City of Phoenix

Minutes

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

174810

City Council Formal Meeting

Wednesday, October 7, 2020 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, October 7, 2020 at 2:34 p.m. in the Council Chambers.

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

The Mayor and Councilmembers attended the meeting virtually. Councilman DiCiccio and Councilwoman Williams temporarily left the voting body following Item 37 and returned prior to Item 41. Councilman Waring temporarily left the voting body during Item 74 and returned prior to Item 75. Councilman Nowakowski temporarily left the voting body during Item 78 and returned prior to Item 79. Councilman DiCiccio left the voting body during Citizen Comments.

Mayor Gallego acknowledged the presence of Mario Barajas, a Spanish interpreter, who was available to the audience.

The City Clerk confirmed that copies of the titles of Ordinances G-6718, G-6742 through G-6748; S-46928, S-46952 through S-46989; and Resolutions 21865 through 21869 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.

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/reappointment by Mayor Gallego and Councilmembers:

Human Services Commission

Appoint Caleb Campbell, filling the Religious Organization vacancy, for a term to expire June 30, 2022, as recommended by Mayor Gallego

Laveen Village Planning Committee

Appoint Chris Joseph, for a term to expire Nov. 19, 2021, as recommended by Councilmember Garcia

Appoint Sharifa Rowe, for a term to expire Nov. 19, 2021, as recommended by Councilmember Garcia

Mayor's Human Trafficking Task Force

Appoint Bob Smith, replacing Kathy Lemke, in the ex-officio position, as recommended by Mayor Gallego and Councilman Waring

Paradise Valley Village Planning Committee

Appoint Louisa Ward, for a term to expire Nov. 19, 2021, as recommended by Mayor Gallego

Phoenix Arts and Culture Commission

Appoint Leticia de la Vara, for a term to expire Sept. 30, 2023, as recommended by Mayor Gallego

Appoint Ema Jauregui, for a term to expire Sept. 30, 2023, as recommended by Mayor Gallego

Phoenix Aviation Advisory Board

Appoint Camilo Henao, replacing Beth Benton, as the ex-officio Station Manager representative, as recommended by Mayor Gallego

Phoenix Sister Cities Commission

Reappoint Sherman Elliott, for a second term to expire Sept. 30, 2023, as recommended by Mayor Gallego

Reappoint Sheryl Frank, for a second term to expire Sept. 30, 2023, as

recommended by Mayor Gallego
Reappoint Emilio Gaynor, for a second term to expire Sept. 30, 2023, as recommended by Mayor Gallego
Reappoint Marty Weems, for a second term to expire Sept. 30, 2023, as recommended by Mayor Gallego

South Mountain Village Planning Committee
Appoint Twanna Brunson, for a term to expire Nov. 19, 2020, as recommended by Councilmember Garcia

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

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

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

No: 1 - Councilman DiCiccio

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Stark, to suspend the rules and take Item 15 out of order. The motion carried by the following voice vote:

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

No: 0

15 Phased Reopening City Services

Request authorization for the City Manager, or his designee, to reopen outdoor city facilities and activities in a structured design to serve the public as part of a Phase II plan based on achieving the moderate community spread designation as reported by the Arizona Department of

Health Services Community Spread Benchmarks. Phase II B is recommended for consideration after the AZDHS Community Spread Benchmarks is at or below the current figure of 29.26 for two consecutive weeks (**Attachment A**).

Summary

Many City services and facilities have been functioning in Phase I for the past several months. Part of the focus of the internal COVID Response Team is to monitor the status of the community spread indicators. For purposes of this discussion the City of Phoenix is serving the public while navigating:

Substantial Risk
Greater than 100 cases/100K
Greater than 10% positivity
Greater than 10% COVID-like illness

Moderate Risk
10-100 cases/100k
5 - 10% positivity
5 - 10% COVID-like illness

Minimal Risk
Less than 10 cases per/100K
Less than 5% positivity
Less than 5% COVID-like illness

These categories are part of the community spread benchmarks provided by the Arizona Department of Heath Services. To date nearly everything that has been done to serve the public has taken place while the community has been at the substantial risk level.

Experts have told us that there is no such thing as being 100 percent risk free. What staff has done in light of that is to insert measures and practices to make things as safe as possible both for city employees and the public.

Those precautionary steps included employees working differently

including teleworking where feasible, and restricted access service delivery in many City facilities. During this time we have also taken steps to support City workers who have been anxious about performing their duties in the midst of the risk. Support has included frequent communications aimed at reporting pertinent information and regular interactions with labor groups to address employee concerns.

Recent Experience

In recent weeks we have seen conditions improve to the point where we are now operating within the Moderate Risk category. The community has been hovering around that range for the past several weeks. That welcomed level of progress has led us to consider a partial restoration of the service delivery that was suspended or altered during the early stages of the pandemic. On September 2, the City Council began this restoration by reopening parks fields and associated restrooms with COVID prevention plans in place by users.

Transitioning from what has been the City's Phase I or current state to the next step or Phase II means different things for our impacted departments. Because the types of services or activities within departments varies widely they were asked to prepare plans that detail the specific set of services or activities they would feel comfortable undertaking now that the level of community spread has decreased.

The departments bringing forth plans include Parks and Recreation, Library, Housing, Human Services, Public Works, Convention Center, Public Transit, Municipal Court, and internally focused areas like Council Chamber and Human Resources. These plans have been shared with our public health advisors, COVID-19 Recovery Advisors. Their review with individual department plans is ongoing. Their advice may cause a department to adjust how they might seek to perform a function. The consultative advice is designed to mitigate risks, but the consultants have been consistent in advising us that mitigated risk does not mean eliminated risk.

Phase II A - Outdoor Parks Facilities, Moderate Spread

The first action for consideration comes from the Parks and Recreation Department. The focus of their proposal is centered on outdoor activities during a period of moderate community spread. Specifically they include:

Flatland Park Restrooms
Ramadas
Picnic Tables
Basketball Courts
Volleyball Courts
Sports Complexes
Playgrounds
Outdoor Fitness Equipment
Outdoor Ranger Programming
PHX Plays
Outdoor Parks Programs
Special Events

* It should be understood that if the penetration of community spread worsens it may be necessary to revisit the resumed activities.

The recommendation to resume these activities was presented to the Parks and Recreation Board on September 23, 2020. During the meeting the Board approved reopening all outdoor park amenities in flatland parks. As part of that approval the Parks and Recreation Board stated its belief that opening and closing of parks is within the jurisdiction of the Board under the City Charter, but understands there may be extraordinary times where there may be an exception to this authority. The Parks and Recreation Board further request the City Council have the Board Chair designate a representative for joint dialogue and collaboration with respect to opening and closing (of parks amenities) outside of regular purview of the Parks and Recreation Board. This motion passed 7-0.

Staff recommends ratification of the action of the Parks and Recreation Board.

Phase II B - Indoor Facilities, Moderate Spread

Phase II A is centered around service delivery changes that will occur

outdoors. Phase II B represents various activities or service delivery approaches that will take place indoors during a period of moderate community spread. Phase II B is recommended for consideration after the AZDHS Community Spread Benchmarks is at or below the current figure of 29.26 for two consecutive weeks (**Attachment A**). Again these changes are manifested within departments in different ways based on the way that they do business. These plans are being submitted to our public health advisors for review and consultation.

Library

During Phase I the Library devised a way to serve the public even though all branches were closed to public access. That included a set of virtual, online, and services delivered outdoors in a drive through manner.

Recognizing that a risk is still present but taking steps to mitigate it the Library is proposing a limited set of indoor offerings. They include: (**Attachment B**).

Computer and Internet access with time and occupancy limits.
Collection browsing with time and occupancy limits.
PC Printing, scanning, and copier service.
Self-service checkout kiosks.
Grab and Go service, including: holds, book and media bundles, new and best pick browsing.
Issuance of new and replacement Library cards.
Continued Service of Phase I

- Morning Curbside service 8:30-10:30
- Kids Café service 8:30-5:00
- Mobile Printing 8:30-5:00

In order to access the computer and internet service patrons can call the Library call center to receive a time block or they can schedule it at the door if they are a walk up client.

Housing

During Phase I the Housing Department has not been holding any in-person group meetings with their constituents. The facilities they typically use have been closed. As part of Phase II B the department would start the reopening process by using facilities for various limited indoor activities. They are proposing:

Resume regular maintenance.
Conduct group meetings of less than 50 at community centers.
Conduct relocation meetings with less than 15 people.
Conduct caseworkers visits by having the staff person visit with people at the door only.
Conduct employee meetings and training with less than 15 employees.

Human Services

Human Services prepared to move to a limited set of activities indoors. If granted approval:

Family Service Centers will serve the public by providing in-person appointments but limiting the number of persons to 10 at any one time.
Head Start home visits remain virtual through December 2020.
Senior Programs will continue in a virtual manner.

Convention Center

Under Phase II B Convention Center seeks to proactively market that the facility could potentially be leased up to 40 percent of capacity. This potential utilization would be based on physically distanced room sets the staff has prepared. Per the Governor's Executive Order the staff would still need to bring any clients desiring to hold an event in excess of 50 people to staff Special Event Committee, including our public health consultants.

Municipal Court

The Courts follow direction from the Supreme Court and therefore have resumed jury trials. The City public health consultant visited the Court and provided guidance on the best options for reintroducing jurors. Jury trials

have now resumed.

Public Transit

Public Transit working with Valley Metro adjusted routes, frequency, and hours due to reduced business demand. During the previous government ordered shutdown far fewer people were taking trips. As businesses, schools, and other organizations increase their operations future demand will drive service restoration. They are specifically examining data from the average weekly traffic volume, and customer data derived from a survey.

	Current limit	Phase II limit
Circulator	5 passengers	10 passengers
40’ bus	10 passengers	18 passengers
60’ bus	15 passengers	30 passengers

Front door boardings and fare payments will need to be revisited in Phase III.

Council Chambers

Staff recommends the Chambers continue to be operated in the current manner utilizing WebEx for the remainder of 2020. Retrofit of the Chambers will be ongoing this fall, to allow for safe distancing of public, staff and council members in 2021.

Staff will return to Council for approval of subsequent phases of reopening when health measures indicate advancement is feasible.

General City Services

During Phase I, general City services such as development and permit review, police and fire, streets, water and other direct public services continued. Some, such as planning and development services, were adjusted for reduced access to City facilities and appropriate social distancing. In fact, Planning and Development Department staff went to a hybrid customer service model that includes in-person construction

projects inspections (with social distancing requirements), virtual services and appointment only in-person meetings. The workload has remained high for the Department due to strong construction activity. Typically, the Department averages about 1,300 plans in for review at any one time, currently the Department has 1,751 plans in for review. The Department maintains a high-level of customer service with 87 percent of recent survey respondents saying they experienced “quality customer service” on their most recent visit, this slightly higher than pre-pandemic numbers. Development industry professionals are also reporting increased efficiencies and better customer service experience because they can schedule appointments versus having to wait in line at a customer service counter and significant efficiencies in time management due to the availability of virtual project meetings instead of the development team meeting with the city review team in-person at City Hall. The growth in virtual services has been exceptional, with 79 pecent of all plan reviews now being submitted in an electronic format versus 14 percent pre-pandemic. This helps the private sector eliminate unnecessary delivery costs and time spent filling plans with the City and paying for review fees.

As the City moves to Phase II, the City Manager will assess how to maintain efficiencies from increased on-line and by-appointment services, and begin moving toward hybrid telework/in-person work as facility retrofits allow. City Hall By Appointment will also continue.

Phase III - Further open indoor activities, Minimal Spread

As mentioned previously staff would seek Council approval before transitioning to Phase III activities based on moving to minimal community spread. Phase III activities would consist of further expanding the service delivery of the affected departments. In this phase even more employees who are teleworking would be asked to return to their regular work location. All precautionary steps would remain in place as the transition occurs.

Library

The Phase III expansion will consist of returning to normal service hours

and days of closure, expanded seating for study and personal device use as well as all previous services at 50 percent of building occupancy. In an effort to promote the safest environment possible for both customers and staff the Phoenix Public Library has chosen to utilize the indoor theater model based on the dashboard to reopen Arizona schools and businesses found on AZDHS publications. In doing so the statistics must remain within the "Minimal Community Spread" Criteria (**Attachment A**).

Additionally, appropriate staffing will always be a key component to safety. In order to safely staff each branch to effectively expand to Phase III the employee vacancy rate should be reduced from 21 percent to 12 percent as well as a reduction in the employee leave rate from 32 percent to 15 percent. Furthermore, the implementation of the Phase III expansion will be executed considering the following.

Health shields at all staff service desks and customer computer workstations to remain in place.

Installation of health shields at select desks for study and/or personal device use.

Socially distant service lines for Grab and Go as well as Account and Library Card management.

Daily on-site custodial staff to disinfect frequently touched surfaces and restrooms throughout the day.

Abundant availability of disinfectant wipes, hand sanitizer, and disposable masks for customers and staff.

Lounge furniture to remain unavailable to promote a sanitary environment and prevent loitering.

Continued temporary bag policy limiting one backpack per person.

Parks and Recreation

Reopening of community/recreation centers including classes and programs would occur during this phase.

Pools and splash pads would not be considered for reopening until May of 2021 and only after review of the Parks and Recreation Board.

Human Services

The operation of various departmental programs would need to be evaluated to ensure maximum mitigation of risk but potential programs include:

Business and Workforce Development
Family Service Centers
Caseworker home visits for welfare checks.
Home visits of Head Start Home Based.
Volunteer Income Tax Assistance Program
Landlord and Tenant Program

In-person senior programs are not recommended to resume until allowing Minimal Community Spread and a widely distributed vaccine.

Neighborhood Services

Consideration of in-person meetings.

The threshold of reaching the closest approximation of pre-COVID like operating levels will not occur until a vaccine is readily available for the general population. Until then there are a set of operating protocols we propose to leave in place.

Social distancing in elevators, conference rooms, enclosed spaces.
Plexiglass dividers.
High touch cleaning.
Use of PPE.
Personal appointments only in the downtown campus and environments where vulnerable populations frequent.
Strategic teleworking.
COVID related signage.
Continued voluntary COVID-19 testing of employees.
Frequent cleaning of restroom facilities.
Continue to use and add touchless faucets where possible.

Discussion

Assistant City Manager Milton Dohoney, Jr. displayed a slide that showed

departments and facilities that were either closed or reduced operations during the pandemic. He remarked the City used resources that provided information which influenced staff's decision-making, such as specific industry and national guidelines as well as advice from public health consultants. He advised the City chose to divide reopening into two phases, Phase IIA which focused on outdoor-related activities and Phase IIB which focused on indoor activities. He pointed out the metrics the City followed regarding the current state of community spread was the dashboard from the Arizona Department of Health Services. He noted the current percent of positivity in the community was at 3.9 percent and the percent of COVID-like illness was at 2 percent which was considered minimal community spread. He explained the dashboard showed cases, percent positivity and COVID-like illness which the City reviewed every week. He said the City operated in the substantial community spread category for much of the summer; however, there had been improvement in recent weeks. He displayed another graph which had a bell-shaped curve, noting the right side of the graph showed a reduced number of cases, positivity and COVID-like illness in recent weeks. He presented another dashboard that was Phoenix specific which staff used to determine next steps.

Mr. Dohoney showed a list of parks outdoor activities associated with Phase IIA, noting the Parks and Recreation Board unanimously approved resumption of the listed activities. He indicated staff was requesting permission to reopen Phase IIA, parks outdoor facilities, combined with the Parks and Recreation Board's recommendation, noting staff could start opening things up immediately if approved. He displayed a list of departments regarding Phase IIB as part of reopening indoor facilities at some level. He advised staff would continue to follow the dashboard data and come back to Council on October 21 to consider Phase IIB options if data stayed the same or improved over the next two weeks. He outlined staff's recommendation was to approve Phase IIA, reopen parks outdoor facilities, and return to Council in two weeks with data. In conclusion, he introduced Dr. Sauci Perpesku who was one of the public health consultants staff had been working with recently.

Dr. Sauci Perpesku stressed if the City moved into the next phase that staff follow the data as it was somewhat delayed information. She said

she had been providing advice on different aspects of individual department plans, such as recommendations on cleaning and disinfection, PPE and other things related to COVID response and prevention. She encouraged Council to evaluate what the next phase would be if cases increased due to relaxing restrictions. She pointed out their focus had been on reducing public gatherings, cleaning and disinfection, plus mask mandates as well as social distancing.

Mayor Gallego thanked Dr. Perpesku in helping the City make data-driven smart decisions on events and the reopening phase. She requested advice about triggers and timing for phased opening, noting New York recently did a reverse.

Dr. Perpesku replied New York did a targeted approach which focused on zip codes directly impacted instead of closing a widespread area. She conveyed there were targeted methods to slow down or escalate back up control measures, noting staff should not focus on one day of bad data since data was delayed. She pointed out some of the triggers used, like percent positivity, were helpful indicators, but it was an indicator on how much testing was being done. She said when looking at the data as a whole she would suggest a shorter threshold of two weeks of incremental percent positivity when deciding on further reopenings or pulling back.

Mayor Gallego agreed that was consistent with Council conversations since some districts had greater challenges. She asked for more detail about the different time frames related to reopening plans.

Dr. Perpesku responded most of the data was on a 14-day rolling period while some data was on a 7-day rolling period, noting data was currently steady at a moderate level. She encouraged Council to start having conversations about pulling back after two weeks of data showed an increase in case counts.

Vice Mayor Guardado conveyed Maryvale was one of the hardest hit areas and questioned if it was still at a substantial level.

Dr. Perpesku replied most areas were in moderate transmission based on case counts, so she did not think that was an issue. She mentioned if

it was known that certain areas were more susceptible the City could take more proactive health measures to contain it as much as possible. She stated New York's targeted approach was good because it contained people within a few blocks versus a widespread closure that impacted a lot of people. She stressed the City should be mindful of certain zip codes using historical data.

Vice Mayor Guardado asked what measures could the City take to make sure that cases in Maryvale did not surge again.

Dr. Perpesku responded testing was a big thing, noting it was not the only strategy but it was important for surveillance purposes. She expressed she looked at it from a holistic approach with more accessible, widespread testing with free drive-thru clinics, especially for children, and targeted education and communication on high-risk transmission environments.

Vice Mayor Guardado questioned if the recommendation was to clean park bathrooms once or twice a day.

Dr. Perpesku replied if the City could clean them twice a day that would be better, but the minimum would be once a day because COVID-19 was not the only infectious disease. She added a reminder should be placed in the facilities that people wear their mask while in the restroom.

Councilmember Garcia recalled that Council moved forward with opening up the sports fields about a month ago, but he was still concerned because certain areas were still showing in the red. He asked if the City could provide extra resources, such as more PPE and cleaning, in the areas most impacted like southwest Phoenix and downtown, especially if the City was not opening in a targeted way.

Mr. Dohoney responded the City was controlling a significant portion of testing and could direct more of it into areas where statistics were higher. He stated the City had been proactive in sharing information and could provide more education about family social gatherings. He remarked the Parks Department was prepared to clean the restrooms twice a day and would ask people to assist with their own cleaning with wipes and masks.

He indicated if Council wanted to make some of that available to people staff could look into it.

Councilmember Garcia said he wanted to know if staff was ready to go or needed more time. He mentioned some schools were coming back on October 13 and he asked what staff was doing to communicate with these schools to make sure there was testing in those areas.

Mr. Dohoney replied staff could almost immediately open up outdoor park activities if approved by Council. He explained opening up outdoor park activities included the use of picnic tables and ramadas as well as playing volleyball and baseball, plus opening up the restrooms. He stated the City made significant contributions to school districts over the summer, noting staff had been communicating with them recently about additional things which qualified for the available money. He conveyed staff had a tabulated list of some of the PPE-related items and would be prepared to give schools additional assistance if directed to do so by Council.

Councilman Nowakowski expressed his concern about a couple hot spot areas on the west side. He wondered if there was a way to educate people in those areas or create a partnership with the schools as kids were going back to school after fall break and would interact after school with no parents around to make sure masks were worn. He said he wanted to be proactive, noting the 10-minute test was a great concept.

Dr. Perpesku advised rapid testing was a wonderful tool, but should not be used as the primary resource; however, she encouraged the City have that testing available on-site at schools. She stated she preferred outdoor programs as there was more natural ventilation and more space, plus children could take advantage of just being outside. She reiterated school testing was a good way to focus more attention in the harder hit areas, but the challenge was getting people to stay home when sick or when asked to quarantine. She also suggested the City bring in more resources to get results back quicker, especially in the hot spot areas, as that would help prevent secondary cases since results was a delayed effort.

Councilman Nowakowski asked if it was possible to partner with the

schools in the hot spot areas and potentially get permission from parents to test their kids to determine if there was a problem in that school community.

Mr. Dohoney replied it was possible for staff to talk with schools in a targeted area about setting up testing opportunities. He noted the obstacle was speed as staff would have to move quickly to make it happen within the December time frame.

Councilman Nowakowski questioned if there was a plan to train staff that would be at the parks cleaning. He also wondered if there was a way to use the park vans for an outdoor after-school program and possibly get permission from parents to test their kids.

Acting Parks and Recreation Director Tracee Hall affirmed the department had an internal training plan and had implemented cleaning protocols since opening up the fields and restrooms associated with those fields. She advised part of this request was to reopen outdoor park programs; however, the vans would not be available until January. She added staff could work with Mr. Dohoney on testing opportunities at parks.

Councilman Nowakowski asked if there was a way for management and the experts to go over questions staff might have about coming back to work. He also wanted to know if there was a plan for staff to work from home if they did not want to come back to work.

Mr. Dohoney replied management was regularly communicating with the labor groups. He agreed some people were anxious to come back to work which was the reason for being methodical about reopening. He added the Human Resources Department had been communicating with employees as had the City Manager with his podcasts. He conveyed staff would look for additional ways to communicate about safety and share what measures had been taken. He emphasized the City would continue to keep steps in place, such as high-touch cleaning, plexiglass, masks, and PPE, to keep the environment safe.

Councilman Nowakowski said he wanted to make sure employees would

have access to experts to help them with their issues.

Mr. Dohoney affirmed management could set up Webex-type forums to hold Q&A sessions with employees and public health experts.

Councilwoman Pastor stated she agreed with Councilman Nowakowski regarding kids returning to school and suggested the COVID van be available in school districts and inform families they could get an appointment to have their kids tested. She remarked she had been advocating to have flu shots along with the COVID van as a way of keeping COVID numbers down as she knew a reduction in any type of virus could make a difference in hospital capacity.

Dr. Perpesku said accessible vaccination was always good, especially a roving one, but she asked that there be a protocol for vaccine safety.

Councilwoman Pastor noted the City had a safety plan for COVID testing and wanted the same system for flu shots. She specified she was advocating for preventative measures for those who want the flu shots but do not have access.

Dr. Perpesku stressed the City should have clear communication that it was for a flu shot and not a COVID vaccination.

Councilwoman Pastor stated she was concerned about opening up the parks, especially the bathrooms because they would only be cleaned once a day, whereas Council recommended the bathrooms be cleaned twice a day. She recalled watching a demonstration regarding new PPE equipment which sprayed a room.

Dr. Perpesku interjected it was electrostatic sprayers.

Councilwoman Pastor continued that equipment would be a more innovative way to quickly clean the bathrooms.

Dr. Perpesku remarked the main mode of transmission for this virus was direct contact, face-to-face, noting health experts were seeing limited transmission with the environment where someone touched something

then touched their face. She conveyed electrostatic sprayers were not a substitute for manual cleaning as they do not penetrate dirt and grime and were commonly used as an end of day type cleaning. She expressed she was pushing hand hygiene and masks because that would break the chain of infection, plus the twice a day cleaning.

Councilwoman Pastor requested clarification that hand hygiene was having soap available to wash hands or hand sanitizer within the facilities.

Dr. Perpesku replied people should always wash their hands with soap and water after using the bathroom, noting that was a no hand gel environment.

Councilwoman Pastor emphasized she wanted to make sure the public restrooms had soap for people to wash their hands.

Councilman DiCiccio stated he was going to support the motion as he had been advocating to open up as soon as possible. He expressed there were going to be wealth and education disparities in the future due to the COVID lockdown. He remarked the wealthy school districts were pretty much open, whereas the poorer school districts were shut down with some not opening until January. He indicated that would create an education disparity that would have an impact well into the future. He pointed out the wealth disparity was already occurring because wealthy people could stay home with their kids while other people had to work every day to afford the healthcare. He noted he spoke with the City Manager about finding every means available to open up services, especially for people who could least afford it. He said he knew that meals were being delivered to the elderly, but they also needed social interaction. He stated the City needed to look at the poor, especially in education and open things up now even if it meant shifting resources.

A motion was made and seconded to approve this item.

Summer Bagley expressed families had shown up to their neighborhood parks for the past seven months to find them closed while cities surrounding Phoenix had already reopened. She claimed the metrics that Council put in place to keep parks closed needed further evaluation since

children were in school, traveling and going to stores and restaurants. She asked that public parks reopen immediately so families could enjoy them.

The following electronic comments were submitted for the record on this item: 13 in support, 13 opposed, 2 with no position and 2 were neutral.

Mayor Gallego stated this vote would open up outdoor parks facilities, noting it came at a time when Dr. Anthony Fauci was encouraging families to spend more time outdoors. She expressed this was a responsible decision and she looked forward to supporting the motion.

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Stark, that this item be approved per Phase 2A which includes opening outdoor park facilities and activities, and for staff to continue researching and implementing ways to allocate additional resources in the form of PPE, testing, cleaning supplies or other needed resources to city zip codes with higher than average positivity rates or community risk, and for staff to return to Council in two weeks to review current metrics and discuss Phase 2B which includes phasing in some indoor city services. The motion carried by the following vote:

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

No: 0

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 Guardado, seconded by Councilwoman Stark, that Items 2-6 be recommended for approval, except Items 2 and 6. The motion carried by the following vote:

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

No: 0

3 **Liquor License - Grab N Go 707**

Request for a liquor license. Arizona State License Application 117545.

Summary

Applicant
Vaneet Sapra, Agent

License Type
Series 10 - Beer and Wine Store

Location
6002 N. Black Canyon Hwy.
Zoning Classification: C-2
Council District: 5

This request is for a new liquor license for a convenience store that sells gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Oct. 18, 2020.

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I already have 10 currat & active licence in my name."

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 make sure we have good cumnity support and we will serve them also."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Grab N Go 707
Liquor License Map - Grab N Go 707

This item was recommended for approval.

4 Liquor License - Tukee Tap & Bottle

Request for a liquor license. Arizona State License Application 007070005224.

Summary

Applicant
Amy Nations, Agent

License Type
Series 7 - Beer and Wine Bar

Location
3941 E. Chandler Blvd., Ste.100
Zoning Classification: PSC PCD
Council District: 6

This request is for an ownership and location transfer of a liquor license for a beer and wine bar. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a variance to allow a bar and a Use Permit to allow outdoor dining and outdoor alcohol consumption.

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The owner of Tukee Tap & Bottle runs two other successful businesses. He has always had a dream to open a beer and wine bar. He has worked in the restaurant business in the past and has hired a experienced bar manager. All his employees will be required to attend liquor law training classes to ensure compliance with liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The neighborhood doesn't have a beer & wine bar like this one. We will be offering 28 craft beers on tap and several varieties of beer & wine for purchase. We will also offer several varieties of food from local food trucks. We have received a warm welcome from our neighbors and we look forward to being the favorite neighborhood beer & wine bar."

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 - Tukee Tap & Bottle
Liquor License Map - Tukee Tap & Bottle

This item was recommended for approval.

5 Liquor License - Luckys

Request for a liquor license. Arizona State License Application 06070602.

Summary

Applicant

Julian Wright, Agent

License Type
Series 6 - Bar

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

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

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

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

Other Active Liquor License Interest in Arizona
This 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 have held many in the past including in the City of Phoenix. I'm 51 and a 20 year veteran restaurant and bar industry. I fully understand the responsibility of serving alcohol.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“We are creating a community amenity that brings people together in a fun and safe environment.”

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 - Luckys
Liquor License Map - Luckys

This item was recommended for approval.

2 Liquor License - La Guatemalteca

Request for a liquor license. Arizona State License Application 110121.

Summary

Applicant
Gilda Schwendener Ralon, Agent

License Type
Series 10 - Beer and Wine Store

Location
4520 N. 19th Ave.
Zoning Classification: C-2
Council District: 4

This request is for a new liquor license for a specialty market. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow package liquor sales.

The 60-day limit for processing this application is Oct. 10, 2020.

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

Other Active Liquor License Interest in Arizona

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

Comunidad Latina (Series 10)
1616 E. Main St., Ste. 128, Mesa
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
“I have been already holding a liquor license in Mesa, AZ for the past 4 years with great responsibility and no violations. I am aware of all the responsibilities that come with owning 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:
“This allows the community from Central America to find their products. It will allow the community to try new things from different countries like Brazil, Guatemala, Argentina, Peru, and many more places.”

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 - La Guatemalteca
Liquor License Map - La Guatemalteca

Discussion
Councilwoman Pastor remarked this was a specialty market which opened up in April that sold Central American products, noting wine and beer would only be portions of their sales.

A motion was made by Councilwoman Pastor, seconded by Councilwoman Stark, that this item be recommended for approval. The motion carried by the following vote:

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

No: 0

6 Liquor License - Sunnyslope Smoke Shop LLC

Request for a liquor license. Arizona State License Application 117176.

Summary

Applicant
Jesus Beltran Medina, Agent

License Type
Series 10 - Beer and Wine Store

Location
10430 N. 19th Ave., Ste. 2
Zoning Classification: C-3
Council District: 3

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

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant did not provide a response to this question."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Applicant did not provide a response to this question."

Staff Recommendation
Staff recommends disapproval of this application based on a Police Department recommendation for disapproval and failure to pay the application fee. The Police Department disapproval is based on failure to submit the required City forms and information required to make an informed recommendation. Multiple attempts were made by License Services and the Police Department to contact the applicant. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments
Liquor License Data - Sunnyslope Smoke Shop LLC
Liquor License Map - Sunnyslope Smoke Shop LLC
Liquor License Police Department Recommendation - Sunnyslope Smoke Shop LLC

Discussion
Councilwoman Stark noted the applicant did not pay the fees, therefore, she made a recommendation for disapproval.

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

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

No: 0

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Note: Electronic comments were submitted for the record on the following items:

Item 16: one with no position
Item 72: one with a neutral position
Item 73: one with a neutral position
Item 76: three in opposition

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Stark, that Items 7-79 be approved or adopted, except Items 11, 17-18, 32-33, 35-38, 41, 44, 49, 51, 69, 74-75, 77-79; continuing Item 76 to the Nov. 4, 2020 City Council Formal Meeting; and noting that Item 47 is withdrawn and Item 36 is as revised. The motion carried by the following vote:

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

No: 0

Items 7-10 and 12-14, Ordinance S-46952 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.

7 Aqua Star International

For $12,000.00 in payment authority for a one-time purchase of a water dispensing machine for the Aviation Department. The water dispensing machine will supply filtered water to Aviation Department field staff to allow them to fill water containers prior to going out for their work day. The water dispensing machine reduces environmental impact by eliminating use of plastic water bottles.

This item was adopted.

8 Scanna MSC, Inc.

For $31,000.00 in payment authority to purchase a ScanX Scout portable digital x-ray system for the Phoenix Police Department. The Homeland Defense Bureau (HDB) Bomb Squad is responsible for identifying and mitigating potential hazardous devices. A portable, digital x-ray system for use in bomb disarming operations must enable the bomb squad to obtain x-ray images of suspected improvised explosive devices, and aid in explosive threats. The HDB Bomb Squad relies on a portable, digital x-ray system to identify and determine the makeup of contents inside boxes, bags, and packages. The overall mission of the bomb squad is to provide maximum safety for both the general public and the bomb technician when it comes to prevention, mitigation, response, and recovery of explosives, real and suspected. The purchase will be funded by the 2019 Urban Area Security Initiative Phoenix Explosive Ordinance Disposal grant program.

This item was adopted.

9 Settlement of Claim(s) Hendrix v. City of Phoenix

To make payment of up to $32,000.00 in settlement of claim(s) in *Hendrix v. City of Phoenix*, 16-1048-003, GL, BI for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

10 Settlement of Claim(s) Austin v. City of Phoenix

To make payment of up to $168,000.00 in settlement of claim(s) in *Austin v. City of Phoenix*, 19-0418-001 GL PD, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

12 FMLASource, Inc.

For $96,000.00 in additional payment authority for Contract 143375 for the Human Resources Department. FMLASource will continue to provide citywide Family and Medical Leave Act administration services through the end of the five-year agreement, Oct. 31, 2021. The funds are needed to exercise the last option year of the contract. Administration services include the 2020 Emergency Family and Medical Leave Expansion Act administration, leave consultation, claims management, claims processing, and federal compliance.

This item was adopted.

13 Levi, Ray & Shoup, Inc.

For $61,670.00 in additional payment authority for Contract 103651 for annual system maintenance costs for the Retirement Department. Levi, Ray & Shoup, Inc. is the service provider for the City's pension administration system and manages the pension benefit process for all City of Phoenix public safety and general employees. The costs are for the public safety portion of the system. The increased spending authority is necessary as the annual maintenance costs for the system are dependent on many factors, such as the number of active and retired employees, and the basic system support that is required.

This item was adopted.

14 Arizona Public Service Company doing business as APS

For $12,700.00 in payment authority for the Street Transportation Department. The funds are needed to reimbursement Arizona Public Service Company for the second quarter trip charges to disconnect or reconnect service to streetlights for maintenance and non-maintenance purposes. Payment authority is critical because the work is required for City capital improvement projects to continue. Funding for these projects are budgeted in the fiscal year the work is completed. The work is budgeted for Fiscal Year 2020-21.

This item was adopted.

16 PHX 311 Customer Relationship Management (CRM) System - Invitation to Respond 21-002 (Ordinance S-46988)

Request to authorize the City Manager, or his designee, to enter into a contract with Cloud Navigator to provide an enhanced PHX 311 Customer Relationship Management (CRM) solution for a five-year period. Further request authorization for the City Controller to disburse funds related to this item. The five-year aggregate value of all contracts will not exceed $3,303,500. Coronvirus Aid Relief and Economic Security (CARES) Act funding will be used for $1.5 million of the project; with approximately $375,000 per year funded by all city departments' budgets in years two through five. Further request authorization to waive the liability provisions of section 42-18 of the City Code in order to limit Cloud Navigator's liability under this contract to the amount of $4,500,000.

Summary

When the Coronavirus pandemic began earlier this year, it became abundantly clear that the City needed to greatly enhance the ways it provides electronic services to the community. The City currently has an outdated CRM solution that provides multiple services to residents, such as the Phoenix at Your Service (PAYS) and PHX CARES solutions. PAYS and PHX CARES provide services to residents from the Aviation, Public Transit, Water Services, Public Works, Streets Transportation, Neighborhood Services, Parks and Recreation, Library, and Human Services departments.

This new solution will provide additional services and include a management hub that connects resident service and information requests to other City internal systems. The solution also offers easy-to-navigate, self-service capabilities and a seamless customer experience across various communication pathways and types of devices.

New functionality includes a single sign-on capability for residents to easily manage their cases with the City, a new mobile application, and texting capability for residents to use to contact the City to obtain services or to report issues. Not only do these features allow residents to create service requests without an in-person visit or phone call to the City, it also allows GEO-tagging for location-based reports, such as those for potholes, graffiti, or water leaks. The City also will continue to offer its other PHX 311 services for residents who prefer to call 602-262-3111 or

email contactus@phoenix.gov.

The 311 CRM platform will provide multiple options for submitting service requests and comments, and will improve digital service delivery. Reducing the need for in-person or paper-based reporting allows for a safer resident interaction, supporting a primary goal of CARES Act funding.

Procurement Information
An Invitation to Respond 21-002 was conducted in accordance with Administrative Regulation 3.10. The Notice of Solicitation was emailed to 489 technology firms. The Finance Department received seven submittals.

Seven firms responded to the invitation to respond. Of those, two withdrew from the process and one was deemed non-responsive for not meeting the legal requirements. Four vendors were invited to the demonstrations portion. An 11-member panel evaluated and scored the demonstrations and submittals based on the following criteria (1,000 total points): Supportability and Maintainability of Solution Architecture (200 points); 10 Identified Critical Capabilities (400 points); Implementation Strategy (200 points); Ability to Fulfill Project Management, Disaster Recovery, Support and Licensing (100 points); and Pricing (100 points), with Cloud Navigator receiving the highest score of 669 points. Remaining vendor scores:

Vendor 2: 575 points
Vendor 3: 507 points
Vendor 4: 427 points

The Deputy Finance Director and Chief Information Officer recommend the offer from Cloud Navigator be accepted as the highest-scored and most responsive and responsible offeror.

Contract Term
The five-year contract shall begin on or about Oct. 7, 2020.

Financial Impact

The five-year aggregate value of the contract will not exceed $3,303,500. $1,500,000 of CARES Act funds will be utilized as allowed under the legislation. The remaining funds of approximately $375,000 per year to be used in years two through five of the contract are available in the various department's budgets.

This item was adopted.

19 Contract Recommendation for Purchase of Plexiglass (Ordinance S-46970)

Request to authorize the City Manager, or his designee, to enter into a contract with Central Plastic and Rubber Co., Inc. for the purchase of plexiglass on an as-needed basis. This contract will have an aggregate amount of $95,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Public Works Department performs maintenance and repair work at approximately 709 buildings throughout the City of Phoenix, including City Hall, Calvin Goode Building, 438 Building, libraries, and police facilities. In March 2020, Public Works began receiving numerous requests to install protective plexiglass barriers at reception desks and work counters where staff engage in face-to-face contact with the general public. These barriers are fabricated and mounted at various City locations by Facilities Operations staff from sheets of plexiglass. The need for these barriers has increased as a result of COVID-19. This contract will provide Public Works with the plexiglass needed to fulfill these requests on an as-needed basis.

Procurement Information

Request for Quote 21-FMD-016 was conducted in accordance with Administrative Regulation 3.10. Two offers were received by the Public Works Department on Aug. 3, 2020. The offers were evaluated based on price, responsiveness to all specifications, and the responsibility to provide the required services. The offer submitted by Central Plastic and Rubber Co., Inc. was deemed fair and reasonable.

Central Plastic and Rubber Co., Inc.: $271 per sheet

Contract Term

The initial one-year contract term will begin on or about Nov. 1, 2020, with two option years to extend in increments of up to one year, for a total contract term of three years.

Financial Impact

The aggregate contract value including all option years will not exceed $95,000, including applicable taxes. Funding is available from the Coronavirus Relief Fund.

This item was adopted.

20 Authorization to Grant Easement to Arizona Public Service Company Across City-Owned Property Adjacent to Cielo Grande Substation (Ordinance S-46953)

Request to authorize the City Manager, or his designee, to grant an easement to Arizona Public Service Company (APS) across City-owned property, for consideration in the amount of the appraised value and other consideration. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

APS requires an easement for the installation, operation and maintenance of an underground 12kv electrical distribution line to connect service from the Cielo Grande substation to an electrical cabinet along Deer Valley Drive. The electrical facilities will support an increased need for service capacity in the area. The easement is approximately 5,058 square feet.

Financial Impact

Revenue will be reflective of the market value of the easement.

Location

Near the northeast corner of North Cave Creek Road and East Deer Valley Drive.
Council District: 2

This item was adopted.

21 Authorization to Acquire Real Property from Roosevelt Irrigation District (RID) for Traffic Signal Upgrades at 75th Avenue and Van Buren Street (Ordinance S-46955)

Request to authorize the City Manager, or designee, to acquire all real property and related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain for traffic signal upgrades at 75th Avenue and Van Buren Street. Further request authorization to dedicate land with roadway and/or public improvements to public use for right-of-way purposes via separate recording instrument. Further request authorization for the City Controller to disburse, and for the City Treasurer to accept, all funds related to this item.

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

Acquisition of real property from RID is required to accommodate traffic signal upgrades and sidewalk improvements at the southeast corner of 75th Avenue and Van Buren Street.

The property impacted by this project is identified by Maricopa County Assessor's parcel number 104-10-003Q and is located at the southeast corner of 75th Avenue and Van Buren Street.

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program budget using T2050 Funds.

Location

Southeast corner of 75th Avenue and Van Buren Street.
Council District: 7

This item was adopted.

22 Amend Ordinance to Ratify a 10-Year Extension of License for Public Safety Communications Site (Ordinance S-46956)

Request the City Council amend Ordinance S-37021 to ratify a 10-year extension of License 129389-1 with the Arizona Board of Regents, a body corporate, for and on behalf of Arizona State University (ASU).

Summary

The City has operated and maintained a public safety communications facility at the ASU West campus since Aug. 20, 2010. Under a 10-year license with ASU, the City was obligated to pay an annual license fee of $20,000 beginning in 2010 and escalating three percent per year. ASU requested to use the City-owned antenna facilities for public safety purposes in exchange for waiving the annual license fee. The license was amended on May 17, 2013 to extend the term for an additional 10-year period, through Aug. 19, 2030, and to waive the license fee beginning 2013. The license amendment resulted in a savings of $167,460 to the City.

Contract Term
The contract term is extended for 10 years, through Aug. 19, 2030.

Financial Impact
The annual license fee is waived.

Concurrence/Previous Council Action
Ordinance S-37021 was adopted on May 19, 2010.

Location
51st Avenue and Thunderbird Road, identified by Maricopa County Assessor parcel number 207-43-001A.
Council District: 1

This item was adopted.

23 Acquisition of Real Property for Intersection Improvements at 7th Avenue and Indian School Road (Ordinance S-46957)

Request to authorize the City Manager, or his designee, to acquire real property and related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain for intersection improvements at 7th Avenue and Indian School Road. Further request authorization to dedicate land with roadway and/or public improvements to public use for right of way purposes via separate recording instrument. Further request authorization for the City Controller to disburse, and for the City Treasurer to accept, all funds related to this item.

Summary

Acquisition is required for roadway and sidewalk improvements to mitigate congestion and safety concerns at the intersection of 7th Avenue and Indian School Road. Improvements include the installation of traffic signal foundations, poles and related equipment and the construction of sidewalk ramps for accessibility.

The parcel affected by this project and included in this request is identified by Maricopa County Assessor's parcel number 155-39-100A located at 646 W. Indian School Road.

Financial Impact

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

Location

Northeast corner of 7th Avenue and Indian School Road
Council District: 4

This item was adopted.

24 Authorization to Re-Convey Real Property at the Southeast Corner of Central Avenue and Thomas Road (Ordinance S-46958)

Request authorization for the City Manager, or his designee, to re-convey real property at the southeast corner of Central Avenue and Thomas Road to 31 E. Thomas Road, LLC, its successors and/or assigns pursuant to City Contract 131700.

Summary

The City and Toll Brothers entered into a development agreement, City Contract 131700, on July 1, 2011 to facilitate the development of the Toll Brothers property and to provide for the use and development of public infrastructure on a portion of the property acquired through condemnation. The agreement requires that the City re-convey the portion of property acquired through condemnation to Toll Brothers, its successors and/or assigns, upon pulling grading and drainage permits for development of the site and notification to the City. The property was conveyed from Toll Brothers to 31 E. Thomas Road, LLC in 2017. The City received notice, dated July 27, 2020, that grading and drainage permits were pulled and the developer is requesting re-conveyance of

the property pursuant to the terms of the agreement. The developer will dedicate an easement via plat for continued use of the bus bay and related improvements.

Financial Impact
There is no financial impact for the re-conveyance.

Concurrence/Previous Council Action
City Contract 131700 was authorized by Ordinance S-37940, adopted on June 1, 2011.

Location
Southeast corner of Central Avenue and Thomas Road
Council District: 4

This item was adopted.

25 Acceptance of Easements for Drainage and Water Purposes (Ordinance S-46962)

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

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

Easement (a)
Applicant: MGP HQ, LLC, its successor and assigns
Purpose: Drainage
Location: 3707 E. Shea Blvd.
File: FN 200563
Council District: 3

Easement (b)
Applicant: Grand Canyon University, its successor and assigns
Purpose: Water
Location: 3300 W. Camelback Road
File: FN 190144
Council District: 5

This item was adopted.

26 Acceptance and Dedication of Deeds and Easements for Roadway, Sidewalk and Public Utility Purposes (Ordinance S-46963)

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

Summary

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

Easement (a)
Applicant: W.L. Gore & Associates, Inc., its successor and assigns
Purpose: Public Utility and Sidewalk
Location: North Valley Parkway and Commitment Way (proposed road)
File: FN 200562
Council District: 2

Deed (b)
Applicant: MGP HQ, LLC, its successor and assigns
Purpose: Roadway
Location: 3707 E. Shea Blvd.
File: FN 200563
Council District: 3

Easement (c)
Applicant: MGP HQ, LLC, its successor and assigns
Purpose: Sidewalk
Location: 3707 E. Shea Blvd.
File: FN 200563
Council District: 3

Easement (d)
Applicant: Mary O. Bridges, its successor and assigns
Purpose: Public Utility
Location: 2219 E. John Cabot Road
File: FN 200568

Council District: 3

Deed (e)
Applicant: 1402 Highland, LLC, its successor and assigns
Purpose: Roadway
Location: 1402 E. Highland Ave.
File: FN 200569
Council District: 4

Easement (f)
Applicant: Nicandro Alvarez Rodriguez and Hilda A. Cid
Purpose: Public Utility
Location: 605 N. 40th Ave.
File: FN 200570
Council District: 4

Easement (g)
Applicant: Grand Canyon University, its successor and assigns
Purpose: Sidewalk and Public Utility
Location: 2828 W. Camelback Road
File: FN 190142
Council District: 5

Deed (h)
Applicant: Grand Canyon University, its successor and assigns
Purpose: Roadway
Location: 2828 W. Camelback Road
File: FN 190142
Council District: 5

Easement (i)
Applicant: Grand Canyon University, its successor and assigns
Purpose: Sidewalk and Public Utility
Location: 3300 W. Camelback Road
File: FN 190144
Council District: 5

Deed (j)

Applicant: Grand Canyon University, its successor and assigns
Purpose: Roadway
Location: 3300 W. Camelback Road
File: FN 190144
Council District: 5

Easement (k)
Applicant: 52nd Street Partners, LLC, its successor and assigns
Purpose: Public Utility
Location: 2640 N. 52nd St.
File: FN 200566
Council District: 6

Easement (l)
Applicant: 52nd Street Partners, LLC, its successor and assigns
Purpose: Sidewalk
Location: 2640 N. 52nd St.
File: FN 200566
Council District: 6

This item was adopted.

27 Statewide Foreign Language Interpretation and Translation Services - State of Arizona Cooperative Contract - ADSPO13-050996 and ADSPO13-050997 (Ordinance S-46961)

Request to authorize the City Manager, or his designee, to allow additional expenditures for established State of Arizona contracts resulting from solicitation ADSPO13-00002842 with AT Translators, LLC (147849) and PCI&TS, LLC (147848), in an amount of $336,078. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The additional funds are necessary to allow the City to continue to provide in-person, telephone and written interpretation and translation services on an as-needed basis. Interpreter and translation services will be provided during public, private and community meetings and events in addition to emergency and non-emergency situations, such as natural disasters, or to provide support for an increase in call volume from the general public.

The City will continue to benefit from the State of Arizona government pricing and volume discounts.

Financial Impact

With the $336,078 in additional funds, the contract's revised aggregate value through April 17, 2023 is now $526,078. The Human Services Department and Communications Office are the primary users and funds are available in various departments' budgets.

Concurrence/Previous Council Action

The contracts were approved by Formal Council Action on April 18, 2018, with an original aggregate value of $190,000.

This item was adopted.

28 Fire Service Apparatus - Houston Galveston Area Council - COOP 21-009 (Ordinance S-46968)

Request to authorize the City Manager, or his designee, to access HGAC Contract FS12-19 and enter into participating agreements with Hughes Fire Equipment, Inc., Oshkosh Airport Products, LLC, Rosenbauer South Dakota, LLC, Rosenbauer Minnesota, LLC, Emergency Vehicle Group Inc., Redsky Fire Apparatus LLC, H&E Equipment Services, Inc., and Super Vacuum Manufacturing Co. Inc., to provide fire service apparatus to Public Works - Fleet Services in an amount not to exceed $21.5 million. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

These contracts will be used to purchase and replace various fire service apparatus units. Currently, the Phoenix Fire Department has identified 18 vehicles on the Fiscal Year (FY) 2020-21 replacement list for fleet that has exceeded the estimated life cycle. The list of vehicles scheduled for replacement includes pumpers, ladder tenders/ladders, and ambulances with excessive age, miles, maintenance costs, and high downtime which hinders the ability to provide services to Phoenix residents and Mutual Aid agencies. Purchasing these units through the HGAC contract will improve the ability to respond to life or death emergency situations, reduce maintenance costs, and allow the Fire Department to provide the level of service expected by our residents.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through competitive processes consistent with the City's procurement processes, as set forth in the Phoenix City Code, chapter 43.

The HGAC contract covers the purchase of Fire Service Apparatus (All Types) as required by Public Works - Fleet Services and was awarded on Dec. 1, 2019. The use of this cooperative will provide the City national discounts on these products.

Upon City Council approval of this item, participating agreements incorporating the City’s terms and conditions will be fully executed between the referenced vendors and the City.

Both the National Institute of Government Purchasing and the American Bar Association endorse use of Cooperative Agreements by municipalities and other public institutions. An established best practice in government procurement, Cooperative Agreements provide extensive benefits to procurement officials by leveraging volume purchasing for maximum cost benefit and ensuring best value.

Contract Term

This one-year contract term shall begin on or about Oct. 15, 2020, and end on Nov. 30, 2021.

Financial Impact

The aggregate contract value shall not exceed $21.5 million (including applicable taxes), with an estimated annual expenditure of $10,750,000. Funds are available in the Fire Department's budget.

This item was adopted.

29 Additional Expenditures for Self Contained Breathing Apparatus - RFP 12-017 - Requirements Contract (Ordinance S-46971)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 134295 with Municipal

Emergency Services, Inc. for parts and services provided by certified technicians for the Phoenix Fire Department (PFD) in the amount of $400,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Self Contained Breathing Apparatus (SCBA) contract was established to provide the PFD complete SCBA sets, replacement parts and services provided onsite by certified technicians. The current model of the SCBA has been discontinued by the manufacturer, however the parts for these sets are still available. PFD must repair and maintain approximately 1,000 SCBA sets. The additional funding will cover maintenance, repairs, and parts which are a critical part of the Fire Department's efforts to provide life safety services to the public. The PFD is working on the specifications for the new SCBA sets.

Contract Term

The contract term is July 30, 2012 through July 31, 2022.

Financial Impact

Upon approval of $400,000 in additional funds, the revised aggregate value of the contract will not exceed $6,625,000. Funds are available in the Fire Department's budget.

Concurrence/Previous Council Action

Contract 134295 was originally approved by City Council on July 3, 2012.

This item was adopted.

30 Agreement with State of Arizona's Victims' Rights Program (Ordinance S-46969)

Request to authorize the City Manager, or his designee, to retroactively enter into an agreement with the State of Arizona’s Victims’ Rights Program (VRP) to accept $142,500 in Crime Victim Assistance Funds. Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item.

Summary

In 1991 and 1995, the Arizona Legislature passed statutes to address victims’ rights. The Legislature also designated a portion of the Criminal Justice Enhancement Fund assessment and juvenile parental

assessment monies to be deposited into a Victims' Rights Fund. Arizona Revised Statute section 41-191.06(A) establishes a VRP in the Arizona Attorney General's Office. The VRP is tasked with assisting and monitoring state and local entities that are required to comply with Arizona's victims' rights laws. The Attorney General is also obligated to disburse Victims' Rights Fund monies to local and state agencies under Arizona Revised Statute section 41-191.08. The City of Phoenix Prosecutor's Office is one such entity. The City of Phoenix Prosecutor's Office Victim Services Unit has received funds through VRP for more than 15 years.

In the City of Phoenix Prosecutor's Office, VRP funding partially funds duties performed by the Victim Services Secretary, Legal Clerk III, and Legal Clerk II, related to providing statutorily mandated services to victims. These services ensure that the Prosecutor's Office timely notifies victims, responds to victims' phone inquiries, provides victims conferences with a prosecutor and processes victim restitution requests.

Contract Term

The funding period is 12 months and runs through June 30, 2021.

Financial Impact

The Prosecutor's Office received $142,500 through VRP pass-through funding. If the amount awarded by VRP does not fully fund the positions, the Law Department will cover any deficit with a combination of salary savings, reduction of part time hours and court award funds, if received.

This item was adopted.

31 Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-46965)

Request to authorize the City Manager, or his designee, to transfer retirement funds for Joseph Jeziorski in the amount of $23,406.78 to the Arizona State Retirement System, and further request authorization for the City Controller to disburse funds.

Summary

Pursuant to Arizona Revised Statutes, sections 38-730 and 38-922, retirement service credits for former members of the City of Phoenix Employees' Retirement System (COPERS) may be transferred to the

Arizona State Retirement System (ASRS) upon approval by the Council. The following former City of Phoenix employee has requested transfer of the balance of their credited service:

Jeziorski, Joseph: $23,406.78

Concurrence/Previous Council Action
This item was approved by the COPERS Board at its Sept. 3, 2020 meeting.

This item was adopted.

34 Phoenix Public Library's Annual Application for Arizona State Library's State Grants-In-Aid Funds (Ordinance S-46985)

Request to authorize the City Manager, or his designee, to apply for, accept and for the City Controller to expend Phoenix Public Library's application for Fiscal Year 2020-21 State Grants-in-Aid (SGIA) money. The amount allocated for Phoenix Public Library this year is $77,335 and will be utilized to assist Phoenix Public Library with its efforts in the areas of Workforce Assistance and Early Literacy Outreach.

Summary
Arizona State Grants-in-Aid are allocated annually to the Library based on a per capita distribution of funds by the Arizona State Legislature through the Arizona State Library, Archives and Public Records. The amount allocated for Phoenix Public Library this year is $77,335.

For the seventh year running, the above funds will be utilized to assist Phoenix Public Library with its efforts in the areas of Workforce Assistance and Early Literacy Outreach.

From the funds, $24,000 will be used for continued funding of a part-time employee to assist with the implementation of workforce literacy classes and drop-in workforce assistance at the Ocotillo Library and Workforce Literacy Center. The Ocotillo Library and Workforce Literacy Center assists job seekers by offering classes in resume writing, interviewing skills, and computer use. It also offers PhoenixWorks, which is a collection of materials to support workforce needs including resume writing, occupational testing, language learning and computer skills.

Additionally, $51,000 of the funds will be used to continue to fund two part-time Early Literacy Outreach employees to conduct outreach into the communities of the Harmon, Cesar Chavez, Palo Verde, Ocotillo and Desert Sage libraries. SGIA funds allow Phoenix Public Library to extend critical early literacy outreach into areas of the City identified with the most need.

The remaining $2,335 will be used to pay for employee mileage incurred during outreach visits.

Concurrence/Previous Council Action
This item was recommended for approval at the Land Use and Livability Subcommittee on Sept. 16, 2020, by a vote of 4-0.

Financial Impact
The amount allocated for Phoenix Public Library this year is $77,335.

Location
Ocotillo Library and Workforce Literacy Center, 102 W. Southern Ave.
Harmon Library, 1325 S. 5th Ave.
Cesar Chavez Library, 3635 W. Baseline Road
Palo Verde Library, 4402 N. 51st Ave.
Desert Sage Library, 7602 W. Encanto Blvd.
Council Districts: 5, 7 and 8

This item was adopted.

39 Fiscal Year 2020-2021 Bioscience Healthcare Strategic Initiative (Ordinance S-46977)

Request to authorize the City Manager, or his designee, to implement the Bioscience Healthcare Strategic Initiative, including authorization of an Arizona Bioindustry Association (AZBio) membership and participation at the BIO International Convention in 2021. Also, request authorization for the City Treasurer to accept funds from the City's BIO Convention partners to offset costs associated with the 2021 Convention expenses, and for the City Controller to disburse funds associated with this request. There is no impact to the General Fund. Funding is available in the Genomics Facilities and Operations Fund, with the request not to exceed $105,000.

Summary

Phoenix has grown to be a hub of bioscience activity in the Southwestern United States. Much of this success is due to Phoenix's world-class medical centers, innovative research institutions, pro-business environment, a growing educated population, dedicated universities and spirit of entrepreneurship. In order to build upon these strengths, staff is continuing to implement a strategic plan introduced in 2018 designed to grow, strengthen and sustain a healthy bioscience industry. Since the launch of this effort, there has been an acceleration of investment and growth in the bioscience industry in Phoenix. By the end of 2021, more than $3 billion will have been invested in new and expanded bioscience and healthcare facilities, and more than four and a half million square feet of space for discovery, development and care delivery creating more than 7,000 jobs for Phoenix residents.

Staff has focused its economic development efforts in the areas of research, development, precision medicine, healthcare delivery, health-tech and education. Focusing on these areas strengthens and solidifies Phoenix as a leader in the nation's bioscience healthcare industry. The Community and Economic Development Department (CEDD) will continue to ensure there is a world-class real estate inventory that meets the unique needs of bioscience companies. This commitment includes support of the downtown Phoenix Biomedical Campus (PBC) and the Arizona Biomedical Corridor in North Phoenix, in addition to other submarkets within the City. Specifically, CEDD has been working closely with Arizona State University (ASU) and its development partner, Wexford Science & Technology, to bring prospective tenants to the planned first phase development on the PBC north of Fillmore Street, the Wexford Science & Technology building. In the Wexford building, ASU will be a major tenant in the building along with the expansion of the Center for Entrepreneurial Innovation with its new LabForce program to train individuals with the skills needed to work in a lab setting. Other potential tenants within the new building include bioscience companies and a co-working accelerator lab that will generate new companies and jobs in Phoenix.

In order to maintain the City's position in the bioindustry, CEDD is requesting to continue the City's annual membership with the Arizona

Bioindustry Association (AZBio), the only statewide organization exclusively focused on building Arizona's bioindustry. AZBio is committed to building a top-tier life science industry in Arizona and is a critical partner for Phoenix. As specialists, AZBio provides industry insight, programs specifically designed for life science organizations, visibility into investment opportunities, and a voice for the industry in the media, across the community, and with elected leaders and government agencies at the local, state, and federal levels. The AZBio annual membership cost is $15,000 for Fiscal Year 2020-2021.

Another key effort is the promotion of Phoenix's bioscience efforts nationally and internationally by attending the 2021 BIO International Convention in Boston. Due to COVID-19, the 2020 BIO Convention was held virtually with more than 7,200 attendees and 64 countries represented. As a sponsor of Start-Up Stadium, the City of Phoenix was able to nominate three Phoenix-based companies that were selected as finalists. These three early-stage companies were able to engage with key members of the investment community, venture philanthropy groups, and BIO attendees. CEDD and the Flinn Foundation worked closely with the University of Arizona's College of Medicine - Phoenix, Dr. Frederic Zenhausern, to have a proposed session accepted and be part of the conference called, The Immersive Medicine of the Future. The session featured additional speakers and collaborators who work with Dr. Zenhausern from HonorHealth Research Institute, Microsoft Research and Duke University. Along with CEDD, representatives from the University of Arizona (UA), ASU, AZBio, Wexford Science & Technology, the Flinn Foundation and seven early-stage Phoenix-based biomedical companies joined the delegation. The delegation held more than 200 productive virtual meetings. Attendance at this unique virtual gathering provided valuable networking and partnership opportunities and synergy with the City's attending partners looking to promote their research and products to an international audience. The knowledge and contacts generated by attending this convention will be used in communicating the City's competitive advantage, existing ecosystem and resources in Phoenix to attract and grow companies in this industry to thrive and generate quality jobs for the community.

Planning is currently underway, subject to City Council authorization of

funding, for the 2021 BIO Convention. Preliminary estimates for participation such as booth, sponsorships, advertising, equipment, and shipping costs are approximately $90,000. This includes the one-time purchase of a new booth structure, including design and creation of booth paneling and branding. Staff will also work with industry partners, such as the UA, ASU, and the Translational Genomics Research Institute (TGen) to co-locate at the convention. This shared effort may allow the City to reduce its costs and boost visibility while assisting its partners in promoting Phoenix.

These efforts enable CEDD staff to showcase Phoenix's citywide assets and ensure success of future projects. CEDD and its partners continue to generate qualified prospects to create a pipeline of businesses considering expansions and/or relocations to Phoenix through a multi-faceted marketing approach targeted at this industry. Phoenix's involvement and partnership with AZBio and the BIO International Convention elevates the City's visibility as a hub for bioscience, building a critical mass of bioscience and healthcare-related companies and attracting and developing top talent vital to sustain the long-term growth of this thriving industry.

Financial Impact

There is no impact to the General Fund. Funding for a membership with AZBio and to participate in BIO International 2021 is available in the Genomic Facilities and Operations Fund, with the request not to exceed $105,000 total for both efforts. Funding received from City BIO Convention partners shall reimburse the Genomic Facilities and Operations Fund.

Concurrence/Previous Council Action

This item was recommended for approval by the Workforce and Economic Development Subcommittee at the Sept. 23, 2020, meeting by a vote of 4-0.

This item was adopted.

40 Development Agreement with The Real Real, Inc. (Ordinance S-46979)

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

development agreement, and to execute any other instruments or documents necessary (Agreements) with The Real Real, Inc. for the development of a fourth e-commerce center location in Phoenix. Further request the City Controller to disburse funds in an amount not to exceed $1 million with this action. Funding is available in the Strategic Economic Development Fund.

Summary

After a nationwide search involving multiple states and regions, The Real Real, Inc. (TRR) selected Phoenix as its fourth e-commerce location as it expands its physical footprint.

Founded in 2011 and headquartered in San Francisco, TRR is the world's largest online marketplace for authenticated, consigned luxury goods. With more than 17 million members and more than 14 million items sold to date, TRR has created a model that is revolutionizing the way people buy and sell high-end luxury items across all categories, including women's, men's, kids', fine jewelry, watches, fine art and home. TRR provides a safe and reliable platform for consumers to buy and sell their luxury items with its rigorous authentication process overseen by experts, including 150+ in-house gemologists, horologists and brand authenticators who inspect thousands of items each day.

Of note, TRR's Phoenix e-commerce center builds upon the company's existing roots. In collaboration with the University of Arizona, TRR created a degree program for gemology. Additionally, in 2018 TRR funded an endowed chair in the department of geosciences to help the University develop new research and proprietary technology for gemological studies.

It is expected that TRR will enter Phoenix in an existing building. TRR plans to make a capital investment into the new space to support TRR's growth. TRR's Phoenix e-commerce center will result in more than 1,685 new jobs to be phased in over a five-year period, including more than 400 in the first year of operations. TRR will work with the City’s workforce development team to identify and hire qualified previously laid-off personnel in the City of Phoenix during the COVID-19 pandemic.

The City recognizes the resulting substantial economic impacts to the

City and region from TRR's expansion into Phoenix. This innovative growing company will provide quality jobs with upward mobility in an area that has recently been impacted by layoffs due to the COVID-19 pandemic. To remain competitive on a national level and ensure an innovative company has a large operational footprint in Phoenix, the terms of a Development Agreement are as follows:

TRR agrees to expand into the City with the expansion of a fourth e-commerce location in Phoenix.
TRR intends to create up to 1,685 total new jobs within five years of entering into the Agreement. The City realizes 1,685 jobs is a program model estimate and is not contingent upon the exact total job creation nor is contingent upon the jobs created by each company.
City will provide $600 to TRR for each net new employee earning an annual wage exceeding $33,452 in their second year of employment. If the jobs are not created in the specified timeline, the City will not be obligated to pay.
Entering into the Agreement does not preclude TRR from working with the City's Workforce Innovation Opportunity Act (WIOA) Program or any other local and/or State program.
The Agreement will contain other terms and conditions deemed necessary by City staff.

Contract Term
The Development Agreement will be for a term of six years.

Financial Impact
The total contract amount will not exceed $1 million over a five-year period. Funding is available in the Strategic Economic Development Fund beginning in Fiscal Year 2021-22.

Location
TRR is conducting due diligence for locations within Phoenix and a site will be identified before entering into Agreements.

This item was adopted.

42 Vidacare Products and Inter-Osseous (IO) Needles for Fire Department - Requirements Contract - RFA 18-109A (Ordinance

S-46967)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 147538 with Teleflex LLC for the purchase of Vidacare Products and Inter-Osseous (IO) Needles for the Fire Department in amount of $60,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The contract provides Vidacare products and IO Needles that are used on ambulances to administer and maintain medication and fluids into the venous system for responsive and non-responsive patients. The Vidacare products and IO Needles are recommended by the American Heart Association, are the standard of care for medical and fluid control and essential in responding to life safety situations. Additional funds are needed due to the increase of usage of these items during the COVID-19 pandemic, as this was not foreseen during the initial contract approval.

Contract Term

The five-year contract term will end on April 30, 2023.

Financial Impact

Upon approval of $60,000 in additional funds, the revised aggregate value of the contract will not exceed $390,000. The funds are available in the Fire Department's budget.

Concurrence/Previous Council Action

This contract was originally approved by City Council on May 16, 2018.

This item was adopted.

43 Enter into a Contract with Maricopa County Department of Public Health to Provide Seasonal Influenza Vaccines (Ordinance S-46978)

Request to authorize the City Manager, or his designee, to enter into a contract with Maricopa County Department of Public Health (MCDPH) to provide seasonal influenza vaccines. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The aggregate contract value will not exceed

$50,000 in revenue.

Summary

During a regular influenza season, hospitals and healthcare systems are often overwhelmed and near or over capacity to care for patients. As hospitals and healthcare systems are currently overwhelmed with COVID-19 and other patients, widespread influenza could exacerbate the existing difficulties that hospitals are experiencing.

The Phoenix Fire Department (PFD) has a long history of providing immunizations at community locations, schools, community centers and other non-medical facilities, to children and adults. The PFD has successfully immunized many Maricopa County residents in partnership with MCDPH through previous agreements.

The City will partner with MCDPH, to provide seasonal influenza vaccines (as well as other types of vaccines if needed) to individuals six months of age and older. The intent of this agreement is to increase access to the seasonal influenza vaccine thereby decreasing the overall spread of the virus.

Contract Term

The agreement shall be effective upon approval and execution and shall remain in effect for one year with four additional one-year periods, not to exceed a total extended term of five years.

Financial Impact

MCDPH will reimburse the PFD for the vaccinations on a per unit cost basis up to $50,000 over a five-year period.

This item was adopted.

45 Authorize Recommended Changes to 2021 Neighborhood Block Watch Grant Program Process (Ordinance S-46982)

This report requests City Council approval of changes to the 2021 Neighborhood Block Watch (NBW) grant application guide and program process, as recommended by the Neighborhood Block Watch Oversight Committee.

Summary

The NBW Oversight Committee was established to solicit, evaluate, and

recommend, to the Mayor and City Council, appropriate proposals to expend funds for the expansion of the Block Watch programs within the limits of the Neighborhood Protection Ordinance. This ordinance, known as Proposition 301, was adopted at a special election held on Oct. 5, 1993. The City Council adopted the format and guidelines for this process on April 26, 1994. The NBW program is administered by the Police Department.

The NBW Oversight Committee reviewed and approved requests to change the NBW grant application and program process during their meeting on Sept. 3, 2020. The NBW Oversight Committee is recommending a one-year agenda requirement exemption to become effective for the 2021 grant application process, which opens on Nov. 1, 2020.

The following is an outline of the NBW Oversight Committee recommended change:

To exempt the following agenda requirements for a one-year period:

Applicants requesting between $1 and $1,000:

Must submit copies of at least **two** Primary Applicant Group Neighborhood meeting agendas/minutes/flyers for meetings held in separate months, and the agenda must list the crime prevention topics discussed.

The number of individuals in attendance and the crime prevention topic **must be included** on the meeting documentation.

Applicants requesting between $1,001 and $10,000:

Must submit copies of at least **four** Primary Applicant Group Neighborhood meeting agendas/minutes/flyers for meetings held in separate months, and the agenda must list the crime prevention topics discussed.

The number of individuals in attendance and the crime prevention

topic **must be included** on the meeting documentation.

Additionally, add the following requirement to the guide during the one-year exemption:

Write a short narrative about what the group has done to remain active and in communication with members during the year prior to the 2021 grant application.

Contract Term
The funding period for the 2021 NBW grants is July 1, 2021 through June 30, 2022.

Financial Impact
No matching funds are required.

Concurrence/Previous Council Action
The NBW Oversight Committee voted to approve this request at the Sept. 3, 2020 meeting.

This item was adopted.

46 Request Authorization for the Sale of Canine Haro (Ordinance S-46984)

Request authorization for the City Manager, or his designee, to approve the sale of canine Haro to Officer Michael Lin for $1. Officer Lin was assigned to the Tactical Support Bureau's Canine and Specialty Vehicle Detail and requested to purchase and retire his assigned canine Haro in accordance with Administrative Regulation 4.21. Officer Lin retired from the Phoenix Police Department on Sept. 10, 2020.

Summary
Canine Haro is nine years of age and has served as a police service dog in the Department's Canine and Specialty Vehicle Detail for the past seven years. Officer Lin has requested to retire and purchase canine Haro for $1. Officer Lin agrees to accept full responsibility and liability for canine Haro until his death.

This item was adopted.

47 (CONTINUED FROM SEPT. 16, 2020) - Haas CNC Lathe One-Time

Purchase (Ordinance S-46928)

Request to authorize the City Manager, or his designee, to purchase a Haas CNC Lathe with Y Axis for the Water Services Department. Further request to authorize the City Controller to disburse all funds related to this item. The total agreement will not exceed $180,788.

Summary

The purpose of this purchase is to provide a Haas ST-30Y Precision Lathe for the machine shop at the Remote Facilities South facility. The Haas computer controlled machine fabricates parts out of brass, aluminum and stainless steel for various repairs required to maintain water supply infrastructure, which will increase efficiency and reduce the need to transport equipment from other locations.

Procurement Information

The selection was made using a Request for Quote (RFQ) procurement process set forth in the City of Phoenix Administrative Regulation 3.10.

The RFQ was sent to 145 vendors, grouped by Product Category. One quote was received.

Selected Vendor

Ellison Machinery Co., LLC

Contract Term

This is a one-time purchase.

Financial Impact

One-time purchase in the amount of $180,788. Funding is available in the Water Services Department's Operating Budget.

This item was withdrawn.

48 Concrete Services - Contract Recommendation (Ordinance S-46964)

Request to authorize the City Manager, or his designee, to enter into separate contracts with Lincoln Constructors, Inc.; All State Specialist, LLC; Engineering and Construction Company, LLC; and Degan Construction, LLC for concrete services to be used on an as-needed

basis. The total aggregate amount is $3,750,000 over the life of the contracts. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Public Works Department is responsible for concrete projects and services for various City locations. These projects include concrete pads for tables and benches, Americans with Disabilities Act (ADA) accessible sidewalks, ADA ramps, light pole bases, valley gutters, and other concrete services. The Aviation Department is responsible for concrete projects at Phoenix Sky Harbor International Airport, Deer Valley Airport, and Goodyear Airport. These airport projects include services on both landside and airside.

Procurement Information

Invitation for Bid 21-FMD-012 was conducted in accordance with Administrative Regulation 3.10. Eleven offers were received by the Public Works Department Procurement Services on July 22, 2020. The offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offers submitted by Lincoln Constructors, Inc.; All State Specialist, LLC; Engineering and Construction Company, LLC; and Degan Construction, LLC were deemed to be fair and reasonable.

Group A - Total for requested services at all City-owned, non-Aviation properties for concrete services:
All State Specialist, LLC: $2,879,020 bid total
Lincoln Constructors, Inc.: $3,408,270 bid total

Group B - Total for requested services at all Aviation properties for concrete services:
Engineering and Construction Company, LLC: $3,308,250 bid total
Degan Construction, LLC: $3,949,450 bid total

Contract Term

The initial one-year contract term will begin on or about Dec. 1, 2020, with four option years to extend in increments of up to one year, for a total contract term of five years.

Financial Impact

The aggregate value of the contracts including all option years is $3,750,000, including all applicable taxes, with an estimated annual expenditure of $750,000. Funds are available in the Aviation and Public Works departments' budgets.

This item was adopted.

50 Street Transportation Department Environmental, Natural-Cultural Resources, National Environmental Policy Act On-Call Consulting Services for Calendar Years 2021-2022 (Ordinance S-46960)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the 10 consultants on **Attachment A** to provide Environmental, Natural-Cultural Resources, National Environmental Policy Act (NEPA) On-Call consulting services for the Street Transportation Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $7.5 million.

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

Summary

The On-Call consultants will be responsible for providing On-Call Environmental, Natural-Cultural Resources, NEPA consulting services that include, but are not limited to: NEPA documentation and related supporting technical analysis and reports; cultural resources; biology and natural resources; Rivers and Harbors Act Section 408 permitting; Clean Water Act sections 404, 401 and 402; Clean Air Act; green infrastructure; and developing and updating environmental compliance training programs.

These agreements are essential to the health, safety, and welfare of the general public and critical operations for the City.

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

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

Financial Impact
The agreement value for each of the On-Call consultants will not exceed $750,000, including all subconsultant and reimbursable costs. The total fee for all services will not exceed $7.5 million.

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

This item was adopted.

52 Purchase of Pipehunter Sidekick Easement Machine (Ordinance S-46973)

Request to authorize the City Manager, or his designee, to purchase a Pipehunter Sidekick Easement Machine for the Water Services

Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value for the purchase will not exceed $45,000.

Summary

The purpose of this purchase is to provide a Pipehunter Sidekick Easement Machine for the Wastewater Collection Division of the Water Services Department. This specialized equipment will perform routine hydraulic cleaning of the sanitary sewer system. It will also allow the division to adequately perform emergency work activities associated with the hydraulic cleaning of the City's wastewater collection system.

Procurement Information

The selection was made using a Request for Quote (RFQ) procurement process set forth in the City of Phoenix Administrative Regulation 3.10. The RFQ was sent to 162 vendors. One quote was received.

Selected Vendor

Balar Holding Corporation

Contract Term

This is a one-time purchase.

Financial Impact

One-time purchase in the amount of $45,000. Funds are available in the Water Services Department's Operating budget.

This item was adopted.

53 Intergovernmental Agreement with City of Tolleson to Divert, Treat and Transport Salt River Valley Water Users' Association Entitlement Water and Provide Emergency Backup Water (Ordinance S-46980)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) between the City of Phoenix (Phoenix) and the City of Tolleson (Tolleson), replacing Agreement 125121, to divert, treat and transport Tolleson's Salt River Valley Water Users' Association (Association) entitlement water allocation, and further providing for emergency backup water service. There is no financial impact associated with this IGA.

Summary

Tolleson has requested, and Phoenix has agreed to: 1) divert, treat and transport Tolleson's Association entitlement water allocation; and 2) supply water to Tolleson in the event of emergency conditions where entitlement water is not available.

Entitlement Water

All entitlement water delivered by Phoenix to Tolleson under this IGA will be charged to Tolleson's entitlement water accounts pursuant to the Tolleson Water Delivery and Use Agreement with the Association.

Tolleson will pay any and all assessments, fees or other charges that the Association may require as a condition of receiving and using Tolleson's entitlement water. Phoenix's obligation to divert, treat and transport Tolleson's entitlement water will be limited to, and will not exceed, the amount of entitlement water that Tolleson has the right to receive pursuant to the Water Delivery and Use Agreement between the Association and Tolleson. If Tolleson's use exceeds its entitlement amount in any calendar year, Tolleson will pay the prevailing water and environmental rates for customers outside of Phoenix for the monthly amount of water used in excess of Tolleson's entitlement amount.

Phoenix agrees to divert, treat and transport Tolleson's entitlement water at a wholesale water delivery rate, based upon a cost of service study. The wholesale water rate will be based on the actual capital, operating and maintenance costs for diverting, treating and transporting Tolleson's entitlement water to Tolleson. The wholesale water rate will be effective for a two-year period and will be reviewed every two years for the term of the agreement. The wholesale water rate may also be adjusted when there are significant increases or decreases, as justified by a cost of service study.

Emergency Backup Water

The IGA will include provisions allowing Tolleson to request and Phoenix to supply water to Tolleson in the event of emergency conditions where the supply of entitlement water is not available. In that situation, Tolleson may request a temporary supply of emergency backup water from Phoenix for a period of up to 60 days. Tolleson will pay Phoenix for the

emergency backup water at the prevailing water rate set forth in Section 37-64 of the Phoenix City Code and water environmental rate set forth in Section 37-133 of the Phoenix City Code applicable to water customers located outside of Phoenix, as adjusted for conversion of the rates from cubic feet to gallons.

Contract Term

The initial term of this IGA will be for 10 years, with an option for Tolleson to renew for an additional 10 years.

Financial Impact

There is no financial impact associated with this IGA.

Concurrence/Previous Council Action

The City Council approved:

IGA 75437 for Providing Water Services to the City of Tolleson on June 19, 1996; and

IGA 125121 for Treating and Delivering Tolleson's Entitlement Water on Sept. 17, 2008.

This item was adopted.

54 Intergovernmental Agreement with City of Tucson for Storage, Recovery and Exchange of Colorado River Water - Amendment 2 (Ordinance S-46987)

Request to authorize the City Manager, or his designee, to amend Intergovernmental Agreement (IGA) 146866 between the City of Phoenix (Phoenix) and the City of Tucson (Tucson) for storage, recovery, and exchange of Colorado River water to: allow Phoenix to annually store a volume of Colorado River Water up to the equivalent maximum volume authorized by the Arizona Department of Water Resources (ADWR) in the Water Storage Permit issued to the City of Phoenix; and authorize the Phoenix Director of Water Services to mutually arrange optional long-term credit transfers and purchases of long-term storage credits with the Director of Tucson Water at cost. Further request to authorize the City Controller to disburse all funds related to this item. There is no cost associated with the amendment of the IGA.

Summary

On Feb. 15, 2017, City Council authorized the City Manager to enter into

an IGA with the City of Tucson, and on Jan. 10, 2018, City Council amended that authorization to clarify a term in the IGA related to Phoenix's priority to Tucson's storage capacity. The current IGA authorizes Phoenix to store and recover up to 37,000 acre-feet (AF) annually of its Colorado River Water in Tucson's Southern Avra Valley Storage and Recovery Project (SAVSARP).

This amendment would authorize Phoenix to store and recover up to the maximum amount authorized by ADWR in the Water Storage Permit issued to Phoenix. The current Water Storage Permit issued by ADWR authorizes storage volume up to 50,000 AF annually. In addition, this amendment to the IGA would allow the Phoenix Director of Water Services and Director of Tucson Water to mutually agree on transfers and purchases of long-term storage credits obtained from each City's respective Colorado River allocation during the term of the Agreement. The price for the credits will be based on the actual annual storage costs and costs of Colorado River water during the year the credit purchase agreement is adopted. Any proposed purchase agreement that results in a purchase price in excess of those actual costs would require approval of each party’s respective Mayor and Council. The purpose of this amendment is to allow the cities greater flexibility in short-term water management decisions, consistent with the overall purpose of the IGA to store, recover and exchange Colorado River Water.

To date, Phoenix has stored over 100,000 acre-feet at Tucson’s SAVSARP, a volume that would serve most of the residents in the northern portion of Phoenix for a year. As part of the existing IGA, Phoenix pays to Tucson a Water Storage Fee that covers Tucson’s operation, maintenance, replacement, and administrative costs, as well as a fee to facilitate expansion of Tucson’s storage facility to accommodate Phoenix’s stored water. The Water Storage Fee is not impacted by this amendment, nor is the term of the IGA, which continues through Dec. 31, 2027.

Financial Impact

There is no cost associated with the amendment of the IGA. The annual cost to store water under the IGA varies based on the water order, but per the original 2017 IGA, the cost to store each AF of water will range

from $69.80/AF in 2021 to $73.66/AF in 2027. The volume of water stored will vary from year to year. Funding is available in the Water Services Department's Capital Improvement Program budget.

Concurrence/Previous Council Action

The City Council approved:

IGA 146866 with the City of Tucson (Ordinance S-43264) on Feb. 15, 2017; and

IGA 146866 with the City of Tucson Amendment 1 (Ordinance S-44180) on Jan. 10, 2018.

Location

Out of City

This item was adopted.

55 Final Plat - Sweetwater Desert Estates - PLAT 190080 - Northwest Corner of 36th Drive and Sweetwater Avenue

Plat: 190080
Project: 18-1978
Name of Plat: Sweetwater Desert Estates
Owner(s): Sharp Rock SFR, LLC
Engineer(s): James Loftis, RLS
Request: A 5 Lot Residential Plat
Reviewed by Staff: Sept. 11, 2020
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the northwest corner of 36th Drive and Sweetwater Avenue.
Council District: 1

This item was approved.

56 Final Plat - Copperleaf Parcel 1 - PLAT 200506 - South of Dove Valley Road and West of Paloma Parkway

Plat: 200506
Project: 18-3701
Name of Plat: Copperleaf Parcel 1
Owner(s): Lennar Arizona, Inc.
Engineer(s): HilgartWilson, LLC
Request: A 102 Lot Residential Plat
Reviewed by Staff: Sept. 8, 2020
Final Plat requires Formal Action Only

Summary

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

Location

Generally located south of Dove Valley Road and west of Paloma Parkway.
Council District: 2

This item was approved.

57 Final Plat - Copperleaf Parcel 2 - PLAT 200507 - South of Dove Valley Road and West of Paloma Parkway

Plat: 200507
Project: 18-3701
Name of Plat: Copperleaf Parcel 2
Owner(s): Lennar Arizona, Inc.
Engineer(s): HilgartWilson, LLC
Request: A 118 Lot Residential Plat
Reviewed by Staff: Sept. 8, 2020
Final Plat requires Formal Action Only

Summary

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

Location

Generally located south of Dove Valley Road and west of Paloma Parkway.
Council District: 2

This item was approved.

58 Final Plat - Copperleaf Parcel 3A - PLAT 200561 - South of Dove Valley Road and West of Paloma Parkway

Plat: 200561
Project: 18-3701
Name of Plat: Copperleaf Parcel 3A
Owner(s): Lennar Arizona, Inc.
Engineer(s): HilgartWilson, LLC
Request: A 146 Lot Residential Plat
Reviewed by Staff: Sept. 8, 2020
Final Plat requires Formal Action Only

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

Location
Generally located south of Dove Valley Road and west of Paloma Parkway.
Council District: 2

This item was approved.

59 Final Plat - Copperleaf Parcel 3B - PLAT 200564 - South of Dove Valley Road and West of Paloma Parkway

Plat: 200564
Project: 18-3701
Name of Plat: Copperleaf Parcel 3B
Owner(s): Lennar Arizona, Inc.
Engineer(s): HilgartWilson, LLC
Request: A 45 Lot Residential Plat
Reviewed by Staff: Sept. 8, 2020
Final Plat requires Formal Action Only

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

Location

Generally located south of Dove Valley Road and west of Paloma Parkway.

Council District: 2

This item was approved.

60 Final Plat - Park Central Amended III - PLAT 200540 - Northwest Corner of Thomas Road and Central Avenue

Plat: 200540
Project: 00-1783
Name of Plat: Park Central Amended III
Owner(s): HPPC, LLC
Engineer(s): Wood, Patel & Associates, Inc.
Request: A 1 Lot Commercial Subdivision Plat
Reviewed by Staff: Sept. 8, 2020
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the northwest corner of Thomas Road and Central Avenue.

Council District: 4

This item was approved.

61 Final Plat - The Corridor - PLAT 200544 - South of Montebello Avenue and East of 16th Street

Plat: 200544
Project: 19-2005
Name of Plat: The Corridor
Owner(s): Landry AZ Property, LLC
Engineer(s): James M. Murphy, RLS
Request: A 6 Lot Residential Plat
Reviewed by Staff: Sept. 11, 2020
Final Plat requires Formal Action Only

Summary

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

Location

Generally located south of Montebello Avenue and east of 16th Street.
Council District: 6

This item was approved.

62 Final Plat - Carioca Co - PLAT 190097 - Southeast Corner of 67th Avenue and Lower Buckeye Road

Plat: 190097
Project: 06-65
Name of Plat: Carioca Co
Owner(s): RG3 Solar, LLC
Engineer(s): Douglas B. Toney, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Sept. 10, 2020
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the southeast corner of 67th Avenue and Lower Buckeye Road.
Council District: 7

This item was approved.

63 Final Plat - Trouvaille - PLAT 200505 - Southwest Corner of 103rd Avenue and Broadway Road

Plat: 200505
Project: 17-2839
Name of Plat: Trouvaille
Owner(s): The Lead Group, LLC
Engineer(s): EPS Group, Inc.
Request: A 431 Lot Residential Subdivision Plat

Reviewed by Staff: Aug. 19, 2020
Final Plat requires Formal Action Only

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

Location
Generally located at the southwest corner of 103rd Avenue and Broadway Road.
Council District: 7

This item was approved.

64 Final Plat - Adams 21 - PLAT 200552 - West of the Southwest Corner of 21st Avenue and Adams Street

Plat: 200552
Project: 01-1698
Name of Plat: Adams 21
Owner(s): Adams 21, LLC
Engineer(s): David S. Klein, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Aug. 28, 2020
Final Plat requires Formal Action Only

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

Location
Generally located west of the southwest corner of 21st Avenue and Adams Street.
Council District: 7

This item was approved.

65 Abandonment of Easement - ABND 190012 - Southwest corner of 56th Street and Deer Valley Road (Resolution 21867)

Abandonment: 190012
Project: 04-4082

Applicant: Rick Carpinelli
Request: To abandon portions of public water and sewer easements; per Map of Dedication for City North, Book 956 of Maps, Page 13.
Date of Decision: May 16, 2019

Location
Southwest corner of 56th Street and Deer Valley Road
Council District: 2

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

This item was adopted.

66 Abandonment of Easement - ABND 190096 - Southwest Corner of 56th Street and Deer Valley Road (Resolution 21865)

Abandonment: 190096
Project: 04-4082
Applicant: CPF Vaseo Association, LLC
Request: To abandon the water, access and maintenance easements, per Tract 3, Block 5 of 'State Plat No. 24 Desert Ridge Amended'; as recorded in Book 376 of Maps, Page 26, recorded with Maricopa County Recorder's office.
Date of Decision: June 29, 2020

Location
Southwest corner of 56th Street and Deer Valley Road
Council District: 2

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

roadways and new development as sufficient and appropriate consideration in this matter.

This item was adopted.

67 Abandonment of Easement - ABND 200529 - Southwest Corner of City North Drive and 56th Street (Resolution 21866)

Abandonment: 200529
Project: 04-4082
Applicant: Nicholas Maxwell
Request: To abandon a portion of drainage easement, recorded with Maricopa County Recorder; per Map of Dedication, Book 556, Page 13.
Date of Decision: Aug. 13, 2020

Location
Southwest corner of City North Drive and 56th Street
Council District: 2

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

This item was adopted.

68 Abandonment of Right-of-Way - ABND V190070A - South of Glendale Avenue and West of 15th Avenue (Resolution 21869)

Abandonment: V190070A
Project: 19-3400
Applicant: Urban Communities LLC
Request: To abandon alleyway extending from North 15th Avenue to unnamed alleyway, that is the Western boundary of the 15th Ave Apartments.
Date of Hearing: Nov. 21, 2019

Location
South of Glendale Avenue and west of 15th Avenue.
Council District: 5

Financial Impact

A fee was also collected as part of this abandonment in the amount of $2,245.20.

This item was adopted.

70 Amend City Code - Ordinance Adoption - Rezoning Application Z-32-20-6 - Approximately 380 Feet Southwest of the Southwest Corner of 3rd Avenue and Gardenia Drive (Ordinance G-6748)

Request to authorize the City Manager, or his designee, to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-32-20-6 and rezone the site from R1-10 to R1-10 HP to allow a Historic Preservation overlay zoning for the Ozell M. Trask Residence.

Summary

Current Zoning: R1-10 (Single-Family Residence District)
Proposed Zoning: R1-10 HP (Single-Family Residence District, Historic Preservation)
Acreage: 0.38 acres
Proposed Use: Historic Preservation Overlay for Ozell M. Trask Residence

Owner: Douglas and Kathryn Thoene
Applicant: City of Phoenix, Historic Preservation Commission
Representative: Helena Ruter, City of Phoenix, Planning and Development Department, Historic Preservation

Staff Recommendation: Approval.
Historic Preservation Commission: The Historic Preservation Commission heard the case on Aug. 17, 2020 and recommended approval, per the staff recommendation by a 9-0 vote.
VPC Action: The Alhambra Village Planning Committee heard the case on Aug. 25, 2020 and recommended approval, per the staff recommendation by an 11-3 vote.
PC Action: The Planning Commission heard the case on Sept. 3, 2020 and recommended approval, per the Historic Preservation Commission and the Alhambra Village Planning Committee recommendations by a 9-0 vote.

Location
Approximately 380 feet southwest of the southwest corner of 3rd Avenue and Gardenia Drive
Council District: 6
Parcel Address: 333 W. Gardenia Drive

This item was adopted.

71 **Amend City Code - Ordinance Adoption - Rezoning Application Z-31-20-7 - Northwest Corner of 22nd Avenue and McDowell Road (Ordinance G-6745)**

Request to authorize the City Manager, or his designee, to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-31-20-7 and rezone the site from A-2 to A-2 HP to allow a Historic Preservation overlay zoning for the Produce Center Building.

Summary
Current Zoning: A-2 (Industrial District)
Proposed Zoning: A-2 HP (Industrial District, Historic Preservation)
Acreage: 0.86 acres
Proposed Use: Historic Preservation overlay zoning for the Produce Center Building.

Owner: Mountain Village Group Homes, Inc.
Applicant: City of Phoenix, Historic Preservation Commission
Representative: Helana Ruter, City of Phoenix, Planning and Development Department, Historic Preservation

Staff Recommendation: Approval.
VPC Action: The Encanto Village Planning Committee heard the case on Aug. 3, 2020 and recommended approval, per the staff recommendation by an 11-0 vote.
Historic Preservation Commission: The Historic Preservation Commission heard the case on Aug. 17, 2020 and recommended approval, per the staff recommendation by a 9-0 vote.
PC Action: The Planning Commission heard the case on Sept. 3, 2020 and recommended approval, per the Encanto Village Planning Committee and Historic Preservation Commission recommendations by

a 9-0 vote.

Location
Northwest corner of 22nd Avenue and McDowell Road
Council District: 7
Parcel Address: 2202 W. McDowell Road

This item was adopted.

72 Amend City Code - Ordinance Adoption - Rezoning Application Z-71-19-7 - Approximately 250 East of the Southeast Corner of Grand Avenue and Encanto Boulevard (Ordinance G-6743)

Request to authorize the City Manager, or his designee, to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-71-19-7 and rezone the site from C-3 (General Commercial) to C-3 DNS/WVR (General Commercial, Density Waiver) for multifamily residential use. This file is a companion file to Z-22-20-7 and should be heard first.

Summary
Current Zoning: C-3 (General Commercial)
Proposed Zoning: C-3 DNS/WVR (General Commercial, Density Waiver)
Acreage: 1.74 acres
Proposed Use: Multifamily residential

Owner: D&J Investment AZ, LLC
Applicant: Jeffrey Jacobs
Representative: Matthew Cawley, P.E.

Staff Recommendation: Approval.
VPC Action: The Encanto Village Planning Committee heard this case on Aug. 3, 2020 and recommended approval, per the staff recommendation by an 11-0 vote.
PC Action: The Planning Commission heard this case on Sept. 3, 2020 and recommended approval, per the Encanto Village Planning Committee recommendation with an additional stipulation by a 9-0 vote.

Location
Approximately 250 feet east of the southeast corner of Grand Avenue and Encanto Boulevard.

Council District: 7
Parcel Address: 2262 Grand Ave.

This item was adopted.

73 Amend City Code - Ordinance Adoption - Rezoning Application Z-22-20-7 - Approximately 250 Feet East of the Southeast Corner of Grand Avenue and Encanto Boulevard (Ordinance G-6744)

Request to authorize the City Manager, or his designee, to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-22-20-7 and rezone the site from C-3 (Pending C-3 DNS/WVR) to C-3 DNS/WVR HP to allow a Historic Preservation overlay zoning for the Arrow Motel / Rainbow Motel. This file is a companion file to Z-71-19-7 and should be heard after Z-71-19-7.

Summary
Current Zoning: C-3 (Pending C-3 DNS/WVR) (General Commercial District, Pending General Commercial District, Density Waiver)
Proposed Zoning: C-3 DNS/WVR HP (General Commercial District, Density Waiver, Historic Preservation Overlay)
Acreage: 1.74 acres
Proposed Use: Historic Preservation overlay zoning for Arrow Motel / Rainbow Motel.

Owner: D&J Investments AZ, LLC
Applicant: City of Phoenix, Historic Preservation Commission
Representative: Kevin Weight, City of Phoenix, Planning and Development Department, Historic Preservation

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Encanto Village Planning Committee heard the case on Aug. 3, 2020 and recommended approval, per the staff recommendation by an 11-0 vote.
Historic Preservation Commission: The Historic Preservation Commission heard the case on Aug. 17, 2020 and recommended approval, per the staff recommendation by a 9-0 vote.
PC Action: The Planning Commission heard the case on Sept. 3, 2020 and recommended approval, per the Encanto Village Planning Committee and Historic Preservation Commission recommendations by

a 9-0 vote.

Location
Approximately 250 feet east of the southeast corner of Grand Avenue and Encanto Boulevard.
Council District: 7
Parcel Address: 2262 Grand Ave.

This item was adopted.

76 Public Hearing - Amend City Code and Ordinance Adoption - Medical Marijuana Dispensary Size - Z-TA-4-20 (Ordinance G-6746)

Request to hold a public hearing on a proposed text amendment Z-TA-4-20 and to request City Council approve Z-TA-4-20 as proposed which amends Chapter 6, Sections 623 (Commercial C-2 District - Intermediate Commercial) and 627 (Industrial A-1 District - Light Industrial District) of the Phoenix Zoning Ordinance, to allow increasing the maximum net floor area for nonprofit medical marijuana dispensaries as recommended by the Planning Commission.

Summary
Application: Z-TA-4-20
Proposal: Amend Chapter 6, Sections 623 (Commercial C-2 District - Intermediate Commercial) and 627 (Industrial A-1 District - Light Industrial District) of the Phoenix Zoning Ordinance to increase the maximum net floor area for nonprofit medical marijuana dispensaries.

Applicant: Gammage & Burnham, PLC, Lindsay Schube
Representative: Gammage & Burnham, PLC, Lindsay Schube

The intent of this text amendment request is to amend Chapter 6, Sections 623 (Commercial C-2 District - Intermediate Commercial) and 627 (Industrial A-1 District - Light Industrial District) of the Phoenix Zoning Ordinance to increase the maximum net floor area for nonprofit medical marijuana dispensaries.

The voters of the State of Arizona passed the Arizona Medical Marijuana Act (AMMA), Proposition 203, on Nov. 2, 2010. Jurisdictions adopted the local zoning regulations before the State rules were adopted. Phoenix established a dispensary size limitation to be no larger than 2,000 square

feet which includes all storage areas, retail and office space, patient lobby and check-in area, bathrooms, mechanical room, hallways, etc. This limits the retail space to between 700 and 900 square feet which is less than half of the allowable square footage. An increase in dispensary size will allow dispensaries to respond to a sustained increase in demand for medicine, improved patient privacy, and align the City's size limitation for dispensaries with other jurisdictions and previous variance approvals. Two dispensaries were granted variances to increase the dispensary size from 2,000 to 5,000 square feet since 2019. Exhibit B provides a summary of other jurisdictions' regulations for nonprofit medical marijuana dispensary sizes. Phoenix is currently at the lower end of the size restrictions while several cities do not limit dispensary sizes at all.

The Arizona Department of Health Services has reported yearly increases in the number of registered patients and the amount of medical marijuana purchased since the passage of Proposition 203. Based on the numerous reviews of existing non-profit medical marijuana dispensaries, there are not significant public safety issues or detrimental effects from these establishments. The proposed amendment will not change the number of licensed non-profit medical marijuana dispensaries within Phoenix.

The Phoenix General Plan established Five Core Values for the City. One of the Core Values is Connecting People and Places. One of the goals this Core Value promotes is the activation of underutilized property. The goal states, "vacant and underdeveloped land in the older parts of the City should be developed or redeveloped in a manner that is compatible with viable existing development and the long-term character and goals of the area." Many of the non-profit medical marijuana dispensaries have located in existing vacant buildings in older parts of the City.

Concurrence

Staff Recommendation: Staff recommends approval of Z-TA-4-20, per the **Attachment B - Staff Report Exhibit A** language.

VPC Action: The request was heard by all fifteen Village Planning Committees and all recommended approval, per the staff recommendation, as reflected in **Attachment C - VPC Summary**.

PC Action: The Planning Commission heard this case on Sept. 3, 2020 and recommended approval, per the language in Exhibit A of the Staff Report by a 7-1 vote, as reflected in **Attachment D - PC Summary**.

This item was continued to the Nov. 4, 2020 City Council Formal Meeting.

Item 11, Ordinance S-46952 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.

11 Settlement of Claim(s) Lopez v. City of Phoenix

To make payment of up to $75,000.00 in settlement of claim(s) in *Lopez v. City of Phoenix,* Maricopa County Superior Court, case number CV2018-003622, 17-0142-002 AU BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

Discussion

Marcus Reid spoke in support of this item.

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

Yes:	7 -	Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego
No:	2 -	Councilman DiCiccio and Councilman Waring

17 Health Care Connection Services - Requirements Contract - RFQu 21-005 (Ordinance S-46986)

Request to authorize the City Manager, or his designee, to enter into contract with Keogh Health Connection, to provide as-needed Health Care Connection Services. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $100,000.

Summary

The City Council declared a local emergency due to the COVID-19 pandemic on March 20, 2020. On March 27, 2020, the federal Coronavirus Aid Relief and Economic Security (CARES) Act was signed into law to address the economic decline resulting from the COVID-19 pandemic in the United States. The City of Phoenix's CARES Act Coronavirus Relief Fund (CRF) allocation was $293 million to support the City's pandemic response of which $75 million is for community investment.

The City of Phoenix is seeking to mitigate impacts to vulnerable populations using CARES Act funding to provide services which help individuals who have lost their jobs or health care benefits due to the Coronavirus pandemic. The Contractor will provide outreach services to various sectors such as the hospitality industry (hotel/motel, restaurants) and local small businesses. Through these services, the City's goal is to raise awareness and provide residents connections to health insurance options in the market.

Procurement Information

A Request for Qualification RFQu 21-005 for Health Care Connection Services, was conducted in accordance with Administrative Regulation 3.10, with the intent of establishing a Qualified Vendor List (QVL) of vendors to provide Health Care Connection Services. The solicitation was issued to 807 vendors and was posted on phoenix.gov. One offer was received by the Procurement Division on Sept. 18, 2020. The proposal was deemed to be a responsive, responsible offer to the specifications and minimum qualification criteria stated in the solicitation.

The Deputy Finance Director recommends the offer from Keogh Health Connection be accepted as a responsive and responsible offer.

Contract Term

The initial contract term of the contract will expire on Dec. 31, 2020. Provisions of the contract may include an option to extend the term up to two years, in increments of up to one year, which may be exercised by the City Manager or designee.

Financial Impact

The aggregate contract value will not exceed $100,000. Funding will be provided through the City of Phoenix's CRF. There is no impact on the General Fund.

Discussion

Vivien Eubanks spoke in support of this initiative since many hospitality workers lost their insurance.

Mayor Gallego explained this item would allow the City to provide consulting services for people in the hospitality industry and others displaced from their work to help them understand their healthcare options.

Councilwoman Pastor asked if this was an RFQ or an RFI.

Chief Financial Officer Denise Olson replied this was an RFQ.

Councilwoman Pastor requested clarification on if this RFQ would help the hospitality industry and local small businesses with connections to the health insurance market.

Ms. Olson responded this was services to help residents connect with health insurance coverage through various sources, including the health insurance marketplace and other services available through the state.

Councilwoman Pastor confirmed with staff that residents would connect to potentially get benefits at a reasonable cost.

Mr. Barajas provided Spanish interpretation for Ms. Quintana.

Carmen Quintana stated she supported this item.

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

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

No: 0

A motion was made by Vice Mayor Guardado, seconded by Councilmember Garcia, to reconsider Item 79. The motion carried by the following voice vote:

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

No: 0

18 **Enter into an Agreement with T-Mobile USA, Inc. for Tablets and Wi-Fi Access for City Senior Public Housing Residents and Experience Corps Phoenix Senior Volunteers (Ordinance S-46972)**

Request to authorize the City Manager, or his designee, to enter into an agreement with T-Mobile USA, Inc. for the purchase of 950 tablets with built-in Wi-Fi hotspots and two years of unlimited data and support for City Senior Public Housing residents through the U.S. Department of Housing and Urban Development's (HUD) ConnectHome program and City Senior volunteers and students for the Experience Corps Phoenix tutoring program. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate value will not exceed $990,000. There is no impact to the General Fund, as Coronavirus Relief Funds are being utilized.

Summary

The Housing Department and Youth and Education Office are requesting to purchase 950 tablets and corresponding service to support Senior residents and volunteers within each of their designated programs. The Housing Department will utilize 800 tablets for Senior Public Housing residents to provide the means for digital access to telemedicine, on-line

services and social media. This activity aligns with the HUD ConnectHome USA community that a cohort of nationwide Public Housing Authorities implements. The Housing Department's experience working with Senior residents and with industry experts in this program has led the Housing Department to identify Wi-Fi hotspots as the best method in providing connectivity by distributing 800 of these tablets to Senior residents in Public Housing to help bridge the digital divide in low-income households.

The Youth and Education Office will utilize 150 tablets for the Experience Corps Phoenix (ECPhx) tutoring program to shift the current one-on-one service delivery model to virtual tutoring in order to continue providing essential intervention services to struggling readers. Research has shown that when children are matched with well-trained, committed and caring adult tutors who meet with them on a weekly basis, students will demonstrate improved rates in reading proficiency, school attendance and behavior. The program’s primary goal is to increase academic achievement in 3rd grade reading through well-designed, consistent, one-to-one tutoring sessions by matching students who are strategic (Tier 2) students with adult volunteers who are 50 and older. The volunteers, who are in the senior population, are considered vulnerable and high risk for COVID-19. To mitigate their exposure, ECPhx is pivoting to a virtual format to continue assisting Phoenix schools with providing reading interventions for students who are not reading at grade level.

T-Mobile USA, Inc. will coordinate the deliveries of tablets based on the Housing Department's distribution plan and provide implementation teams with on-going training and help desk assistance.

Procurement Information

A Request for Proposals was sent to three vendors under the State of Arizona Wireless Communication Services, Accessories, and Equipment agreements. Two proposals were received by Housing Management Services Division on Aug. 26, 2020. Proposals were evaluated for award recommendation based on specifications for the equipment, training and services for the Senior residents. The offer submitted by T-Mobile USA, Inc. is deemed to be fair and reasonable for this type of service, training

and equipment.

The Housing Department Director recommends that the partnership with T-Mobile USA, Inc. be accepted as the responsive and responsible offer.

Financial Impact

The aggregate value will not exceed $990,000 (including applicable taxes). There is no impact to the General Fund. Funds will come from federal grant resources (Coronavirus Relief Funds).

Concurrence/Previous Council Action

The contract was approved by City Council on Feb. 19, 2014 under the Western State Contracting Alliance through a competitive bidding process. The City can utilize the cooperative agreements with the State of Arizona through Dec. 31, 2020 and uses these agreements when it is beneficial to do so.

Discussion

Councilmember Garcia thanked Housing staff for their work and making this happen. He recalled earlier this year when Council approved tablets for school-age children in public housing and now for seniors. He noted this would help seniors get their healthcare needs met as well as socialize with family.

A motion was made and seconded to approve this item.

Mayor Gallego mentioned she attended a tablet distribution event where parents received tablets which would help educate their kids with virtual learning. She remarked parents had to learn how to be educators and this internet access was valuable. She stated this item also included investments in the City's partnership with Experience Matters where older adults helped younger students with their educational goals.

Councilwoman Pastor expressed she was thankful for her colleagues in making sure there was equity in education and this was one way, by getting tablets into communities that would not have this access. She mentioned she was excited to discuss the digital divide soon as it would put Phoenix on a national and international platform.

Mayor Gallego thanked Councilwoman Pastor for her work on the digital divide.

Vice Mayor Guardado thanked Housing staff and appreciated everyone's creativity in making sure the City provided resources to everybody that needed it during this time. She
expressed she supported this item.

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

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

No: 0

32 Revision to Chapter 18 of the P.C.C., Article VI, the Small Business Enterprise Participation Program; Article VII, the Small Business Enterprise Procurement Program; and Article VIII, Certification of Small Business Enterprises (Ordinance G-6742)

Request approval of the Ordinance amending Chapter 18, Article VI, VII, and VII of the City Code as set forth in **Attachment A.**

Summary

The SBE program provides small businesses with opportunities to participate in City construction contracting, and goods and general services purchasing. The program is comprised of five elements: Certification, Procurement, Construction Subcontracting Goals, Contract Compliance, and Business Development. The SBE program supports the growth and economic vitality of local businesses and strengthens Phoenix's culturally diverse marketplace. After receiving stakeholder feedback and an extended discussion period, staff is recommending adoption of the proposed amendments to Chapter 18 and an extension of the SBE program (**Attachment A**).

Contract Term

Extension of the SBE program from Oct. 31, 2020 to June 30, 2025

(Ordinance G-6696).

Concurrence/Previous Council Action
The proposed changes to Chapter 18, Article VI were reviewed and recommended for approval by the SBE Oversight Committee on Aug. 18, 2020. The proposed changes to Chapter 18, Article VII were reviewed and recommended for approval by the City Finance Department. The proposed changes to Chapter 18, Article VIII were reviewed and recommended for approval by the City Equal Opportunity Department.

Public Outreach
Staff held seven information sessions outlining the current SBE Program and the proposed Chapter 18 amendments. These meetings were held in January, February, May, June, and August 2020. Stakeholders at each of these sessions overwhelmingly expressed support for the continuation of the SBE Program. In conjunction with the information sessions, there was a public comment period that ended Feb. 24, 2020.

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

A motion was made and seconded to approve this item.

Mayor Gallego remarked the City's small business enterprise program had been a great asset in helping to build the small business community. She said she wanted to continue talking about this since members of the design and engineering community were interested in being part of the program. She stated she was supportive of the motion.

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

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

33 Golf Instruction Services (Ordinance S-46983)

Request to authorize the City Manager, or his designee, to authorize the City Controller to disburse all funds related to the Parks and Recreation Board-approved Reid West, LLC Golf Instruction Services Contract. No General Funds will be used. Disbursements to Reid West, LLC, will be from the revenue generated from services performed under the terms of the agreement.

Summary

On Sept. 24, 2020, the Parks and Recreation Board approved entering into a contract with Reid West, LLC, to provide golf instruction at the City's five municipal golf courses, for three years with two options to renew for one year each. Services under the contract will be provided at Aguila, Cave Creek, Encanto 9 and 18, and Palo Verde Golf Courses.

Procurement Information

A solicitation for golf instruction services was issued on Aug. 7, 2020, and one proposal was received from Reid West, LLC. An evaluation panel reviewed and scored the proposal based on the qualifications set forth in the Request for Proposals and recommended the award. The Parks and Recreation Board approved entering into the contract with Reid West, LLC, for 10 percent of the revenue earned for golf education opportunities offered by Reid West, LLC on City-owned golf courses. The City will collect all revenues incurred as a result of services performed under the contract and issue 90 percent of payment to Reid West, on a bi-weekly basis through invoicing from Reid West, LLC.

Financial Impact

Revenue earned from the services provided from Reid West, LLC, is anticipated to be approximately $750,000 over the life of the contract. The City will retain 10 percent of all revenue received, which is approximately $75,000; and pay 90 percent of all revenue received to Reid West, LLC, which is approximately $675,000.

No General Funds will be used. Disbursements to Reid West, LLC, will be from the revenue generated from services performed under the terms of the agreement.

Concurrence/Previous Council Action

The Parks and Recreation Board unanimously approved entering into this agreement at its Sept. 24, 2020 meeting.

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

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

No: 1 - Councilman Waring

35 Request for Proposals for Downtown Redevelopment Area Plan Update Consulting Services

Request to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) for a consultant to update the Downtown Redevelopment Area Plan. There is no impact to the General Fund with this action.

Summary

The City Council initially established the Downtown Redevelopment Area (RDA) in January 1979 by the City Council's designation of a slum area. To comply with Arizona Revised Statutes (A.R.S.) 42-6209(F), every 10 years, the City must review each RDA with portions that lie within the City's Central Business District and either renew, modify or terminate each RDA designation.

On June 8, 2020, City Council approved the updated Downtown RDA boundary (**Attachment A**). The new boundary consolidates several previous RDAs in the downtown area:

Downtown
Capitol Mall
HOPE VI
7th Street/Buckeye
Booker T. Washington
Eastlake Park
Special

Western portion of the Sky Harbor RDA

Upon the City Council finding of a preponderance of slum or blight within the updated boundary, the City must next update the Downtown RDA and Improvement Plan, which was last updated in 2001. The previous RDAs within the updated boundaries had their own plans that were created and updated at different times, all of which will be incorporated into the updated Downtown RDA and Improvement Plan. Due to the COVID-19 pandemic, the public outreach portion of the boundary update was significantly impacted and necessitated staff conducting virtual community meetings. Feedback received from neighborhood groups during these meetings emphasized the need for a robust planning effort, including the formation of a steering committee comprised of impacted neighborhood group members who will assist with the community feedback portion of the updated plan.

If approved, the RFP's scope of work will include gathering community feedback, surveying existing land use and redevelopment area plans, and incorporating priority areas into a cohesive plan for development of the greater downtown area. Each proposer will be required to have five years' experience conducting economic development or land use planning studies and the RFP will include standard terms, conditions and other necessary requirements. Responsive proposals will be evaluated according to the following evaluation criteria (1,000 possible points):

Primary Consultant’s Qualifications and Experience (0-300 points)
Proposer’s Qualifications and Experience (0-250 points)
Approach to Scope of Work (0-225 points)
Primary Consultant’s Hourly Rate (0-225 points)

Staff anticipates the RFP will be issued in the fall of 2020, with staff seeking City Council approval for the contract award in the spring of 2021.

Previous Council Action
This item was recommended for approval by the Land Use and Livability Subcommittee at the Sept. 16, 2020 meeting by a vote of 4-0.

Financial Impact

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

Location

Council Districts: 7 and 8

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

Yes:	7 -	Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego
No:	2 -	Councilman DiCiccio and Councilman Waring

36 Enter into Contracts with Arizona Fresh Holdings, LLC for Redevelopment of Del Rio Former Landfill (Ordinance S-46989)

Request to authorize the City Manager, or his designee, to enter into a disposition and redevelopment agreement, ground lease, and any and all related and necessary agreements (Agreements) with Arizona Fresh Holdings, LLC (Developer) for the lease and redevelopment of the 156-acre City-owned Del Rio former landfill site located at 1150 E. Elwood St. (Site).

Summary

The Site is a former municipal solid waste landfill operated between 1971 and 1981. In the center of the Site, running north-south, are approximately 20 acres that formerly comprised the municipal Rio Salado Industrial Recreation Park that closed in 2008. The Site has been inactive since this time and is currently vacant and partially used for dirt and asphalt milling storage. The Site is also being monitored to ensure protection of adjacent properties and the environment from the landfill including controlling landfill gas and monitoring for protection of surface and groundwater.

Over the years, the City has conducted extensive community outreach seeking input to develop and activate the Site including three separate planning processes:
2003 Rio Salado Beyond the Banks Area Plan (City's former Planning

Department);
2012 Del Rio Area Brownfields Plan (Office of Environmental Programs); and
2012 Del Rio Park Conceptual Master Plan (Parks and Recreation Department).

In 2005 and 2018, the City issued Requests for Proposals (RFPs) to redevelop the Site; however, none of the proposals met the RFP requirements.

In January 2020, City staff issued a public redevelopment and lease opportunity for the redevelopment of the Site. Staff received five offers for this opportunity, three of which offered to develop the entire site. Other proposed uses included:
Golf concept;
Office research park;
Soccer fields and academy concept; and
Solar testing and research facilities.

The Developer was selected based on its unique offer to provide solutions in all areas of community interest such as a public park; food and agriculture; and amenities that front the river. The Developer will lease and redevelop the Site into the “Arizona Fresh: Agri-Food Innovation Center”, described as a national leading source of innovation and education in the production and distribution of food. As part of the Project, the Developer has offered to build a 20-acre public park (Park) on the Site. Total proposed square footage for the Project is approximately 944,000 square feet, which will be developed in four phases and will create approximately 1,400 construction and 1,500 ongoing operations jobs respectively, with an estimated capital investment of $128 million.

In March 2020, staff began to negotiate with the Developer. In June 2020, the City executed a letter of intent and a license agreement with the Developer so it may access the Site to conduct engineering and geo-technical assessments. The recommended business terms include:
Developer shall construct a phased, mixed-use project that includes: an Agri-Food Innovation Center with a wholesale produce distribution

center; retail; education; research facilities; and, an approximately 20-acre City park (Project). The Project scope will be subject to change based on market and environmental conditions, as mutually approved by the City and Developer. Developer agrees to develop, at a minimum, the first phase of the Project.

Developer shall provide the City unobstructed access to environmental protection systems including, but not limited to, the methane gas system and groundwater wells (System) during the term of the Agreements.

Developer will comply with all applicable environmental regulatory requirements and be responsible for obtaining all required permits and approvals as necessary to develop on a closed municipal solid waste landfill. Developer shall retain its own environmental consultant and engineer for any necessary site investigations for the feasibility of the Project. Developer shall be responsible for any impacts of the Project to the System.

City and Developer shall collaborate to develop and implement an acceptable plan to relocate the System if needed, which will provide equal or greater protection.

City shall retain control for operating, maintaining, and monitoring the System to maintain environmental protections.

Developer shall construct the Project in compliance with all City-approved plans and regulations including: Complete Streets, Comprehensive Bicycle Master Plan, Tree and Shade Master Plan, Rio Salado Interim Overlay District, the Rio Salado Beyond the Banks Area Plan and the Del Rio Area Brownfields Plan.

Developer and City shall enter into Agreements within 12 months of the City Council's approval of these business terms (Authorization Date).

Developer shall, within 24 months of the Authorization Date, subject to any extensions approved by the City, obtain all necessary permits, provide performance surety to the City and commence construction of Phase 1 of the Project (Commence Construction Date).

Developer shall complete construction of Phase 1 within 42 months from the Commence Construction Date, subject to any extensions approved by the City (Complete Construction Date).

City shall lease the Site, as is, to the Developer upon the Complete Construction Date, pursuant to a 100-year Ground Lease. The lease shall include provisions for the City Council to consider an extension of

the term upon the 25th year of the lease, as well as rights to terminate portions of the Site lease that are not developed. Developer shall pay an annual rent of $1 per year for the term of the lease.

Developer shall provide the City with periodic written notices of changes in the scope of the Project based on current market factors.

City shall provide the Project access to the Park from 7th Street through an easement or other form of access.

City's Parks and Recreation Department shall, upon the completion of the Park, operate and maintain the Park. Developer shall provide the Parks and Recreation Department with mutually agreed upon financial assistance to fund the maintenance of the Park.

Agreements will include other terms and conditions deemed necessary by the City.

Elliot D. Pollack & Company, a real estate and economic consulting firm, conducted an economic and fiscal impact study showing the Project will generate an estimated $868.6 million in annual economic activity, benefiting the City and region. The study also shows the City would benefit with approximately $2.4 million in construction tax revenue and over $3.5 million annually in tax revenue from businesses operating within the Project. Additionally, the cost to remediate and/or implement engineering measures to safely construct the Project and new public Park on the former landfill will be significant.

Groundbreaking for Phase 1, which will include a wholesale produce market and a pedestrian-friendly community park system, is anticipated in 2021.

Contract Term

The ground lease will be for a term of 100 years.

Financial Impact

The proposed annual lease rent is $1; however, the City will receive consideration in the form of value of new Park site redevelopment. The Parks and Recreation Department (PRD) will maintain the future community park; however, the Developer will reimburse the City for maintenance costs on an annual basis, at an amount to be determined.

Concurrence/Previous Council Action

On Aug. 27, 2020, the City's Parks and Recreation Board recommended approval to relocate the Rio Salado Industrial Recreation Park within the Site and to enter into an agreement with the Developer to develop and manage a public park as part of the Project, subject to certain terms and conditions.

This item was recommended for approval by the Land Use and Livability Subcommittee at its Sept. 16, 2020 meeting by a vote of 4-0.

Additionally, this item was presented to the Workforce and Economic Development Subcommittee for information and discussion at its Sept. 23, 2020 meeting.

Public Outreach

City staff sought extensive public input on the Project, with community meetings held throughout August 2020. Meetings were scheduled with the Rio Salado Project Working Group, Del Rio Working Group, South Mountain Village Planning Committee, South Central Transit-Oriented Development Steering Committee, City of Phoenix Parks and Recreation Board, and three additional meetings organized by the Community and Economic Development Department (CEDD) that were open to the public with one of the meetings conducted in Spanish.

Outreach also entailed notices sent via email and U.S. mail to property owners, residents and tenants within 1,200 feet and neighborhood associations within one mile of the Site, listing Project details and scheduled public meetings. In addition, CEDD in partnership with the City's PRD and Public Works departments approached additional residents and organizations beyond the boundaries noted above. CEDD also created a webpage (phoenix.gov/EconDev/DelRio) to inform the community about the Project, provide updates, and receive feedback. Some of the feedback received include:

Overwhelming support to bring the project to an area that is considered a food desert;

A desire to include local growers/farmers in the different proposed uses;

Facilitating space for local entrepreneurial activity;

Interest in understanding how the Developer will interact with businesses in the area; and

Interest in understanding the Site's current environmental status.

Additionally, future public outreach will be pursued to seek input on the development and construction of a 20-acre community park that will be considered part of the Project.

Location
1150 E. Elwood St.
Council District: 8

Discussion
Councilmember Garcia conveyed this item would bring jobs, food and training to an area the City had been trying to reuse. He thanked Chris Mackay and the Arizona Fresh team for their work in making this happen.

A motion was made and seconded to approve this item as revised.

Mayor Gallego remarked the community had been working on plans for this site for more than 25 years. She pointed out this honored some processes, including along the riverfront and bringing more fresh food to this portion of the city as well as a new park. She thanked Guadalupe Miranda and his team for this project and the Community and Economic Development staff for their work. She expressed she looked forward to supporting this item.

Councilman Nowakowski thanked Guadalupe Miranda for making this project happen and creating a place where people could come and enjoy entertainment.

Councilwoman Pastor thanked the community for their persistence in wanting to see something built that would connect the north and south and create a culture.

Councilwoman Stark wished to echo everyone's comments, noting this was a unique project that would be a regional draw.

One electronic comment was submitted for the record with no position.

A motion was made by Councilmember Garcia, seconded by Vice Mayor Guardado, that this item be adopted as revised. The motion

carried by the following vote:

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

No: 0

37 **Development Agreement with Hubbard Street Group for Development of Property Located at 6th and Garfield Streets (Ordinance S-46966)**

Request to authorize the City Manager, or his designee, to enter into a development agreement, lease agreement, easements and other agreements as necessary (Agreements), with Hubbard Street Group, or its City-approved designee (Developer), for the development of a 26-story multi-family rental and commercial project located at the southeast corner of 6th and Garfield streets in downtown Phoenix. Further request authorization for the City Treasurer to accept funds from the Developer. There is no impact to the General Fund.

Summary

On Dec. 27, 2019, the Developer submitted a proposal in response to the 2017-2018 Downtown Development Request for Proposals (RFP) requesting the City's consideration of a Government Property Lease Excise Tax (GPLET) transaction for the development of a 26-story, 309 unit, multi-family rental residential project that will include approximately (approx.) 7,000 square feet (SF) of commercial space and 201 parking spaces (Project) on approx. 18,000 SF of vacant land at the southeast corner of 6th and Garfield streets in downtown Phoenix. The Project will bring a new co-working space option into downtown near the Phoenix Biomedical Campus that will double as community space and will include at least 10 percent of the total units for workforce housing during the term of the lease.

If approved, the Project will bring a capital investment of approximately $87 million to the downtown community and create approximately 264 construction jobs and 77 permanent jobs. Upon issuance of a certificate of occupancy (C of O) for the Project, and other terms and conditions

specified in the Agreements, the Developer will convey title of the property to the City, and the City will lease the property back to the Developer for a term not to exceed eight years. The GPLET on the Project will be abated for up to eight years from the date of the C of O. The Developer has also agreed that the Project will generate to the City and other taxing jurisdictions new revenue in the form of certain minimum tax payments (in the construction and leasing of the Project, and in ad valorem property taxes after the lease term). These minimum tax payments would be estimated by a third party economic impact study. Details regarding those minimum tax payments will be specified in the Agreements, as well as other terms and conditions deemed necessary by City staff.

The Developer also recognizes the issues relating to affordable housing in this and other markets across the Country. To help solve this critical issue, the Developer has proposed to provide $100,000 to the City's Affordable Housing Trust Fund, which will be used in the future by the City towards affordable housing in Phoenix. The Developer will make the $100,000 contribution to the Fund prior to construction permit issuance from the City's Planning and Development Department.

Procurement Information
An evaluation panel, consisting of a representative from the Downtown Voices Coalition and City staff from the Community and Economic Development and Planning and Development departments, was convened earlier this year to review the proposal. The panel recommended the City begin negotiations with the Developer.

Contract Term
The lease term will be for a maximum of eight years upon issuance of the C of O. There are no extensions to the proposed lease, and upon conclusion of the term, ownership of the property will be transferred back to the Developer. The Developer will have the ability to terminate the lease at any time subject to the terms of the Agreements.

Financial Impact
The Project will have no expense impact to the General Fund. The estimated one-time construction sales tax revenue to the City is

$1,040,000, plus an estimated annual commercial rental tax revenue generation of approximately $145,000 at stabilization. The Developer will pay an annual rental payment starting at $25,000 in years one and two, $50,000 in years three and four, $75,000 in year five and escalating to $100,000 a year for the remaining three years of the lease. The rent payments will be deposited into the Downtown Community Reinvestment Fund. Further, the Developer will provide $100,000, in one lump sum, which will be deposited to the City's Affordable Housing Trust Fund.

Concurrence/Previous Council Action
This item was recommended for approval by the Workforce and Economic Development Subcommittee at the Sept. 23, 2020, meeting by a vote of 3-1.

Public Outreach
Staff presented to the Downtown Voices Coalition on Aug. 8, 2020 and the Evans Churchill Association on Aug. 12, 2020. The Developer also met with the Phoenix Elementary School District No. 1.

Location
Southeast corner of 6th and Garfield streets.
Council District: 8

Discussion
Nick Wood indicated he represented the applicant, Hubbard, and was present to answer questions.

Mayor Gallego asked what Hubbard saw as the demand for residential development in downtown Phoenix.

Mr. Wood conveyed the demand numbers according to his client's studies showed that demand was very high, particularly in urban centers, because people who were moving here from places that had challenges saw Phoenix as a great place to live.

Mayor Gallego pointed out this project began before COVID-19 and wondered if there was still a strong interest for it.

Mr. Wood affirmed there was a tremendous amount of momentum

already in the marketplace, but it was actually accelerating.

Councilman Nowakowski remarked there was a master plan from 7th Street to Central Avenue, from Roosevelt Street to Margaret Hance Park, noting this was one of the key elements of that plan. He emphasized the applicant was giving back to the community by providing $100,000 to make sure the City could build workforce and affordable housing for individuals that wanted to work, live and study in downtown Phoenix. He thanked Mr. Wood and Hubbard for being great community partners and helping the City create a fund for workforce housing as well as providing 10 percent of workforce housing in this project. He also thanked Mayor Gallego for her leadership.

Councilwoman Pastor recalled discussion about Hubbard donating $100,000 to the City towards affordable housing at the Workforce and Economic Development (WED) Subcommittee meeting. She stressed since this was the first time for something like this, she wanted to know how it would be administered, who would oversee it and what the guidelines were.

City Manager Ed Zuercher replied the contribution was a requirement of the development agreement that would go to the Housing Department as an affordable housing trust fund. He specified it would be administered by the Housing Department, but how it was dispersed into affordable housing projects would be under the policy direction of Council.

Councilwoman Pastor questioned if this would be expected from other projects in the future. She also wondered if this would set a precedent for GPLETs.

Mr. Zuercher responded this was a voluntary contribution by the developer and was not a part of any City policies to make it a requirement, but Council could consider to establish it as policy. He added the contribution would be written into the development agreement to make it a requirement upon Council action on this item.

Councilwoman Pastor stated after the subcommittee meeting there was a perception issue regarding this as well as a quid pro quo image. She also

noted several lawyers contacted her regarding some of the language used, so she was concerned about this for the future and wanted to show there was hesitation.

City Attorney Cris Meyer explained this was a provision that was negotiated as part of an agreement. He conveyed staff looked at it, noting it does not establish a precedent for future agreements unless Council set that kind of policy.

Councilmember Garcia thanked Councilwoman Pastor who demanded a lot from the GPLETs in proving what was in it for the community. He pointed out a case recently went to the courts as a result of this conversation, so he wanted to have a discussion to set up a process for these cases so that people did not have the perceptions mentioned earlier. He said he supported this project as the applicant worked with the neighbors and was excited that a housing trust fund was on the table as it would help with the lack of affordable housing in the city. He suggested Council clear up this process and come up with one uniform policy.

Mayor Gallego noted Councilwoman Pastor added policy discussion about the use of this tool at the next WED Subcommittee meeting. She agreed the City needed to be clear on how it was using this tool and what the goals were as she was concerned with the amount being used for residential towers and whether that was the best policy goal. She expressed this was a responsible conversation to have and thought a good starting point for it was at the subcommittee level.

Councilwoman Pastor stated she had seen people benefit from a housing trust fund in Tempe, but it was important that Council create a policy with rules in place.

Councilman Nowakowski remarked the City had been doing 10 percent of affordable housing, but it only lasted as long as the GPLET, so this would take it to the next level as permanent affordable and workplace housing. He noticed how gentrification was happening as people who were brought up in central city could not afford to live downtown.

Note: Councilman DiCiccio and Councilwoman Williams temporarily left

the voting body following the vote on this item.

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

Yes:	7 -	Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego
No:	2 -	Councilman DiCiccio and Councilman Waring

38 Amend Business Terms for Phoenix Central Station Transit Center Located at 300 N. Central Ave. (Ordinance S-46976)

Request to authorize the City Manager, or his designee, to amend the approved business terms for entering into a development agreement, ground lease, easements and other agreements as necessary (collectively, the Agreements) with Electric Red Ventures, LLC (Developer) for a transit-oriented development project at the City-owned Central Station Transit Center located at 300 N. Central Ave. Further request authorization for the City Treasurer to accept funds and for the City Controller to disburse funds related to this item. There is no expense impact to the General Fund. Funding is available in the Downtown Community Reinvestment Fund.

Summary

In April 2019, City Council authorized a Development Agreement with the Developer to redevelop the Central Station Transit Center located at 300 N. Central Ave. (Site) into a mixed-use transit-oriented development with a rebuilt transit center (Project). In June 2020, City Council amended the business terms to modify the land use mix, increase the percentage of workforce housing and allow for reimbursement to the Developer for costs associated with Site challenges for the Project.

As the site design has continued to progress, the Developer has performed additional due diligence work associated with the relocation of power equipment serving Civic Space Park (Park). A location at the southwest corner of the Park has been identified for new placement. The location will allow for a seamless transition from the Project into the Park along Central Avenue. The relocation of power equipment will include

four new Arizona Public Service (APS) equipment boxes to be located within the park along the 1st Avenue side. In order to minimize impacts to the Park, the equipment boxes will be unfenced. APS has expressed willingness to allow public art on the boxes once completed. The boxes will collectively require an above-ground easement of approximately 320 square feet (SF) and the conduit feeding this equipment will require an additional below-ground easement of approximately 2,260 SF entirely within the Park. It is estimated that four trees will be impacted by the new easement. The City's Parks and Recreation Department (PRD) must receive the fair market value (FMV) of the easement in the amount of $233,970, as determined by the City's Finance Department. The City and Developer have agreed to the following terms:

Developer will replace any trees, like-for-like, impacted by the new easement.
Developer will contribute $77,990 towards the FMV of the easement, payable to the City at any time within the first 10 years of the ground lease.
City will contribute $155,980 towards the FMV of the easement.

In addition to the above terms and conditions associated with the APS easement, the Developer has agreed to provide a $7 million performance bond should the Developer not perform and the City is forced to restore current transit uses. The City's Public Transit Department (PTD) is recommending it would be prudent to reserve additional City funds as a contingency in addition to the Developer's performance bond. The Community and Economic Development Department (CEDD) has identified $2 million that will remain on reserve until the Project has completed subsurface improvements and is undergoing vertical construction. Upon vertical construction, the reservation of funds will no longer be necessary and the Developer’s first-position performance bond will remain in place until risks to the City from default are sufficiently mitigated. Any disbursement of funds from the City's budget contingency would be subject to further City Council authorization.

The Project remains in the pre-construction phase with the Developer closing in on a final site plan approval. In August 2020, staff was notified

by the Federal Transit Administration of its approval of the joint development proposal. This approval allows the parties to sign the development agreement and ground lease, which is expected to occur this fall. Construction is anticipated to commence in December 2020.

Financial Impact

There is no expense impact to the General Fund. Upon dedication of the easement, CEDD will transfer $155,980 from the Downtown Community Reinvestment Fund (DCRF) to PRD. PRD will receive a total of $233,970 for the easement. The DCRF funds will be available in Fiscal Year 2021-22 for both the easement commitment and the $2 million contingency reservation.

These actions will not alter the lease revenue of $170.2 million due to PTD over the life of the 99-year ground lease.

Concurrence/Previous Council Action

City Council originally approved the Project through Ordinance S-45566 on April 17, 2019, and amended the business terms through Ordinance S-46813 on June 24, 2020.

On Aug. 27, 2020, the City's Parks and Recreation Board recommended approval of these updated business terms pertaining to the APS easement.

Location

300 N. Central Ave. and 444 N. Central Ave.
Council District: 7

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

Yes:	6 -	Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Guardado and Mayor Gallego
No:	1 -	Councilman Waring
Absent:	2 -	Councilman DiCiccio and Councilwoman Williams

41 Membership Dues to Western Maricopa Coalition (WESTMARC) for

Fiscal Years 2020-21 through 2022-23 (Ordinance S-46981)

Request to authorize the City Manager, or his designee, to pay membership dues to Western Maricopa Coalition (WESTMARC) for Fiscal Years 2020-21 through 2022-23 in the amount of $15,000 annually, for a total not to exceed $45,000. Further request authorization for the City Controller to disburse funds related to this item. Funding is available in the Community and Economic Development Department budget.

Summary

WESTMARC was formed in 1990 to address important issues facing the West Valley's economic prosperity. WESTMARC, a public-private partnership, actively promotes the West Valley region of Greater Phoenix (area west of I-17) and represents 15 cities, the West Valley business community and education sector. In partnership with the Community and Economic Development Department (CEDD), WESTMARC gives specific focus to the Maryvale, Estrella and Laveen villages.

CEDD participates on WESTMARC's Economic Development Committee and other strategic initiatives, such as a recent workforce study which highlighted the size of the labor pool and diverse skill sets of West Valley workers. CEDD has promoted West Phoenix Opportunity Zones and featured sites for restaurant and retail development at WESTMARC pitch events. Additionally, the membership provides a table to each of WESTMARC's Signature Events including the Annual Meeting, Governor's State of the State Luncheon and Economic Development Summit.

Membership dues are based on population, and communities with greater than 100,000 residents are asked to contribute $15,000 annually.

Financial Impact

Membership dues are $15,000 annually. The three-year, cumulative amount for Fiscal Years 2020-21 through 2022-23 will not exceed $45,000. Funding is available in the CEDD budget.

Concurrence/Previous Council Action

This item was recommended for approval by the Workforce and

Economic Development Subcommittee at the Sept. 23, 2020, meeting by a vote of 3-1.

Location

Council Districts: 1, 4, 5, 7 and 8.

Discussion

Note: Councilman DiCiccio and Councilwoman Williams returned to the voting body.

Vice Mayor Guardado thanked WESTMARC, noting she had been working with them for the last year and was excited about the economic development on the west side. She stated there would be conversations about how neighbor cities could help with issues, such as transportation and homelessness. She expressed she was eager to continue working with WESTMARC to make sure the west side continued to grow and bring in different opportunities.

Mayor Gallego thanked Vice Mayor Guardado for her service on the WESTMARC Board of Directors and for successfully bringing in community amenities to the west side.

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

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

44 Donation from the Phoenix Police Reserve Foundation (Ordinance S-46974)

Request authorization for the City Manager, or his designee, to accept a donation of four vehicles from the Phoenix Police Reserve Foundation collectively valued at approximately $218,000.

Summary

The donated vehicles consist of three, 2020 Chevrolet Tahoes outfitted with standard police equipment that will be used exclusively by the

Department's reserve officers in responding to calls for service, providing additional uniformed patrol, and in delivering other police services to the Phoenix community. A 2020 Chevrolet Camaro that will be wrapped with custom marketing graphics is also being donated, which will be used exclusively by the Department's reserve officers to support reserve officer recruitment efforts. In fiscal year 2019-20, Phoenix reserve police officers donated more than 39,000 hours of sworn police services, valued in excess of $3 million.

The Phoenix Police Reserve Foundation is a 501(c)(3) charitable organization that was founded in 2007. The purpose of the Foundation is to provide equipment to the Phoenix Police Department’s Reserve Division, which cannot be provided by the regular City budget.

Financial Impact

These vehicles will each come with a new vehicle warranty. Costs to the City will include standard operating and maintenance expenses. Funds for these expenditures are available in the Police Department’s budget.

Discussion

Jacob Raiford stated the Police Department was undeserving of further allocations and resources.

Two electronic comments were submitted for the record with no position.

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

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

No: 0

49 South Parking Lot at 24th Street Sky Train Station - Construction Manager at Risk Construction Services Amendment 4 - AV15000076 (Ordinance S-46959)

Request to authorize the City Manager, or his designee, to execute an

amendment to Agreement 145419 with Hensel Phelps Construction Co. (Hensel Phelps) to provide additional Construction Manager at Risk (CMAR) Construction Services for the South Parking Lot at 24th Street Sky Train Station 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 additional fee for services included in this amendment will not exceed $14 million.

Summary

The purpose of this project is to construct a public parking lot of approximately 1,600 parking spaces, providing easy access to the 24th Street Sky Train Station. The entire lot will be asphalt-paved surface parking with access control, security cameras, electric car charging stations, pedestrian emergency duress stations, lighting, and fire hydrants per code, plus provisions for future guard shack/security booth and bus stops.

This amendment will provide for construction of a new public parking lot south of the 24th Street Sky Train Station. Originally the City embarked on a Public Private Partnership (PPP) project for the private sector to build a hotel, commercial property, and parking structures at the corner of Buckeye and 24th Street. Since the private sector (PPP) was going to build the project at the time, the parking lot was removed from the scope of the City of Phoenix’s construction contract with Hensel Phelps. The Parking and Hotel Development Concession Opportunity has been cancelled with no intention to re-issue. Consequently, the scope to build the South Parking Lot at 24th Street Sky Train Station must be added back into the Sky Train Project for construction. This amendment will provide additional funds and time to the agreement.

Hensel Phelps Construction Co.'s additional services include, but are not limited to: Guaranteed Maximum Price preparation, investigating utility conflicts, arranging for the procurement of materials and equipment, providing quality controls, and constructing the new parking lot. Hensel Phelps will be responsible for construction means and methods related to the project and fulfilling the Small Business Enterprise program requirements. Hensel Phelps will be required to solicit bids from pre-qualified subcontractors and to perform the work using the City’s

subcontractor selection process. Hensel Phelps may also compete to self-perform limited amounts of work.

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

Contract Term

The term of this amendment increases the contract to five years from the original 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 CMAR construction services agreement and Amendment 1 were approved for an amount not-to-exceed $60 million, including all subcontractor and reimbursable costs.

Amendments 2 and 3 increased the not-to-exceed agreement value by an additional $265 million, including all subcontractor and reimbursable costs.

Amendment 4 will increase the agreement by an additional $14 million, for a new total not-to-exceed agreement value of $339 million, including all subcontractor and reimbursable costs.

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

Concurrence/Previous Council Action

The City Council approved:

CMAR Preconstruction Services Agreement 145418 (Ordinance S-43669) on June 21, 2017; and

CMAR Construction Services Agreement 145419 (Ordinance S-43680) on June 21, 2017; and

CMAR Construction Services Agreement 145419 Amendment 2

(Ordinance S-44576) on May 16, 2018.

Location
Buckeye Road and 24th Street
Council District: 8

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

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

No: 2 - Councilman DiCiccio and Councilman Waring

51 Authorization to Extend Parking Meter Contract (Ordinance S-46975)

Request to authorize the City Manager, or his designee, to amend Contract 135354 with IPS Group Inc. (IPS), to extend the term of the agreement by one year. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. No additional funding is necessary with the extension so the aggregate contract amount remains $3,637,500.

Summary
Since the inception of the contract in January 2013, the Street Transportation Department (Streets) has purchased approximately 1,700 wireless single-space parking meters capable of both coin and credit card transactions through IPS. These smart meters operate on a proprietary financial software that utilizes wireless technology for two-way communications with the parking meters to accept and monitor payments, monitor the status and use, provide remote diagnostics, and allow for settings to be changed remotely. Currently, Streets operates 1,690 smart meters in the downtown and midtown areas of Phoenix, which have been operating for approximately seven years with a life expectancy of 10 years.

Streets is requesting to continue for an additional year the current contract with IPS for the purchase and management of credit card

enabled single-space parking meters. This will include the purchase of additional parking meter units and continued credit card processing.

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

Procurement Information

The original contract was procured in accordance with Administrative Regulation 3.10, and will expire on Jan. 27, 2021. Streets is requesting to extend the contract with IPS for one additional year to provide staff the opportunity to revise the scope of work for a new procurement in conjunction with the Parking Management Study currently being conducted by Streets and the Community and Economic Development Department. The revised scope of work will allow vendors to bid based on updated criteria, with the goal to provide a City parking meter system that fully meets the current and future needs of the City.

Contract Term

The term of this extension will be from Jan. 28, 2021 until Jan. 27, 2022.

Financial Impact

As this is an expense and revenue contract, funding approved by Council on Dec. 13, 2017 (Ordinance S-44122) has not been exhausted and remains available. No additional funding is required for this extension; the aggregate spending authority of the contract remains $3,637,500. The City is expected to generate $2 million in parking meter revenues this fiscal year.

Concurrence/Previous Council Action

City Council approved the original contract with IPS on Nov. 28, 2012 (Ordinance S-39393).

On Sept. 6, 2017 (Ordinance S-43895) Council approved additional funding to expand the parking meter program.

On Dec. 13, 2017 (Ordinance S-44122) Council approved a three-year extension and additional funding for maintenance and supplies and ongoing operational costs.

The Transportation, Infrastructure and Innovation Subcommittee recommended approval of this requested one-year extension on Sept.

2, 2020 by a vote of 4-0.

Location
Council Districts: 4, 7 and 8

Discussion
Councilman Waring stated he had concerns about the quality of the product. He indicated the plastic that covers the purchasing area was difficult to see if there was a glare or it was scratched, plus there were times the parking meters were not working.

Mayor Gallego agreed as she had seen opportunities for parking meters to improve, so she wanted to continue looking at this particular product.

Street Transportation Director Kini Knudson noted staff was aware of these concerns, noting there was a lot of burn-in on parking meter screens due to the sun. He conveyed staff would renew its efforts to make sure these issues were addressed when doing maintenance on current parking meters.

Councilwoman Pastor concurred as she had issues with glare when trying to pay for a parking meter and at times did not know if it was working, so more maintenance was needed. She said she also wanted to continue looking at it.

Mayor Gallego stated this was a short-term extension which provided an opportunity to continue looking for the best products.

Prior to his vote, Councilman DiCiccio expressed he was voting yes because of his confidence in Mr. Knudson.

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

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

69 Purchase of Economic Impact Study for Historic Preservation (Ordinance S-46954)

Request to authorize the City Manager, or his designee, to enter into a contract with PlaceEconomics for a one-time purchase to provide the Planning and Development Department an economic impact study for historic preservation in an amount not to exceed $105,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Planning and Development Department seeks to have PlaceEconomics conduct a study to provide an evaluation of the documented economic and other benefits of historic preservation projects, buildings, and neighborhoods in Phoenix. This study will aid in identifying, protecting, and rehabilitating existing building stock that can lead to additional private investment, while maintaining affordable housing stock. The report is to be presented to the Historic Preservation Commission, City Council and at the Arizona Historic Preservation Conference.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition Determination Memo citing the request has restrictive specifications and PlaceEconomics is the only nationally known firm that conducts this type of study at a city-level. The determination memo was completed and approved by the Deputy Finance Director recommending the contract with PlaceEconomics be accepted.

Contract Term

The contract will begin as soon as City Council approves the request and staff can execute the agreement.

Financial Impact

The one-time purchase will have an expenditure of $105,000. Funds are available in the Planning and Development Department operating budget for Historic Preservation.

Concurrence/Previous Council Action

The Land Use and Livability Subcommittee recommended approval of this item on Sept. 16, 2020 by a vote of 4-0.

Discussion

Dan Klocke, Historic Preservation Commission Chair, spoke in support of this item. He conveyed this study would do a great job of analyzing the cost-benefit of supporting a project the City was trying to attract, including historic preservation. He asked that Council support this item.

Councilwoman Pastor stated 26 of the historic districts were in District 4 and this study would report on the density and diversity of historic neighborhoods as well as the contribution older housing made towards affordable housing. She expressed she hoped for a result where decision-makers supported the City's historic resources. She remarked historic districts brought people together, especially Coronado, where people were moving to, so she thought this was important for the City.

Councilwoman Stark reiterated this study was important, noting the gentleman performing a part of it was a leader in the field.

Mayor Gallego agreed, noting this study would look at how historic housing contributed to affordable housing which was important data.

Seven electronic comments were submitted for the record in support.

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

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

74 Public Hearing and Resolution Adoption - General Plan Amendment GPA-EST-2-20-7 - Generally bounded by 107th Avenue on the West, Jones Avenue (Alignment) on the North, 91st Avenue on the East, and Wier Avenue (Alignment) on the South (Resolution 21868)

Request to hold a public hearing on a General Plan Amendment for the following item to consider the Planning Commission's recommendation and the related resolution if approved. This file is a companion case to Z-155-C-01-7 and should be heard first, followed by Z-155-C-01-7.

Summary

Application: General Plan Amendment GPA-EST-2-20-7
Current Designation: Residential 1 to 2 dwelling units per acre (73.70 acres) and 2 to 3.5 dwelling units per acre (Density cap of 2.5 dwelling units per acre) (63.21 acres)
Proposed Designation: Residential 2 to 3.5 dwelling units per acre (73.70 acres), Residential 10 to 15 dwelling units per acre (Density cap of 2.5 dwelling units per acre) (30.82 acres), and Commercial (Density cap of 2.5 dwelling units per acre) (32.39 acres)
Acreage: 136.91 acres
Proposed Use: Single-family and multifamily residential, and commercial

Owner: New Era Phoenix, LLC. c/o New World Properties
Applicant: Julie Vermillion, Coe & Van Loo Consultants, Inc.
Representative: Julie Vermillion, Coe & Van Loo Consultants, Inc.

Staff Recommendation: Approval.
VPC Action: The Estrella Village Planning Committee heard this case on Aug. 18, 2020 and recommended approval, per the staff recommendation by an 8-0 vote.
PC Action: The Planning Commission heard this case on Sept. 3, 2020 and recommended approval, per the Estrella Village Planning Committee recommendation by a 9-0 vote.

Location

Generally bounded by 107th Avenue on the west, Jones Avenue (alignment) on the north, 91st Avenue on the east, and Wier Avenue (alignment) on the south
Council District: 7
Parcel Addresses: 9755 and 10505 W. Broadway Road; and N/A

Discussion

Planning and Development Director Alan Stephenson advised Items 74 and 75 were related items and could be heard together, but required

separate actions. He stated Item 74 was a General Plan Amendment to change land use designations for about 137-acre site bounded by 107th Avenue on the west to Jones Avenue on the south. He conveyed it was three different parcels that were part of the same master planned community from the same zoning case in 2001. He said the applicant was proposing to go from Residential 1 to 2 dwelling units per acre and 2 to 3.5 per acre to Residential 2 to 3.5 dwelling units per acre, 10 to 15 per acre and Commercial. He specified the Estrella Village Planning Committee recommended approval by an 8-0 vote and the Planning Commission recommended approval by a 9-0 vote. He displayed a map that showed the proposed designations of the request.

Mr. Stephenson stated Item 75 was the corresponding zoning case with a proposal of going from a mix of residential and commercial densities to R1-10, R-3 and C-2 PCD for the same acreage. He remarked this request was for a major amendment to the Sunset Farms PCD to reallocate some of the residential units into commercial. He presented the master plan which showed more multifamily wrapping the commercial corners. He conveyed the Estrella Village Planning Committee recommended approval by an 8-0 vote and the Planning Commission recommended approval by a 9-0 vote. He added staff recommended approval of both items per the Planning Commission.

Mayor Gallego declared the public hearing open. She remarked the applicant was available to answer questions. Noting there were no questions from Council, she declared the public hearing closed.

Note: Councilman Waring temporarily left the voting body.

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

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

No: 0

Absent: 1 - Councilman Waring

75 **Public Hearing and Formal Action - PCD Major Amendment - Rezoning Application Z-155-C-01-7 - Generally Bounded by 107th Avenue on the West, Jones Avenue (Alignment) on the North, 91st Avenue on the East, and Wier Avenue (Alignment) on the South**

Request to hold a public hearing on Rezoning Application Z-155-C-01-7 (Companion Case GPA-EST-2-20-7) for a Major Amendment to the Sunset Farms PCD to reallocate single-family and multifamily residential and commercial uses and to request City Council approve as proposed by Planning Commission. This item requires a public hearing and formal action and is a companion file to GPA-EST-2-20-7 and should be heard following GPA-EST-2-20-7.

Summary

Current Zoning: PCD (Approved C-2 PCD) (9.87 Acres), PCD (Approved R1-10 PCD) (73.70 Acres), PCD (Approved R-2 PCD) (12.00 Acres), RE-43 (Approved R1-6 PCD) (0.95 Acres), S-1 (Approved R1-6 PCD) (40.39 acres)
Proposed Zoning: C-2 PCD (32.39 Acres), R1-10 PCD (73.70 Acres), R-3 PCD (30.82 Acres)
Acreage: 136.91 acres
Proposed Use: Major Amendment to the Sunset Farms PCD to reallocate single-family and multifamily residential and commercial uses.

Owner: New Era Phoenix, LLC c/o New World Properties, Inc.
Applicant: Julie Vermillion, Coe & Van Loo Consultants, Inc.
Representative: Julie Vermillion, Coe & Van Loo Consultants, Inc.

Staff Recommendation: Approval.
VPC Action: The Estrella Village Planning Committee heard this case on Aug. 18, 2020 and recommended approval, per the staff recommendation by an 8-0 vote.
PC Action: The Planning Commission heard this case on Sept. 3, 2020 and recommended approval, per the Estrella Village Planning Committee recommendation, with an additional stipulation by a 9-0 vote.

Location

General location bounded by 107th Avenue on the west, Jones Avenue (alignment) on the north, 91st Avenue on the east, and Wier Avenue (alignment) on the south.
Council District: 7
Parcel Addresses: 9755 and 10505 W. Broadway Road; and N/A

Note: Refer to Item 74 for discussion related to this item.

Note: Councilman Waring returned to the voting body prior to the vote on this item.

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

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

No: 0

77 **Public Hearing - Amend City Code and Ordinance Adoption Off-Premise Signs Along the Western Portion of the State Route Loop 202 Freeway - Z-TA-6-19 (Ordinance G-6747)**

Request to hold a public hearing on a proposed text amendment Z-TA-6-19 and to request City Council approve Z-TA-6-19 as proposed which amends Chapter 7, Section 705.2 (Off-Premise Signs) of the Phoenix Zoning Ordinance to allow off-premise advertising along the western portion of the State Route (SR) Loop 202, “Ed Pastor Freeway” from Interstate 10 to the north side of Estrella Drive.

Summary

Application: Z-TA-6-19
Proposal: Amend Chapter 7, Section 705.2 (Off-Premise Signs) of the Phoenix Zoning Ordinance to allow off-premise advertising along the western portion of the State Route (SR) Loop 202, “Ed Pastor Freeway” from Interstate 10 to the north side of Estrella Drive.

Applicant: City of Phoenix, Planning Commission
Representative: City of Phoenix, Planning and Development Department

The intent of this text amendment request is to allow off-premise signs along the western portion of the SR Loop 202, “Ed Pastor Freeway” from Interstate 10 to the north side of Estrella Drive. Currently the only freeways that permit off-premise signs are Interstate 17, Interstate 10, inner SR Loop 202, SR 143, and the west SR Loop 101 to Camelback Road.

Historically, off-premise signs have been located along freeways to advertise to the many residents who travel these freeways within the City of Phoenix. With the construction of the SR Loop 202, “Ed Pastor Freeway,” the addition of off-premise signs on a portion of this freeway would provide similar advertising opportunities that are permitted on similar and adjacent freeways.

Off-premise signs are required to be located within 300 feet and oriented towards permitted freeways. In addition, off-premise signs are only permitted in the A-1 and A-2 zoning districts and within Planned Unit Developments (PUDs) on properties a minimum of 20 acres in size. While the addition of this freeway corridor creates opportunities for additional billboards to be constructed, properties without the aforementioned zoning entitlements will be required to obtain approval through the rezoning process in order to construct an off-premise sign.

The text amendment makes no changes to the current spacing standards for off-premise billboards. There is a minimum spacing standard of 1,000 feet required from one off-premise structure to another. Additional spacing standards exist for residential districts and residential uses outside of a PUD. Off-premise signs are also restricted from locating within 2,000 feet of the Phoenix or South Mountain Preserves. The proposed southern applicability boundary for this new freeway corridor, Estrella Drive, is more than 2,000 feet from South Mountain Park.

The text amendment would change Section 705.2.A.1 to include the western portion of the SR Loop 202, “Ed Pastor Freeway” from Interstate 10 to the north side of Estrella Drive. The other regulations including but

not limited to zoning, size, spacing, and setbacks in Section 705.2 of the Phoenix Zoning Ordinance would apply to any proposed off-premise signs within the freeway corridor.

Concurrence

Staff Recommendation: Approval, per the language in Exhibit A of the **Attachment B - Staff Report.**

VPC Action: The Estrella Village Planning Committee heard this case on July 21, 2020 and recommended denial by a 5-2 vote. The Laveen Village Planning Committee heard this case on Aug. 10, 2020 and recommended approval, per the staff recommendation with a modification to move the southern boundary from Estrella Drive to Lower Buckeye Road by an 8-0 vote. The Village Planning Committee summaries are compiled in **Attachment C - VPC Summary.**

PC Action: The Planning Commission heard this case on Sept. 3, 2020 and recommended approval, per the language in Exhibit A of the Staff Report with a modification to change the boundary line from the north side of Estrella Drive to the 2,000-foot distance from the boundary of the South Mountain Preserve by a 9-0 vote, as reflected in **Attachment D - PC Summary.**

Location

Western portion of the State Route (SR) Loop 202, “Ed Pastor Freeway” from Interstate 10 to the north side of Estrella Drive.

Council Districts: 7 and 8.

Discussion

Planning and Development Director Alan Stephenson stated this was a text amendment to the zoning ordinance to permit off-premise advertising along the western portion of the Loop 202 freeway from Interstate 10 to the north side of Estrella Drive. He added the entire stretch of Loop 202 from the South Mountain Park area with a buffer all the way up to Interstate 10 was under consideration for what was more commonly called billboards. He displayed a map that showed the Loop 202 corridor outlined in red that went around the South Mountain Park boundary north to Interstate 10. He also presented a map that showed the Council districts where discussion was held regarding this potential text amendment.

Mr. Stephenson advised text amendments along freeways were permitted as part of the zoning ordinance and regulated as a use, but it had to be called out in the ordinance. He noted the Loop 202 freeway did not exist at the time the ordinance was last adopted, so this proposed text amendment would add it to be allowed if approved by Council. He added there were other regulations related to off-premise advertising per the existing ordinance requirements as follows:
- have to be in an A-1 or A-2 zoning district or in a planned unit development greater than 20 acres;
- required to be within 300 feet and oriented toward the freeway;
- minimum spacing of 1,000 feet from one off-premise structure to another; and
- minimum spacing of 2,000 feet from Phoenix or South Mountain Preserve area.

Mr. Stephenson stated the text amendment was denied in total by the Estrella Village Planning Committee and the Laveen Village Planning Committee approved it with a modification. He remarked the Planning Commission approved it with language in the staff report, except to extend the area from the Estrella Drive alignment to the 2,000 foot distance from the buffer of the South Mountain Preserve area. He displayed a map that showed the designations that the Laveen Village Planning Committee recommended to approve which was only from Lower Buckeye Road north to Interstate 10. He noted the Planning Commission approved the staff recommendation and extended it further south from the Estrella Drive alignment to the 2,000 foot buffer from South Mountain Park. He presented the language as it would look in the ordinance to add the Loop 202 freeway as a specifically permitted freeway to have off-premise advertising. He also displayed a map that showed the 2,000 foot buffer from the South Mountain Preserve area and the preserve designation where the billboards would be permitted per the Planning Commission recommendation. He said staff recommended approval per the Planning Commission recommendation.

Councilwoman Stark asked if the southern side of the buffer zone was in the City of Phoenix.

Mr. Stephenson responded the southern side was not as it was on the

Gila River Indian community in that particular instance, noting it was Gila River Indian community land across 51st Avenue from the freeway on the south side.

Councilwoman Stark confirmed with staff the Indian community did not have to abide by the buffer.

A motion was made by Councilman Nowakowski, seconded by Councilman DiCiccio, that this item be approved by the Planning Commission recommendation with adoption of the related ordinance.

Mayor Gallego declared the hearing open.

Councilmember Garcia asked why the Ahwatukee side was not included in this request.

Mr. Stephenson replied this text amendment was initiated by the Planning Commission at the request of District 7 and what was requested was only the portions of the Loop 202 freeway from the South Mountain Park boundary on the south going north to Interstate 10.

Councilmember Garcia questioned why District 8 was not able to make its own determination like Districts 6 and 7.

Mr. Stephenson responded a council member could request the Planning Commission to initiate an item. He advised that Council makes the decision which was when a council member could disagree with what the Planning Commission initiated.

Councilmember Garcia acknowledged the Loop 202 freeway was brand new, but he wanted to know why something similar was not done on the 51 freeway going north.

Mr. Stephenson replied the 51 freeway was similar to the Loop 202 freeway when it first started, noting it went through more established residential like Laveen versus some areas within the Loop 202 freeway in the Estrella area that had industrial zoning where boards were already

permitted. He added there was no designation of a scenic corridor or anything else along the State Route 51 freeway. However, he said there was a controversial billboard case approved north on the Loop 101 freeway where the 51 freeway connected to the 101 freeway. He conveyed per Council direction at that time staff did a scenic corridor study evaluation and also made a designation for the State Route 51 freeway from the Phoenix Mountain Preserve boundary north that also included the 101 freeway to Scottsdale Road and over to the 101 freeway limits within Phoenix entering Glendale on the 101 freeway.

Councilmember Garcia asked if other recent freeways on the north side had a similar text amendment.

Mr. Stephenson responded the most recent freeway was the Loop 101 freeway and there were billboards allowed on the west side within the Maryvale area going into the City of Glendale on the west side.

Councilwoman Pastor asked when the request was done with regard to not including Ahwatukee.

Mr. Stephenson replied the initiation was done about 18 months ago, prior to Councilman Garcia taking over as the representative in District 8.

Councilwoman Pastor said she understood District 7 made this recommendation to the Planning Commission, but she wondered why District 6 did not make a recommendation.

Mr. Stephenson responded this request came from District 7 to initiate the text amendment by the Planning Commission.

Councilwoman Pastor confirmed with staff the request was to look at Estrella all the way up which included Districts 7 and 8, but did not include District 6.

Councilman Nowakowski stated when he started about 12 years ago he found out this freeway was approved back in 1980, noting it took approximately 35 years to get it built. He recalled meeting with different stakeholders and the community, including people from Laveen, that

wanted this freeway built as it would help with traffic congestion on the I-10 freeway. He conveyed they had been meeting for the past 10 years to discuss the vision along this freeway which included a hospital, movie theater, mall and other amenities; however, the process had slowed down due to COVID. He added another want was a tech corridor which would create quality jobs.

Councilman Nowakowski emphasized a concern was raised that the community did not want a cluster of billboards as they wanted things to blend into the landscape of Estrella and Laveen. He talked with the Planning Director at that time and started to create an ordinance, noting he held meetings with the community the last couple of years. He pointed out that people wanted safeguards to protect their community and this process provided that as it had to go through the City, the Village, the Planning Commission and then the Council. He stated the community was concerned about billboards that were in county islands and did not want them grandfathered in with annexation. He conveyed he was leading this effort since 95 percent of it was in District 7, plus residents and stakeholders along the freeway also wanted it. He said he did not know if District 6 received the same requests, but he claimed Councilmember Garcia was aware of this as there had been village meetings and could have set up meetings regarding the 5 percent that affected his district.

Councilmember Garcia acknowledged the efforts of those before him on getting this freeway built and wanted the things Councilman Nowakowski talked about to happen. Councilmember Garcia said he wanted to know how the decision was made to not include the entire loop and what the community process was for the billboards. He remarked people who were calling his office found out about this at the Village meetings, noting both Villages denied this request.

Councilman DiCiccio stated the reason District 6 was not included was because there was no available A-1 zoned land on the southern side. He expressed he was agreeable to include his district in this proposal, but land would have to be rezoned for that to happen. He recalled there was a fight over the freeway alignment and City management fought for its current path as it would bring in economic development. He added monument and billboard signs alerted people of that economic

development and the best place for those signs was on the freeway.

Councilman Nowakowski remarked he had been meeting with the community for the last three years to discuss what their vision was for the 202 freeway, noting conversations were not just about billboards. He recognized there were individuals in Laveen who were not happy, but studies had shown the Laveen and Estrella communities were going to change. He conveyed the Estrella community did not want to have a bunch of warehouses along the freeway, so they came up with the tech corridor which would create high-end jobs. He emphasized this area was going to change from an agricultural community to a suburb, but he wanted to keep some of the acre lots south of Dobbins.

Councilwoman Stark reiterated the Gila River Indian community could put up billboards on the south side of the 202 freeway. She asked if such a request would have to go through the rezoning process since nothing was zoned to allow a billboard on the 202 freeway.

Mr. Stephenson replied the Laveen area did not have A-1 or A-2 zoning or PUDs greater than 20 acres that would allow billboards. He added the Estrella area had properties that were already zoned A-1 and A-2, noting there were billboards facing arterial streets that could be moved to face the freeway since the zoning was already in place.

Councilmember Garcia asked if Councilman DiCiccio's statement that there was no zoned land available to allow a billboard applied to the Laveen area.

Mr. Stephenson responded the area Councilman DiCiccio referenced was built out under the existing zoning; however, there was undeveloped land in Laveen but it did not have the zoning to allow this to happen.

Councilwoman Pastor pointed out it was difficult to get the 202 freeway built due to contention about it going on sacred land, but the elders eventually blessed it. She said there were spiritual ceremonies and traditions that determine if something was going to happen on their land, so it was not as easy as the City's zoning process.

Councilman Nowakowski added an environmental study was done for that area and a habitat crossing was created where the freeway was lifted so wildlife could go from the reservation to the mountain and vice versa. He stated there were also protections in place so that houses and other things could not be built and provided a scenic corridor with mountains on both sides.

Nick Wood indicated he represented a number of property owners along the 202 corridor, noting this request would give his clients a way to ask Council to approve a billboard sometime in the future. He said the way the ordinance was structured did not allow them to ask for permission for a sign which created a situation where his clients were not treated the same as property owners along other freeways. He conveyed the City's powers in establishing land use controls was significant, but a landowner should have the right to ask for a zoning change. He pointed out there was a process in place, including this case where Council was deciding whether or not a sign could be located in the Laveen or Estrella areas.

Robert Branscomb, Chair of the Laveen Village Planning Committee, recalled there was plenty of discussion at their meeting on this text amendment. He stated constituents had concerns about dark skies and wanted to make sure they kept their view of the freeway. He remarked the Village voted 8-0 to modify the billboards on the freeway to only extend it down to Lower Buckeye which took into consideration the neighborhood that fought to get a bridge for their community. He noted they were aware there were no properties that currently allowed billboards to be on the stretch of freeway in Laveen; however, there was PUD coming that could allow it. He conveyed there were county property on the west side that had an existing billboard, noting they could put up more billboards.

Councilmember Garcia asked if he had conversations about billboards on the 202 freeway prior to this coming to the village.

Mr. Branscomb replied he had spoken with Mr. Wood twice about it so he knew it was coming, plus he reached out to the chair of the Estrella Village Planning Committee. He said those were the only times he heard about it before the village was presented with this request.

Councilman Nowakowski asked how many of the 202 freeway meetings had he attended where they talked about the designs.

Mr. Branscomb responded he had been privy to some of the designs on what the 202 freeway would bring since he had been on the village, so about six years.

Wes Lines spoke in favor of this item because of the much needed technology it would bring to Laveen. He mentioned the Gila River Indian community already had several billboards in the area where the 202 freeway met with the I-10 freeway going to Tucson.

Lisa Perez, Chair of the Estrella Village Planning Committee, stated her committee denied this request, but supported the Laveen Village Planning Committee's recommendation since that area was already zoned A-1 and A-2 as it was mostly industrial. She acknowledged all the work done by Councilman Nowakowski and others who got this freeway done. She emphasized she was not invited to any meetings with regard to planning of the 202 freeway or any meetings regarding what was happening in this area. She stated she did not know how billboards would enhance the growth and building of other things on this freeway. She agreed billboards belonged on the 202 freeway, but asked that a corridor study be done, similar to the State Route 51 and Loop 101 freeways. She added that two village meetings did not suffice as public outreach in this area.

Mayor Gallego recognized Ms. Perez worked in economic development as well as worked on the South Mountain tech corridor. She asked if she thought billboards would be helpful in bringing high-wage jobs to this area of the community.

Ms. Perez replied she was not sure how a billboard was an asset as the City had no editorial control of them.

Councilmember Garcia stated two things concerned him, one was the difference between Estrella and Laveen where Laveen was more like the 51 freeway and the south part of the 202 freeway towards Ahwatukee. He said his second concern was community input, especially the fact that the

two village chairs did not have conversations about this prior to the text amendment coming up at their meetings.

Councilwoman Pastor expressed she and her family knew the sacrifice it took to make this freeway happen. She remarked that Estrella and Laveen were unique environments, noting there was a lack of community outreach. She conveyed the property owners and greater community were asking for a process that Council consider billboards and review a scenic corridor, respectively, so she thought the two parties could come to a compromise. She stated the tech corridor was adopted in 2015, noting she had been meeting with tech companies to try and recruit those high-wage jobs by the Loop 202 freeway. She specified those companies wanted access near the freeway for name recognition and branding for people to view as they drove on the freeway. She added it was important to draw these businesses into Phoenix, especially in this area; however, she wanted to pause and have a conversation about billboards in this area.

Mayor Gallego recalled talking about some of these issues at a meeting on the 202 freeway corridor and economic development. She said her concern at that time was how the billboards would interact with the tech corridor vision as well as the entry to South Mountain Park. She said Councilmember Garcia's motion was responsible and she would support it.

A substitute motion was made by Councilmember Garcia, seconded by Councilwoman Pastor, that this item be approved with the southern boundary being Baseline Road to prohibit off-premise advertising south of Baseline Road, and that staff study the area south of Baseline Road up to South Mountain Park for designation as a scenic corridor, similar to the State Route 51 freeway north of the Phoenix Mountain preserves. The motion failed by the following vote:

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

No: 5 - Councilman DiCiccio, Councilman Nowakowski,

Councilwoman Stark, Councilman Waring
and Councilwoman Williams

Councilman Nowakowski conveyed an environmental study was done near the curve at 51st Avenue, noting ordinances were put in place to prohibit building things in order to keep the habitat corridors and mountain views. He added there was housing already built in that area, but the rest of it was preserved. He reiterated this ordinance would create a safeguard so that any developer would have to go through a process to get approved. He remarked there were agricultural properties in the Laveen area, mostly in District 7 with some in District 8, but he said that was going to change as master communities were coming into the area. He recalled the tech corridor was announced during Mayor Stanton's State of the City address in 2015.

Mayor Gallego declared the public hearing closed.

Seven electronic comments in opposition and one with no position were submitted for the record.

Councilwoman Pastor wished to make a friendly amendment that the southern boundary be Estrella Road and that off-premise advertising was only accessory to permitted freeway pilot signage and located on the same sign structure between Estrella and Baseline roads. She said this would allow for limited off-premise signs that minimizes sign blight because the structures were combined to advertise on-site goods and off-premise digital signage. She continued the ordinance spacing for off-premise advertising of 1,000 feet would still have to be met. She explained her amendment would allow combined digital billboards and on-premise signage and should result in less visual sign clutter. She confirmed it would also still have to go through the process to be approved as mentioned by Councilman Nowakowski.

Councilman DiCiccio remarked since this had already gone through the process he preferred to move this forward as is, noting Council could reconsider it or add to it later.

Councilman Nowakowski agreed to move forward with his original motion.

Councilwoman Pastor asked staff to explain her request as she thought it was similar to the original motion.

Mr. Stephenson replied her request would permit a freeway pylon sign on all properties adjacent to a freeway, noting the signs were bigger due to the heavy traffic volume on freeways. He explained the signage was typically focused on businesses on-premise and did not allow off-premise signage. He said her request would combine the signs so an area did not have freeway pylon signs and billboard signs, so it would be one sign structure.

Councilwoman Pastor stated her goal was to not have a lot of visual sign clutter when driving on the freeway.

Councilman Nowakowski said he was going with his original motion because it would give residents an opportunity to provide input at the Village and Planning Commission and allow the council member of that district to make the decision.

Mr. Stephenson stated the recommendation made by Councilman Nowakowski was to approve per the Planning Commission recommendation, which took the line allowing signage down to the 2,000 foot distance from South Mountain Park. He noted an applicant would be able to have off-premise signs from about the 51st Avenue alignment going north to the I-10 freeway.

Councilwoman Pastor emphasized she was trying to do spacing of 1,000 feet and not clutter the area with billboards. She asked if the motion on the floor would do that.

Mr. Stephenson responded her motion would combine on-premise and off-premise advertising into one sign structure, noting there would be less sign structures in her proposal. He advised the current motion did not address on-premise signage as it solely focused on allowing off-premise signs to be located, though it would still have the 1,000 foot spacing requirement.

Councilwoman Pastor asked what the next process would be to add her language.

Mr. Stephenson replied it would be a separate text amendment that would have to be evaluated and go back through the process, noting it could be something Council would consider on a future action. He added staff would have to work with Council and in the community, so it would take some time to process that request.

Mayor Gallego recessed the meeting following the vote.

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

Yes:	6 -	Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring and Councilwoman Williams
No:	3 -	Councilmember Garcia, Vice Mayor Guardado and Mayor Gallego

78 Public Hearing and Formal Action - Planning Hearing Officer Application - PHO-1-20--Z-62-02-7(8) - Northeast Corner of 59th Avenue and Dobbins Road

Request to hold a public hearing on the Planning Hearing Officer application for the following item and consider adoption of the Planning Commission recommendation of Sept. 3, 2020. This item is a formal action item.

Summary

Application: PHO-1-20--Z-62-02-7(8)
Existing Zoning: C-1
Acreage: 6.96
Applicant: Ward Development
Owner: Rodney and Donna Kleck Family Trust Agreement
Representative: Alan Beaudoin, Norris Design

Proposal:

Modification of Stipulation 1 regarding general conformance with the site plan, dated Aug. 20, 2002.
Planning Hearing Officer review and approval of site plan and elevations per Stipulation 3.
Deletion of Stipulation 16 regarding a shade protected walkway along building walls with customer entrances.
Modification of Stipulation 23 regarding canopy height.
Presentation of commercial development plans to the Laveen Village Planning Committee for comment per Stipulation 29.
Technical corrections to Stipulations 8, 11, 14, 15 and 22.

Concurrence

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on July 13, 2020 and recommended denial by a 6-2 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on July 15, 2020 and recommended denial as filed, and approval with modifications and additional stipulations.
Planning Commission Recommendation: The Planning Commission heard this case on Sept. 3, 2020 and recommended approval, per the Planning Hearing Officer recommendation with an additional stipulation.

Location

General Location: Northeast corner of 59th Avenue and Dobbins Road
Council District: 8
Parcel Address: N/A

Discussion

Mayor Gallego reconvened the meeting.

Planning and Development Director Alan Stephenson stated this was a Planning Hearing Officer request to modify stipulations for the northeast corner of 59th Avenue and Dobbins Road, noting the zoning was previously approved in 2002 by the Council. He remarked the proposal was to modify Stipulation 1, Planning Hearing Officer review of the site plan and elevations, delete Stipulation 16, canopy height for the gas station that was shown in the original zoning and still part of the current proposal, presentation of the development plans to the Laveen Village Planning Committee, and technical corrections to the name of the

department that administered stipulations. He advised the Laveen Village Planning Committee denied this request by a 6-2 vote, the Planning Hearing Officer denied as filed and approved with modified and additional stipulations and the Planning Commission approved it per the Planning Hearing Officer recommendation with an additional stipulation. He displayed the zoning map which showed single-family residential to the north and east of the site. He also presented the latest site plan, noting the applicant submitted a letter on Friday with revised stipulations and the revised site plan based on further negotiations with the neighborhood. He noted staff provided a memo today with the revised stipulations that reflected the agreement with the neighborhood and applicant. Therefore, he said staff recommended approval per the staff memo with the new stipulations and revised site plan, and adoption of the related ordinance.

Mayor Gallego declared the public hearing open.

Dr. Kathy Wigal, a Paseo Pointe HOA board member, said their neighborhood was east of the proposal and was the only community that surrounded the site as the rest of the area was vacant. She pointed out the applicant had only identified one user right now which was a gas station at the southwest corner, so residents were looking at the site plan to ensure its future as a commercial development was compatible with the single-family residences as well as their vision of Laveen. She noted they had follow-up discussions with the applicant and reached consensus on a number of points which were reflected in the staff memo. She stated there were outstanding concerns regarding the single defined user on the site plan, insufficient setbacks and neighborhood input on the fast food-drive-through and future C-2 uses that might be presented going forward.

Dr. Wigal stated the concern with the one identified user was that approval of the site plan would give blanket approval to development that might not resemble the final build, noting formal community recourse was limited. She added they were already advised that the configuration of the pads, buildings and uses might change significantly with no agreement on the specific layout since the applicant did not know what was going to be built. She conveyed the community would have to look at the stipulations

attached to the land to ensure guidance on the placement of buildings and buffer zones. She specified the residential homes on the east side were two-story, so they surveyed examples from other areas on how to handle this matter. She said they learned that a two-story commercial building would require a 50-foot setback between the commercial structure and residential property. She emphasized the current residential properties were already two stories so the commercial building would only be 25 feet from the residential property which resulted in loss of privacy, diminished enjoyment of rear-yard amenities and possible reduction in home value.

Dr. Wigal stated two solutions to the issue emerged from conversations with the applicant, one was to stipulate a 50-foot building setback along the east property line and the other option was to extend the landscape buffer to 30 feet. She pointed out the advantage of the 50-foot building setback was that it would be consistent with the City's current treatment of two-story properties and could be effective where users were unknown. She stressed when doing their research they found that in nearly every instance there was some additional feature separating the two-story structures from the commercial property. She indicated they were willing to discuss the final configuration during the design review, but that was insufficient protection for the community as there was no formal obligation to address it at that time.

Dr. Wigal remarked there was concern about the drive-through for the fast food restaurant being within 300 feet. She said they understood it required a use permit or variance to build that close, but the community was opposed to a drive-through being that close to residential property. She suggested one solution was to reconfigure the layout of the parcels since the only committed use right now was the gas station. She stated the community was originally opposed to the gas station; however, the C-2 use had been removed from the site plan but the neighbors would be opposed if any C-2 uses were reconsidered. She conveyed the community still opposed to the location of the gas station but was willing to collaborate with the applicant to achieve the needs, desires and character of the community. She stated the community also opposed the C-2 auto repair listed on the original site plan and, although the appeal was not approved, the neighbors did make their opinion known.

Dr. Wigal requested that Council deny the original site plan and stipulations, and approve the updated site plan and stipulations agreed on between the applicant and neighborhood, along with an additional setback for building or landscape as Council saw appropriate. She stated she wanted Council to continue considering the appropriate use for the gas station, noting a number of alternative sites were recommended by the neighbors. She said she also hoped to continue neighborhood engagement when determining the commercial options backing residential property.

Paul Gilbert emphasized this property was already zoned so the uses were already allowed, noting he spent a lot of time working with the neighbors on the gas station, but it was allowed as a matter of right so the applicant would not change that use. He pointed out the Planning Hearing Officer, Planning Commission and staff recommended approval of this request. He noted the Village was opposed in the past because of the gas station which was not relevant to the site plan and Planning Hearing Officer modifications. He stated he met with the neighborhood representatives on four occasions and agreed to the following points:
- specific landscape standards along their border;
- trees and spacing of them;
- watering system; and
- a multiple review process.

Mr. Gilbert said all of those points were in the stipulations, noting the neighbors would get to review this proposal every step of the way. He added the neighbors wanted the applicant to put the landscaping in early, so they agreed to put it in along the border when building the gas station to provide the neighborhood with additional screening. He conveyed the neighbors were also concerned about the lighting within the landscape setback, so the applicant adjusted the outdoor lighting and gave them an opportunity to provide input into the lighting plan. He stated the two remaining differences dealt with setbacks, noting the neighbors wanted a 50-foot setback to the nearest building whereas the ordinance only required 25 feet. He asked that the applicant stay with the ordinance requirement and affirmed there were many instances throughout the Valley where a 25-foot setback was proven effective. He remarked the

other difference was the landscape setback; however, the applicant had stipulated to a 15-foot landscape setback which was more than the ordinance required.

Mr. Gilbert emphasized the applicant had to come back and get site plan approval for the remaining parcels on this property, so the neighbors were protected. He indicated the applicant worked with the neighborhood, noting this site was already zoned C-2 when the neighbors purchased their homes. He asked that Council concur with the recommending bodies with the stated modifications.

Robert Branscomb, Chair of the Laveen Village Planning Committee, recalled hearing this case, noting it was approved by Council years ago, but the committee made a decision that may or may not be applicable since times had changed. He indicated the committee denied this case by a 6-2 vote and the applicant decided to move forward while the community appealed the case. He remarked he sat as a moderator between the two parties after this case was heard by the Planning Commission. He conveyed they met three times and had detailed discussions about the stipulations, noting compromises were made. He thanked everyone involved as it was hard to see change, but the community deserved to have input on that change. He stated the community was concerned about the setback between existing two-story buildings and the unknown commercial buildings, and requested the City consider that issue.

Alan Beaudoin agreed with Mr. Gilbert's explanation of the process thus far and wished to supplement his testimony. Mr. Beaudoin specified the site plan before the Council started pre-COVID-19, noting all of the uses were indicated on the site plan at that time as there was interest in this site. He stated as the process continued three of the four uses withdrew their commitment, but the gas station remained committed. He conveyed he would need to go back to the Village Planning Committee to present any modified plan which included any future use that would occupy the three parcels identified on the site plan. He added the community representatives were invited to participate in the City's development review process related to any site plan moving forward to construction. He advised the additional setbacks were problematic for this particular

property because there was only 420 feet of width between 59th Avenue and the property line of these homes. He said he wanted to work with the neighborhood regarding future uses and requested that Council support this request given the compromise and approval recommendations.

Mr. Gilbert stated the 50-foot setback was not required per the ordinance, noting there were few instances of that taking place. He pointed out the applicant was committed to working with the neighborhood as the other three sites had to go back through the process where the neighbors could provide input. He specified the two remaining items dealt with setbacks and the applicant agreed to abide by the ordinance, noting the landscape setback would be more than what was required.

Councilmember Garcia thanked everyone for their hard work and recognized the applicant had done a lot and was willing to work with the neighbors. He asked if the applicant would be willing to add 5 more feet to the landscape setback to make it 20 feet.

Mr. Gilbert agreed to provide five more feet of landscape setback.

Mayor Gallego declared the public hearing closed.

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

Following his motion, Councilmember Garcia stated he looked forward to joining the neighbors when future developments were brought back.

Councilwoman Stark confirmed with staff that Council was adopting an ordinance with this case.

Vice Mayor Guardado thanked everyone for working together on this case and making it happen.

Note: Councilman Nowakowski temporarily left the voting body prior to the vote on this item.

The hearing was held. A motion was made by Councilmember Garcia, seconded by Vice Mayor Guardado, that this item be approved per the

memo from the Planning and Development Director dated Oct. 7, 2020, with revision to Stipulation 45 to change the minimum landscape setback to 20 feet along the entire east property line. The motion carried by the following vote:

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

No: 0

Absent: 1 - Councilman Nowakowski

79 **(CONTINUED FROM JULY 1 AND AUG. 26, 2020) - Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application PHO-1-19--Z-165-06-7(8) - Northwest Corner of 35th Avenue and Carver Road (Ordinance G-6718)**

Request to hold a public hearing on the Planning Hearing Officer application for the following item and consider adoption of the Planning Commission recommendation on June 4, 2020.

Summary

Application: PHO-1-19--Z-165-06-7(8)
Existing Zoning: R1-8 and R1-18
Acreage: 59.48

Owner: Virtua 35th LLC
Applicant: Jennifer Hall, Rose Law Group
Representative: Tom Galvin, Rose Law Group

Proposal:

Modification of Stipulation 1 regarding general conformance to the site plan date stamped Oct. 8, 2007 and elevations date stamped Feb. 20, 2007.

Modification of Stipulation 7 regarding the landscape setback adjacent to 35th Avenue.

Deletion of Stipulation 19 regarding conditional development approval.

Modification of Stipulation 27 regarding height of terraced berms along the quarry cut slope base.

Modification of Stipulation 31 regarding raised, vertical curbs within the

R1-18 portion of the site.
Modification of Stipulation 37 regarding detached sidewalks and landscape strips within the R1-8 portion of the site.
Deletion of Stipulation 39 regarding one-story homes along 35th Avenue.
Technical corrections to Stipulations 4, 5, 6, 8, 9, 15, 18, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 33, 34, 36, 38, and 40.
9. Modification of Stipulation 3 (proposed Stipulation 5) regarding the maximum number of lots in the R1-8 portion of the site.

Concurrence

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on Jan. 13, 2020 and recommended denial by an 11-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Jan. 15, 2020 and took this case under advisement. On Feb. 13, 2020 the Planning Hearing Officer took this case out from under advisement and recommended denial as filed and approval with modifications and additional stipulations. See **Attachment B** for a complete list of the Planning Hearing Officer's recommended stipulations.
PC Action: The Planning Commission heard this case on May 7, 2020, and the case was continued to June 4, 2020 Planning Commission by an 8-0 vote and the applicant and neighbors concerned about the request were asked to try to work on a compromise.
The Planning Commission heard this case again on June 4, 2020, and recommended approval per the staff memo dated June 4, 2020 with a modified stipulation, and with direction to the applicant to modify the application prior to the City Council meeting by an 8-0 vote.

Location

Northwest corner of 35th Avenue and Carver Road
Council District: 8
Parcel Address: N/A

Discussion

Note: Councilman Nowakowski returned to the voting body.

Councilmember Garcia stated he was requesting to continue this item to the April formal meeting to allow the property owner to file a zoning case

to down-zone the site. He said the applicant needed to work with the community and have all of the required public meetings, noting there had already been 10 meetings held on this case. He emphasized he was not supportive of the current case's configuration, though it was rezoned in 2007, and hoped an agreement could be reached in the next six months.

A motion was made and seconded to continue this item to the April 7, 2021 City Council Formal Meeting.

Mayor Gallego declared the public hearing open, noting testimony should only relate to the continuance.

Cyd Manning stated she was opposed to this fourth continuance because the applicant was planning for a PUD with no zoning district which would set a dangerous precedent. She pointed out zoning had been the issue for 13 years, noting the zoning reversion to S-1 should have been codified in 2011. She indicated the community had compromised to R1-18, but the applicant refused to meet them on zoning. She urged Council to hear this case and vote to deny it.

Bryan Peltzer wished to echo the sentiments of Ms. Manning.

John Bzdel remarked the City needed to follow its processes which would have reverted the zoning in 2011. He asked that there be no additional continuance and that Council deny this case.

Evelyn Franklin stated the community had been asking the City to revert the zoning to S-1 since 2011, noting the landowner approved reversion at that time. She said a continuance would dim the neighborhood's voice, so she requested Council deny the continuance and vote on this case.

Judy Brown wished to echo the sentiments of Ms. Manning and Ms. Franklin. She asked that Council deny this case so it could go back to the reversion process.

Phil Hertel requested the display that showed what items had been acted on and what was on the floor be put back up on the screen so the public could keep track during the meeting. He said Laveen Citizens for

Responsible Development had been involved in Laveen planning since 1988. He requested the case be denied as filed and approved at R1-18, so the community and landowner could move forward.

Paul Gilbert conveyed his clients bought this property a couple of years ago which at that time was zoned for 99 units. He pointed out they were willing to do a substantial reduction in the number of units, noting PUD rezoning was the process that should be followed to address the neighbors concerns. He said he supported the continuance as it was fair for all parties.

Mayor Gallego declared the public hearing closed.

Thirty-six electronic comments in opposition were submitted for the record.

Councilwoman Stark asked if the reversion case would be treated like a rezoning case, meaning it would go through an application process that went to the Villages and the Planning Commission then come back to Council.

Planning and Development Director Alan Stephenson affirmed that was correct.

Councilwoman Stark questioned if that would take about six months.

Mr. Stephenson responded it would take longer with possible opposition from the property owner.

Councilman Nowakowski asked when it would come back if the property owner protested it.

Mr. Stephenson replied the continuance gave them six months to process a PUD zoning case to try and win support for a site plan that worked for all parties. He stated when it returned on April 7 the issue would hopefully be resolved with the PUD zoning request which allowed the applicant to address some of the concerns, such as the number of lots, to make the project more economically viable as well as try to fit

better into the Laveen area.

Councilman Nowakowski questioned when the case was supported to revert back.

Mr. Stephenson responded a stipulation was placed on the case by Councilman Lingner that had a five-year time period to commence development, but it never happened. He explained the case sat until someone wanted to develop the property which required them to have public meetings to modify that stipulation. He conveyed that was the point of this discussion as staff made the applicant modify that stipulation.

Councilman Nowakowski confirmed with staff that happened about 13 years ago. He asked if the community could ask that it revert back to the zoning it had.

Mr. Stephenson replied the Planning Commission could initiate applications on someone else's property, but individuals could not rezone someone else's property.

Councilman Nowakowski requested clarification that the reversion stayed until someone came into the City.

Mr. Stephenson responded the department had additional staff prior to the recession that started going through these old zoning cases that had these time stipulations. He emphasized that position was eliminated years ago and the department did not get it back.

Councilman Nowakowski stated he used to represent this area, noting a PUD would not work because Laveen residents would not let it happen. He said waiting another six months just prolonged it and would make it difficult for Council to make a decision. He asked if there was another route the community could take to revert it back.

Mr. Stephenson replied in this particular instance the applicant would have two applications open, one was the rezoning request and the other was the stipulation modification. He explained those would proceed through the process with community input and then Council could decide,

if those came forward, to deny the PUD rezoning request or approve it with site plan adjustments that might have community support.

A motion was made by Councilmember Garcia, seconded by Councilwoman Pastor, that this item be continued to the April 7, 2021 City Council Formal Meeting. The motion carried by the following voice vote:

Yes:	7 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego
No:	2 -	Councilman Nowakowski and Councilman Waring

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

CITIZEN COMMENTS

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

Note: Councilman DiCiccio left the voting body.

Kaelee Dotson wished to have a moment of silence for those affected by COVID-19. She remarked Pro-Residential Management was a negligent property management company with over 30 properties in Arizona. She stated tenants filed complaints due to lack of resolution on routine and emergency maintenance requests. She asked that Council provide oversight for tenants living in unhealthy and unsafe conditions.

Marcus Reid expressed police officers were continuing to cause harm on the community. He emphasized 390 police officers were on the Brady list, noting taxpayers would continue to pay lawsuits because officers violated people's rights.

John Westerdale expressed disappointment that the Planning Department was recommending expansion of the Human Services Campus as the area was

already overwhelmed by the homelessness crisis. He stated City and County leadership needed to work together to address the issue, noting the expansion was not a good solution.

Jessica Spencer said she attended a peaceful protest on Saturday and was stopped by police on the way home. She claimed officers were targeting activists, particularly black activists, who were standing up against police violence. She pointed out an activist named Percy was charged with multiple felonies and being held without bond. She asked that the charges against Percy be dropped and that the department be held accountable.

Miriam Araya stated she attended the event on Saturday and witnessed police officers going after people who were leaving the protest. She stressed Percy was still incarcerated under false charges and urged Council to talk with the police chief about this incident. She pointed out that people needed a separate entity to hold officers accountable, such as the civilian review board.

Elisabeth Carpenter demanded that the charges against Percy be dropped. She also insisted the Police Department be held accountable as officers were trying to suppress free speech.

Hana Hehman urged that all charges against Percy should be dropped immediately and to fire officers who targeted protestors. He also asked that the Police Department's budget be decreased by at least 15 percent which would provide enough money to help the poor and expand services.

Jisoo Kim wished to echo the concerns of community members in support of freeing Percy who was being held without bail. She also demanded that Council put an end to this violence.

Anesia Groves insisted that charges against Percy be dropped immediately and that officers who targeted protesters be fired.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 7:23 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 7th day of October, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of October, 2022.

CITY CLERK