as a proposal to Council.

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

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

Yes:	7 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego
No:	1 -	Councilman Waring
Absent:	1 -	Councilwoman O'Brien

48 Request to Increase Head Start Birth to Five and Child Care Partnership Funding (Ordinance S-49576)

Request to authorize the City Manager, or his designee, to increase spending authority under Ordinance S-46464, the Head Start Birth to Five and Early Head Start Child Care Partnership Grant by $5,621,145 for the remaining one year of the grant (2023-24) as approved by the Head Start Birth to Five Governing Board, and enter into or execute all contracts, documents, and agreements and take all other action necessary or appropriate to implement the Head Start Birth to Five and Early Head Start Child Care Partnership grants subject to any necessary approval by the Head Start Birth to Five Governing Board. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary

The City of Phoenix Head Start Birth to Five Program provides comprehensive education and social services to children and families at risk through two programs: Early Head Start (0-3 years of age) serving 488 children and Head Start (3-5 years of age) serving 2,963 children.

The term of the ordinance for the Head Start Birth to Five and Early Head Start Child Care Partnership funding is from July 1, 2020, through June 30, 2024. Over the past three years, the Head Start Birth to Five Program has received supplemental awards from the federal government due to the coronavirus pandemic: $1,038,644 for the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) of 2021, $4,129,122 for the American Rescue Plan Act (ARPA) of 2021 and $453,379 for Quality Improvement for 2023. The additional funding has exceeded the original estimated funding for the four-year period by $5,621,145.

Contract Term

The remaining year of the contract term is July 1, 2023, to June 30, 2024.

Financial Impact

The total grant funding for the ordinance will be no more than $173,194,982.44. There is no impact to the General Fund.

Concurrence/Previous Council Action

City Council approved the four years of funding on March 18, 2020 (Ordinance S-46464).

The Head Start Birth to Five Policy Council recommended approval of this item on March 13, 2023, by a vote of 21-0.

Discussion

A motion was made and seconded to approve this item.

Mayor Gallego mentioned Head Start was a priority for Council and said she looked forward to supporting this item.

Leonard Clark encouraged Council to pass this item for the children.

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

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

Absent: 1 - Councilwoman O'Brien

49 **Authorization to Extend Contracts with Central Arizona Shelter Services and Salvation Army (Ordinance S-49577)**

Request to authorize the City Manager, or his designee, to amend the following contracts: 156948 (Central Arizona Shelter Services), 157149 (Salvation Army - Emergency Shelter), and 157150 (Salvation Army - Street Outreach) to extend the term of the contracts through June 30, 2023. The aggregate value of the contracts will remain unchanged and will not exceed $418,993. Further request to authorize the City Controller to disburse all funds related to this item. Funding is available from the City's allocation of Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security (CARES) Act funding. There is no impact to the General Fund.

Summary

Central Arizona Shelter Services (CASS) provides individuals in need with one-time financial assistance to prevent or end homelessness. The one-time financial assistance is used for homeless prevention, move-in cost support, travel assistance to move in with family, and eviction prevention.

Salvation Army (Emergency Shelter) provides respite, basic needs, case management, and other supportive services for families with children experiencing homelessness. Each family receives free, nutritionally balanced, hot meal services each day and access to free household materials such as laundry, hygiene items, diapers, and household supplies.

Salvation Army (Street Outreach), through their Project H.O.P.E. program, provides street outreach and engagement services to families experiencing street-based homelessness by working strategically to place the most acute families into emergency shelters. The program

provides these families with basic needs such as food, hygiene items, transportation, resources and referrals, and any other available material assistance Salvation Army has to help support the family while they wait for an opening at one of the emergency shelters.

Funding is used to prevent, prepare for, and mitigate the effects of the COVID-19 pandemic among individuals and/or families experiencing homelessness who are at greater risk of exposure and susceptibility and to support additional homeless assistance and prevention activities to alleviate the impacts of COVID-19 within the community.

Staff is requesting to extend these contracts to allow for additional time for CASS and Salvation Army to expend funding. Contract amounts are as follows:

CASS: $200,000
Salvation Army (Emergency Shelter): $111,413
Salvation Army (Street Outreach): $107,580

Contract Term
The term of the extension period for each contract will begin on or about May 1, 2023 and run through June 30, 2023.

Financial Impact
Funding is available from the CDBG CARES Act monies from the U.S. Department of Housing and Urban Development. There is no impact to the General Fund.

Concurrence/Previous Council Action
The City Council approved Contracts 156948, 157149, and 157150 (Ordinance S-48164) on Dec. 1, 2021.

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

Leonard Clark expressed he was glad action was being taken due to the lack of rent control in Arizona. He encouraged the surrounding cities to also do something and for Council to pass this item.

A motion was made by Vice Mayor Ansari, seconded by

Councilwoman Pastor, that this item be adopted. The motion carried by the following vote:

Yes:	8 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman O'Brien

50 Authorization to Enter into an Intergovernmental Agreement with Maricopa County (Ordinance S-49580)

Request to authorize the City Manager, or his designee, to enter into an intergovernmental agreement (IGA) with Maricopa County to accept funding to support the acquisition costs of a forthcoming emergency shelter located at 2425 S. 24th St., Phoenix, AZ 85034 (Shelter). The total value of the IGA will not exceed $6.25 million. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The City will utilize the funding to assist Community Bridges, Inc. in acquiring the property.

Summary

American Rescue Plan Act funding awarded to the City from Maricopa County will be used to support the acquisition of the Shelter by Community Bridges, Inc. This Shelter is currently being leased by Community Bridges, Inc. to provide bridge housing for individuals experiencing homelessness as the service provider moves those individuals to other types of housing or appropriate services. Supportive services will also be provided at this Shelter to support long term success in individuals retaining housing.

Contract Term

The term of the IGA will begin on or about March 22, 2023, and run through June 30, 2024, and may be extended up to two years, which may be exercised by mutual agreement of the City and Maricopa County.

Financial Impact

The total value of the IGA will not exceed $6.25 million. Funding is available from Maricopa County and will be budgeted in the Human

Services Capital Improvement Program. There is no impact to the General Fund.

Location
2425 S. 24th St.
Council District: 8

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

Mayor Gallego mentioned this was another investment related to shelter and partnering on costs.

Leonard Clark indicated he no longer wished to speak on this item.

Mayor Gallego announced Mr. Clark submitted to speak in support of investments in homelessness.

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

Yes:	8 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman O'Brien

52 Authorization to Amend Contract with Maricopa County Community College District - Route to Relief (Ordinance S-49613)

Request to authorize the City Manager, or his designee, to amend Contract 156343 with Maricopa County Community College District (MCCCD) Route to Relief to increase funding by $5 million for a new contract total not to exceed $6.5 million and to amend the scope of work to include tuition funding for eligible students. Further request to authorize the City Controller to disburse all funds related to this item.

Summary
MCCCD’s Workforce and Economic Development Office and the

individual colleges within the District provide Phoenix residents with opportunities to advance in their careers while addressing barriers to accessing training and employment, such as childcare and transportation. Training, education and workforce navigation services will be provided to Phoenix residents enrolled in an approved program at one of the Maricopa County Community Colleges. The additional $5 million in funding will allow MCCCD, and individual colleges within the District, to cover tuition costs for eligible students. The City will reimburse the subrecipient for the cost of tuition for participants enrolled in an American Rescue Plan Act (ARPA) approved training program at one of the Maricopa Community Colleges. Individual community colleges within MCCCD may submit invoices for tuition costs to be reimbursed, provided such community college enters an appropriate agreement with the City for such purposes.

Contract Term

The contract term will remain unchanged, beginning Jan. 1, 2022, through Dec. 31, 2024.

Financial Impact

The initial authorization for Contract 156343 was for an expenditure not-to-exceed $1.5 million per Ordinance S-48163. The amendment will increase the authorization for the contract by an additional $5 million for a new not-to-exceed total contract value of $6.5 million over the life of the contract.

There is no impact to the General Funds. Funding is available through the City's allocation of the ARPA funding received from the federal government and is under the City's Workforce Wraparound Tuition Assistance/Apprentice Program category of the strategic plan.

Concurrence/Previous Council Action

The City Council approved Contract 156343 for MCCCD (Ordinance S-48163) on Dec. 1, 2021.

Discussion

NOTE: Councilwoman Pastor had a conflict of interest and did not participate in this item.

Mayor Gallego expressed the City had a great partnership with the community college to help people obtain high-wage jobs. She pointed out this program assisted with tuition, child care and transportation.

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

Yes:	7 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego
No:	0	
Conflict:	1 -	Councilwoman Pastor
Absent:	1 -	Councilwoman O'Brien

60 Parks and Recreation Department Park Activation Neighborhood Grant Program (Ordinance S-49587)

Request authorization for the City Manager, or his designee, to create a Park Activation Neighborhood Grant Program and enter into grant agreements with future selected grantees. Further authorize the City Treasurer to accept and the City Controller to disburse the funds for purposes of this ordinance. The total value of the grant program will not exceed $500,000. There is no impact to the General Fund. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) from the federal government.

Summary

The Phoenix Parks and Recreation Department builds healthy communities through parks, programs, and partnerships; and makes the City a better place to live, visit, and play. Using the “Power of Parks” the department promotes health, wellness, conservation, and social equity by providing the community with opportunities to improve quality of life through access to local parks, recreation and cultural facilities, sports programming, and open spaces.

The Phoenix area has experienced significant growth over the last decade and parks have experienced increased usage by community members since the beginning of the COVID-19 pandemic. As a result,

the demand for activated parks and more structured recreational opportunities has increased. Active parks play a vital role in meeting the growing recreation needs of the community, while helping to deter negative activity in parks.

Additionally, some Phoenix parks and facilities have experienced significant challenges associated with illegal or negative behaviors. These behaviors include, but are not limited to, drug use, violent crimes, theft, trespassing, vandalized and damaged park property and equipment, excessive littering and debris, and misuse of park amenities. Many of these behaviors can be disruptive and pose health and safety risks to the surrounding community. They can also cause damage requiring costly repairs or complete re-engineering of park amenities. These challenges have been exacerbated by increased economic instability and hardship in many communities as a result of the COVID-19 pandemic.

As a part of efforts to address these challenges, the Parks and Recreation Department has sought to activate park spaces to encourage positive behaviors and uses. These efforts include, but are not limited to, purposeful capital investments in desired amenities and activation through outdoor youth and adult sports programs, special events, FitPHX programming, targeted park activation programming, Mobile Recreation programming, and programming from partner organizations such as ParkRx. Recognizing the importance of further activating parks the department continues to maintain and seek new partnerships to assist with these efforts.

To assist with this, the department is seeking to utilize $500,000 in ARPA funds to develop a neighborhood grant program to facilitate activation events and programming in parks serving qualified census tracts and populations. This would provide additional opportunities for park activation in communities most impacted by the COVID-19 pandemic. The Parks and Recreation Department would create a temporary ARPA-funded position to develop and manage this program. Staff anticipate that it would take approximately 60 days to recruit for and fill this position. The grant administrator would develop this new grant program, which would be modeled after the existing neighborhood grant

application process currently administered by the Office of Arts and Culture. Based on this existing grant program, it is anticipated that it would take about six months for funds to be disbursed after the application process opens to the public.

Financial Impact

Funding for this program will not exceed $500,000. There is no impact to the General Fund. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) from the federal government.

Discussion

A motion was made and seconded to approve this item.

Dana Burns spoke in support and invited everyone to the Esteban Park activation at 32nd Street and Roeser Road on Sunday, April 23. She stressed this park was needed in South Phoenix for learning and engagement opportunities.

Mayor Gallego expressed this was an exciting item that would give the community an opportunity to move forward, noting there were many ideas shared in the budget process.

Following the vote, Mayor Gallego mentioned this program would be modeled after the successful neighborhood grant application process related to arts and culture as well as funded in partnership with the federal government.

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

Yes:	8 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman O'Brien

62 Utility, Transportation and Golf Vehicles and Related Accessories, Equipment, Parts and Services - EV2024-02 - Amendment

(Ordinance S-49607)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 147236 with Club Car, LLC and DLL Finance, LLC to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $117,000.

Summary

This contract provides a lease agreement and maintenance of golf cart vehicles for public use at municipal golf courses. This contract is necessary so the City can continue leasing golf carts and maintain the current fleet. The contract is set to expire; therefore, an extension is needed to ensure that City services are not interrupted during the solicitation process.

Contract Term

Upon approval the contract will be extended through October 5, 2023.

Financial Impact

Upon approval of $117,000 in additional funds, the revised aggregate value of the contract will not exceed $1,283,025. There are no General Fund expenditures related to this contract. Funding is available in the Parks and Recreation Department's Golf Special Revenue Fund.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

Utility, Transportation and Golf Vehicles and Related Accessories, Equipment, Parts and Services Contract 147236 (Ordinance S-44408) on April 4, 2018.

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

Yes: 7 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego

No: 1 - Councilman Waring

Absent: 1 - Councilwoman O'Brien

63 **First and McKinley Streets Parcels Lease and Redevelopment - Authorization to Issue Solicitation**

Request City Council to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) for the lease and redevelopment of City-owned property at First and McKinley streets and to begin negotiations with the recommended proposer.

Summary

The City owns parcels located in the Downtown Phoenix Redevelopment Area, comprising approximately 65,300 square feet, or 1.49 acres, at the southwest and southeast corners of First and McKinley streets (Site). The Site is zoned West Evans Churchill within the Downtown Code. Currently, the western portion of the Site is vacant and the eastern portion is leased to Arizona State University for parking.

With approval, staff will issue an RFP seeking offers for a compatible, infill, mixed-use, dense, urban high-rise development of at least ten stories, with residential use and true ground floor activation on the Site. Proposals must allocate a minimum of ten percent of the total residential units as affordable housing and a minimum of ten percent of the total residential units to workforce housing. Proposals that include parking must offer creative and unobtrusive solutions. The RFP will encourage design considerations and programmatic elements that support and enhance the arts community along Roosevelt Row and require a project for the entire Site.

An appraisal of the Site is currently underway and will be completed prior to the RFP issuance. Each proposer must provide a return to the City equal to or greater than the appraised value and demonstrate successful completion of at least one mixed-use development within the last seven years.

The RFP will include standard terms and conditions and other necessary requirements, and will include the following evaluation criteria:
Concept to Activate the Site (0-375 points).

Return to the City (0-325 points).
Proposer's Qualifications and Experience (0-300 points).

If approved, the RFP will be issued later this year and will be open for at least 60 days. Responsive proposals will be evaluated by a panel that includes City staff and community representatives. Following negotiations with the recommended proposer, business terms will be presented to the Economic Development and Equity Subcommittee for review and recommendation, then to the full City Council for approval.

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

Public Outreach
Staff presented to the Downtown Voices Coalition and Roosevelt Row Merchant Association in Dec. 2022; to the Central City Village Planning Committee, Roosevelt Action Association, and Evans Churchill Neighborhood Association Board in Jan. 2023; and to the Evans Churchill Neighborhood Association in March 2023.

Location
The Site is located at the southwest and southeast corners of First and McKinley streets and includes nine parcels (Assessor Parcel Numbers 111-43-007A, 111-43-006A, 111-43-005A, 111-43-060, 111-43-059, 111-43-058, 111-43-063, 111-43-062, 111-43-061).
Council District: 7

Previous Council Action
The item was recommended for approval by the Economic Development and Equity Subcommittee at the March 22, 2023 meeting by a vote of 4-0.

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

Vice Mayor Ansari expressed this RFP was the first of its kind in the City for mixed-use high-rise development with stipulations for 10 percent affordable and workforce housing. She added it was important to have more affordable housing options for teachers, retail and restaurant

workers, artists and seniors, especially for people who lived and worked in downtown Phoenix. She emphasized developers looking to apply that a portion of this project was ground floor activation, noting the City wanted to fill it with every day needs for a walkable neighborhood. She stated downtown Phoenix needed basic amenities, such as a hardware store, laundry mat, nail salon and a veterinary office. She noted this project would be on both sides of First Street with unique architecture and said she looked forward to the end result.

Mayor Gallego stressed the Council was incorporating affordable housing in numerous votes, but this project would mostly be market rate along with affordable and workforce units. She said Roosevelt Row was one of the top places in America and hoped this RFP would align with the success and community values of Roosevelt Row. She expressed she looked forward to supporting the issuance and creative ideas when it came back.

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

Yes:	8 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman O'Brien

66 Text Amendments to Phoenix City Code Chapter 10A - Phoenix Convention Center (Ordinance G-7102)

Request for City Council to adopt text amendments to Phoenix City Code Chapter 10A Phoenix Convention Center to remove unnecessary definitions, to clean up use agreement rules, remove section 10A-4, 10A-7, 10A-8, and 10A-9, establish a rental rate and policy schedule and other general administrative updates.

Summary

Ordinance G-4675 adopted by City Council Feb. 16, 2005, repealed Chapter 10A in its entirety, with the exception of Section 10A-5. Section 2 **(Attachment A)** of said ordinance adopted a new Chapter 10A. Formerly

said chapter pertained to Civic Plaza and derived from Ordinance G-3066 and Ordinance G-3161. Subsequently, Ordinance G-4872, subsection 4-13, adopted March 7, 2007, amended Chapter 10A, in its entirety.

The Ordinance related to this item amends Chapter 10A of the City Code by updating and/or removing definitions, adding rental rates and policy schedule to section 10A-2 Directors Authority. Updating section 10A-3 to remove unnecessary items. It removes section 10A-4 Use Agreement rates which subsequently become the Rental Rate and Policy Schedule. Updates section 10A-6 changing the term cancellation fee to liquidated damages, and other minor corrections, sections 10A-7 and 10A-8 have been removed and are addressed through the contracting process. Section 10A-9 has been removed as it becomes part of the Rental Rate and Policy Schedule. Further, it removes any mention of the Executive Conference Center, updates language from City to Licensor and client to Licensee and other minor grammatical updates/changes.

Financial Impact

There is no financial impact to the budget related to these changes.

Discussion

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

Mayor Gallego noted this code was last updated in 2014.

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

Yes:	8 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman O'Brien

67 Authorization to Apply for FFY 2023 Homeland Security Grant Program Funds (Ordinance S-49626)

Request to authorize the City Manager, or his designee, to apply for, and

accept, if awarded, up to $5,250,000 from Federal Fiscal Year (FFY) 2023 Department of Homeland Security grant funds that include the Urban Area Security Initiative (UASI) and the State Homeland Security Grant Program (SHSGP) through the Arizona Department of Homeland Security. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse all funds related to this item.

Summary

The Department of Homeland Security distributes Homeland Security Grant funds to enhance the ability of regional authorities to prepare, prevent and respond to terrorist attacks and other disasters.

UASI and SHSGP grant funds are used by the Police and Fire departments to purchase equipment and vehicles, conduct training and exercises, perform assessments of critical infrastructure sites, and implement target hardening measures to protect critical infrastructure. Programs funded under the Homeland Security Grant Program include Terrorism Liaison Officer Program, Community Emergency Response Teams, Rapid Response Task Force, and the Metropolitan Medical Response System.

The Fire and Police departments have received Homeland Security Grant awards since 2003. In 2022 the grant awards from UASI and SHSGP was $4,250,000 and $1,000,000, respectively, for a total of $5,250,000. The 2023 grant awards are expected to be similar.

Contract Term

The grant period of performance begins Sept. 1, 2023, and ends Aug. 31, 2026.

Financial Impact

No matching funds are required. Grant funds will be reimbursed through the Arizona Department of Homeland Security and managed through the Fire and Police departments.

Discussion

A motion was made and seconded to approve this item.

Leonard Clark spoke in support and asked Council to approve this item as he was concerned about the growing discord across the country.

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

Yes:	8 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman O'Brien

78 Contract Award for Transit-Oriented Development Planning Grant for the Northwest Extension Phase II Light Rail Corridor (Ordinance S-49594)

Request to authorize the City Manager, or his designee, to enter into a contract with Jacobs Engineering Group, Inc. to provide consultant services to assist with the implementation of the Northwest Extension Phase II Light Rail Transit-Oriented Development Grant for the Public Transit Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of this contract will not exceed $1.5 million.

Summary

In December 2020, the Federal Transit Administration (FTA) selected the City of Phoenix to receive a Transit-Oriented Development (TOD) Planning Grant to plan for future development along the Northwest Extension Phase II (NWEII) Project. The FTA awarded Phoenix with funding of $1 million, which is further supported by a $500,000 local match from Phoenix’s Transportation 2050 (T2050) Fund. The Grant’s purpose is to support the FTA’s mission for the improvement of America’s communities with public transportation by providing funding to local communities to integrate land use and transportation planning through a new fixed guideway or core capacity transit capital investment, such as a light rail extension.

The Grant will assist City staff with research, community/stakeholder engagement, and urban design services for a TOD Policy Plan and

Active Transportation Implementation Plan. The land use planning will advance TOD in the corridor and the region by working with residents, business/property owners, and community organizations/leaders to create a comprehensive plan that lays the groundwork for urban, mixed-use development built to a pedestrian scale. This includes an integrated network of routes and connections for pedestrians/bicyclists, a theme for streetscape improvements, and an outline of resources and actions needed for implementation. The Grant provides resources to work closely with the community to develop and implement policy plans in the corridor by: collecting a detailed inventory of existing land uses, hosting community stakeholder workshops/meetings, working with the community to develop a community vision, and identifying strategies and performance measures to implement an overall vision. The proposed work will ensure that the NWEII community and stakeholders have an opportunity to develop their own community-driven vision and implementation plan.

Procurement Information

By Formal Action on Nov. 3, 2021, City Council approved staff's request to issue a request for proposals (RFP) for consultant services to assist with the research, implementation, and execution of the Northwest Extension Phase II Light Rail Transit-Oriented Development Grant. The RFP was issued Sept. 12, 2022, and by addendum the proposal-submission deadline was extended by six days to Oct. 17, 2022 to address vendor-submitted inquiries.

Two proposals were received in response to the RFP, with one offer determined non-responsive for failure to submit all federally-required certifications. An evaluation panel comprised of staff from the City of Phoenix, Valley Metro and a member of the public reviewed the proposal based on the following criteria:
Method of Approach (350 points)
Team Qualifications and Experience (350 points)
Personnel Qualifications and Experience (200 points)
Price (100 points)

The evaluation committee reached consensus to award the contract to Jacobs Engineering Group, Inc.

Contract Term
The contract's term will begin on or about May 1, 2023 for an initial two-year period, with an option to extend the contract's term up to one additional year to coincide with project completion. The extension option will be exercised by the Public Transit Director only if it is in the City's best interest to do so and the contractor has performed satisfactorily during the initial two-year contract term.

Financial Impact
The contract value will not exceed $1.5 million, and funds are available in the Public Transit Department Capital Improvement Program budget from the following funding sources:
Federal Transit Administration TOD Grant - $1 million
City of Phoenix Transportation 2050 Funds - $500,000

Concurrence/Previous Council Action
This item was recommended for approval at:
The Citizen's Transportation Commission Meeting on Feb. 23, 2023, by a vote of 9-0.

Location
The Northwest Extension Phase II TOD planning project area is generally bounded by 19th Avenue on the east, 35th Avenue on the west, Peoria Avenue on the north, and Butler Road on the south.
Council Districts: 1, 3, and 5

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

Jeremy Thacker expressed his concern about the City spending time and money to create a new TOD plan for the light rail extension. He recalled at the July 2015 meeting Councilwoman Pastor made a friendly amendment to the ordinance regarding the walkable urban code requiring an annual review of metrics. He encouraged Council to reassure residents by restoring the purpose of Reinvent PHX.

A motion was made by Vice Mayor Ansari, seconded by Councilwoman Stark, that this item be adopted. The motion carried by

the following vote:

Yes:	7 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego
No:	1 -	Councilman Waring
Absent:	1 -	Councilwoman O'Brien

81 Amend City Code - Proposed Solid Waste Disposal Facility Fee Increase and Permit Fee Elimination (Ordinance G-7100)

Request the City Council to amend section 27-53 of the Phoenix City Code to increase the solid waste disposal fee applicable to commercial customers disposing solid waste at City facilities to $55 a ton and to eliminate the solid waste disposal facility permit fee with an effective date of May 22, 2023. The solid waste disposal facility fee was last raised in July 2021.

Summary

The Public Works Department (PWD) assists in providing a safe and aesthetically acceptable environment through effective, integrated management of the community's solid waste stream, including collection, disposal, source reduction and recycling activities. Annually, PWD processes over 480,000 transactions between both the 27th Avenue Transfer Station and the North Gateway Transfer Station.

Over the past year, the Solid Waste utility has seen a significant increase in costs related to inflationary pressures such as fuel, equipment, waste transportation, and recycling processing. To address these increases, PWD developed a solid waste financial plan to determine the revenue requirements that support the operating budget for the two City-owned transfer stations, landfill, and composting facility. On Dec. 1, 2022, the Solid Waste Rate Advisory Committee recommended increasing revenue by raising the disposal fee for commercial customers at the transfer stations and landfill by $11 a ton, which would change the current rate of $44 a ton to $55 a ton with an effective date of May 22, 2023. The solid waste disposal facility fee was last raised in July 2021 as part of the Solid Waste Service Rate Increase approved by City Council on Feb. 11, 2020.

In addition, the City requires commercial customers to obtain a solid waste permit when using the City's disposal facilities. The permit allows the City to maintain accurate commercial customer records, including vehicle tare weights and streamlines the customer service experience. Currently, the City charges five dollars to obtain each permit. By eliminating this permit fee, it can be absorbed into the comprehensive disposal facility fee beginning May 22, 2023.

Concurrence/Previous Council Action

The Community and Cultural Investment Subcommittee recommended this item for approval on Feb. 1, 2023, by a vote of 4-0.

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

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

Yes:	7 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego
No:	1 -	Councilman Waring
Absent:	1 -	Councilwoman O'Brien

82 Amend City Code 31-101(b) Street Improvements - Assessment Policy (Ordinance G-7101)

Request to amend Phoenix City Code 31-101(b) regarding Street improvements - Assessment policy to update “Scalloped Street” assessment policies to align with Arizona Revised Statutes (A.R.S. Section 9-243).

Summary

Phoenix streets are primarily constructed by adjacent private developers at time of site development as outlined in Chapter 32 of the Phoenix City Code (Subdivisions). However, staggered development patterns, market conditions and construction trends have resulted in many streets not having a completed cross section, therefore not serving to their ultimate capacity. These street cross sections with inconsistent, non-systematic configurations are referred to as "scalloped streets." Scalloped streets

can cause traffic congestion, travel delays and lack of accessibility for those with disabilities. The consideration and use of a "scalloped streets" policy would allow the City to address critical missing street segments to benefit the surrounding community and traveling public, while retaining the ability to cost share for these improvements if future private development occurs that also benefits from the street improvements.

With regards to "Scalloped Streets," the Street Transportation Department (Streets) determined that current State Statutes provide for greater flexibility, applicability and cost recovery of funding in comparison to existing adopted City policies in Phoenix City Code Chapter 31 (Streets and Sidewalks). The City would benefit by removing the "Scalloped Streets" portions of existing City Code (31-101), which would allow the City to follow a "Scalloped Streets" policy in adherence to the existing Arizona Revised Statutes (A.R.S. Section 9-243) and improve the flexibility and ease of use for Streets' staff.

In May 2022 and November 2022, Streets' staff sent notification of the proposed City Code modifications to representatives of the development industry with no noted objections.

The Transportation, Infrastructure and Planning (TIP) Subcommittee recommended Council approval of the City Code 31-101(b) changes (**Attachment A**) to align with Arizona Revised Statutes (A.R.S. Section 9-243).

Concurrence/Previous Council Action

Council adopted an ordinance amending Chapter 31 of City Code adding an article entitled 'Street Improvements Before Development' on April 18, 1984 (G-2620).

Council amended sections 31-100, 31-101 and 31-102 of Chapter 31 of City Code to include assessment and collection procedures for street improvements on July 3, 1991 (G-3446).

TIP Subcommittee recommended Council approval of this item by a vote of 4-0 on Feb. 15, 2023.

NOTE: Councilwoman O'Brien joined the voting body virtually.

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

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

108 Repeal of the Prevailing Wage Ordinance and Request an Eight-Hour Rule to Research the Legality of a Prevailing Wage Ordinance

On April 17, 2023, Councilwoman Debra Stark, Councilman Jim Waring and Councilwoman Ann O'Brien submitted a request **(Attachment A)** to the City Manager to place an item on the April 19, 2023 Formal City Council agenda. The request is for the City Council to repeal the Prevailing Wage Ordinance and requests an eight-hour rule, per City Council Rule 15, to research the legality of a Prevailing Wage Ordinance. The request involves the Prevailing Wage Ordinance that was approved during the Special City Council meeting on March 22, 2023.

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

Discussion

Mayor Gallego mentioned this item came about from a three-person memo from Council who requested it be placed on the agenda. She conveyed the City Attorney advised that Council make two votes, one related to past action and one related to action moving forward. She indicated the Attorney General's Office agreed to provide legal support in crafting an ordinance to fairly pay construction workers, noting it should also be financially viable. She expressed most council members supported fair wages, especially for construction workers who performed jobs in harsh conditions such as extreme heat. She pointed out Council previously voted on an ordinance that did not include City officials, noting the City Attorney did not see the language before the vote. She stated

the ordinance needed to withstand legal challenges, plus have a transparent process that included stakeholders and legal review. She said the three council members wished to move this forward quickly and the City Manager was working on a process to get it done this year.

Councilwoman Stark stated the Council needed to look at fair wages for people who worked on City projects. However, she stressed the City needed to make sure the ordinance was written correctly and calculate the financial impact it could have in the future. She expressed concern about the class and compensation study and wanted to ensure City workers received their fair pay.

A motion was made by Councilwoman Stark, seconded by Councilman Waring, that this item be approved to rescind the decisions of the City Council on March 22, 2023, to pass a resolution titled "A Resolution of the City Council of the City of Phoenix, Arizona, enacting the following Prevailing Wage Ordinance for Ctiy projects to be codified as Article XIV of Chapter 43 of the Phoenix City Code" because of a number of substantive legal procedural deficiencies related to the resolution's passage.

A substitute motion was made by Councilwoman Pastor, seconded by Councilwoman Guardado, directing staff to process a resolution of the City Council of the City of Phoenix, Arizona, enacting the following Prevailing Wage Ordinance for the city's projects to be codified as Article XIV of Chapter 43 of the Phoenix City Code that was passed on March 22, 2023.

Mayor Gallego mentioned after the vote on the motion, Council would vote on the path forward related to the three-person memo.

Councilwoman Guardado recalled testimony about the ordinance being illegal and asked staff to verify those comments.

City Attorney Julie Kriegh replied if the second motion to ratify passed it would resolve the issues discussed in executive session.

Councilwoman Guardado inquired about the legality of the ordinance

since staff did not have the authority to review it. She also wanted staff to provide an explanation about the memo sent to the mayor requesting the ordinance not be signed.

Ms. Kriegh responded there were legal issues with the ordinance passed on March 22, 2023, noting specifics should be discussed in executive session. She advised the memo related to process issues with passage of the ordinance.

Councilwoman Guardado asked if the issue was with passage versus content of the ordinance.

Ms. Kriegh replied there were legal issues regarding how it was processed on March 22, 2023 as well as content of the ordinance.

Councilwoman Guardado mentioned a 1487 complaint was filed but she wanted to know if the repeal went through and the ordinance did not pass if Council had to wait for the attorney general's decision.

Ms. Kriegh affirmed the City received a 1487 complaint, noting a legislator filed a complaint that passing this resolution violated Arizona state statutes. She pointed out if the ordinance passed the City would respond to the 1487 complaint. She added if the ordinance was rescinded the City would advise the attorney general's office it was no longer in violation.

Councilwoman Guardado inquired if the resolution was not brought forward the attorney general could have provided corrections, staff would have made the changes and the resolution could go through the process quicker.

Ms. Kriegh replied a 1487 complaint would be provided by the attorney general, noting she had not seen it, and the City would be given time to respond. She continued the attorney general would then opine whether the City was in violation of state statutes.

Councilwoman Guardado remarked the Council had discussed improving City wages since she came into office and congratulated the labor

groups on their union contracts for the coming year. She said she had spoken with contract and construction workers that were on strike for fair wages and benefits through a prevailing wage ordinance. She recalled in 2021 Council had an opportunity to approve an eight-hour rule to look into a prevailing wage ordinance but it did not pass. She emphasized on March 22, 2023 a bipartisan majority of Council approved the City's first prevailing wage ordinance; however, that ordinance was being repealed today due to some councilmembers' concerns. She expressed she hoped Council agreed to allow the attorney general to decide how this process moved forward quicker given the homeless and housing crises.

Mayor Gallego conveyed 1487 could take away state-shared revenue from communities if one legislator and the attorney general determined action was inappropriate. She pointed out in this instance the attorney general was willing to work with the City and provide advice, noting the attorney general had been pro-active in working with other communities. She said it was important to include the lawyers who would be involved in defending this ordinance in court in the crafting of it. She emphasized Council could find a way that was legal and financially viable to invest in construction workers, but she had not seen the previous ordinance language until the vote which was not good public policy. She asserted Council needed to work with the city attorney and go through the process in a transparent way which included people in the labor community.

Councilwoman Pastor asked if staff had a slide that showed the timeline of how long Council had been advocating for prevailing wage.

Ms. Kriegh affirmed she had a timeline for the prevailing wage ordinance history.

Councilwoman Pastor requested staff go through the timeline, specifically the June 23, 2020 policy session.

Ms. Kriegh stated an eight-hour rule request to research a prevailing wage ordinance was heard at the policy session on June 23, 2020 and the item failed.

Councilwoman Pastor noted some current councilmembers were part of

that vote, while other people were displeased because she held up the process to include community outreach. She asked staff for the next date in the timeline.

Ms. Kriegh responded the next date was July 1, 2020 formal meeting where the June 23, 2020 policy item was reconsidered and failed to pass.

Councilwoman Pastor pointed out councilmembers had discussions with community leaders and were prepared to move forward but the item failed. She requested staff continue with the timeline.

Ms. Kriegh stated the next date was June 22, 2021 policy session for an eight-hour rule for construction jobs and compensation.

Councilwoman Pastor emphasized everyone could see the history on this issue as well as who voted against it.

Ms. Kriegh interjected the item at the June 22, 2021 policy session was approved.

Councilwoman Pastor added there was discussion at an executive session but it did not move forward. She asked when this matter was heard again by the Council.

Ms. Kriegh replied consideration of a prevailing wage ordinance was heard at the Oct. 6, 2021 formal meeting and failed to pass.

Councilwoman Pastor conveyed the ordinance was heard at the March 22, 2023 special meeting where it passed but was now being repealed. She said she received a confidential packet that included reasons why the ordinance could not be upheld. She noted one reason was Rule 15 in the Rules of Council Proceedings which related to the eight-hour rule of staff work and included ordinance development. She recalled Council voted on an ordinance on March 22, 2023.

Ms. Kriegh advised the item was placed on the agenda as a resolution.

Councilwoman Pastor asked if the item passed as an ordinance.

Ms. Kriegh responded the title of the item stated it was a resolution of the City Council enacting a prevailing wage ordinance.

Councilwoman Pastor inquired, whether or not it was a resolution or ordinance, if the prevailing wage item passed.

Ms. Kriegh affirmed the item passed.

Councilwoman Pastor pointed out Council did not request ordinance development because it was already developed and approved. She stated once the ordinance passed staff was directed to implement it but a procedural issue arose. She expressed how it affected the budget as well as the City's class and compensation study would be discussed; however, she understood the prevailing wage ordinance could be a phased process. She acknowledged a 1487 complaint came up yesterday for the attorney general to look at the ordinance and provide an opinion. She said she would be voting yes on her substitute motion.

Mayor Gallego clarified this was not a repeal due to not being codified but due to the fact it was rushed through the process. She reiterated some councilmembers saw the motion language moments before the vote, noting staff had already received legal letters about the process and content. She added this could be decided by the Arizona supreme court or as a ballot initiative to Arizona voters. She stressed it was important to draft a policy with the attorney general's support.

Vice Mayor Ansari requested staff explain the difference between waiting for the 1487 complaint from the attorney general and whether this was legal or illegal.

Ms. Kriegh advised if Council approved this ordinance and the City received a 1487 complaint challenging it staff would defend why it is legal with the attorney general. She continued the attorney general would opine by agreeing the ordinance can move forward, disagreeing as the ordinance is in violation and the City rectifies it, or determine the ordinance is unclear. She stated if the attorney general found the

ordinance was in violation the City could rectify it by repealing the ordinance or challenge the decision in court.

Vice Mayor Ansari clarified best case scenario was the attorney general agreed the ordinance was good whereas worst case scenario was the attorney general disagreed and Council would be back where they were today.

Ms. Kriegh stated the City would have time to repeal the ordinance.

Vice Mayor Ansari requested confirmation the City would not lose revenue because there would be time to amend the ordinance.

Ms. Kriegh affirmed that was correct.

Vice Mayor Ansari acknowledged there were financial concerns from stakeholders that were not part of the discussions and the bond program which just passed. She asked if staff could hold focus groups and stakeholder meetings to develop a timeline and phased-in approach while Council waited for the attorney general's opinion.

City Manager Jeffrey Barton replied both could be done concurrently and said staff could setup focus groups to move this matter forward. He conveyed he had a fiduciary responsibility to protect the City so this had to be done in a way that did not impact the budget. He mentioned the budget had already been finalized when this ordinance came about so it has to be reconciled with a phased approach. He indicated this matter would be looked at with Council, the labor groups and contractors, noting a plan could come back to Council before the end of the year.

Vice Mayor Ansari questioned why staff could not move forward and ensure it was financially viable instead of rescinding the ordinance.

Mr. Barton responded he had concerns with the applicability of the current ordinance and suggested it be revised in a fashion that achieved everyone's goals.

Vice Mayor Ansari said it was viable to wait for a legal opinion while staff

looked at a phased approach, noting she wanted to move this forward in a positive way. She emphasized the City should have prevailing wage in place, especially since it was already a federal standard in contract jobs. She expressed the ordinance was already approved, but she wanted to bring everyone to the table and find a way to make it legally and financially viable.

Councilwoman Pastor clarified this item was to repeal the prevailing wage ordinance and request an eight-hour rule to research the legality of the ordinance. She said there was a means to do this the right way without repealing it, such as the 1487 complaint where the attorney general could provide feedback. She continued while that feedback was pending staff could have discussions with all parties. However, she wanted to know if staff was recommending to repeal the ordinance.

Ms. Kriegh replied that was a policy choice, but she suggested Council halt the ordinance from going into effect because of the 1487 complaint and fiscal challenges. She indicated staff was not ready to implement the ordinance within 30 days and needed time to evaluate the impact of it.

Councilwoman Pastor asked how much time staff needed to phase in this ordinance.

Ms. Kriegh responded from a legal standpoint staff needed 30 days.

Mr. Barton added full engagement would take time, noting staff could have meetings with Council and those interested in this matter prior to recess and during the summer. He advised the goal would be for staff to present phased in approaches for Council adoption by the end of the year.

Councilwoman Pastor expressed she did not want to repeal this ordinance if staff just needed more time to look at the budget and implement it in phases.

Mr. Barton affirmed he needed time to look at it from a financial aspect to phase it in.

Ms. Kriegh stated if the ordinance stood staff could review it and provide Council advice, including changes to come back to Council. She conveyed that was the normal process staff went through when developing an ordinance. She reiterated she could review the ordinance and recommend new language or present risks with the current language.

Councilwoman Pastor requested clarification staff could evaluate the ordinance and come back to Council with changes instead of repealing it.

Ms. Kriegh affirmed that was an option for Council.

Councilwoman Guardado asked what direction staff needed from Council based on Councilwoman Pastor's substitute motion.

Ms. Kriegh replied that motion was to proceed with processing the ordinance, noting she would go through the legal review process. She advised staff could be directed to come back to Council to review the amended language.

Councilwoman Pastor inquired if she had to modify the substitute motion.

Ms. Kriegh responded Council could modify the motion if they wanted to give staff direction to conduct a legal review and bring it back to Council for evaluation.

Councilwoman Pastor stated she wished to include that piece in the substitute motion.

Councilwoman Guardado agreed with the amendment as the seconder to the substitute motion.

Mayor Gallego expressed she supported the effort for better pay, but this was not done properly and wanted the ordinance to be defensible in court. She opened the floor for public comments.

Mark Cardenas, member of Boilermakers Local 627, spoke in favor of the previous ordinance that passed and was opposed to its repeal. He mentioned their union was 80 percent Native American, noting most

people in the apprenticeship program were women. He called on Council to support the union members who wanted prevailing wage language in city code.

Jason Henley, president of AFSCME Local 2384, urged Council to keep the ordinance and let the attorney general respond to it. He expressed there was no reason to repeal something that paid people a livable wage. He remarked waiting for the attorney general's response would give staff time to work out the details of the ordinance.

Josh Umar, executive director with American Subcontractors Association in Arizona, spoke in support of the ordinance repeal and eight-hour rule request. He said he had concerns with how the ordinance was passed as staff did not have an opportunity to review it. He emphasized the city should have a comprehensive stakeholder process to collect a broad range of suggestions.

Frank Piccioli, president of AFSCME Local 2960, spoke in opposition of repealing the ordinance. He said he wanted to keep the ordinance, but staff needed to look into the legality and implementation of it.

Luke Douglas, an attorney with the Torres Law Group, wished to address some of the concerns with this prevailing wage ordinance. He explained SB1487 permits any state legislator to challenge the legality of any ordinance and request the attorney general investigate it. He pointed out that process began earlier this week when a senator filed a 1487 challenge alleging the city's prevailing wage ordinance violated Arizona Revised Statutes 34-321. He stated the attorney general has 30 days to investigate and rule whether the city has authority to enact prevailing wage. He indicated if the attorney general ruled the ordinance was illegal the city could repeal it; however, if it was found to be legal the city could focus on the merits of the ordinance.

Fred Yamashita, executive director of the Arizona AFL-CIO, urged Council to keep the prevailing wage ordinance that passed on March 22, 2023 and let the attorney general process happen. He added there was time to go through the legal process and city finances.

Jason Sangster, business manager and financial secretary with Ironworkers Local 75, spoke in support of prevailing wage, noting the last project their union workers did in downtown Phoenix was in 2012. He remarked prevailing wage ensured skilled workers were on a job site. He expressed union workers would evaluate the impact of a collapsed structure if Council did not support prevailing wage.

Councilwoman Guardado said she wanted to know the difference between a worker who did and did not receive a prevailing wage.

Mr. Sangster explained union workers who did prevailing wage jobs received a benefit package, whereas open market workers did not. He added union workers went through certified apprenticeship and had to prove it for prevailing wage jobs, noting that was done through the state for their craft.

Councilwoman Guardado asked how many other cities and states passed prevailing wage.

Mr. Sangster affirmed it existed in many other jurisdictions.

Devin Arbuthnot, trustee and member of Ironworkers Local 75, spoke in support of keeping the prevailing wage ordinance and opposed repealing it. He read a portion of A.R.S. 23-364 that said a city may regulate minimum wage and benefits by ordinance within its geographic boundaries. He expressed there had already been a long process to get this passed to support working class people.

Three electronic comments were submitted for the record in support of this item.

Councilwoman Hodge Washington requested staff explain the scope of the 1487 review.

Ms. Kriegh responded she had not seen the 1487 so it depended on how the complaint was laid out and whether the attorney general reviewed the broader issues or simply a violation of state statute. She said she assumed the violation was State Statute 34-421 which was a state

pre-emption of municipalities enacting wages related to construction work.

Councilwoman Hodge Washington asked if the city received a threat of litigation if this ordinance moved forward.

Ms. Kriegh replied yes.

Councilwoman Hodge Washington said she wanted clarification that staff's recommendation was to stop the ordinance from going into effect so a new ordinance could be done.

Ms. Kriegh responded she needed time to review the ordinance language and provide advice, plus time for staff to prepare if this ordinance went into effect.

Mayor Gallego mentioned 1487 legislation was originally passed by Congressman Andy Biggs and was designed to respond to over-reaches by local government. She emphasized the attorney general was willing to work with the city without the threat of state shared revenue loss. She conveyed she consistently spoke in opposition of 1487 as it was a bad tool that stopped cities from getting things done. She remarked workers would benefit more if the city moved forward with an ordinance that legally lasted and followed established procedures.

Councilwoman Pastor asked how much time staff needed.

Ms. Kriegh replied she needed 30 days to review the language, do some research and provide suggestions.

Mr. Barton stated he needed more time for a process to look at all aspects and everyone affected by this ordinance as well as time to implement it to minimize the budget impact.

Councilwoman Pastor stated she was going to amend her motion and needed a time frame from staff.

Mr. Barton replied he could commit to do a complete process and bring it

back to Council for adoption by end of the calendar year.

An amended substitute motion was made by Councilwoman Pastor, seconded by Councilwoman Guardado, to halt enforcement of the ordinance for six months and direct staff to prepare a prevailing wage ordinance that incorporates enacting the following prevailing wage ordinance for the city's projects to be codified as Article XIV of Chapter 43 of the Phoenix City Code that was passed on March 22, 2023 which will include a phased-in implementation.

Councilwoman O'Brien said she wanted clarification on the process since Councilwoman Pastor made a substitute motion and was now amending her substitute motion.

Councilwoman Pastor conveyed she was adding language based on the discussion so this was now her substitute motion.

Mayor Gallego inquired if someone could amend their substitute motion.

Ms. Kriegh affirmed a friendly amendment was acceptable.

Mayor Gallego agreed it was a friendly amendment; however, she would still be supporting the original motion. She announced roll call on the amended substitute motion and said council members could explain their vote.

Prior to her vote, Councilwoman Guardado said the city needed to move forward with this ordinance and expressed her appreciation for staff's efforts to make it work. She expressed the city needed a prevailing wage that worked for everyone and wanted the attorney general to assist the city in this matter. She stated her vote was yes.

Prior to her vote, Councilwoman Hodge Washington said she agreed every worker should receive a fair and comparable wage regardless of the employer, especially economic development opportunities for those who need it most. She emphasized Council should follow the legal advice, but understood her colleagues desire to get things done quickly.

She remarked this resolution had deficiencies that needed to be fixed, noting the city has an opportunity to create an ordinance with assistance from the attorney general's office. She stated when the ordinance passed it should involve all stakeholders and follow all procedural requirements. She conveyed the process did not foster trust when staff nor Council had an opportunity to vet this ordinance. She said she supported directing staff to draft a prevailing wage ordinance that follows the proper procedural steps including outreach to affected stakeholders, considers the fiscal impacts and takes phased-in implementation. She added she supported that motion because it gave the city an opportunity to work with the attorney general's office to create an ordinance that could pass legal challenges, so her vote was yes.

Prior to her vote, Councilwoman Pastor conveyed she amended her motion based on dialogue that staff needed more time to implement and phase it in, plus the extra time allowed the attorney general to assist and the community to have additional discussions. She stated her vote was yes.

Prior to his vote, Councilman Robinson said he received communication over the last 24 hours about this issue, noting half were in favor and half were opposed to it. He mentioned a campaign promise he made was to listen to issues people brought forward to Council prior to making a decision. He expressed concern with the information provided by Mr. Barton regarding the possible cost and unintended consequences if the ordinance passed. He stated for that reason he was voting no.

Yes: 4 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor and Vice Mayor Ansari

No: 5 - Councilwoman O'Brien, Councilman Robinson, Councilwoman Stark, Councilman Waring and Mayor Gallego

City Clerk Denise Archibald announced the motion failed 4-5 and indicated the original motion was now on the floor.

A motion was made by Councilwoman Stark, seconded by

Councilman Waring, that this item be approved to rescind the decisions of the City Council on March 22, 2023, to pass a resolution titled "A Resolution of the City Council of the City of Phoenix, Arizona, enacting the following Prevailing Wage Ordinance for City projects to be codified as Article XIV of Chapter 43 of the Phoenix City Code" because of a number of substantive legal procedural deficiencies related to the resolution's passage. The motion carried by the following vote:

Yes:	6 -	Councilwoman Hodge Washington, Councilwoman O'Brien, Councilman Robinson, Councilwoman Stark, Councilman Waring and Mayor Gallego
No:	3 -	Councilwoman Guardado, Councilwoman Pastor and Vice Mayor Ansari

Following the vote on the original motion, Mayor Gallego called on Vice Mayor Ansari for a motion regarding the eight-hour rule.

Vice Mayor Ansari said based on today's discussion and direction from Councilwoman Pastor for staff to come up with a process to make prevailing wage work in the city, she wanted to start immediately by bringing stakeholders to the table. Vice Mayor Ansari asked how quickly staff could move this process and how it would look.

Mr. Barton replied he needed a few days to sketch it out, noting assurance the attorney general's office was willing to help find a safe space within the state statute. He stated he could come back to Council in two weeks with a process and then identify people to participate in the focus groups, along with deadlines for himself and staff that were already busy with other tasks. He conveyed he could come back with a process and product for Council to vote on before end of the year, plus have a couple meetings in June or July. He stressed he could not give a firm date until he understood how much work was involved, noting it was several focus groups with Council, the attorney general, labor industry and staff. He added more staff would be needed to ensure compliance and evaluate contracts.

Vice Mayor Ansari recalled Mr. Barton said by end of the year in today's discussion, but she wanted assurance Council would have a policy to

vote on by end of the year.

Mr. Barton responded his goal was to have something for Council to evaluate for consideration by end of the year.

Vice Mayor Ansari said she also wanted assurance the workers impacted by the policy would be part of the discussions.

Mr. Barton replied yes.

A motion was made by Vice Mayor Ansari, seconded by Councilwoman Stark, to authorize the use of the eight-hour rule pursuant to Rule 15 of the Rules of Council Proceedings to allow staff to research a prevailing wage or similar ordinance intended to provide livable wages to contract workers on city projects; to include options for applicability with various types of city contracts as well as a phased implementation to ensure fiscal health and sustainability.

Councilwoman Pastor requested the motion include that it come back by the December 13 meeting.

Vice Mayor Ansari and Councilwoman Stark agreed with the friendly amendment to bring back a policy by Dec. 13, 2023.

Mayor Gallego confirmed the motion now included a deadline.

Councilwoman Guardado said she also wanted staff to commit to meet with labor union attorneys.

Mr. Barton responded yes.

An amended motion was made by Vice Mayor Ansari, seconded by Councilwoman Stark, to authorize the use of the eight-hour rule pursuant to Rule 15 of the Rules of Council Proceedings to allow staff to research a prevailing wage or similar ordinance intended to provide livable wages to contract workers on city projects; to include options of applicability with various types of city contracts as well as a phased implementation to ensure fiscal health and sustainability; and to bring

back a policy by Dec. 13, 2023. The motion carried by the following vote:

Yes:	7 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego
No:	2 -	Councilwoman O'Brien and Councilman Waring

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 CITIZEN COMMENTS

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

NOTE: Councilwoman O'Brien disconnected from the meeting.

Lay Brother Steven Sidlovsky said he would soon deliver a proposed person-hood resolution to Council for insertion of person-hood in the city charter. He expressed concern from the last meeting regarding displaced people from mobile homes by Grand Canyon University and suggested Council consider a 90-day humanitarian crisis ordinance.

Timothy Coughlin expressed concern about gravel on sidewalks and suggested small fences be put up around yards with gravel to keep it in. He continued with additional suggestions, such as gluing gravel together or removing gravel and leaving the dirt, dry grass or other surface. He said he was also concerned about watering grass due to the water shortage.

Leonard Clark spoke about the adverse political environment and its effect on people.

Beatrice Johnson talked about the death of her older sister and companion on April 26, 2022 by an intoxicated person who was speeding. She mentioned the issues her family had with the Police Department and Prosecutor's Office since

the accident. She expressed she wanted the people involved in this case to be held accountable.

Jeremy Thacker submitted two citizen petitions regarding developments in Transit-Oriented Development (TOD) districts. He explained the first petition requested creation of a policy that would not permit old entitlements be put on properties prior to start of light rail. He stated the second petition requested creation of a temporary zoning overlay that prohibited certain non-walkable elements within a TOD district.

Eric Nielsen said he wanted Council to help correct the discharge policy at assistance facilities due to an incident with his friend.

Elizabeth Venable said many city and federal funded shelter facilities were not Americans with Disabilities Act compliant, specifically Central Arizona Shelter Services which most times was an entry point into shelter. She asked for more transparency and citizen participation in the Police Department's budget.

Frank Urban expressed concern about the lack of affordable housing and heat relief during summer for people living on the streets. He requested more restrooms facilities for homeless people which would reduce resident complaints.

Kim Baker said he had not received communication about his citizen petition submitted at the previous meeting that requested staff to investigate the outcome of his open law complaint.

Councilwoman Pastor requested staff follow-up with Mr. Baker.

Mayor Gallego confirmed staff received Mr. Baker's citizen petition.

Mark Rodriguez expressed he enjoyed speaking to the mayor and council.

Ismael Morales submitted a citizen petition about certain motions limiting public comment during council meetings. He mentioned a specific item at the previous council meeting where a motion was made and passed that did not allow public comment. He stated his petition requested to add language to the city code to not limit public comment to no public comment.

Carmen Terrell said she needed help on where to go for assistance.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 5:19 p.m.

MAYOR

ATTEST:

CITY CLERK

SM

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 19th day of April, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of August, 2024.

CITY CLERK