# City of Phoenix

## Minutes

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

185931

## City Council Formal Meeting

**Wednesday, May 5, 2021** **2:30 PM** **phoenix.gov**

## CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, May 5, 2021 at 2:47 p.m. in the Council Chambers.

**Present:** 8 - Councilwoman Yassamin Ansari, Councilman Sal DiCiccio, Councilwoman Betty Guardado, Councilwoman Ann O'Brien, Councilwoman Debra Stark, Councilman Jim Waring, Vice Mayor Carlos Garcia and Mayor Kate Gallego

**Absent:** 1 - Councilwoman Laura Pastor

The Mayor and Councilmembers attended the meeting virtually.

Mayor Gallego acknowledged the presence of Elsie Duarte, a Spanish interpreter. In Spanish, Ms. Duarte announced her availability to the audience.

The City Clerk confirmed that copies of the titles of Ordinances G-6841 through G-6848, S-47506 through S-47540, and Resolutions 21919 through 21923 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

## MINUTES OF MEETINGS

**1 For Approval or Correction, the Minutes of the Formal Meeting on Jan. 29, 2020**

**Summary**

This item transmits the minutes of the Formal Meeting of Jan. 29, 2020, for review, correction and/or approval by the City Council.

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

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

**Yes:** 8 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

**Absent:** 1 - Councilwoman Pastor

**A motion was made by Councilwoman Stark, seconded by Councilwoman Guardado, to suspend the rules and hear Items 2-3 after Item 53. The motion carried by the following voice vote:**

**Yes:** 8 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

**Absent:** 1 - Councilwoman Pastor

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

**A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that Items 4-11 be recommended for approval; and noting that Item 8 is continued to the July 1, 2021 City Council Formal Meeting. The motion carried by the following voice vote:**

**Yes:** 8 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

**Absent:** 1 - Councilwoman Pastor

**4 Liquor License - Sprouts Farmers Market #9**

Request for a liquor license. Arizona State License Application 142874 & 142874S.

**Summary**

Applicant
Amy Nations, Agent

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

Location
4201 W. Thunderbird Road
Zoning Classification: PSC
Council District: 1

This request is for a new liquor license for a grocery store. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in June 2021.

The 60-day limit for processing this application is May 17, 2021.

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:
"We train all of our employees in responsible liquor service. We conduct regular audits to ensure they comply."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This added service would allow our customers a 'one stop shop' as we are a full service market."

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 - Sprouts Farmers Market #9
Liquor License Map - Sprouts Farmers Market #9

**This item was recommended for approval.**

**5 Liquor License - Chino Bandido**

Request for a liquor license. Arizona State License Application 140343.

**Summary**

Applicant
Eve Collins, Agent

License Type

Series 12 - Restaurant

Location
310 W. Bell Road
Zoning Classification: C-2
Council District: 3

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

The 60-day limit for processing this application is May 14, 2021.

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.

Chino Bandido (Series 12)
15414 N. 19th Ave., Ste. K, Phoenix
Calls for police service: 8
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 completed and received certification for Management and Basic Liquor programs each 3 years for the last 30 years at original location 15414 N. 19th Ave., Phoenix, Arizona without any citations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Liquor at our establishment is sold for convenience with meals."

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

Attachments
Liquor License Data - Chino Bandido
Liquor License Map - Chino Bandido

**This item was recommended for approval.**

**6 Liquor License - Tacos Chiwas**

Request for a liquor license. Arizona State License Application 142411.

**Summary**

Applicant
Armando Hernandez, Agent

License Type
Series 12 - Restaurant

Location
1028 E. Indian School Road
Zoning Classification: C-2
Council District: 4

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

The 60-day limit for processing this application is May 11, 2021.

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.

Tacos Chiwas (Series 12)
127 W. Main St., Mesa
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Tacos Chiwas (Series 12)
1923 E. McDowell Road, Phoenix

Calls for police service: 3
Liquor license violations: In August 2018, a fine of $750 was paid for selling without a license and on sale retail personnel records.

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 understand the basic requirement needed to hold a liquor license and have maintained them in accordance to all regulations."

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 a family owned business that is very involved in the community and we need the license to be able to thrive in the community."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Tacos Chiwas
Liquor License Map - Tacos Chiwas

**This item was recommended for approval.**

**7 Liquor License - Cobblestone Auto Spa & Market #19**

Request for a liquor license. Arizona State License Application 142169.

**Summary**

Applicant
Amy Nations, Agent

License Type
Series 10 - Beer and Wine Store

Location
4601 E. Chandler Blvd.
Zoning Classification: C-2
Council District: 6

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 May 10, 2021.

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:
“We own and operate multiple Cobblestones throughout the Valley. We will ensure all of our employees attend the Title 4 Arizona Liquor Law training.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“This location has been open and operating serving the neighborhood. Cobblestone will be a great addition to the area.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Cobblestone Auto Spa & Market #19
Liquor License Map - Cobblestone Auto Spa & Market #19

**This item was recommended for approval.**

**8 Liquor License - The Wine Curator**

Request for a liquor license. Arizona State License Application 139287.

**Summary**

Applicant
Jeffrey Miller, Agent

License Type
Series 10 - Beer and Wine Store

Location
3818 E. Indian School Road
Zoning Classification: R-5
Council District: 6

This request is for a new liquor license for a wine store. This location was not previously licensed for liquor sales and does not have an interim permit. Package liquor sales is not a permitted use in this zoning district.

This business has plans to open in October 2021.

The 60-day limit for processing this application was April 24, 2021. However, the applicant has submitted a written request for more time.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I will abide by all Title 4 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:
"I am opening a small wine shop for customers to stop in and pick up a bottle of wine."

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

Attachments
Liquor License Data - The Wine Curator
Liquor License Map - The Wine Curator

**This item was continued to the July 1, 2021 City Council Formal Meeting.**

**9 Liquor License - Quality Distributor**

Request for a liquor license. Arizona State License Application 142419.

**Summary**

Applicant
Gerard Barbera, Agent

License Type
Series 4 - Wholesaler

Location
11 E. Jones Ave., Ste. B
Zoning Classification: C-2 RSIO
Council District: 7

This request is for a new liquor license for a wholesaler. 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 May 11, 2021.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications, and not to the location.

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.

Quality Distributor (Series 4)
431 N. 47th Ave., Phoenix
Calls for police service: 4
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 am the owner of Benny enterprises, inc., dba: Quality Distributor, a California Corporation expanding to The State of Arizona. My company is a licensed importer and distributor of alcoholic beverages and supplier to national, regional and local retailers. Due to demand from our existing accounts, we are entering Arizona to best serve them as well as the Arizona community."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We intent on delivering quality, in-demand products to existing businesses throughout the state in support thier corporate growth and to service their customers; i.e, Arizona residents. The community will benefit from better selection and availability at their favorite retailers and on the whole from employment opportunities and increased tax revenue."

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 - Quality Distributor
Liquor License Map - Quality Distributor

**This item was recommended for approval.**

**10 Liquor License - Hyatt Place Phoenix Downtown**

Request for a liquor license. Arizona State License Application 140315.

**Summary**

Applicant
Andrea Lewkowitz, Agent

License Type
Series 11 - Hotel/Motel

Location
150 W. Adams St.
Zoning Classification: DTC-Business Core
Council District: 7

This request is for a new liquor license for a hotel. This location was not previously licensed for liquor sales and does not have an interim permit. This business has plans to open in May 2021.

The 60-day limit for processing this application is May 16, 2021.

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.

AC Hotel Tempe (Series 6)
100 E. Rio Salado Pkwy., Tempe
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Hyatt Place Phoenix downtown will have 238 guest rooms in heart of downtown near shops, restaurants, sports stadiums and concert venues. The hotel will include meeting spaces, a fitness center, and a full-service

restaurant and bar. The hotel would like to offer guests 21 and over the opportunity to enjoy alcoholic beverages for on-premises consumption."

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 - Hyatt Place Phoenix Downtown
Liquor License Map - Hyatt Place Phoenix Downtown

**This item was recommended for approval.**

**11 Liquor License - Del Monte Market**

Request for a liquor license. Arizona State License Application 142195.

**Summary**

Applicant
Wilman Garcia Perez, Agent

License Type
Series 10 - Beer and Wine Store

Location
2659 W. Dobbins Road
Zoning Classification: C-2 HP
Council District: 8

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

The 60-day limit for processing this application is May 10, 2021.

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:
"For the last four years I have been managing this store and over all I have 30 years experience."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"For many people in this community this store is very essential; they like the fact that they could walk to the store and is very convenient since the nearest grocery store is very very far away Here they can buy from A-Z. they come to play their AZ lottery, get their beverages and groceries."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Del Monte Market

Liquor License Map - Del Monte Market

**This item was recommended for approval.**

## ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

One electronic comment was submitted for the record in support of Item 45.

**A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that Items 12-76 be approved or adopted, except Items 16, 19, 21, 46, 48, 51, 53 and 71-76; and noting that Items 22-23 and 69-70 are withdrawn. The motion carried by the following vote:**

| | | |
|---|---|---|
| **Yes:** | 8 - | Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego |
| **No:** | 0 | |
| **Absent:** | 1 - | Councilwoman Pastor |

Items 12-15, 17-18 and 20, Ordinance S-47506 was a request to authorize the City Controller to disburse funds, up to amounts indicated, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 42-13.

**12 FX Tactical LLC**

For $25,500.00 in payment authority to purchase 46 Paraclete helmets and helmet bags for the Police Department. Helmets are necessary to ensure officers' safety during high-risk events. The Paraclete helmet provides the most protection in these types of situations and comes with a seven-year warranty.

**This item was adopted.**

**13 Coulter Ventures, LLC, doing business as Rogue Fitness**

For $18,600.00 in payment authority to purchase physical therapy and rehabilitation equipment for the Fire Department. The equipment is needed for the program which provides in-house physical therapy and rehabilitation, by a licensed physical therapist for firefighters recovering from job-related injuries and surgeries, with emphasis on specific mechanics geared to the firefighter job functions.

**This item was adopted.**

**14 Atlantic Diving Supply, Inc**

For $47,000.00 in payment authority to purchase a Flat Panel X-ray Nano with battery charger accessory kit for the Police Department. The Homeland Defense Bureau's Bomb Squad will use the equipment to obtain rapid images of suspected hazardous devices and improvised explosive devices. The device is small, light, and portable, allowing the technician to respond to incidents safely by providing real-time X-ray scans remotely. Hazardous incidents encountered by the Bomb Squad requires specialized equipment to mitigate hazards to the community and to the first responders. The item will be paid for with the FY 2020 State Homeland Security Grant Program, Explosive Ordnance Disposal Enhancement Grant.

**This item was adopted.**

**15 Regupol Zebra Athletics LLC**

For $60,445.00 in payment authority to purchase and install physical fitness mats for the Police Department. The purchase will allow the replacement of the current mats which have exceeded the useful life, are out of warranty as of 2017, and are no longer safe to train on due to tears in the material. The new mats will be installed in the Department's current two training rooms and a third new training room, which will increase the volume of training that can be conducted.

**This item was adopted.**

**17 Websolv Computing, Inc. doing business as ecfirst**

For $60,495.00 in payment authority for a new contract, to be entered on or about May 6, 2021 for a one-year term to assist the City of Phoenix with Health Insurance Portability and Accountability Act procedures, gap and risk analysis, training, and governance program in support of departments citywide for the Information Technology Services

Department. The request is necessary to ensure a consistent approach to our operations and regulatory compliance.

**This item was adopted.**

**18 ReluTech, LLC**

For $24,024.00 in payment authority to purchase six months of maintenance and support for three of the City's Hitachi Virtual Storage Platform (VSP) for the Information Technology Services Department. The three VSP's will reach end of service life and will no longer be supported by Hitachi. Maintenance and support are critical, as VSP's are the primary management interface for all Hitachi based storage systems in the City and service interruptions could cause systems failure and un-recoverable loss of data. Systems potentially affected would be SAP, eCHRIS, BRASS and other vital administrative systems within the City.

**This item was adopted.**

**20 Herc Rentals, Inc.**

For $17,301.15 in payment authority for the fueling of rental generators needed during a power outage at the 27th Avenue Transfer Station. The Public Works Department provides backup generators to power areas of the 27th Avenue Transfer Station for the duration of a power outage. The backup power ensures the facility maintains operations and can provide services to the public. Fueling the generators is necessary to provide ongoing generator power for continued operations of the facility and to prevent increased operational costs and temporary site closure.

**This item was adopted.**

**22 Public Hearing to Present Position Statements from City and AFSCME Local 2384 (Unit 2) on Unresolved Issues**

**Summary**

The meet and confer process with the City's five authorized employee organizations ("Meet and Confer units"), as outlined in Section 2-219 of the City Code, began in January 2021. Following notification to the Phoenix Employment Relations Board (PERB) that a dispute still existed after the March 1, 2021 deadline outlined in Section 2-219 of the City Code, a fact finding process was initiated with American Federation of State, County and Municipal Employees (AFSCME) Local 2384. As of April 21, 2021, issues remain unresolved and an agreement has not

been reached with AFSCME Local 2384 (Unit 2).

In accordance with the terms of Section 2-219 of the City Code, if no agreement has been reached by April 21, 2021, the City Manager and the employee organization shall submit to the City Council written position statements on all unresolved issues in dispute; and, the City Council shall conduct a public hearing at which the parties shall be given full opportunity to explain their respective positions on all unresolved issues. This item provides the required opportunity for a public hearing on the unresolved issues.

Within 10 working days following the conclusion of the public hearing, the City Council is authorized to take final action imposing terms and conditions of employment (by May 19, 2021). Without a tentative agreement by May 5, 2021, an action item will be placed on the next available Formal agenda for the Council to take final action.

Attached to this report are:
Attachment A: Fact Finding Report
Attachment B: Position Statement from the City
Attachment C: Position Statement from AFSCME Local 2384 (Unit 2)

**This item was withdrawn.**

**23 Public Hearing to Present Position Statements from City and AFSCME Local 2960 (Unit 3) on Unresolved Issues**

**Summary**

The meet and confer process with the City's five authorized employee organizations ("Meet and Confer units"), as outlined in Section 2-219 of the City Code, began in January 2021. Following notification to the Phoenix Employment Relations Board (PERB) that a dispute still existed after the March 1, 2021 deadline outlined in Section 2-219 of the City Code, a fact finding process was initiated with American Federation of State, County and Municipal Employees (AFSCME) Local 2960. As of April 21, 2021, issues remain unresolved and an agreement has not been reached with AFSCME Local 2960 (Unit 3).

In accordance with the terms of Section 2-219 of the City Code, if no agreement has been reached by April 21, 2021, the City Manager and

the employee organization shall submit to the City Council written position statements on all unresolved issues in dispute; and, the City Council shall conduct a public hearing at which the parties shall be given full opportunity to explain their respective positions on all unresolved issues. This item provides the required opportunity for a public hearing on the unresolved issues.

Within 10 working days following the conclusion of the public hearing, the City Council is authorized to take final action imposing terms and conditions of employment (by May 19, 2021). Without a tentative agreement by May 5, 2021, an action item will be placed on the next available Formal agenda for the Council to take final action.

Attached to this report are:
Attachment A: Fact Finding Report
Attachment B: Position Statement from the City
Attachment C: Position Statement from AFSCME Local 2960 (Unit 3)

**This item was withdrawn.**

**24 Call for a Special Meeting and Notice of Legally Required Public Hearings on Proposed 2021-22 Budget for the City of Phoenix**

Request the City Council call for a special meeting of the City Council, as required by A.R.S. 42-17105, at 2:30 p.m., Wednesday, June 16, 2021, for the purpose of considering adoption of the final 2021-22 budget for the City of Phoenix, including Operating Funds, Capital Funds and Reappropriated Funds.

Request to authorize the City Manager to:

Set 2:30 p.m., Wednesday, June 2, 2021, as the time and date of the legally required public hearing on the adoption of the tentative budget ordinances for the City of Phoenix for the 2021-22 fiscal year, including Operating Funds, Capital Funds and Reappropriated Funds.

Set 2:30 p.m., Wednesday, June 2, 2021, as the time and date of the public hearing for purposes of receiving public comments on the proposed 2021-26 Capital Improvement Program.

Set 2:30 p.m., Wednesday, June 16, 2021, as the time and date of the legally required public hearing on the adoption of a Property Tax Levy

and Truth in Taxation, if applicable, and the final adoption of the budget for the City of Phoenix for the 2021-22 fiscal year, including Operating Funds, Capital Funds, and Reappropriated Funds.

Set 10 a.m., Thursday, July 1, 2021, as the time and date of the legally required public hearing on the adoption of the Property Tax Levy for the 2021-22 fiscal year.

**Summary**

In addition to these legally required public hearings, from April 2 through April 20, 2021, 14 community budget hearings were advertised in various city newspapers and online, and were held citywide in the City Council Chambers through a virtual platform. These hearings also provided residents with several opportunities to comment on the proposed 2021-22 budget and were video recorded for viewing on the City's YouTube page and on PHXTV. Residents also had the opportunity to provide feedback via phone, email or through the City's online budget tool FundPHX. All comments and messages were summarized and forwarded in weekly City Council reports.

**This item was approved.**

**25 Authorization to Accept Real Property for the Durango Regional Conveyance Channel, along Lower Buckeye Road, 75th to 107th Avenues (Ordinance S-47507)**

Request to authorize the City Manager, or his designee, to accept real property and related property interests from the Flood Control District of Maricopa County for the Durango Regional Conveyance Channel Project.

Additionally, 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, as Flood Control District of Maricopa County's form documents include such provisions.

**Summary**

The City and Flood Control District of Maricopa County (FCDMC) entered into an Intergovernmental Agreement (IGA) for the Durango Regional Conveyance Channel, FCD 2010A029, to mitigate flooding and to remove existing flood hazards. The project will pump stormwater out from the 107th Avenue basin into the Buckeye Feeder canal. Under the IGA,

FCDMC is required to acquire the real property and property rights needed for the project, and subsequently convey the real property and property rights to the City upon completion and acceptance of the project.

The real property and property rights to be accepted are identified in **Attachment A**.

**Concurrence/Previous Council Action**
The City Council approved:
IGA 131924 with FCDMC (Ordinance S-38154) on Aug. 31, 2011; and
IGA 131924 with FCDMC - Amendment (Ordinance S-43935) on Oct. 4, 2017.

**Location**
Along Lower Buckeye Road from 75th to 107th avenues.
Council District: 7

**This item was adopted.**

**26 Authorization to Enter into a Revocable License with TB North, LLC on City-Owned Property Located at 31750 N. Cave Creek Road (Ordinance S-47510)**

Request to authorize the City Manager, or his designee, to enter into a revocable license with TB North, LLC for approximately 2.414 acres of undeveloped City-owned land located at 31750 N. Cave Creek Road for construction staging and storage. Further request to authorize the City Treasurer to accept all funds related to this item. The license fee for the year will be $27,515.20.

**Summary**
TB North, LLC will use approximately 2.414 acres of City-owned land during the construction of a garage condo complex on an adjacent property to the south. The license will allow temporary construction access, large construction equipment, materials staging and storage, parking, a construction trailer and administration offices. Use of this site will also reduce the need for construction traffic to directly access Cave Creek Road. The City owns this property for future water facility expansion to meet an increase in demand in northeast Phoenix. The license will not conflict with the City's future intended use.

The license will be for one year. The license fee will be $27,515.20, plus applicable taxes, which is within range of market rents as determined by the Real Estate Division. TB North, LLC shall provide insurance and indemnification acceptable to the City of Phoenix Finance Department's Risk Management Division and Law Department. The license may be canceled pursuant to A.R.S. section 38-511, or upon 60-days' prior written notice. The license may contain other terms and conditions deemed necessary by the City.

**Contract Term**
The license will be for one year.

**Financial Impact**
The license fee will be $27,515.20, plus applicable taxes.

**Location**
31750 N. Cave Creek Road, identified by Maricopa Assessor's Parcel number 211-35-003.
Council District: 2

**This item was adopted.**

**27 Acceptance of Easements for Drainage and Water Purposes (Ordinance S-47518)**

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: Kierland SDL, LP, its successor and assigns
Purpose: Drainage
Location: 15826 N. Scottsdale Road
File: FN 210014
Council District: 2

Easement (b)
Applicant: Kierland SDL, LP, its successor and assigns
Purpose: Water
Location: 15826 N. Scottsdale Road
File: FN 210014
Council District: 2

**This item was adopted.**

**28 Acceptance and Dedication of a Deed and Easements for Sidewalk, Public Utility and Roadway Purposes (Ordinance S-47519)**

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

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

Easement (a)
Applicant: Estate of John J. Sorci, deceased Probate Case number PB2020-050124, its successor and assigns
Purpose: Sidewalk
Location: 4803 E. Chandler Blvd.
File: FN 210013
Council District: 6

Easement (b)
Applicant: Exeter 39th Land, LLC, its successor and assigns
Purpose: Public Utility
Location: 3929 W. Lower Buckeye Road
File: FN 190062
Council District: 7

Deed (c)
Applicant: Exeter 39th Land, LLC, its successor and assigns
Purpose: Roadway
Location: 3929 W. Lower Buckeye Road

File: FN 190062
Council District: 7

**This item was adopted.**

**29 Oracle Software, Hardware, Support and Maintenance Contract (Ordinance S-47524)**

Request authorization for the City Manager, or his designee, to authorize one year of payment authority for citywide products, services, software licensing, support and maintenance with Oracle America Inc. (Oracle) under the new Master Services Agreement, in an amount not to exceed $7,004,000 for the Information Technology Services (ITS) Department, in support of multiple departments' applications, databases, computing hardware, maintenance agreements and technologies. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The City uses Oracle applications and technologies in multiple departments for various technology systems that are an integral part of the daily operations of the City. Oracle applications and technologies are used in several citywide critical systems, such as Police Department's Records Management System, the Water Services Customer Care and Billing system used for water and solid waste billing, the Human Capital Management system used for human resources and payroll functions, and the citywide Business Intelligence infrastructure.

ITS has consolidated the management of agreements under the Master Services Agreement and works closely with departments on payments and to evaluate licensing, support, and maintenance for Oracle software in use by the City. ITS requests funding for continued support and maintenance on behalf of all City departments.

**Contract Term**

The Master Services Agreement is valid for a five-year term, which will end on or about April 21, 2026. This funding is for multiple license and support agreements under the Master Services Agreement is projected to cover one year of various renewals. Due to various end dates of agreements, and potential savings from license consolidations, this funding would be valid through the term of the Master Services

Agreement.

**Financial Impact**

The aggregate amount projected for the first year of the agreement will not exceed $7,004,000 in support of continued utilization of Oracle products, services, software licensing, support and maintenance citywide. Funds are available in the various departments' budgets.

**This item was adopted.**

**30 Intergovernmental Agreement between Maricopa County and City Prosecutor's Office for Use of Maricopa County Phone Services (Ordinance S-47529)**

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with Maricopa County's Office of Enterprise Technology Department and the City of Phoenix Law Department, City Prosecutor's Office for the use of Maricopa County phone services at the new shared Intake, Transfer and Release facility at 2670 W. 28th Drive, Phoenix, Arizona. The estimated cost will not exceed $5,000 for the term of this Agreement. Funding is available in the Law Department Prosecutor's Office Technology Enhancement budget. Authorize the City Contoller to disburse funds.

**Summary**

The IGA establishes responsibilities and costs for the parties regarding use of the County phone services at the new shared County Intake, Transfer and Release facility at 2670 W. 28th Drive, in Phoenix. Arizona Revised Statute 11-952 authorizes the County and City, as public agencies, to enter into IGAs for joint cooperative action and agreement for the operation and use of shared services.

**Contract Term**

The IGA terminates on June 30, 2022. The Parties may renew this Agreement upon written agreement with each extension expiring on June 30 of the year of expiration.

**Financial Impact**

The estimated cost will not exceed $5,000 for the term of this Agreement. Funding is available in the Law Department Prosecutor's Office Technology Enhancement budget.

**This item was adopted.**

**31 Intergovernmental Agreement between Maricopa County and City Public Defender's Office for Use of Maricopa County Phone Services (Ordinance S-47534)**

Request that the City Council authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with Maricopa County's Office of Enterprise Technology Department and the City of Phoenix Public Defender's Office for use of Maricopa County phone services at the new shared Intake, Transfer and Release facility at 2670 W. 28th Drive, Phoenix, Ariz. The estimated cost will not exceed $5,000 for the term of this agreement. Funding is available in the Public Defender's Telephone/Telecommunications budget. And request that the City Controller be authorized to disburse funds for the purposes of this ordinance.

**Summary**

The IGA establishes responsibilities and costs for the parties regarding use of the County phone services at the new shared County Intake, Transfer and Release facility in Phoenix. Arizona Revised Statute section 11-952 authorizes the County and City, as public agencies, to enter into IGAs for joint cooperative action and agreement for the operation and use of shared services.

**Contract Term**

The IGA terminates on June 30, 2022. The Parties may renew this Agreement upon written agreement, with each extension expiring on June 30 of the year of expiration.

**Financial Impact**

The estimated cost will not exceed $5,000 for the term of this agreement. Funding is available in the Public Defender's Telephone/Telecommunications budget.

**This item was adopted.**

**32 Intergovernmental Agreement between Maricopa County and Phoenix Municipal Court for Use of Maricopa County Phone Services (Ordinance S-47535)**

Request that the City Council authorize the City Manager, or his

designee, to enter into an Intergovernmental Agreement (IGA) with Maricopa County's Office of Enterprise Technology Department and Phoenix Municipal Court for use of Maricopa County phone services at the new shared Intake, Transfer and Release facility at 2670 W. 28th Drive, Phoenix, Ariz. And request that the City Controller be authorized to disburse funds for the purposes of this ordinance.

**Summary**

The IGA establishes responsibilities and costs for the parties regarding use of the County phone services at the new shared County Intake, Transfer and Release facility in Phoenix. Arizona Revised Statute section 11-952 authorizes the County and City, as public agencies, to enter into IGAs for joint cooperative action and agreement for the operation and use of shared services.

**Contract Term**

The IGA terminates on June 30, 2022. The parties may renew this agreement upon written agreement with each extension expiring on June 30 of the year of expiration.

**Financial Impact**

The estimated cost will not exceed $5,000 for the term of this agreement. Funding is available in the Phoenix Municipal Court's budget.

**This item was adopted.**

**33 Amend Contract with Community Legal Services for COVID-19 Tenant Eviction Assistance Project (Ordinance S-47528)**

Request to authorize the City Manager, or his designee, to amend Contract 154006 with Community Legal Services, Inc. (CLS) to extend the contract term for an additional three months from July 1, 2021 through Sept. 30, 2021. Further request authorization for the City Controller to disburse all funds related to this item. Funding is provided from the Arizona Department of Economic Security, Division of Aging and Adult Services (DES). There is no impact to the General Fund.

**Summary**

To address the impact of COVID-19 on housing stability, in June 2020, CLS created the Tenant Eviction Assistance Project (TEAP) with financial support through the City of Phoenix Coronavirus Relief Fund allocation. TEAP is staffed with attorneys providing legal assistance, advocacy and

representation to low-income Phoenix residents experiencing eviction and court action. CLS does not charge a fee for this service, has an established relationship with the Phoenix-area justice courts, and has considerable familiarity in working with low income and vulnerable populations. DES has authorized the City to carryover funding allocated to this contract into the next fiscal year. The extension will allow the continuation of TEAP and for CLS to expend the authorized DES carryover funding.

**Contract Term**

The extended contract term will be July 1, 2021 through Sept. 30, 2021.

**Financial Impact**

The aggregate value of this contract shall not exceed $465,000. Funding is provided from the Arizona Department of Economic Security, Division of Aging and Adult Services. There is no impact to the General Fund.

**Concurrence/Previous Council Action**

Council approved the initial contract with CLS on Jan. 6, 2021 with Ordinance S-47231.

**This item was adopted.**

**34 Request Phoenix Become Signatory City of C40 Clean Air Cities Declaration**

This report provides the City Council a summary of the C40 Cities Clean Air Cities Declaration and requests City Council approval for the City of Phoenix to sign the declaration.

**Summary**

Phoenix joined the C40 Network of Cities in 2020. This global network recognizes the substantial role cities play in addressing climate change and other serious issues like air quality. Phoenix participates in several C40 working groups, including the C40 Air Quality Network, which provides a platform for cities to share best practices, knowledge, and solutions that assist in making air quality better. The City is a leader in technical expertise as well as collaboration and communication around efforts to measure, understand and reduce air pollution; as such, Phoenix has been offered the opportunity to sign on to the C40 Clean Air Cities Declaration (**Attachment A**).

In April 2016, City Council adopted the 2050 Environmental Sustainability goals for the City, which included a vision to achieve a level of air quality that is healthy for all Phoenix residents and the environment. One of the goals is to outperform the federal air quality standards for regional pollutants.

The Clean Air Cities Declaration aligns with and affirms our commitments to clean air by focusing on:

Improving data, analysis and communications in cities and between cities to identify sources, raise awareness, track progress, evaluate risk and establish policies that result in improved air quality;

Identifying and delivering high impact actions that address significant pollution sources; and

Improved collaboration between cities and other local and state government agencies as well as non-government organizations to improve air quality and communicate effective solutions.

By signing this declaration, Phoenix affirms its intent to continue to work toward the goal of clean air. The benefits of signing onto the declaration include access to resources and information, global recognition as an air quality leader, and fostering engagement of local stakeholders. The Phoenix area suffers from impaired air quality, which can lead to premature death and increased disease. It also impacts our economy and reduces opportunities for our residents to thrive.

Ozone and Particulate Matter (PM) pollution are each serious issues for the Phoenix metro area. The greater Phoenix area is currently designated as Moderate Non-attainment for ozone, and likely to be re-designated to Serious Non-attainment in 2024. Despite reduced traffic due to the pandemic in 2020, ozone still exceeded regulatory levels. The area also is designated as Serious Non-attainment for PM10 (dust) and is experiencing increasing levels for PM2.5 (soot) that could potentially result in the region's status changed to Non-attainment for PM2.5. As the classification becomes more severe, Clean Air Act requirements become more stringent and costly. Failure to meet the standard by established deadlines has economic repercussions.

City staff are working with a variety of organizations to develop solutions for improving our air quality. The Maricopa Association of Governments, Maricopa County Air Quality Division, the Arizona Department of Environmental Quality, and others including coalitions such as Arizona Thrives are all working on air quality solutions. Phoenix's involvement with C40 Cities has provided us with additional tools and resources for problem solving. Being a signatory city on the C40 Clean Air Cities Declaration will reaffirm our commitment to working toward clean air for everyone and will serve as a mechanism to bring others to the table.

**Concurrence/Previous Council Action**

The Transportation, Infrastructure and Innovation Subcommittee recommended approval of this item on April 7, 2021, by a vote of 4-0.

**This item was approved.**

**35 2021-22 CDBG Public Service and Public Facility Request for Proposals**

Request City Council approval of the Community Development Block Grant Public Service/Public Facility Request for Proposals process and proposed priorities for the Public Facility program.

**Summary**

The Community Development Block Grant (CDBG) Request for Proposals (RFP) process for the Public Service / Public Facility (PS/PF) program provides an opportunity for nonprofits to apply for funding to implement facility improvements and deliver critical programs and services that serve low- and moderate-income communities in Phoenix. The PS/PF program is an important element of the Consolidated Plan and Annual Action (AA) Plan required by the U.S. Department of Housing and Urban Development (HUD). For FY 2021-22, Neighborhood Services Department (NSD) staff has identified $380,862 in available funds for a Public Service RFP and $483,273 in available funds for a Public Facility RFP.

NSD reissued the 2020-21 CDBG PS RFP on Feb. 25, 2021, the previous RFP process was interrupted in the Spring of 2020 when the COVID-19 pandemic significantly altered the way many nonprofits were able to provide services and programs to residents. The reissued RFP closed on March 25, 2021 and NSD received over 40 proposals

requesting over $1.2 million in CDBG funding from nonprofit agencies to address public service needs for low- and moderate-income youth, support services for persons with disabilities, and support services for seniors. The Community Development (CD) Review Committee, a Mayor-appointed advisory board that evaluates and provides City Council with the funding recommendations, will be convening in late April to score proposals.

The 2020-21 CDBG PS RFP has the ability to award a total of $400,688 in public service programs. The maximum a nonprofit agency could request was $30,000 per proposal, therefore NSD estimates that the current RFP can award approximately 14 proposals. Due to the number of submissions seeking CDBG funding, NSD has identified an option for City Council to allocate the $380,862 2021-22 of CDBG PS funds to the current PS RFP process, increasing the total PS award amount to $781,550. This would allow the City to potentially fund an additional 12 proposals for a total of 26 public service programs. NSD would still be able to maintain the current procurement timeline and present the CD Review Committee funding recommendations to City Council at the May 5, 2021 Formal meeting.

NSD recommends maintaining the traditional Public Facility priority areas for the FY 2021-22 CDBG PF RFP, as described below:

Public Facility Priorities

Acquisition, construction and rehabilitation of public facilities, such as senior and youth centers, neighborhood facilities, and childcare buildings.

A total amount of $483,273 is available for the Public Facility RFP.

The tentative dates for the 2021-22 Public Service and Public Facility RFPs are as follows:

RFPs Available - May 2021
Proposals Due - June 2021

City Council will be asked to review and approve the CDBG RFP awards in the summer 2021.

**Concurrence/ Previous Council Action**

This item was recommended for approval by the Land Use and Livability Subcommittee meeting on April 21, 2021 by a 3-0 vote.

**This item was approved.**

**36 2021-2022 CDBG Reprogramming Request (Ordinance S-47540)**

Request to authorize the City Manager, or his designee, to reprogram $1,300,000 of available Community Development Block Grant (CDBG) program income to continue to fund additional targeted code enforcement and the expanded Rental Rehabilitation Program. Further request to authorize the City Controller to disburse the funds for the purpose of this ordinance.

**Summary**

Each fiscal year, the Neighborhood Services Department (NSD) requests that program income from projects funded by the CDBG allocation are reprogrammed to provide an additional year of continued funding for two Neighborhood Preservation Inspector 1 positions originally eliminated as part of the February 3, 2009 General Fund budget reduction. For 2021-22, NSD is requesting $300,000 be reprogrammed for the two positions. Staff will continue to provide enforcement of the Neighborhood Preservation Ordinance in eligible, targeted low- and moderate-income census tracts, specifically in the City's targeted Neighborhood Initiative and Redevelopment areas, including the West Phoenix Revitalization Area through June 30, 2022.

In addition, NSD is requesting $1,000,000 in CDBG program income be reprogrammed to the recently expanded Rental Rehabilitation Program. This program facilitates the preservation of safe and affordable rental housing for low- and moderate-income tenants by providing financial assistance to rental property owners to complete rehabilitation projects for deteriorating properties. The goal of the revised Rental Rehabilitation Program, which includes increasing program access and information, improved marketing and outreach, and a targeted neighborhood approach, is to increase the number of rental units preserved within the city of Phoenix and support the Housing Phoenix Plan goal of creating or preserving 50,000 affordable homes by 2030.

**Concurrence/Previous Council Action**

This item was recommended for approval by the Land Use and Livability Subcommittee on April 21, 2021 by a 3-0 vote.

**This item was adopted.**

**37 2021-2022 CDBG Neighborhood Economic Development Programs (Ordinance S-47512)**

Request to authorize the City Manager, or his designee, to issue Request for Proposals, Request for Qualifications or Invitation for Bids and amend existing contracts, including increasing spending limits, as necessary or appropriate to implement the Neighborhood Services Department's grant-funded Neighborhood Economic Development Programs. All existing contract spending limits are included in the aggregate total of this item. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

**Summary**

The Neighborhood Services Department (NSD) administers several economic development programs that make a significant and positive impact on Phoenix neighborhoods by expanding economic opportunities for low- and moderate-income individuals through job creation and training, and providing valuable and timely resources to the small businesses that serve their community including consultations, technical assistance, financing opportunities, and forgivable loans for rehabilitation projects. The U.S. Department of Housing and Urban Development (HUD), through the Community Development Block Grant (CDBG), funds the Neighborhood Economic Development (NED) programs listed below.

Entrepreneurship Assistance Program (EAP)

EAP provides admission into Phoenix-based co-working and accelerator spaces and incubators, and direct access to trainings, technical assistance, and targeted workshops in English, Spanish or other languages to low- and moderate-income small business owners.

Management & Technical Assistance (MTA) Program

MTA provides free consulting services and technical assistance to small businesses through instructional and curriculum-based one-on-one meetings or group workshops focused on topics including, but not limited to, branding, marketing and other needed services.

Neighborhood Commercial Revitalization (NCR) Programs

NCR programs encourage neighborhood revitalization by providing financial and technical assistance to existing business and commercial property owners along targeted business corridors in Phoenix. Program support, through capital improvements, ensure the long-term sustainability of the community and its structures.

Other Small Business Assistance Programs

To respond to the changing needs of the micro-business community, NSD may propose to develop program resources to promote their sustainability and success. Program funding could include grants, loans, or other assistance for businesses that operate in, or predominately serve, low- and moderate-income communities. In addition, partnerships with non-profit agencies and other organizations could be established to leverage funding options and other services.

Program Eligibility for NSD's NED Programs

Business owners must meet a CDBG National Objective to participate in NED Programs. Under Special Economic Development Activities 24-CFR, Part 570.203, owners must provide a public benefit or deliver neighborhood enhancements, including job creation for local residents, blight elimination, or the provision of qualified goods and services to residents of targeted, low- and moderate-income Phoenix neighborhoods, to be eligible to participate in economic development programs.

NSD plans to utilize up to $1.8 million in CDBG funds from current and prior HUD allocations to implement NED programs. NSD projects approximately $200,000 for EAP, $200,000 for MTA, $600,000 for Small Business Assistance and $800,000 for NCR in 2021-22 to administer its NED Programs.

Issue Requests for Proposals, Requests for Qualifications, Calls for Interest, Requests for Bids, and other procurements in accordance with A.R. 3.10.

Deliver economic development services with various business and/or property owners through the utilization of financial tools such as grants

and loans.

Amend existing contracts with various business or property owners, or agencies such as non- and for-profit organizations and other agencies to provide economic development services and implement and administer the Neighborhood Economic Development Program activities.

Take all other action necessary or appropriate to carry out the purposes of this item and implement and administer the Neighborhood Economic Development Program grants according to their terms.

Application and Review Process

NED Program applications may be submitted at any time and are reviewed by City of Phoenix staff as they are received to determine the eligibility and feasibility of the proposed project. Successful applications must meet a CDBG National Objective in accordance with HUD program regulations.

**Procurement Information**

Services may be procured, as needed, by utilizing procurement procedures in accordance with Administrative Regulation 3.10 to implement and administer NSD's NED Programs.

**Financial Impact**

NED Programs are funded by the U.S. Department of Housing and Urban Development through the Community Development Block Grant and Choice Neighborhood Grant; there is no impact to the General Fund.

**Concurrence/Previous Council Action**

This item was recommended for approval by the Land Use and Livability Subcommittee on April 21, 2020 by a 3-0 vote.

**This item was adopted.**

**38 2021-22 CDBG Neighborhood Infrastructure and Enhancement Programs (Ordinance S-47527)**

Request to authorize the City Manager, or his designee, to procure services and amend existing contracts, including increasing spending limits, as necessary or appropriate to implement the Neighborhood Services Department's grant-funded Infrastructure and Enhancement

Program in an aggregate amount not to exceed $10,000,000. All existing contract spending limits are included in the aggregate total for this item. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

**Summary**

The Neighborhood Services Department (NSD) administers infrastructure and enhancement projects that benefit low- and moderate-income residents of Phoenix, and prevent or eliminate blight by improving the physical infrastructure of neighborhoods. The Neighborhood Infrastructure and Enhancement Program is designed and implemented in partnership with active neighborhood organizations and City of Phoenix departments, including but not limited to, Parks and Recreation and Street Transportation, to provide additional resources and support to execute strategies that achieve basic neighborhood improvement goals. The U.S. Department of Housing and Urban Development (HUD), through the Community Development Block Grant (CDBG), funds the following Neighborhood Infrastructure and Enhancement Program:

The Neighborhood Infrastructure Program sponsors activities that improve streets, sewers, drainage, and other infrastructure projects in low- and moderate-income areas including Neighborhood Initiative Areas (NIAs), Redevelopment Areas (RDAs), and the Enterprise Community. All projects are subject to federal regulations and requirements.

The Neighborhood Enhancement Program sponsors activities that address neighborhood needs with projects that include, but are not limited to, improving playgrounds and parks, street and landscaping, security, and traffic mitigation. All projects are subject to federal regulations and requirements.

Additional activities include the acquisition and rehabilitation of public facilities to address slum and blight on a spot or area basis.

NSD seeks authorization to proceed with all actions necessary or appropriate to implement and administer grant-funded Neighborhood Infrastructure and Enhancement Program in the 2021-22 fiscal year.

If approved, procure and/or amend any necessary contracts or agreements with the grantor(s) to fund existing and future contracts in accordance with the grant terms.

Acquire real property meeting the applicable federal rules and regulations and take all actions necessary to carry out acquisition and rehabilitation activities in accordance with grant terms.

Take all other action necessary or appropriate to carry out the purposes of this item and implement and administer the Neighborhood Infrastructure and Enhancement Program in accordance with federal regulations and requirements.

**Applicant and Review Process**

Neighborhood Infrastructure and Enhancement Program applications may be submitted any time and are reviewed by City of Phoenix staff as they are received to determine the eligibility and feasibility of proposed projects. Successful applications must benefit and serve low- and moderate-income residents of Phoenix, and prevent or eliminate blight by improving the physical infrastructure of neighborhoods.

**Procurement Information**

Services may be procured, as needed, utilizing procurement procedures in accordance with Administrative Regulation 3.10 to implement and administer NSD's Neighborhood Infrastructure and Enhancement Program.

**Financial Impact**

These programs are funded by the U.S. Department of Housing and Urban Development through the Community Development Block Grant. There is no impact to the General Fund.

**Concurrence/Previous Council Action**

This item was recommended for approval by the Land Use and Livability Subcommittee on April 21, 2021 by a 3-0 vote.

**This item was adopted.**

**39 Fiscal Year 2021-2022 Neighborhood Services Department**

## Housing Rehabilitation Programs (Ordinance S-47511)

Request to authorize the City Manager, or his designee, to apply for, accept, and if awarded, enter into any necessary agreements to implement the Neighborhood Services Department's (NSD) grant-funded Housing Rehabilitation Programs. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. There is no impact to the General Fund.

**Summary**

NSD manages housing rehabilitation projects that enhance the quality of life for low- and moderate-income property owners by rehabilitating single- and multi-family owner- and tenant-occupied properties, addressing health and safety hazards, and promoting conservation, sustainability, and energy efficiency to support and revitalize communities. Housing rehabilitation projects are funded through a variety of federal, state, and local grant funds, including:

U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds are used to fund housing rehabilitation contracts between low- and moderate-income property owners and contractors on the Approved Contractor List (ACL). These contracts may also be supplemented with funding from the U.S. Department of Energy, utility providers, and other state and local agencies.

HUD Lead Hazard Control and Healthy Homes Program (LHCP) funding supports NSD's ongoing efforts for providing lead testing and lead hazard control services in single-family and multi-family housing units occupied by low-income families with children under six years of age. LHCP is a competitive grant application in partnership with the Maricopa County Department of Public Health and funds direct contracts with environmental consulting firms.

U.S. Department of Health and Human Services and U.S. Department of Energy Weatherization Assistance Program (WAP) funds provided through the Arizona Department of Housing (ADOH), Arizona Public Service, Salt River Project, Southwest Gas, the Utility Repair Replacement Deposit Program, the Low-Income Home Energy Assistance Program and Wildfire support NSD's continuous commitment of providing weatherization services. These services include installation of attic insulation, sun screens, duct sealing, room

pressure relief/air balancing, and the repair or replacement of heating and cooling systems in housing and rental households that meet federal poverty guidelines.

NSD will maintain an ACL to enhance the number of eligible small businesses, which will be an internal process. To be added to the ACL and be eligible to participate as a housing rehabilitation contractor, receive bid opportunities and perform construction services on housing rehabilitation projects, contractors will be screened and qualified on an individual basis and must meet and maintain all eligibility requirements set forth within the NSD Housing Rehab Contractor Application Packet. The ACL will be continuously open to local contractors that meet the applicable criteria in the Contractor Application Packet to promote small business participation. Contractors on the ACL will be selected to submit bids on a rotating basis.

NSD seeks authorization to proceed with all actions necessary or appropriate to implement and administer grant-funded Housing Rehabilitation Programs, including applying for and accepting up to $16,580,000 in funding to implement housing rehabilitation programs. NSD expects to be awarded approximately $4.9 million in CDBG funds, $7 million in LHCP funds, $4 million in WAP funds, and $680,000 in HOME funds in 2021-22.

If awarded, enter into any necessary contracts or agreements with the grantor(s) to fund existing and future contracts in accordance with the grant terms.

Enter into and amend contracts with eligible property owners to perform rehabilitation services; enter into contracts with private contractors; issue Request for Proposals, Request for Qualifications, Calls for Interest, and Requests for Bids for Housing Rehabilitation Program services; award, negotiate, and execute contracts with the successful responders; and negotiate and/or amend existing contracts with various contractors and service providers to perform work on eligible housing and rental rehabilitation projects.

Maintain an ACL of qualified contractors to enter into agreements with low- and moderate-income property owners that will be funded by NSD pursuant to the grant terms. These funds may be disbursed to the property owner or contractor.

Take all other action necessary or appropriate to carry out the purposes of this item and implement and administer the Housing Rehabilitation Program grants according to their terms.

**Procurement Information**

As needed to implement and administer NSD's Housing Rehabilitation Programs, services may be procured using procurement procedures in accordance with Administrative Regulation 3.10.

**Financial Impact**

These programs are funded with federal, state and local grants. There is no impact to the General Fund.

**Concurrence/Previous Council Action**

This item was recommended for approval by the Land Use and Livability Subcommittee on April 21, 2020 by a 3-0 vote.

**Public Outreach**

The ACL and/or other procurement opportunities will be advertised in local print media and will also be posted on NSD’s website.

**This item was adopted.**

**40 2021-2022 Housing and Urban Development Consolidated Plan Annual Action Plan (Ordinance S-47526)**

Request City Council approval of the 2021-2022 Annual Action Plan broad activity areas and the submission of the plan to the U.S. Department of Housing and Urban Development (HUD).

**Summary**

The 2021-2022 Annual Action Plan defines strategies to address housing and community development needs in the City of Phoenix for the coming year. The plan contains the application requirements of four federal formula grants HUD utilizes to provide critical funds to entitlement cities like Phoenix. The four programs are: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). Funds for these four programs are allocated annually by HUD to the City based on population and other socio-economic indicators.

The 2021-2022 allocations are:

CDBG

- Critical Core Department Programs: $10,765,568
- CDBG Program Management, Coordination, and Support: $3,312,483
- Public Services: $2,484,362

TOTAL CDBG FUNDING: $16,562,413

HOME

- Multi-Family Rental Housing, Down Payment Assistance, Special Projects and Reconstruction/Rehabilitation of Owner-Occupied Homes: $5,302,885
- Program Management, Coordination, and Support: $589,209

TOTAL HOME FUNDING: $5,892,094

HOPWA

- Client and Housing Services: $3,296,765
- Program Management and Coordination: $101,962

TOTAL HOPWA FUNDING: $3,398,727

ESG

- Emergency Shelter: $846,049
- Rapid Re-Housing: $544,985
- Homeless Management Information System (HMIS): $10,000
- Administration: $22,727

TOTAL ESG FUNDING: $1,423,761

CDBG: $16,562,413
HOME: $5,892,094
HOPWA: $3,398,727
ESG: $1,423,761
TOTAL: $27,276,995

**Public Outreach**

The Annual Action Plan Process was approved by City Council on Nov.

18, 2020. A survey was distributed by multiple City departments and posted on the Neighborhood Services Department's webpage on Feb. 18, 2021 to obtain community and stakeholder input relative to the priorities identified through the 2020-2024 Consolidated Plan process. The survey was offered in English and Spanish and over 200 responses were received. On March 4, 2021 a HUD required, virtual, public hearing was held to share the survey results and obtain additional public input to assess community needs throughout Phoenix. Residents and neighborhood leaders provided input regarding housing, social services, neighborhood revitalization, and community development. Additionally, residents who were unable to attend the public hearing had the opportunity to submit comments via e-mail or voice mail. This information, along with a needs assessment, formed the basis for the 2021-2022 Annual Action Plan.

A draft of the 2021-2022 Annual Action Plan was made available on April 5, 2021 for an advertised 30-day public comment period and a second HUD required, virtual, public hearing was conducted on April 22, 2021, to obtain community stakeholder input relative to the draft. The goal of the Annual Action Plan process, per HUD requirements, is to ensure comprehensive community planning, and coordinated service delivery to meet critical housing and community development needs.

**Concurrence/Previous Council Action**

This item was recommended for approval by the Land Use and Livability Subcommittee on April 21, 2021 by a 3-0 vote.

**This item was adopted.**

**41 Recruit and Promotional Test Writer Services (Ordinance S-47525)**

Request authorization for the City Manager, or his designee, to enter into a five-year contract with Spitfire Fire Training and Testing, LLC for the provision of Recruit and Promotional Test Writer Services for the Fire Department’s Human Resources Section. The aggregate contract value will not exceed $70,050. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Fire Department's Human Resources Section administers Fire Fighter Recruit exams annually and promotional exams for Engineers and

Fire Captains bi-annually and requires study packets and refined exams comprised of fair, consistent, and relevant questions that address appropriate local community characteristics, and City of Phoenix and fire industry standards which reduces and eliminates grievances.

**Procurement Information**
In accordance with Administrative Regulation 3.10, normal competition was waived, citing a determination memo - without competition.

**Contract Term**
The five-year contract term will begin on or about May 5, 2021.

**Financial Impact**
The aggregate contract value will not exceed $70,050; funds are available in the Fire Department's budget.

**This item was adopted.**

**42 Biology (BIO160) Instructor for Fire Department's Emergency Medical Services Program (Ordinance S-47530)**

Request authorization for the City Manager, or his designee, to enter into a five-year contract with Regina Munro for the provision of Biology (BIO160) Instructor services for the Fire Department's Emergency Medical Services (EMS) Program. The aggregate contract value will not exceed $55,500. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**
The Phoenix Fire Department, EMS Paramedic Training Program, requires a BIO160 Instructor to teach anatomy and physiology to paramedic students. The students are tested on this information on their National Registered Emergency Medical Technician (NREMT-P) test, which must be passed in order to obtain paramedic certification. This information is also critical in the paramedic student's day-to-day duties working in the field and serving the members of the City of Phoenix who call 9-1-1 for health care emergencies. To better serve emergency paramedic students, the BIO160 Instructor must have completed a full paramedic training program and be State and Nationally certified as an NREMT-P.

**Procurement Information**

RFQ 21-F01 was conducted in accordance with Administrative Regulation 3.10. There was one offer received by the Fire Department on April 2, 2021. The bid was evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offer received by Regina Munro is deemed to be fair and reasonable based on current market rates.

**Contract Term**

The term of this agreement is June 1, 2021 through May 31, 2026.

**Financial Impact**

The aggregate five-year contract value shall not exceed $55,500. Funds are available in the Fire Department's operating budget.

**This item was adopted.**

**43 Fire Station 62 - Architectural Services - FD57100027 (Ordinance S-47517)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Perlman Architects of Arizona, Inc., to provide Architectural Services that include design and possible construction administration and observation services for the new Fire Station 62 project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $700,000.

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

involving an interest in real property.

**Summary**

The purpose of this project is to build a new one-story fire station with four apparatus bays and 16 dorms to enable Phoenix Fire Department staff to support the surrounding community and create a quicker response time to calls.

Perlman Architects of Arizona, Inc.'s services include, but are not limited to: general project administration, complete design drawings and specifications, commissioning, cost analysis, possible construction administration and observation services, materials testing coordination, and other work as required for a complete project.

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

**Procurement Information**

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

Selected Firm

Rank 1: Perlman Architects of Arizona, Inc.

Additional Proposers

Rank 2: LEA Architects, LLC
Rank 3: HDA Architects, LLC
Rank 4: Arrington Watkins Architects, LLC
Rank 5: Breckenridge Group Architects Planners
Rank 6: Marlene Imirzian & Associates, LLC

**Contract Term**

The term of the agreement is three years from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work

may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

**Financial Impact**
The agreement value for Perlman Architects of Arizona, Inc. will not exceed $700,000, including all subconsultant and reimbursable costs.

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

**Public Outreach**
Planned activities during design include: provide presentation boards and renderings to support community meetings or outreach materials as needed during design.

**Location**
Approximately 93rd Lane and north side of Lower Buckeye Road within City-owned property
Council District: 7

**This item was adopted.**

**44 Agreement with State of Arizona Department of Administration for 9-1-1 Program (Ordinance S-47538)**

Request authorization for the City Manager, or his designee, to authorize the Phoenix Fire Department to apply for, accept, and enter into an agreement with the State of Arizona Department of Administration Office of Grants and Federal Resources to receive a 9-1-1 grant not to exceed $10,835,558.32. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**
The Arizona Department of Administration requires 9-1-1 planning be done at a local level as referenced in the State of Arizona Administrative Code, Title 2, Chapter 1, Article 4 Emergency Telecommunications

Services Revolving Fund (https://aset.az.gov/administrative-code). The State of Arizona Office of Grants and Federal Resources, Arizona 9-1-1 Program Office, has announced the availability of funds for the Arizona 9-1-1 Program to be distributed during FY 2021. Funding will be available for multiple grants and allocated to each System Administrator Agency to pay, on behalf of the Public Safety Answering Points (PSAP), 9-1-1 system costs and approved projects that support the goals of the Arizona 9-1-1 Program.

The System Administrator Agency for the Maricopa Region is the City of Phoenix (Fire Department). The City of Phoenix is the contracting agent of ongoing operations of the 9-1-1 system. This authority is given through signed resolutions by Maricopa Association of Governments (MAG) member agencies. These agreements act as the governing documents for the oversight of the 9-1-1 system design, implementation, and management in the MAG Region.

The 9-1-1 Grant funding would be used to support:

- 9-1-1 networking, telecom, and IP infrastructure.
- 9-1-1 related hardware, software, and maintenance equipment.
- 9-1-1 related services and support including two additional new vehicles.
- Continue to fund current staff of the Regional 9-1-1 Services section along with two additional new positions.

**Procurement Information**
The Fire Department will administer the grant in accordance with Administrative Regulation 3.10.

**Contract Term**
The grant Period of Performance is projected to begin on or around July 1, 2021 and end one year later.

**Financial Impact**
There is no cost to the City of Phoenix. All equipment, services, and personnel-related costs are reimbursed by the State of Arizona.

**Location**

The Phoenix Fire Department Regional 9-1-1 Services section provides 9-1-1 service, and related technical support, across the Valley.

**This item was adopted.**

**45 Donation of Canine Ballistic Vests (Ordinance S-47533)**

Request authorization for the City Manager, or his designee, to accept a donation of canine ballistic vests from *K9s of Valor* and *Blue Line K9 Project*, for the Police Department's Canine Unit. The estimated value of the canine ballistic vests is $63,000.

**Summary**

In December 2020, Phoenix Police canine Dennis was injured by gunfire in the line of duty. Subsequent to this incident, two nonprofit organizations contacted the Police Department requesting to donate canine ballistic vests. The organization *K9s of Valor* has offered to donate 16 ballistic vests and *Blue Line K9 Project* has offered to donate one ballistic vest. The 17 vests are the same brand and meet Level II body armor performance standards established by the National Institute of Justice.

The Phoenix Police Department canines do not currently have ballistic vests, which poses obvious safety concerns. If approved, the donated ballistic vests would provide the department's canines with a layer of protection they currently do not have. Injuries from bullets or bullet fragments would be reduced and veterinary costs borne by the City for injuries caused by gunfire would be minimized.

Both *K9s of Valor* and *Blue Line K9 Project* are nonprofit organizations based in the state of Ohio that support police canines by providing protective gear and other essential equipment intended to keep them safe.

**Financial Impact**

There is no cost to the City to accept this donation. Each ballistic vest is valued at approximately $3,699.

**This item was adopted.**

**47 FY 2022 Full Service Forensic Crime Laboratory Grant (Ordinance S-47536)**

Request authorization for the City Manager, or his designee, to allow the Police Department to apply for, accept, and enter into an agreement for state grant funds through the Arizona Criminal Justice Commission's FY 2022 Full Service Forensic Crime Laboratory grant program. Funding provided under this grant will not exceed $500,000. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

**Summary**

The Police Department's Laboratory Services Bureau has applied for and been awarded funds through this grant program for several years. The purpose of this grant is to improve the efficiency and effectiveness of the state's various full-service crime laboratories. If awarded, grant funding will be used to pay for overtime, related fringe benefits, travel/training, and equipment.

**Contract Term**

One-year beginning July 1, 2021 through June 30, 2022.

**Financial Impact**

The eligible funding amount is $500,000. No matching funds are required.

**This item was adopted.**

**49 Consent to Assignment and Assumption of Lease from AC Holdings, Inc. to Travel Content, LLC dba ReachTV (Ordinance S-47521)**

Request to authorize the City Manager, or his designee, to consent to the assignment and assumption of Network Entertainment Broadcast System Concession Lease Agreement 152675 from AC Holdings, Inc. to Travel Content LLC dba ReachTV. All terms and conditions of the Lease Agreement and amendments will remain the same.

**Summary**

The Lease Agreement with AC Holdings, Inc. (ACH) was executed on July 17, 2020 for the installation, management, operation and maintenance of a Network Entertainment Broadcast System (NEBS) services. On Feb. 9, 2021, ACH notified the City that ACH would discontinue the NEBS services on March 31, 2021. On March 1, 2021, Travel Content LLC dba ReachTV (ReachTV) notified the Aviation

Department that it would step in to fulfill ACH's obligations under the Lease Agreement.

The Aviation Department desires to continue the NEBS services and therefore requests authorization to consent to the assignment and assumption of the Lease Agreement for ReachTV to continue to provide the NEBS services effective March 31, 2021.

**Contract Term**
There will be no change to the term of the agreement. The term of the initial Lease Agreement was five years with one, two-year renewal option to be exercised at the sole discretion of the Aviation Director.

**Financial Impact**
There is no change in the financial terms. The Lease Agreement is set at the greater of the minimum annual guarantee of $150,000 or Revenue Share Rent.

**Concurrence/Previous Council Action**
The City Council approved NEBS Services Concession Lease Agreement 152675 (Ordinance S-46381) on Feb. 19, 2020.

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

**This item was adopted.**

**50 Airfield Lighting Hardware Supplies - Agreement Recommendation (Ordinance S-47522)**

Request to authorize the City Manager, or his designee, to enter into an agreement with GBA Components, LLC to supply the Original Equipment Manufacturer airfield lighting hardware. Further request to authorize the City Controller to disburse all funds related to this item. The agreement value will not exceed $125,000.

**Summary**
The contractor will supply low-corrosion steel bolts that will be used to secure lighting fixtures across the taxiways and runways at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix

Goodyear Airport (Airports). These specialized bolts are resistant to corrosion and seizing which meets or exceeds the recommendations in Federal Aviation Administration (FAA) Brief No. 83A and the requirement listed in FAA Advisory Circulars.

**Procurement Information**
The Invitation for Bid 21-019 was conducted in accordance with Administrative Regulation 3.10. Bids were requested for two manufacturing groups. No vendors submitted bids for Group 1, so staff will further evaluate next steps for procurement of Group 1 components. One vendor submitted a bid for Group 2, and the bid was found to be responsive and responsible.

Selected Bidder - Group 1
None

Additional Bidders - Group 1
None

Selected Bidder - Group 2
GBA Components

Additional Bidders - Group 2
None

**Contract Term**
The agreement will begin on or about June 1, 2021 for a five-year aggregate term with no options to extend.

**Financial Impact**
The agreement value will not exceed $125,000 for the five-year aggregate agreement term. Funding is available in the Aviation Department’s budget.

**Location**
Phoenix Sky Harbor International Airport - 3400 E. Sky Harbor Blvd.
Deer Valley Airport - 702 W. Deer Valley Road
Phoenix Goodyear Airport - 1658 S. Litchfield Road, Goodyear, Ariz.

Council Districts: 1, 8 and Out of City

**This item was adopted.**

**52 Bridge and Dam Safety Repair Program Job Order Contracting Services Amendment - 4108JOC191 (Ordinance S-47532)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 152080 with Hunter Contracting Co. to provide $5 million in additional Bridge and Dam Safety Repair Program Job Order Contracting Services, and to authorize the execution of a Job Order Agreement in an amount up to $9 million. Further request to authorize execution of amendments to Agreement JC00152080 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 $5 million.

**Summary**

The purpose of this project is to repair the 7th Street/Salt River bridge, ST85110177. This amendment is necessary because on Sunday, Feb. 28, 2021, a 10-inch high pressure gas line failed and caught fire under the north abutment of the 7th Street/Salt River Bridge. Critical damage occurred to the north end of the structure, which includes the northern two spans of the bridge along with the northernmost pier and abutment. These sections of the bridge will be removed and rebuilt. Anticipated closure of the bridge will be approximately six months. The City is moving expeditiously to rebuild the bridge and reopen 7th Street.

Due to the urgent and specialized nature of this project, the City engaged Hunter Contracting Co. under an existing Job Order Contract (JOC). The use of a JOC construction services master agreement allows the City to address the timeline requirements and specialized aspects of the project. City Council originally authorized this master agreement for a fee not-to-exceed $15 million with a per Job Order Agreement limit of $4 million, without additional Council approval to exceed this limit. By using this master agreement to expedite repairs to the bridge, it has utilized a significant portion of the capacity from the original authorization. Increasing the capacity of the master agreement will allow for its continued use through the remainder of its five-year term.

Hunter Contracting Co's services include, but are not limited to: emergency design and reconstruction of the bridge, demolition of the existing damaged portions of the bridge, gas line removal, waterline repair, electrical, traffic control, environmental regulations, Rio Salado Path repair, and plant salvage and replacement. This amendment will provide additional funds to the Agreement.

**Contract Term**

The term of the master agreement will not change. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

**Financial Impact**

The initial master agreement for Bridge and Dam Safety Repair Program Job Order Contracting Services was authorized for a fee not to exceed $15 million, including all subcontractor and reimbursable costs.

This amendment will increase the authorization for the master agreement by an additional $5 million, for a new total not-to-exceed master agreement value of $20 million, including all subcontractor and reimbursable costs.

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

**Concurrence/Previous Council Action**

The City Council approved Bridge and Dam Safety Repair Program JOC Services Master Agreement JC00152080 (Ordinance S-46618) on May 20, 2020.

**Public Outreach**

Regular media updates and additional public outreach will be provided

throughout the duration of the 7th Street/Salt River Repair project.

**Location**
7th Street at the Salt River
Council Districts: 7 and 8

**This item was adopted.**

**54 Margaret T. Hance Park Phase I Improvements - Construction Manager at Risk Preconstruction Services - Amendment - PA75200553 (Ordinance S-47513)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 149558 with Haydon Building Corp. to provide additional Construction Manager at Risk Preconstruction Services for the Margaret T. Hance Park Phase I Improvements 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 $189,636.

**Summary**
The purpose of this project is to progress the redevelopment of Margaret T. Hance Park, including visual landmarks, shade elements, gardens, interactive water feature, cafe pavilion and public restrooms. Phase I improvements have been identified at a conceptual level and include the park land roughly one block east and west of Central Avenue. Improvements include, but are not limited to: parking improvements, recladding of Central Avenue Bridge, modifications to Central Avenue bridge abutments, recladding of vent structures, terraces and tree plantings with improved stair and ramp connections from Central Avenue, park offices and storage, restrooms, shade canal gardens, shade structures and lighting.

This amendment is necessary to progress the design and preconstruction of Phase 1 of the project from the current 30 percent design stage to the 90 percent design construction document stage. This amendment will provide additional funds and time to the agreement.

Haydon Building Corp.’s additional services include, but are not limited to:

design coordination, team coordination, site investigations, project meetings, estimating, design assistance, constructability reviews, budget control, value engineering, scheduling and construction planning.

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

**Contract Term**

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

**Financial Impact**

The initial agreement for Construction Manager at Risk Preconstruction Services was approved for an amount not to exceed $150,000, including all subcontractor and reimbursable costs.

This amendment will increase the agreement by an additional $189,636, for a new total amount not to exceed $339,636, including all subcontractor and reimbursable costs.

Funding for this amendment is available in the Parks and Recreation 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:

Design Services Agreement 145602 (Ordinance S-43648) on July 6, 2017; and

Design Services Agreement 145602 Amendment (Ordinance S-44819) on June 20, 2018; and

Construction Manager at Risk Preconstruction Services Agreement 149558 (Ordinance S-45494) on April 3, 2019.

**Location**
67 W. Culver St.
Council District: 7

**This item was adopted.**

**55 Water Services Department Concrete and Asphalt Restoration - 2-Step Job Order Contract Services - 4108JOC194 (Ordinance S-47508)**

Request to authorize the City Manager, or his designee, to enter into separate master agreements with three contractors, to provide Concrete and Asphalt Restoration Job Order Contracting services for the Water Services Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $75 million.

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

**Summary**
The Job Order Contract (JOC) services will be used on an as-needed basis to provide concrete and asphalt restoration services for removal of temporary asphalt patch and replacement with permanent hot mix; removal and replacement of concrete curb and gutter, sidewalk, sidewalk ramps, and driveways; adjustment of utility assets including manhole frames, covers, valve boxes and survey monuments; and installation of half-sack controlled low-strength material or ABC. These services will be

for emergency and non-emergency situations. Additionally, the JOC contractors will be responsible for fulfilling Small Business Enterprise program requirements.

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

**Procurement Information**

The selections were made using a two-step qualifications and price-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. Six firms submitted proposals and are listed below.

Selected Firms
Rank 1: S & S Paving & Construction, Inc.
Rank 2: Cactus Transport, Inc.
Rank 3: Talis Construction Corporation

Additional Proposers
Rank 4: ViaSun Corporation
Rank 5: Sunland Asphalt & Construction, Inc.
Rank 6: Gonzalez Asphalt, Inc.

**Contract Term**

The term of each master agreement is for up to five years, or up to $25 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

**Financial Impact**

The master agreement values for each of the JOC contractors will not exceed $25 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed $75 million.

Request to authorize the City Manager, or his designee, to execute job order agreements performed under these master agreements for up to $4 million each. In no event will any job order agreement exceed this limit without Council approval to increase the limit.

Funding is available in the Water Services Department's Operating Budget. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

**Public Outreach**

The public will be notified on each project, if notification is required.

**This item was adopted.**

**56 Water Main Replacement - Area Bounded By: Indian Bend Road to Mockingbird Lane and 60th Street to Scottsdale Road - Construction Manager at Risk Construction Services - WS85509054 (Ordinance S-47509)**

Request to authorize the City Manager, or his designee, to enter into an agreement with B & F Contracting, Inc. to provide Construction Manager at Risk Construction Services for the Water Main Replacement Area Bounded By: Indian Bend Road to Mockingbird Lane and 60th Street to Scottsdale Road project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $10,862,382.

**Summary**

The purpose of this project is to construct approximately 50,000 linear feet of new 4-inch to 8-inch water mains throughout the area bounded by Indian Bend Road to Mockingbird Lane and 60th Street to Scottsdale Road. Also included is installation of approximately 27 new fire hydrants and 225 water service connections throughout six adjacent quarter sections (24-42, 24-43, 24-44, 23-42, 23-43 and 23-44).

B & F Contracting, Inc.'s (B & F) initial services will include preparation of a Guaranteed Maximum Price proposal for the Construction Services

provided under the agreement and participating with the City in a process to establish a Small Business Enterprise (SBE) goal for the project. B & F will be responsible for construction means and methods related to the project and fulfilling the SBE program requirements. B & F will be required to solicit bids from prequalified subcontractors and to perform the work using the City's subcontractor selection process. B & F may also compete to self-perform limited amounts of work.

B & F Contracting, Inc's services include, but are not limited to: abandonment of existing water mains including associated equipment such as valves and fire hydrants, providing traffic control and roadway restorations, scheduling and managing site operations, addressing all federal state and local permitting requirements, arranging for procurement of materials and equipment, and maintaining a safe work site for all project participants.

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

**Procurement Information**
The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the Construction Manager at Risk Preconstruction Services selection process.

**Contract Term**
The term of the agreement is 450 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

**Financial Impact**
The agreement value for B & F Contracting, Inc. will not exceed $10,862,382, including all subcontractor and reimbursable costs.

Funding is available in the Water Services Department's Capital Improvement Program budget. The Budget and Research Department

will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

**Concurrence/Previous Council Action**

The City Council approved:

Engineering Services Agreement 149799 (Ordinance S-45635) on May 15, 2019; and

CMAR Preconstruction Services Agreement 149800 (Ordinance S-45638) on May 15, 2019.

**Location**

Area Bounded By: Indian Bend Road to Mockingbird Lane and 60th Street to Scottsdale Road

Council District: Out of City

**This item was adopted.**

**57 Water Services Department Pavement Restoration Job Order Contract Program - Construction Administration and Inspection Services - Amendment - 8423600000 (Ordinance S-47516)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 148973 with Tristar Engineering & Management, Inc. to provide additional construction administration and inspection services for the Water Services Department Pavement Restoration Job Order Contract Program 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 $587,000.

**Summary**

The purpose of this project is to provide construction administration and inspection services on an as-needed basis to support the Water Services Department Pavement Restoration Job Order Contract program, including pavement restoration after cuts are made in the City rights-of-way to access water pipes and mains. Consultant shall conduct preconstruction conferences and hold subsequent meetings as

necessary with the project team; perform resident engineering services during construction; interact daily with contractor to clarify job requirements; administer Job Order Agreements for the contractor; decision-making regarding technical project issues; and perform on-site examinations of materials, equipment, and workmanship.

This amendment is necessary because Tristar's contract funding capacity will run out before its contract expires. This amendment will provide additional funds to the agreement.

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

**Contract Term**

The term of the agreement will expire on March 7, 2024. No changes are requested to the agreement term.

**Financial Impact**

The initial agreement for construction administration and inspection services was authorized for a fee not-to-exceed $2,350,000, including all subconsultants and reimbursable costs.

This amendment will increase the agreement authorization by an additional $587,000, for a new total not-to-exceed agreement value of $2,937,000, including all subconsultants and reimbursable costs.

Funding for this amendment is available in the Water Services Department's Operating 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 Engineering Services Agreement 148973 (Ordinance S-45230) on Dec. 12, 2018.

**This item was adopted.**

**58 23rd Avenue Wastewater Treatment Plant Job Order Contract**

**Program Engineering Support Services - WS90200001, WS90200053, WS90200055, and WS90450008 (Ordinance S-47520)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Wilson Engineers, LLC, to provide design and construction administration and inspection services for the 23rd Avenue Wastewater Treatment Plant Job Order Contract Program Engineering Support Services project. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $4.6 million.

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

**Summary**

The purpose of this project is to provide engineering support services on an as-needed basis for the 23rd Avenue Wastewater Treatment Plant (WWTP) Job Order Contract Program. The selected firm will provide engineering support for each project that City staff identifies as needing assistance with implementation.

Wilson Engineers, LLC's services include, but are not limited to: perform design services relating to the 23rd Avenue WWTP facility processes with emphasis on civil and mechanical type work; develop contract documents including construction plans and specifications adhering to current City standards and content requirements; provide independent cost estimates of job order proposals; perform resident

engineering/inspection activities, including special inspections, start-up, training, and operations and maintenance manual review.

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

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

Selected Firm
Rank 1: Wilson Engineers, LLC

Additional Proposer
Rank 2: Kimley-Horn and Associates, Inc.

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

**Financial Impact**
The agreement value for Wilson Engineers, LLC will not exceed $4.6 million, including all subconsultant and reimbursable costs.

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

**Location**
23rd Avenue WWTP
Council District: 7

**This item was adopted.**

**59 Water Pipe and Miscellaneous Fittings - Request for Award (Ordinance S-47514)**

Request to authorize the City Manager, or his designee, to enter into separate agreements with four vendors to purchase a supply of commodities related to water pipe and various fittings on an as-needed basis. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority, as provided below, and authorization for the City Controller to disburse all funds related to this item. The agreement values will not exceed $9 million.

**Summary**
The purpose of this agreement is to purchase water pipe and miscellaneous fittings on an as-needed basis to maintain the infrastructure of various facilities within the Water Services Department. The pipes and miscellaneous fittings are used for installation, repair, and maintenance of water production and distribution and wastewater collection and treatment infrastructure.

Arizona Waterworks Supply, Dana Kepner Company LLC., Ferguson Waterworks and Fortiline Waterworks, Inc.’s services include but are not limited to the supply of water pipe and miscellaneous fittings, which include: bushings; clamps; conversion assemblies; corporation stops; couplings; curb stops, elbows, flanges, gate valves, meter stops, miscellaneous fittings, pipe, reducers, resetters and saddle tees.

**Procurement Information**
The recommendations were made using an Invitation for Bids procurement process in accordance with City of Phoenix Administrative Regulation 3.10.

Seven vendors submitted bids which are listed below. All bids except for two were found to be responsive and responsible.

Selected Bidders
Arizona Waterworks Supply
Dana Kepner Company LLC.
Ferguson Waterworks
Fortiline Waterworks, Inc.

Other Bidders
Alb Piping Products & Services, LLC
Canyon Pipe and Supply, Inc.
Core & Main, LP

**Contract Term**
The agreement will begin on or about May 1, 2021, for a five-year aggregate term with no options to extend.

**Financial Impact**
The aggregate value for the agreements with Arizona Waterworks Supply, Dana Kepner Company LLC., Ferguson Waterworks and Fortiline Waterworks, Inc., will not to exceed $9 million for the five-year aggregate term.

Funding is available in the Water Services Department budget.

**This item was adopted.**

**60 Membrane Diffusers - Request for Award (Ordinance S-47523)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Xylem Water Solutions USA, Inc., to provide Sanitaire Membrane Diffusers for the purpose of treating wastewater contaminants to dissolve oxygen concentration in the aeration basins. Further request authorization for the City Controller to disburse all funds related to this item. This agreement will not to exceed $750,000.

**Summary**
The Water Services Department, Wastewater Treatment Plants, use Sanitaire membrane diffusers in the aeration basin flexible air membrane diffusers (sanitaire diffusers holders). The membrane diffusers dissolve oxygen concentration in the aeration basins and are an important parameter because the micro-organisms require oxygen for respiration and also for oxidation of the organic matter. This agreement is to

purchase membrane diffusers on an as-needed basis.

Xylem Water Solutions USA, Inc. services include, but are not limited to: providing Sanitaire Silver Membrane Diffusers.

**Procurement Information**
The recommendation was made using an Invitation for Bids procurement process in accordance with City of Phoenix Administrative Regulation 3.10.

One vendor submitted a bid that was found to be responsive and responsible and is listed below:

Selected Bidder
Xylem Water Solutions USA, Inc.: $142,450.

**Contract Term**
The agreement will begin on or about July 1, 2021, for a five-year aggregate term with no options to extend.

**Financial Impact**
The agreement value for Xylem Water Solutions USA, Inc. will not exceed $750,000.

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

**This item was adopted.**

**61 Final Plat - Sendero Crossing - PLAT 200603 - Northwest Corner of 43rd Avenue and Circle Mountain Road**

Plat: 200603
Project: 18-3283
Name of Plat: Sendero Crossing
Owner: Mattamy Arizona, LLC
Engineer: HilgartWilson, LLC
Request: A 170 Lot Residential Subdivision Plat
Reviewed by Staff: March 26, 2021
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 43rd Avenue and Circle Mountain Road.
Council District: 1

**This item was approved.**

**62 Abandonment of Right-of-Way - V190020A - 1728 and 1802 W. Magdalena Lane (Resolution 21919)**

Abandonment: V190020A
Project: 02-967
Applicant: Neftali Rivera, Magdalena Estates HOA
Request: To abandon the 50' right-of-way entrance of 18th Avenue in Final Plat "Magdalena Estates."
Date of Decision/Hearing: May 9, 2019

**Financial Impact**

A consideration fee was also collected as part of this abandonment in the amount of $1,147.05.

**Location**

1728 and 1802 W. Magdalena Lane
Council District: 8

**This item was adopted.**

**63 Abandonment of Right-of-Way - V190064A - 4309 E. Belleview St. (Resolution 21921)**

Abandonment: V190064A
Project: 01-20014
Applicant: Dana Klett
Request: To abandon a portion of right-of-way easement per ordinance S-3062 and right-of-way easement from Book 6119, Page 479.
Date of Decision/Hearing: Nov. 21, 2019

**Financial Impact**

None. No consideration fee was required as a part of this easement

abandonment, although filing fees were paid.

**Location**
4309 E. Belleview St.
Council District: 8

**This item was adopted.**

**64 Amend City Code - Official Supplementary Zoning Map 1214 (Ordinance G-6843)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1214. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with a portion of Z-87-00 and the entitlements are fully vested.

**Summary**
To rezone a parcel located approximately 460 feet southeast of the southeast corner of North Valley Parkway and the Norterra Parkway alignment.
Application No.: Z-87-00
Zoning: C-2 PCD NBCOD
Owner: GSSR REAL ESTATE LLC
Acreage: 1.08

**Location**
Approximately 460 feet southeast of the southeast corner of North Valley Parkway and the Norterra Parkway alignment.
Address: 28211 N. Valley Parkway
Council District: 2

**This item was adopted.**

**65 Amend City Code - Official Supplementary Zoning Map 1215 (Ordinance G-6844)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1215. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-89-03 and the entitlements are fully vested.

**Summary**

Approximately 424 feet north and 60 feet east of the northeast corner of 29th Place and Mohawk Lane.
Application No.: Z-89-03
Zoning: CP/GCP
Owner: Black Dog Ventures LLC
Acreage: 2.03

**Location**
Approximately 424 feet north and 60 feet east of the northeast corner of 29th Place and Mohawk Lane.
Address: 20635 N. 29th Place
Council District: 2

**This item was adopted.**

**66 Amend City Code - Official Supplementary Zoning Map 1216 (Ordinance G-6845)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1216. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-SP-23-04 and the entitlements are fully vested.

**Summary**
Approximately 424 feet north and 60 feet east of the northeast corner of 29th Place and Mohawk Lane.
Application No: Z-SP-23-04
Zoning: CP/GCP SP
Owner: Black Dog Ventures LLC
Acreage: 2.03

**Location**
Approximately 424 feet north and 60 feet east of the northeast corner of 29th Place and Mohawk Lane.
Address: 20635 N. 29th Place
Council District: 2

**This item was adopted.**

**67 Amend City Code - Ordinance Adoption - Rezoning Application Z-67-20-4 - Northwest Corner of 2nd Street and Catalina Drive**

**(Ordinance G-6842)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-67-20-4 and rezone the site from C-O TOD-1 (Commercial Office, Interim Transit Oriented Zoning Overlay District One) to WU Code T6:15 MT (Walkable Urban Code, Transect 6:15, Transit Midtown Character Area) for multifamily residential.

**Summary**
Current Zoning: C-O TOD-1
Proposed Zoning: WU Code T6:15 MT
Acreage: 2.10 acres
Proposed Use: Multifamily residential

Owner: 3010 Westmount, LLC
Applicant: Dan Duffus, 3010 Westmount, LLC
Representative: Taylor Earl, Earl & Curley, P.C.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Encanto Village Planning Committee heard this case on March 1, 2021 and recommended approval, per the staff recommendation, by a vote of 10-1.
PC Action: The Planning Commission heard this case on April 1, 2021 and recommended approval, per the Encanto Village Planning Committee recommendation with an additional stipulation, by a vote of 8-0.

**Location**
Northwest corner of 2nd Street and Catalina Drive
Council District: 4
Parcel Addresses: No address

**This item was adopted.**

68 **Amend City Code - Ordinance Correction for Z-9-20-6 Willowick PUD - Southwest Corner of 16th and Colter Street (Ordinance G-6848)**

Request to authorize the City Manager to correct ordinance previously adopted and recorded to reflect the accurate acreage.

**Summary**
To correct acreage on Ordinance G-6816 for Z-9-20-6 Willowick PUD.
Application No.: Z-9-20-6
Original Approved Acreage: 3.45
Correct Acreage: 3.48

**Location**
Southwest corner of 16th Street and Colter Street
Address: 5150 N. 16th St.
Council District: 6

**This item was adopted.**

**69 Amend City Code - Ordinance Adoption - Rezoning Application Z-61-20-8 - Northeast Corner of 16th Street and Chipman Road (Ordinance G-6846)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-61-20-8 and rezone the site from R1-6 SPVTABDO (Single-Family Residence District, South Phoenix Village and Target Area B Design Overlay) and R-5 SPVTABDO (Multifamily Residence District, South Phoenix Village and Target Area B Design Overlay) to C-1 SPVTABDO (Neighborhood Retail, South Phoenix Village and Target Area B Design Overlay) to allow multifamily or single-family residential. This file is a companion case to Z-62-20-8 and should be heard first, followed by Z-62-20-8.

**Summary**
Current Zoning: R1-6 SPVTABDO and R-5 SPVTABDO
Proposed Zoning: C-1 SPVTABDO
Acreage: 2.50
Proposed Use: Multifamily or single-family residential

Owner: Ran Edelman
Applicant: Ran Edelman
Representative: John Connelly

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The South Mountain Village Planning Committee heard this case on March 9, 2021 and recommended a continuance to April 13,

2021, by a vote of 16-3.
PC Action: The Planning Commission heard this case on April 1, 2021 and recommended approval, per the staff recommendation with an additional stipulation, by a vote of 9-0.

**Location**
Northeast corner of 16th Street and Chipman Road
Council District: 8
Parcel Address: No address

**This item was withdrawn.**

**70 Amend City Code - Ordinance Adoption - Rezoning Application Z-62-20-8 - Northeast Corner of 16th Street and Chipman Road (Ordinance G-6847)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-62-20-8 and rezone the site from R1-6 SPVTABDO, pending C-1 SPVTABDO (Single-Family Residence District, South Phoenix Village and Target Area B Design Overlay, pending Neighborhood Retail, South Phoenix Village and Target Area B Design Overlay) and R-5 SPVTABDO, pending C-1 SPVTABDO (Multifamily Residence District, South Phoenix Village and Target Area B Design Overlay, pending Neighborhood Retail, South Phoenix Village and Target Area B Design Overlay) to C-1 DNS/WVR SPVTABDO (Neighborhood Retail, Density Waiver, South Phoenix Village and Target Area B Design Overlay) to allow multifamily or single-family residential with a density waiver up to 40 units. This file is a companion case to Z-61-20-8 and should be heard immediately following.

**Summary**
Current Zoning: R1-6 SPVTABDO, pending C-1 SPVTABDO and R-5 SPVTABDO, pending C-1 SPVTABDO
Proposed Zoning: C-1 DNS/WVR SPVTABDO
Acreage: 2.50
Proposed Use: Multifamily or single-family residential with a density waiver up to 40 dwelling units

Owner: Ran Edelman
Applicant: Ran Edelman

Representative: Jon Connelly

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The South Mountain Village Planning Committee heard this case on March 9, 2021 and recommended a continuance to April 13, 2021, by a vote of 19-0.
PC Action: The Planning Commission heard this case on April 1, 2021 and recommended approval, per the staff recommendation with an additional stipulation, by a vote of 9-0.

**Location**
Northeast corner of 16th Street and Chipman Road
Council District: 8
Parcel Address: No address

**This item was withdrawn.**

Items 16 and 19, Ordinance S-47506 was a request to authorize the City Controller to disburse funds, up to amounts indicated, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 42-13.

**16 Ignazio Edward Genna**

For $79,500.00 in payment authority for a new contract, entered on or about May 5, 2021 for a term of five years until May 4, 2026 to provide Interest-Based Mediation (IBM) services and training in the principles and practices of Interest-Based Problem Solving (IBPS) for the Human Resources Department. IBM services will be provided to achieve resolutions using IBM techniques. The Labor Relations Division of the Human Resources Department, City Management and multiple Union partners will participate in the IBPS training. IBPS is a facilitation and conciliation technique used to promote productive, respectful, and safe negotiation and working environments. The goal of the training is to provide the tools to reach mutually agreeable solutions while building stronger working relationships between the City and its labor groups during the two-year contracts and throughout the year while addressing

labor-management concerns.

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

| | | |
|---|---|---|
| **Yes:** | 6 - | Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego |
| **No:** | 2 - | Councilman DiCiccio and Councilman Waring |
| **Absent:** | 1 - | Councilwoman Pastor |

**19 Maricopa Association of Governments**

For $202,282.00 in payment authority for annual membership dues and assessments for FY 2020-21 for the Office of Government Relations, Public Works, Finance, Water Services and Human Services departments. The Maricopa Association of Governments (MAG) is a Council of Governments that serve as the regional planning agency for the metropolitan Phoenix area. MAG is the air quality planning agency and Metropolitan Planning Organization for transportation in Maricopa County; this includes the neighboring urbanized area in Pinal County, containing the Town of Florence and City of Maricopa. MAG provides regional planning and policy decisions in areas of transportation, air quality, water quality, and human services.

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

| | | |
|---|---|---|
| **Yes:** | 5 - | Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Vice Mayor Garcia and Mayor Gallego |
| **No:** | 3 - | Councilman DiCiccio, Councilwoman Stark and Councilman Waring |
| **Absent:** | 1 - | Councilwoman Pastor |

**21 Reopening City Services in the Parks and Recreation and Human Services Departments**

Request authorization for the City Manager, or his designee, to reopen City facilities and activities in the Parks and Recreation and Human

Services departments on the Monday after Memorial Day, which is June 7, 2021.

**Summary**

In March 2020, the Phoenix Parks and Recreation and Human Services departments responded to the spread of COVID-19 and closed facilities to in-person visits and services. For customers, in-person recreation programming, access to gymnasiums, classrooms and fitness centers ended. In addition, services for seniors, including congregate meals, in-person programming and social activities shifted to virtual and home delivered methods.

On March 16, 2021, the Phoenix City Council approved reopening outdoor Parks and Recreation services such as fields for reservations, all park amenities and 12 of 29 pools for the summer Aquatics season.

The departments recognize the importance of providing the community with in-person programming options. Many parents have come to rely on indoor programming during the summer months when students are out of school; and seniors desire to engage in programs and activities with their peers; therefore, the focus is to implement a safe, phased strategy to restore select in-person, indoor programming and services at reduced capacities. The departments have provided their reopening plans to a public health professional for review and feedback has been incorporated into each plan.

**Parks and Recreation**

The Parks and Recreation Department recommends implementation of in-person programming at centers that historically provide summer recreation activities, with reduced capacities in a tiered approach. Activities will include the annual summer program for registered participants ages 6 to 12; and limited indoor and outdoor recreation classes, which require registration and/or appointments.

The department will refer to the City of Phoenix overall risk category per the Arizona Department of Health Services Community Transmission Indicators to progress through its reopening stages. Tier 1 will include 11 of the department’s largest community centers opening at 50 percent program capacity, while in the Substantial Transmission risk category.

These centers were selected based on their size, overall facility capacity and the ability to provide more social distancing among participants, than smaller centers.

Tier 1 Centers
Deer Valley Community Center (2001 W. Wahalla Lane)
Desert West Community Center (6501 W. Virginia Ave.)
Eastlake Community Center (1549 E. Jefferson St.)
Goelet A.C. Beuf Community Center (3435 W. Pinnacle Peak Road)
Longview Neighborhood Recreation Center (4040 N. 14th St.)
Maryvale Community Center (4420 N. 67th Ave.)
Paradise Valley Community Center (17402 N. 40th St.)
Pecos Community Center (17010 S. 48th St.)
South Mountain Community Center (212 E. Alta Vista Road)
Sunnyslope Community Center (802 E. Vogel Ave.)
Washington Activity Center (2240 W. Citrus Way)

Programming will be executed with the following mitigation efforts in place:

Face coverings required in alignment with City of Phoenix facility mask mandate, except when eating.
A COVID-19 screening survey will be required upon arrival to the facility.
Temperature checks.
Program and facility occupancy control limits based on overall risk transmission.
Public facing reception areas will provide contactless customer service. Plexiglass barriers have been installed at all service desks.
Social distancing of center furnishings and installation of signage to encourage social distancing.
Virtual programs and activities will continue to be provided.
Daily on-site janitorial staff will frequently clean and disinfect touched surfaces and restrooms throughout their day.
Cleaning of games, craft items and exercise equipment will occur after each member use.
Disinfectant wipes, hand sanitizer, disposable masks and gloves for members and staff will be readily available.
Fresh air intake volume has been increased at all community and

recreation centers to circulate a higher concentration of fresh air into the buildings. MERV13 air filters have been installed at all centers.

Participants are provided with pre-packaged lunches or will bring their own lunch, snacks and drinks daily. Lunch will take place indoors in a space that allows for six feet of physical distancing.

A minimum of 30-days' notice is needed to reopen community centers to ensure sufficient time to hire and train staff as needed, re-secure custodial services and conduct summer program registration.

Once the City of Phoenix overall risk category reaches Moderate Transmission, Tier 1 centers will increase program capacity to 75 percent; and Tier 2 centers will open at 75 percent program capacity.

Tier 2 Centers
Aeroterra Community Center (1725 E. McKinley St.) *
Coffelt-Lamoreaux Recreation Center (1510 S. 19th Drive) *
Faye Gray Recreation Center (5550 S. 20th St.)
Harmon Recreation Center (1425 S. 5th Ave.)
Hayden Neighborhood Recreation Center (420 W. Tamarisk Ave.)
Holiday Park Recreation Center (4560 N. 67th Ave.)
Luke Krohn (1940 1/2 E. Villa St.) *
Marc Atkinson Recreation Center (4535 N. 23rd Ave.)
Mountain View Community Center (1104 E. Grovers Ave.)
Muriel Smith Recreation Center (2230 W. Roeser Ave.)
Playa Margarita Recreation Center (3615 W. Roeser Ave.)
Sidney P. Osborn (1720 E. Adams St.) *
South Phoenix Youth Center (5245 S. 7th St.)
Sunnyslope Youth Center (1702 W. Peoria Ave.)
University Park Recreation Center (1002 W. Van Buren St.)
Vernell Coleman Recreation Center (830 W. Tonto St.) *

(*denotes Housing Department sites)

The following community centers do not offer formal summer recreation programs but would open for drop-in recreation activities at reduced capacities and for select classes and programs, which will require registration and/or appointments.

Bret Tarver Learning Center (1516 N. 35th Ave.)
Verde Park Recreation Center (916 E. Van Buren St.)
Devonshire Senior Center (2802 E. Devonshire Ave.) **

**Devonshire is only used for classes and programs during evening and weekend hours; the Human Services Department uses the facility for senior programs during weekday, daytime hours. Class sizes range depending on activity and room used in the facility.

Once the City of Phoenix overall risk category reaches Low Transmission, community centers will return to normal service hours and days, and programming and activities will be expanded based on what CDC thresholds allow.

High School Swimming Pool Rentals

The Parks and Recreation Department is recommending Phoenix pools be open for high school pool rentals Aug. 2, 2021 through Nov. 5, 2021. Approximately 14 high schools typically utilize eight City pools over the course of the fall for their high school swim and dive teams. This year, Washington Pool is not one of the 12 pools that will be open during the 2021 Aquatics season. As a result Washington Pool will not be filled with water and will not be available for fall pool rentals. The City provides one pool manager and up to three lifeguards to ensure supervision and adequate lifeguard coverage during practices and meets. High school districts pay staffing costs prior to the rental; and reimburse heating, chemical and electrical costs after the swim season.

All high schools will be expected to adhere to current Arizona Interscholastic Association COVID guidelines and all City of Phoenix Aquatics COVID-facility requirements.

Outdoor Activities and Special Permits

The Parks and Recreation Department is also recommending resuming special permit applications for beer, bounce houses and amplified sound, as well as Special Activity Requests for private activities in the park. Examples include birthday parties, family reunions and other gatherings not open to the public. Any requests for special events open

to the public must continue to be submitted and reviewed by the City Manager's Special Event Committee.

**Human Services**

The Human Services Department recommends implementation of in-person programming at all 15 senior centers, to include on-site meal and senior shuttle services, with reduced capacities in a tiered approach.

The department will refer to the City of Phoenix overall risk category per the Arizona Department of Health Services Community Transmission Indicators to progress through its reopening stages. Tier 1 will include all 15 of the department's senior centers opening at 50 percent program capacity, while in the Substantial/Moderate Transmission risk category.

Senior Centers

Adam Diaz Senior Center (4115 W. Thomas Road)
Chinese Senior Center (734 W. Elm St.)
Deer Valley Community Center (2001 W. Wahalla Lane)
Desert West Community Center (6501 W. Virginia Ave.)
Devonshire Senior Center (2802 E. Devonshire Ave.)
Goelet A.C. Beuf Community Center (3435 W. Pinnacle Peak Road)
Helen Drake Senior Center (7600 N. 27th Ave.)
Marcos de Niza Senior Center (305 W. Pima Road)
McDowell Place Senior Center (1845 E. McDowell Road)
Paradise Valley Community Center (17402 N. 40th St.)
Pecos Community Center (17010 S. 48th St.)
Senior Opportunities West Senior Center (1220 S. 7th Ave.)
Shadow Mountain Senior Center (3546 E. Sweetwater Ave.)
South Mountain Community Center (212 E. Alta Vista Road)
Sunnyslope Community Center (802 E. Vogel Ave.)

Programming will be executed with the following mitigation efforts in place:

Face coverings required in alignment with City of Phoenix facility mask mandate, except when eating.
A COVID-19 screening survey will be required upon arrival to the facility to determine their fitness to remain at the center.

Temperature checks.

Due to maximum 50 percent occupancy limit for members, a reservation process will be utilized to offer morning (9 to 11:30 a.m.) and afternoon (1 to 3:30 p.m.) class and activity sessions; to maintain distancing, seniors will only be permitted to attend either the morning or the afternoon classes or activity sessions. When surveyed by staff, those seniors who responded agreed that this would allow the most number of individuals to attend.

Public facing reception areas will provide contactless customer service. Plexiglass barriers have been installed at all service desks.

Social distancing of center furnishings, including plexiglass dividers installed on tables, and installation of signage to encourage member, vendor and staff compliance with social distancing.

Virtual programs and activities will continue to be provided utilizing digital instructor stations and remote TVs.

Daily on-site janitorial staff will frequently clean and disinfect touched surfaces and restrooms throughout their day.

Cleaning of games, craft items and exercise equipment will occur after each member use.

Cleaning of computer laptops will occur after each laptop has been returned.

Disinfectant wipes, hand sanitizer, disposable masks and gloves for members and staff will be readily available.

Fresh air intake volume has been increased at all senior centers to circulate a higher concentration of fresh air into the buildings. MERV13 air filters have been installed at all senior centers.

Meal and Transportation Services

The Human Services Department is recommending individually packaged hot meal services for senior center members attending classes and activities on-site, and weekly frozen meal deliveries to members unable to visit the senior center due to occupancy capacity limits or personal safety needs. Shelf stable meals would also be available for members wanting to reserve a meal on specific days when they are unable to remain at the center during programming. Senior shuttle transportation services would resume for members as needed to and from their homes to the nearest senior center. Only members of the same household may travel together. Both meal and transportation vendors will follow all

established safety protocols.

A minimum of 30-days' notice is needed to ensure sufficient time to prepare the facility, re-secure daily custodial services, notify members, train staff on new cleaning protocols and begin registration for indoor classes and activities.

Once the City of Phoenix overall risk category reaches Low Transmission, the 15 senior centers will return to normal service hours and days, and programming and activities will be expanded based on what CDC thresholds allow.

**Discussion**

Deputy City Manager Inger Erickson conveyed indoor facilities had been closed for public use since March 16, 2020 due to the pandemic, but staff was able to provide virtual programs and some social activities in a virtual format. She said staff transitioned the meal program to a home delivery situation so seniors could get their meals and also gave staff time to make sure seniors had the resources they needed.

Acting Parks and Recreation Director Cynthia Aguilar mentioned community centers were closed and indoor programming was suspended in March of 2020; however, the Parks Department transitioned to virtual programs to keep youth, teens and adults engaged throughout the pandemic, noting approximately 4,500 people participated in the programs. She said the Parks Department also opened some community centers to offer day camps for City employees' children as well as programming within City housing sites to support distance learning and limited in-person recreation activities. She indicated the camps had a combined attendance of over 9,000 participants.

Ms. Aguilar listed the following improvements staff made in community centers over the last several months to prepare for reopening safely:
- hand sanitizer stations in facilities;
- increased ventilation in facilities;
- installed touchless light switches;
- put social distancing markers on the floors; and
- placed plexiglass barriers at customer service counters for contactless customer service.

She remarked the Parks Department worked with the City's contracted epidemiologist to prepare a plan to reopen safely. She said the plan was a tiered approach to incrementally reopen community centers and indoor programs based on the current overall COVID transmission risk category. She specified the City's substantial risk category meant that 14 of the 30 community centers could reopen at 50 percent capacity for the summer youth program with additional indoor recreation activities offered by registration.

Ms. Aguilar explained if the program was approved it would run Monday through Friday from 7:00 a.m. to 6:00 p.m. at the 14 Tier 1 locations. She noted the program would start on June 7 with registration beginning May 12 and would serve participants 6 to 12 years old. She stated the programs were fee based, but scholarships were available to make sure no one was turned away. She conveyed all staff and participants would be required to wear masks and all meals would take place outdoors. She recognized that summer meant warmer temperatures so staff would ensure that meals would be in the shade, noting staff secured portable cooling towers to make it more comfortable. She added staff established a contingency plan for inclement weather and heat advisory days which would be communicated to parents upon registration. She displayed a map of where the 14 Tier 1 community centers were located which provided geographic coverage throughout the city. She pointed out 11 of the 14 centers were the City's largest facilities and were selected due to their geographic location and size to ensure social distancing. She added staff had provided indoor programming for youth in some of these centers since last year.

Ms. Aguilar remarked once the City reached the moderate transmission risk category the Parks Department's plan was to reopen the remaining 16 Tier 2 community centers and all centers would increase their program capacity to 75 percent. She said indoor recreation activities would continue by registration with reduced capacities as well as open gym activities by reservation and fitness rooms would open at 50 percent capacity with masks continuing to be required.

Human Services Director Marchelle Franklin displayed a map of the 15

senior centers throughout the city that were closed, including all in-person activities and programs ceased; however, congregate meals transitioned to home-delivered meals when senior center members requested them. She conveyed since March of 2020 staff had held 3,000 virtual activities, made over 155,000 weekly wellness calls, and delivered more than 154,000 congregate meals. She mentioned in 2020 the Council invested $2.7 million in C.A.R.E.S. Act funds for mitigation and safety measures to ready senior centers once it was time to reopen and listed the following improvements:
- updated ventilation systems;
- installed touchless faucets, light switches and automatic toilet flush systems;
- installed motion sensors at front door entrances;
- put in plexiglass barriers; and
- upgraded audio/visual technology.

Ms. Franklin stated staff conducted research specific to senior centers and found that most neighboring cities were moving towards reopening at some point and those that were already open did so at significantly reduced capacity and hours. She added a survey was sent to about 5,300 City senior center members with the following results:
- 94 percent supported opening centers for limited hours;
- 99 percent supported wearing masks and appropriate social distancing; and
- 79 percent reported they had received the COVID-19 vaccination, noting 72 percent of the remaining 21 percent planned to get vaccinated.

She added staff would work with partners to host vaccination sites at the City's senior and community centers to target senior center members as well as parents and children who participated at the community centers.

Ms. Franklin said staff proposed to open all 15 senior centers at 50 percent capacity starting June 7, 2021 and offer morning and afternoon sessions where senior center members would be required to register for either session to allow more attendance given the limited capacity. She conveyed for the safety of seniors staff would continue with members taking home weekly frozen meals at their request versus the recommended outdoor dining. She specified when the City was in the

moderate risk category staff proposed to increase capacity to 75 percent at all senior centers, but continue the required morning and afternoon session registration and taking home weekly frozen meals. She added transportation would resume to and from the City's senior centers but only members of the same household could travel together, noting the transportation vendor would follow safety protocols.

Dr. Saskia Popescu displayed information that the City was between substantial and moderate transmission with an increase in spread and positivity rate. She emphasized the information was delayed as it showed April 11-17, noting there was actually a 27 percent increase in cases over the last 14 days. She said it was important to take a tiered approach and reopen at 50 percent capacity to ensure it was done correctly and not rushed. She indicated there was an emphasis in the plans of eating outside because dining indoors was a higher risk activity as people were unmasked for prolonged periods of time, plus there was variable ventilation. She added there would be misters outside when children were eating and during severe heat warnings a protocol would be in place to bring children indoors which would be communicated with parents. She conveyed Los Angeles reopened slowly to ensure compliance and had some of the lowest rates in the country which was why it was important to address high-risk activities, especially with the City's current substantial transmission.

Ms. Aguilar said staff also recommended the City resume issuing permits for special activity requests which were private events with more than 50 people, such as birthday parties, family reunions and large picnics. She remarked this would also allow individuals to apply for permits for beer, bounce houses and amplified sound. She emphasized this would not include large-scale special events open to the general public, like festivals, as those were still going through the City's special event review committee for approval. She added staff recommended allowing high schools to rent City pools in the fall, noting about 13 high schools rented City pools for their swim and dive teams. She stated the Parks Department provided aquatic staff for the high schools during their rentals and the schools paid for staffing and the pool maintenance and utilities costs. She said the high schools would be required to follow the City's aquatics COVID facility requirements and Arizona Interscholastic

Association COVID guidelines.

Ms. Erickson reiterated staff's recommendation was to reopen indoor community centers and senior centers beginning June 7, resume special permits and activity requests beginning May 10 and resume high school pool rentals in Fall of 2021.

A motion was made and seconded to approve this item.

Tamara Fromm spoke in favor of the Parks and Recreation Department opening and renting the City's pools to public schools for the upcoming season. She mentioned last season some of the swim team did not get to participate because there was no pool facility at the local school. She asked that the City rent its pools to public schools which was in the kids best interest.

Councilwoman O'Brien asked if Ms. Fromm was referring to the City renting its pools to high schools for the fall or over the summer.

Ms. Fromm replied for the fall since the City already planned on opening them to the community in the summer.

City Manager Ed Zuercher emphasized if this item was approved City pools could be rented, noting the Sunnyslope pool could be rented for the fall.

Councilwoman Guardado asked why the City was not opening all of the community centers at 50 percent capacity.

Ms. Aguilar responded the City was following the recommendations from Dr. Popescu to reopen incrementally because opening all centers at one time presented challenges. She said the City also had to make sure it was properly staffed to open all 30 community centers.

Councilwoman Guardado wondered why the City would do lunches outdoors when public schools were doing lunches indoors. She questioned what the plan was when it was extremely hot outside.

Dr. Popescu replied she could not speak for the schools but children could get COVID-19 and spread it which was why it was important to incrementally reopen things and reduce high-risk activities, like eating indoors, especially with substantial transmission in the community.

Ms. Aguilar added on days when there was inclement weather or a heat advisory was issued the children would have their meals inside with staff ensuring they were six feet or more apart from each other.

Councilwoman Guardado asked why the City closed its pools on Labor Day and suggested the pools be open for another month on the weekends so kids could enjoy them while it was still hot.

Ms. Erickson responded a portion of the pools used to be open through September, but attendance was very low so it was decided that was not financially beneficial. She pointed out staff could evaluate that again at Council's direction.

Councilwoman Guardado requested to add to the motion to extend it for the weekends in September as it would be a good activity for families.

Vice Mayor Garcia questioned if that needed to be part of the motion.

Ms. Erickson replied it was acceptable to add to the motion to evaluate it.

Vice Mayor Garcia asked if the friendly amendment was to look into it or to open the pools to a certain date.

Councilwoman Guardado responded the amendment was to open the pools on the weekends for at least 30 days or while it was still hot.

Mr. Zuercher stated staff needed to evaluate it since it had a budgetary impact, so he suggested the motion include that staff evaluate it and bring back at the next available council meeting the options and budgetary impact of an extra month of weekend service at pools.

An amended motion was made and seconded to approve this item and to evaluate pools opening on the weekends in September.

Councilwoman O'Brien expressed she was disheartened the City was not including gyms and sports for students who did not have opportunities to exercise in other places. She said she understood staggered opening so staff could make sure mitigation strategies were working, but she wanted to know if the centers could be opened by date instead of the transmission risk category.

Mr. Zuercher replied the programs would open on June 7 and suggested staff come back to Council at the July 1 meeting and provide an update and get potential input on next steps.

Councilwoman O'Brien stated she would appreciate it.

Vice Mayor Garcia said he appreciated staff's work and for taking the medical expert's advice as he thought the City should continue to look at science as a measurement for opening. He pointed out that community centers were the places where folks came together and he asked how ARPA funds or other things could help in reopening and add resources around COVID to existing plans. He mentioned frozen food seemed to be the healthiest and best option, but he wanted to evaluate if the City could provide gift cards or something else so that people could get fresh food and frozen food.

Assistant City Manager Jeff Barton replied staff would evaluate ARPA, noting there were cities in Florida that had issues with the first round of CRF gift cards so staff wanted guidance specifically with gift cards. He added that he would work with departments to see what their needs were relative to reopening, staffing and mitigation efforts and possibly use ARPA funds.

Ms. Franklin conveyed staff already started researching what other cities were doing in the area of fresh food and would share that information with City management.

Ten electronic comments were submitted for the record in support of this item and one was submitted with no position.

Prior to his vote, Councilman DiCiccio said he was voting yes because it was moving toward opening and people needed to get out.

**A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that this item be approved as amended to have staff evaluate and return to Council with options and budgetary impact of pools being open on weekends in September. The motion carried by the following vote:**

| | | |
|---|---|---|
| **Yes:** | 8 - | Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego |
| **No:** | 0 | |
| **Absent:** | 1 - | Councilwoman Pastor |

**46 Approval of Neighborhood Block Watch Oversight Committee's Recommendations for 2021 Grant Program Awards (Ordinance S-47531)**

Request authorization for the City Manager, or his designee, to approve the recommendations of the Neighborhood Block Watch Grant Program (NBWGP) Oversight Committee to execute contracts between the City of Phoenix and 131 NBWGP applicants for the 2021 grant cycle. Further request authorization for the City Controller to disburse funds related to this item in the amount of $1,299,078.

**Summary**

The Neighborhood Block Watch (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 2021 grant application process opened on Nov. 2, 2020 and closed on Dec. 3, 2020. The NBW Oversight Committee scored the grant applications based on the following criteria: crime prevention - 50 percent, budget evaluation - 20 percent, community involvement - 20

percent, and project viability/ability to complete - 10 percent.

A total of 160 grant applications were received. Of that total,131 are being recommended for funding by the NBW Oversight Committee for a total of $1,299,078. Twenty-nine grant applications were not recommended for funding. Twenty-six grants scored below the program minimum requirement of 5.25 or higher out of 10 possible points and three grants were disqualified for not following the grant application guidelines. The NBW Oversight Committee vote was 9 ayes, 0 nays, 1 conflict and 1 abstained on the recommended funding list. See **Attachment A** for a list of all 160 grant applications.

In one case, an applicant was denied partial funding as a result of requesting capped and/or prohibited items. A list of the prohibited/restricted items was included in the 2021 grant application guide.

**Contract Term**
The funding period is July 1, 2021 through June 30, 2022.

**Financial Impact**
No matching funds are required.

**Discussion**
A motion was made and seconded to approve this item and to return the 29 block watch grants that were not funded for re-evaluation.

Councilwoman Stark indicated the committee had a tough time reviewing this year as these were reviewed online, so they did not have their normal process in place. She said she wanted the committee to have another opportunity to look at the 29 grants that were not funded.

Councilwoman O'Brien thanked the Neighborhood Block Watch Oversight Committee for reviewing 160 applications and deciding which ones to move forward.

Councilwoman Ansari also thanked the committee and said she was grateful the motion included revisiting the applications that did not receive funds.

Nora Curtin, coordinator for the North Town Community Block Watch Phoenix Neighborhood Patrol (PNP), stated they were a 55-plus community with 281 homes of commonly owned areas that covered over 15 acres. She remarked the community had open areas of natural washes and abutted drainage easements with dark areas which created security problems as well as concerns about homeless encampments. She pointed out the North Town PNP group had been awarded grants for safety and security items in the past and also worked with the homeowner's association as a co-applicant for lighting systems in the dark areas in the past. She indicated they again applied with the homeowner's association as a co-applicant this year for additional solar lighting systems in the dark areas that backed up some of the community's homes. She conveyed they received a letter that said the oversight committee did not recommend their application as it failed to meet the required score to be funded. She said they were not advised of their score or the area of their application that did not meet the standards.

Lynn Collins, with Collins Sun Devils, said they received the same letter that they did not meet the requirements but was not told why they did not get it. He remarked he had been doing the program for eight years, noting these funds helped keep kids off the streets and get better grades. He added this program helped three to four kids go to college, plus they were able to travel and play basketball. He thanked the committee for funding them the last eight years, but stressed they needed these funds to help the kids.

Mark Davis, with Roosevelt Neighborhood, said he understood more of the context regarding some of the comments they received on their scoring due to how the committee had to review the applications. He expressed support of the committee revisiting the denied applications.

Brittaney Chipley, with Bernard Black Neighborhood Association, remarked they submitted two grants the past two years. She stated the first grant, the Men of Valor Project, was awarded grant money which allowed a football program for middle-aged youth boys; however, they received a non-recommendation letter for the girls basketball program application. She stressed these funds were crucial, especially in south

Phoenix, as some of the girls were unable to afford the fees and purchase shoes.

Caroline Van Slyke stated she was the co-grant writer for the Roosevelt Historic District and thanked Councilwoman Stark for the re-evaluation as they wanted to continue doing great work in their diverse district which was bound from Van Buren to McDowell and from Central to 7th Avenue.

Mayor Gallego thanked the community folks for their hard work on these grants and for building better neighborhoods.

Vice Mayor Garcia asked if there were other ways, such as ARPA funds, the City could support these groups, specifically with youth engagement or youth recreation.

Assistant City Manager Jeff Barton replied staff was looking into using ARPA funds for youth recreational leagues and sports entities to replace some of the revenue lost because of COVID.

**A motion was made by Councilwoman Stark, seconded by Councilwoman O'Brien, that this item be adopted with direction that the Committee re-evaluate the 29 applications not funded. The motion carried by the following vote:**

| | | |
|---|---|---|
| **Yes:** | 8 - | Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego |
| **No:** | 0 | |
| **Absent:** | 1 - | Councilwoman Pastor |

**48 Enter into Agreements with Various School Districts for Funding of School Resource Officers (Ordinance S-47537)**

Request authorization for the City Manager, or his designee, to allow the Police Department to enter into Intergovernmental Agreements with various school districts at the school districts' request, for the placement of School Resource Officers (SROs). These agreements are for the 2021-22 school year. Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this

item.

**Summary**

The Police Department enters into Intergovernmental Agreements with various school districts (at the school districts request) to assist with the cost of SROs deployed in schools. Funding for these 58 SROs is provided through partnerships with the Arizona Department of Education and individual school districts. Through this partnership, school district funds reimburse the City for 75 percent of the SRO's salary, while the remaining 25 percent is paid by the City.

The 2020-21 school year included agreements with 20 school districts, at 86 schools, for a total deployment of 76 SROs. The 2021-22 school year will include agreements with 17 school districts, at 65 schools, for a total deployment of 58 SROs.

2021-22 SRO School Districts:

American Charter Schools
Cartwright Elementary
Cave Creek Unified
Deer Valley Unified
Empower College Prep
Glendale Union
Horizon Community Learning Center
Kaizen Education Foundation
Kyrene School District
Laveen Elementary
Murphy Elementary
Paradise Valley Unified
Premier Charter
Scottsdale Unified
Tolleson Union
Washington Elementary
Wilson School District

**Contract Term**

The terms of these agreements are one year, with varying start and end dates to coincide with each school's 2021-22 school year.

**Financial Impact**

Cost to the City is the 25 percent match for the SRO salary and fringe benefits.

**Discussion**

Councilwoman O'Brien said she supported the opportunity for school districts to choose to have school resource officers (SROs) in their

schools. She remarked SROs were a trusted community figure that students could talk to if they experienced bullying or problems at home. She added the SRO program could start building positive relationships between officers and students which could extend into the community.

Prior to his vote, Vice Mayor Garcia emphasized this conversation had been going on in the community for awhile, noting the Phoenix Union High School District reduced its SROs. He said it was important to move forward with accountability measures and to look at the processes and expectations of officers if a school district decided to bring them in. He expressed he was voting no because the safety of all students was not assured.

**A motion was made by Councilwoman Stark, seconded by Councilwoman O'Brien, that this item be adopted. The motion carried by the following vote:**

| | | |
|---|---|---|
| **Yes:** | 7 - | Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring and Mayor Gallego |
| **No:** | 1 - | Vice Mayor Garcia |
| **Absent:** | 1 - | Councilwoman Pastor |

**51 Aviation Department Environmental On-Call Consulting Services for Fiscal Years 2021-25 (Ordinance S-47515)**

Request to authorize the City Manager, or his designee, to enter into separate agreements with the 10 consultants listed in **Attachment A** to provide environmental on-call services for the Aviation Department from July 1, 2021 through June 30, 2025. 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 $6.5 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of

the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

**Summary**

The On-Call consultants will be responsible for providing on-call environmental consulting services for Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport on an as-needed basis. Some firms will provide multiple scope category services.

Environmental services have been grouped into two scope categories as listed below. The services may include:

Category 1: soil, vapor, drinking water and groundwater sampling; remediation projects; modeling of soil vapor and groundwater contamination; water distribution systems; storm water pollution prevention plans; spill prevention control and countermeasure plans; environmental site assessments; and environmental studies.

Category 2: environmental data and information support services; technical and scientific calculations, analysis, and reporting; regulatory compliance programs and research; environmental permits; and environmental training.

These Agreements are essential to the public's health, safety, and welfare and to critical operations of the City.

**Procurement Information**

The selections were made using a qualifications-based selection process set forth in Arizona Revised Statutes (A.R.S.) section 34-604. In accordance with A.R.S. 34-604(H), the City may not publicly release information on proposals received or the scoring results until an agreement has been awarded. A total of 20 firms submitted proposals and are listed in **Attachment A**.

**Contract Term**

The term of each agreement is up to four years, or up to $650,000, whichever occurs first. Work scope identified and incorporated into the agreement before 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 $650,000, including all subconsultant and reimbursable costs. The total fee for all services will not exceed $6.5 million.

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

**Location**

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

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

| | | |
|---|---|---|
| **Yes:** | 6 - | Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego |
| **No:** | 2 - | Councilman DiCiccio and Councilman Waring |
| **Absent:** | 1 - | Councilwoman Pastor |

**53 Funding from Salt River Project to Install Electric Vehicle Charging at Parks and Libraries (Ordinance S-47539)**

Request to authorize the City Manager, or his designee, to perform electrical upgrades and install electric vehicle charging equipment at

select City sites and enter into an agreement with Salt River Project for an incentive program to reimburse the City for a portion of the costs. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The total cost associated with this item is anticipated to be $224,000, with the City cost being $70,000 after receiving reimbursement of $154,000 from Salt River Project.

Additionally, request to authorize the City Manager, or his designee, to ratify and execute an amendment to operating and maintenance Agreement 153833 with Blink Network, LLC (Blink) to include the electric vehicle chargers installed through this initiative.

**Summary**

Salt River Project (SRP) recently notified cities that it was making one-time increase in the incentives available for customers to install electric vehicle charging equipment at their sites with the caveat that the installations needed to be completed and all paperwork submitted by the end of June 2021.

Office of Sustainability staff worked with City departments to identify possible employee, fleet and publicly-accessible sites with the expectation that the SRP incentive of $11,000 for each dual port charging station would cover the cost of the installation. However, costs proved to be significantly higher than anticipated.

Of the 21 locations initially evaluated, the publicly-accessible sites at City parks and libraries had the lowest cost potential as they could take advantage of Blink's no cost public charging equipment and incorporate the operations and maintenance into the City's existing Blink contract. Locations at City parks will be presented to the Parks and Recreation Board for approval, prior to installation.

The Job Order Contracting (JOC) contractor, LLR Electric Inc., submitted the detailed cost estimates for upgrading electrical panels, trenching to parking locations and installing a concrete pad, for 11 dual-port charging stations at an average cost of approximately $17,600 - above the $11,000 incentive initially offered by SRP. The City asked SRP if a higher incentive was possible, and SRP offered an incentive of $14,000 per station for 11 charging locations for a total of $154,000.

The Office of Sustainability will fund costs not covered by the SRP incentive including staff time to manage the implementation of the charging equipment at City facilities and to cover additional costs by the JOC contractor assigned to perform the electrical upgrades and install the charging infrastructure.

**Concurrence/Previous Council Action**
The City Council approved Citywide General Electrical JOC Services Agreement 150132 (Ordinance S-45742) on June 5, 2019.
The Parks and Recreation Board will discuss and take action on this item on May 27, 2021.

**Financial Impact**
The total amount requested for authorization is up to $224,000 with $154,000 offered as an incentive by SRP and up to $70,000 from the Office of Sustainability Energy Efficiency Fund. No other department funds are committed as part of this proposal, however, departments may elect to paint the parking stalls to bring greater attention to the electric vehicle charging. Blink will provide signage and reimburse the City for any electricity used by the stations on an ongoing basis. The Blink agreement includes a revenue-share component to help cover the cost of Public Works monitoring of the electricity billing data - although the net revenue is anticipated to be nominal.

**Discussion**
Councilwoman Ansari said she was excited the City was seizing this cost-saving opportunity with SRP to advance its electrification efforts which would help better connect the city. She specified the City would save about $154,000 due to incentives, noting it would improve infrastructure for electrification which would combat air pollution. She thanked City staff for their work and making this happen.

Mayor Gallego stated this would bring 11 new electric charging stations to parks and libraries. She thanked SRP for partnering with the City and Councilwoman Ansari for her leadership on this issue. Mayor Gallego said she hoped this would help address the city's air quality and advance the valley as a leader in electric vehicles.

Prior to his vote, Councilman DiCiccio indicated he was voting yes and thanked SRP for being an incredible partner with the city. He conveyed this type of activity should be encouraged as it improved the accessibility and distribution network for electric charging vehicles. He also thanked staff for putting this together.

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

**Yes:** 8 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

**Absent:** 1 - Councilwoman Pastor

**2 For Approval or Correction, the Minutes of the Formal Meeting on Feb. 5, 2020**

**Summary**

This item transmits the minutes of the Formal Meeting of Feb. 5, 2020, for review, correction and/or approval by the City Council.

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

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

**Yes:** 8 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

**Absent:** 1 - Councilwoman Pastor

**3 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:

Ahwatukee Foothills Village Planning Committee
Reappoint Alexander Benezra, for a third term to expire Nov. 19, 2021, as recommended by Mayor Gallego

Central City Village Planning Committee
Appoint Nicholas Gonzalez, for a partial term to expire Nov. 19, 2021, as recommended by Vice Mayor Garcia

Development Advisory Board
Appoint Dominike Nabors, filling a vacancy in the Neighborhood Interest category, for a term to expire May 5, 2024, as recommended by Councilwoman Ansari
Reappoint Brian Stark, for a second term to expire May 2, 2024, as recommended by Councilwoman Ansari

Fire Safety Advisory Board
Appoint Jessica Hill, filling a vacancy in the Special Events Coordinator category, for a term to expire Sept. 30, 2024, as recommended by Mayor Gallego
Appoint Joe McElvaney, filling a vacancy in the Resident of Phoenix category, for a term to expire Sept. 30, 2024, as recommended by Mayor Gallego
Reappoint Brian Cassidy, for a second term to expire Sept. 30, 2024, as recommended by Mayor Gallego

Human Services Commission
Appoint Itoro Elijah, filling a Category III vacancy, for a term to expire June 30, 2022, as recommended by Mayor Gallego

Laveen Village Planning Committee
Appoint Gizette Knight, for a term to expire Nov. 19, 2022, as recommended by Vice Mayor Garcia

Phoenix Youth and Education Commission
Appoint Dana Naimark, for a partial term to expire Aug. 31, 2021, as recommended by Mayor Gallego
Appoint Rene Rosales, for a partial term to expire Aug. 31, 2021, as recommended by Mayor Gallego and Vice Mayor Garcia

Planning Commission
Appoint Lisa Perez, replacing John Montalvo II, for a term to expire April 15, 2024, as recommended by Mayor Gallego

**Discussion**
Jeremy Thacker stated the Campaign Legal Center created a document of principles and real world examples for designing an independent ethics commission. He indicated a well designed ethics commission could help build public trust in government by creating a culture of integrity and holding officials accountable for violations. He expressed the City had not shown its commitment to integrity over the last four years as there was no ethics commission and complaints were not disclosed or reviewed despite being required by city code. He remarked commission members should be independent of the people it provides oversight to, noting the City's ethics commission was appointed by Council to review rules created by Council and only allowed to make suggestions that could be acted on by a majority of Council. He asked that this start over using best practices since it had taken four years to implement.

Diane Mihalsky thanked Council for moving this forward as she thought it was important that citizens know their arguments would be considered and the process was fair.

Mayor Gallego noted this first vote did not include the Ethics Commission.

**A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that this item be approved, except Ethics Commission appointments. The motion carried by the following voice vote:**

| | | |
|---|---|---|
| **Yes:** | 8 - | Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego |
| **No:** | 0 | |
| **Absent:** | 1 - | Councilwoman Pastor |

The following individuals were recommended for appointment to the Ethics Commission by Mayor Gallego, as recommended by the Ad Hoc Committee on Ethics Commission Appointments:

Lanette Campbell, serving as one of two Democrats, a resident of District 8, for a three-year term to expire May 5, 2024
Carlos Galindo-Elvira, serving as one of two Democrats, a resident of District 7, for a five-year term to expire May 5, 2026
Michael Langley, serving as one of the one Unaffiliated, a resident of District 4, for a five-year term to expire May 5, 2026
Jose Samuel Leyvas III, serving as one of two Republicans, a resident of District 7, for a three-year term to expire May 5, 2024
Cheryl Pietkiewicz, serving as one of two Republicans, a resident of District 2, for a five-year term to expire May 5, 2026

**Discussion**
Mayor Gallego recognized Councilwoman Stark who co-chaired the Ethics Ad Hoc Committee.

Councilwoman Stark stated this had been a good process, noting the thorough applications helped with the decision-making as well as two days of interviews.

A motion was made and seconded to approve the Ethics Commission appointments.

Mayor Gallego mentioned Councilman Waring helped interview the applicants. She conveyed an ethics commission was crucial in bringing residents' voices to the table to elevate discussion and processes around ethics in public service. She thanked Councilwoman Stark and

Councilman Waring for their leadership in this process as well as the Judicial Selection Advisory Board which also conducted two rounds of interviews. Mayor Gallego specified the Council established an ethics commission by ordinance in 2017, though that came years after the Phoenix Ethics Review Task Force offered their chief recommendation to establish it in 2013. She said she looked forward to supporting the motion as Phoenix was the largest city in the country without an ethics commission.

Prior to her vote, Councilwoman Guardado stated she received concerns from constituents regarding the framework of this commission, noting a petition that was filed would be heard at subcommittee in a couple weeks. She expressed she agreed this commission needed to be more independent and would be voting no.

Prior to her vote, Councilwoman Stark said it was critical to have all councilmembers present for this vote and would be voting no so it could be reconsidered at the next meeting.

The City Clerk announced the item failed because it required seven affirmative votes.

Following the vote, Mayor Gallego recessed the meeting for 20 minutes.

**A motion was made by Councilwoman Stark, seconded by Councilman Waring, that the Ethics Commission appointments be approved. The motion failed to receive the required 7 affirmative votes by the following vote:**

| | | |
|---|---|---|
| **Yes:** | 5 - | Councilwoman Ansari, Councilwoman O'Brien, Councilman Waring, Vice Mayor Garcia and Mayor Gallego |
| **No:** | 3 - | Councilman DiCiccio, Councilwoman Guardado and Councilwoman Stark |
| **Absent:** | 1 - | Councilwoman Pastor |

Mayor Gallego reconvened the formal meeting.

**A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, to suspend the rules and hear Items 73-76 out of order. The motion**

**carried by the following voice vote:**

| | | |
|---|---|---|
| **Yes:** | 8 - | Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego |
| **No:** | 0 | |
| **Absent:** | 1 - | Councilwoman Pastor |

**73 ADD-ON - Public Comment on Proposed MOU Between City of Phoenix and AFSCME Local 2384 (Unit 2)**

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

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

**Discussion**

Human Resources Director Lori Bays stated this item provided Council an opportunity to hear public comment on the proposed contract between the City and AFSCME 2384 which represented bargaining Unit 2. She conveyed the City began negotiations in early January and had reached an agreement that included a modified version of the accountability and transparency measures approved in the other union contracts in exchange for a lower compensation package of 8.5 percent over two years versus 9 percent over two years the other groups received. She indicated the Council's packets had the proposed MOU with the new language shown in bold font.

Mayor Gallego declared the public hearing open.

Mario Ayala, president of AFSCME Local 2384, stated his members had provided essential services for the City and community since last March.

He emphasized they negotiated in good faith over the past five months for an equitable contract that recognized their members dedication and work ethic. He thanked the councilmembers that supported them and asked Council to approve this contract.

Christopher Idlebird, vice president of AFSCME Local 2384, stated Unit 2 members were found in almost every department, noting they were essential frontline workers during the pandemic. He remarked they negotiated with the City the last five months for a contract that recognized their dedication and hard work. He thanked the councilmembers that supported the members and asked that Council approve this contract.

Mayor Gallego declared the public hearing closed.

**The hearing was held.**

**74 ADD-ON - Approving the Memorandum of Understanding Between City of Phoenix and AFSCME Local 2384 (Unit 2) (Resolution 21922)**

The City of Phoenix has met and conferred with American Federation of State, County, and Municipal Employees (AFSCME), Local 2384 (Unit 2) in accordance with the terms of Section 2-218 of the City Code, and a Memorandum of Understanding (MOU) has been approved by the organization's membership. A copy of the proposed MOU has been filed with the City Clerk and an opportunity for public comment has been requested as an agenda item preceding this resolution.

The following is a summary of the most significant agreements outlined in the proposed MOU:

**TRANSPARENCY**

Based on public dialogue about the need for greater transparency and accountability for city employees, several sections of the contract are modified. These modifications are proposed consistently through all City of Phoenix employee contracts. Signing these modifications is tied to an additional compensation increase as described in the COMPENSATION section. These transparency and accountability modifications are as follows:

Investigation language:
Add guidelines for conducting employee investigations.

Discipline to remain for employee's career:
Change current language that allows discipline to be considered up to 5 years for progressive discipline, transfers, and promotions. Under this agreement, 10 categories of discipline will last for the life of employment beginning July 1, 2021. These are shown in the attached agreement.

Representation on Grievance Committees:
Update current language that rotates other labor groups on grievance committees to ensure an impartial review.

Purging Files:
Place the process into a single chart that makes it clear that discipline remains in the City's human resources files and that there is no "purging" of employee records.

**COMPENSATION**
AFSCME 2384 is to receive increases of total compensation as follows:

Year 1:
Ongoing 1.5% of total compensation
Non-continuous 2.5% of total compensation

Additional compensation for agreeing to a modified version of the City's transparency and accountability proposals:
Ongoing 0.5% of total compensation

Year 2:
Ongoing 1.5% of total compensation
Non-continuous 2.5% of total compensation

**Discussion**
Councilwoman Guardado stated she spoke with AFSCME union members and was inspired by their involvement as over 97 percent voted in favor of the new contracts. She expressed the best anti-poverty strategy was when the City created good-paying jobs with benefits that supported families and gave employees the right to have a voice on the

job. She thanked the frontline workers who came to work every day during the pandemic and kept the city running. She indicated she supported this contract and said she hoped to negotiate even better contracts in the future.

Vice Mayor Garcia recognized that essential workers made sure the City moved forward during the pandemic. He said he hoped it would be a regular thing that unions have more time in future negotiations. He pointed out the two unions on today's agenda fought in their negotiations and got a better contract for themselves and the other unions that previously signed their contracts. He thanked all City employees for their work and hoped to continue taking care of the workers as they took care of the city in the future.

Councilwoman Stark thanked City employees for their work, especially these two units who proved it and deserved this raise.

Councilwoman Ansari agreed City employees should be recognized for their work, noting this was a well-deserved raise. She said she also hoped to continue to negotiate even better contracts for workers that did so much for the city.

Mayor Gallego expressed it was exciting the City could make this investment and thanked everyone who worked on this outcome.

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

| | | |
|---|---|---|
| **Yes:** | 6 - | Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego |
| **No:** | 2 - | Councilman DiCiccio and Councilman Waring |
| **Absent:** | 1 - | Councilwoman Pastor |

**75 ADD-ON - Public Comment on Proposed MOU Between City of Phoenix and AFSCME Local 2960 (Unit 3)**

Request for City Council to receive public comment on the terms of the proposed Memorandum of Understanding (MOU) with the American

Federation of State, County, and Municipal Employees (AFSCME), Local 2960 (Unit 3).

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

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

**The hearing was held.**

**76 ADD-ON - Approving the Memorandum of Understanding Between City of Phoenix and AFSCME Local 2960 (Unit 3) (Resolution 21923)**

The City of Phoenix has met and conferred with American Federation of State, County, and Municipal Employees (AFSCME), Local 2960 (Unit 3) in accordance with the terms of Section 2-218 of the City Code, and a Memorandum of Understanding (MOU) has been approved by the organization's membership. A copy of the proposed MOU has been filed with the City Clerk and an opportunity for public comment has been requested as an agenda item preceding this resolution.

The following is a summary of the most significant agreements outlined in the proposed MOU:

**TRANSPARENCY**

Based on public dialogue about the need for greater transparency and accountability for city employees, several sections of the contract are modified. These modifications are proposed consistently through all City of Phoenix employee contracts. Signing these modifications is tied to an additional compensation increase as described in the COMPENSATION section. These transparency and accountability modifications are as follows:

Investigation language:
Add guidelines for conducting employee investigations.

Discipline to remain for employee's career:
Change current language that allows discipline to be considered up to 5 years for progressive discipline, transfers, and promotions. Under this agreement, 10 categories of discipline will last for the life of employment beginning July 1, 2021. These are shown in the attached agreement.

Representation on Grievance Committees:
Update current language that rotates other labor groups on grievance committees to ensure an impartial review.

Purging Files:
Place the process into a single chart that makes it clear that discipline remains in the City's human resources files and that there is no "purging" of employee records.

**COMPENSATION**
AFSCME 2960 is to receive the following total compensation as follows:

Year 1:
Ongoing 1.5% of total compensation
Non-continuous 2.5% of total compensation

Additional compensation for agreeing to a modified version of the City's transparency and accountability proposals:
Ongoing 0.5% of total compensation

Year 2:
Ongoing 1.5% of total compensation
Non-continuous 2.5% of total compensation

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

| | | |
|---|---|---|
| **Yes:** | 6 - | Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego |
| **No:** | 2 - | Councilman DiCiccio and Councilman Waring |

**Absent:** 1 - Councilwoman Pastor

**71** **Public Hearing and Resolution Adoption - General Plan Amendment GPA-SM-1-20-8 - Approximately 340 Feet West of the Southwest Corner of 40th Street and Southern Avenue (Resolution 21920)**

Request to hold a public hearing on the request for the following item to consider adopting the Planning Commission's recommendation and the related Resolution if approved. The file is a companion case to Z-35-20-8 and should be heard first, followed by Z-35-20-8.

**Summary**

Current Plan Designation: Mixed Use Agricultural
Proposed Plan Designation: Mixed Use Agricultural / Residential 10 to 15 dwelling units per acre
Acreage: 17.27 acres
Proposed Use: A mix of Mixed Use Agricultural and Residential 10 to 15 dwelling units per acre.

Owner: John C. Oertle, Jr., Lisa-Kay Oertle-Melancon, Kent C. Oertle, Beth Ann Hintze, and Jerald A. Hintze
Applicant: Jason Morris, Withey Morris, PLC
Representative: Jason Morris, Withey Morris, PLC

Staff Recommendation: Approval.
VPC Action: The South Mountain Village Planning Committee heard this case on Feb. 9, 2021 and continued the request to the March 9, 2021 meeting, by a vote of 17-0. The South Mountain Village Planning Committee heard the case again on March 9, 2021 and recommended a denial, by a vote of 11-8.
PC Action: The Planning Commission heard this case on March 4, 2021 and continued the request to the April 1, 2021 meeting, by a vote of 9-0. The Planning Commission heard the case again on April 1, 2021 and recommended approval, per the staff recommendation, by a vote of 6-2.

**Location**

Approximately 340 feet west of the southwest corner of 40th Street and Southern Avenue

Council District: 8
Parcel Addresses: 6048 S. 40th St.

**Discussion**

Planning and Development Director Alan Stephenson stated Items 71 and 72 were companion cases, noting Item 71 was the general plan amendment and Item 72 was the related zoning case located at the southwest corner of 40th Street and Southern Avenue. He displayed the existing and proposed general plan designation for Item 71 and pointed out the mixed-use agricultural designation, commerce park designation to the north, and commercial and traditional residential 3.5 to 5 dwelling units per acre east of the subject site. He indicated the proposed designation change was residential 10 to 15 dwelling units per acre/mixed-use agriculture. He showed the existing zoning on the property which was C-2 on the northern portion at 7.25 acres and S-1 on the southern 10 acres which was large lot residential.

Mr. Stephenson displayed the applicant's proposed site plan for the multifamily rental project, noting the area with height of one-story was pursuant to PUD standards which were 140 feet from the south property line at 20 feet maximum and 60 feet along 40th Street and Southern Avenue. He conveyed the project had a minimum requirement of 20 percent open space, noting the landscape setbacks were significant around the entire property. He showed the conceptual elevations which had the one-story product at 20 feet in height and the two-story product was 30 feet in height, noting the one-story product would be around the perimeter of the property.

Mr. Stephenson stated the South Mountain Village Planning Committee recommended denial of the general plan amendment by an 11-8 vote while the Planning Commission recommended approval by a 6-2 vote. He continued the South Mountain Village Planning Committee recommended denial of the zoning case by a 12-7 vote and the Planning Commission recommended approval by a 6-2 vote. He pointed out the Planning Commission decision was appealed to the Council to force a public hearing, plus signatures were submitted to require a three-quarter vote of Council to approve any zoning change. He conveyed a memo came out today at the direction of Vice Mayor Garcia to address some of the neighbors issues as well as offer a compromise between the two

parties regarding density which it from 193 to 166 units. He listed the following items included in the memo:
- limited building height for the administrative offices to 20 feet;
- increased the width of landscape setbacks around the project;
- required utilization of shade trees;
- dog parks and dog washing areas would be a minimum distance of 200 feet from the south and east property lines;
- recycling and dumpster facilities would be a minimum distance of 150 feet from the south and east property lines;
- additional standards for parking lot lighting for shielding;
- update the open fence concept;
- install a gate along the portion of the property that has a trail; and
- a disclosure requirement for radio transmission towers in the area.

Mr. Stephenson stated staff recommended approval of Item 71 per the Planning Commission recommendation and adoption of the related resolution. He remarked staff recommended approval of Item 72 per today's memo and adoption of the related ordinance.

Vice Mayor Garcia thanked everyone who worked on this case, noting many hours were spent trying to find common ground. He said he respected the plans that existed for this area, but the City had to increase its housing stock while continuing to grow services. He expressed he looked forward to hearing from everyone on the line and would make a decision at the end of this hearing on how to move forward.

Mayor Gallego declared the public hearing open.

Jason Morris, representative for the applicant, stated he would be presenting what last went to Planning Commission to show this was an appropriate land use. He displayed an aerial of the 17-acre site which was surrounded by different uses that made it challenging because all of those uses converged at the intersection of 40th Street and Southern. He specified there was industrial and planned industrial to the north, large lot to the south, single-family residential and medium density to the east, and multifamily, commercial and industrial to the north. He pointed out this parcel was zoned C-2 24 years ago, noting Walgreens was the only development at the corner of 40th Street and Southern, but the rest of the

site had not developed while growth happened all around it, including about 30,000 cars per day. He showed a visual of the intersection which had Walgreens on the southwest corner that this proposal would sit behind, a multifamily building on the northeast corner, and gas stations on the northwest and southeast corners.

Mr. Morris conveyed staff recognized this area was transitioning from single-family residential to the south to commercial uses to the north, noting this proposed development was appropriate at this location because it was middle ground. He remarked this parcel was zoned in 1997 and had been vacant in the back for 24 years, though it was proximate to the airport, major employment areas and iTech. He stated this area was zoned C-2 and S-1 while other cases in the area were withdrawn over the years due to neighborhood push-back which was why it was difficult to determine what should exist on this property while adhering to the overriding land uses. He indicated this project was within the MUA area, but not zoned MUA, and was one of 773 acres designated as MUA in 1996 which was the same time Walgreens was developed on this site.

Mr. Morris displayed the original site plan which had 12 units per acre for a total of 205 units and parking along 40th Street. He also showed the proposed site plan which had more centralized open space, a larger buffer on the south, fewer unit overall and more proximity between units as well as a lower degree of two-story units and further separation between transitional areas on the boundaries. He added that parking was moved away from 40th Street and replaced it with landscaping and incorporated mixed-use agricultural requirements. He emphasized the proposed density was 193 units which was one of the lowest single-family rental densities in Phoenix and below the average, noting that equaled 11.2 units per acre. He stated staff supported the proposed general plan amendment as it met the prosperity, environment and health elements. He added Council adopted the Housing Phoenix Plan in 2020 which talked about needing 50,000 homes by 2030 and this proposal worked with that plan.

Mr. Morris pointed out this proposal had support, though there had been opposition primarily from residents to the south and larger lot homes, and

he worked with the opposition while encouraging support in the community from businesses and residents. He remarked this proposal adhered to the Baseline Area Overlay District as well as taking elements of the mixed-use agricultural and finding transitional use between commercial, industrial and residential. He mentioned there was less traffic than the existing zoning permitted as a large portion was zoned C-2 and compliance with the overlays. He stated the applicant redesigned the plan to incorporate landscaping and land use elements that were important to the South Mountain Village. He conveyed this provided quality housing which was needed in this community and he requested Council follow the Planning Commission and staff support of this case.

Trent Marchuk, representing the opposition, stated the residents and constituents involved in this project request the PUD process be reviewed on how neighborhood collaboration could be better encouraged and improved. He specified those opposed to this case included about 95 percent of residents in the contiguous and adjacent 80-acre community to the south, 35 acres to the west and about 20-plus acres of nearby residents across 40th and 36th streets, plus community members across south Phoenix and into Laveen were also opposed to this development. He acknowledged the proposed compromise given by Vice Mayor Garcia, noting the neighbors yielded to those efforts; however, he had one request for adjustment on the general plan amendment (GPA) and one modification of stipulation request on the rezoning case. Mr. Marchuk stated the change requested for Item 71 was to reflect 5 to 10 dwelling units per acre traditional lot PUD/MUA rather than 10 to 15 dwelling units per acre multifamily PUD/MUA since the proposed density shifted the appropriate general plan category. He said the change requested for Item 72 was for proposed Stipulation 1.B.9, 1. be revised down from 166 to 156 total units to align with the maximum total units allowed through conventional zoning and MUA/PUD precedence so the PUD could not be inferior to conventional zoning.

Mr. Marchuk indicated the three main stakeholders in the PUD process were the applicant, City and neighbors, noting the PUD's purpose was to be achieved by the applicant using a collaborative and comprehensive approach. He expressed the applicant was not mindful of the community process until a month ago, but the neighbors were committed to being

pro-development to the benefit of all stakeholders and was displayed by their acceptance of the proposed compromise. He provided examples of neighborhood inclusion since July 2020, such as neighbors were muted in the initial neighborhood meeting, their written questions were ignored for over six months and some were intimidated with lawsuits. He claimed it was not until the three-quarter vote based on the petition was secured less, than a month ago, that the applicant started to work with the neighbors. He conveyed Vice Mayor Garcia brought everyone together and fairly represented both sides, noting the neighbors tried to find a solution that worked for all parties. He pointed out those involved in the discussions were members from the Village Planning Committee and Planning Commission as well as business people acting in their capacities as members of the community.

Mr. Marchuk stated the applicant did not give the neighbor representatives an opportunity to review the proposed changes, noting the neighbors only became aware of the memo with drafted stipulations at 2:00 p.m. today. He said he appreciated Vice Mayor Garcia's proposed stipulations as they incorporated many of the neighbors concerns; however, he said conventional zoning remained superior to this PUD when the density of this PUD exceeded 156 total units. Thus, Mr. Marchuk asked that the GPA change to 5 to 10 dwelling units per acre traditional lot PUD/MUA and that Stipulation 1.B.9,1. be reduced from 166 to 156 total units. He also reiterated his request that the entire PUD process be reviewed to identify opportunities to include the residents and constituents of Phoenix in the future.

Ryan Boyd, with the Urban Phoenix Project, spoke in support of the general plan amendment and zoning. He said he had not seen the proposed compromise, but their main interest in this case was to increase density in an appropriate area. He remarked it was important to make better use of the city's limited resources and meet the goals in the housing plan as Phoenix continued to be a location for new residents and more housing was needed.

Beth Hintze stated she was one of the property owners of the vacant land at 40th Street and Southern. She remarked for the last 29 years her family had maintained the property by picking up trash, spraying weeds

and repairing the fence as well as removing the citrus trees that died due to old age. She conveyed her family worked with the Brown Group, a local Arizona developer, to bring about the Sanctuary at South Mountain which was a single-family residential rental home community that had planning and zoning staff approval, plus Planning Commission approval. She expressed the Sanctuary at South Mountain would transform their vacant, under-utilized land into a well-designed residential single-family rental home community where families could enjoy time in their private backyards or at the dog park, community pool or community garden.

Tina Luna spoke in favor of this project because housing was needed in Phoenix and it would improve the area.

Rodney Patterson spoke in favor of this housing as it would improve the community around 40th Street and Southern. He added this would bring in more tax dollars to the schools and City, provide an opportunity for the new generation to stay in the community and generate more customers for small businesses.

Gregory Brownell thanked Vice Mayor Garcia because until recently the City was doing a PUD without community involvement. He indicated he did not completely agree with the compromise but it was better than the previous plan. He claimed this project would lower the housing stock in the South Mountain community as it would be high rent instead of affordable housing.

Marcia Busching thanked Vice Mayor Garcia for holding meetings to try and bring all sides together which led to a neighborhood coalition. She said she understood Vice Mayor Garcia proposed a compromise and that City staff drafted a memo dated today which she favored, except for new proposed Stipulation 1.B. She requested that stipulation be changed to replace 11.2 dwelling units per gross acre with 7.9 dwelling units per gross acre for the south parcel and 9.8 dwelling units per gross acre for the north parcel, not to exceed a total of 150 units. She conveyed that would result in 79 units on the south and 71 units on the north due to the difference in parcel size. She indicated this was a unique MUA designated area and the density had to be such to preserve the mixed-use agricultural field.

Bereket Gebre-Egziabher thanked Vice Mayor Garcia for meeting with the neighbors and have the landowner and firm come up with a plan because the community was not included in the process. She said the neighbors did not want the land to be empty and that more housing was needed, but she urged Council to deny it because the applicant did not work with the community.

Kay Shepard thanked Vice Mayor Garcia for all of his work on this case and withdrew her opposition since the neighborhood agreed with the compromise, even though there was 40 acres of multifamily zoning on the north side from 32nd to 40th streets.

Robert Underwood stated he was a local resident and business owner, noting his 30-acre property was just west of the proposed property at 40th Street and Southern. He mentioned he rezoned his property to mixed-use agriculture 20-plus years ago and followed the City's stipulations. He emphasized he was opposed to the density from the beginning and thanked Vice Mayor Garcia for the compromise, noting he would support it if the density was dropped to 156.

Matthew Aguilar spoke in support of the community benefit agreement and the developer's efforts to implement it.

Terry Benelli, executive director of Local Initiatives Support Corporation (LISC), said they had been engaged with the south Phoenix community through for many years. She stated the LISC supported the community benefit agreement as it addressed the housing instability crisis by securing affordable housing with a market-driven solution.

Zarah Gaeta spoke in favor of this project because it was a coordinated effort between community members and the developer to maximize benefits for the south Phoenix community. She indicated the developer agreed to prioritize housing for south Phoenix residents, waive application fees for local or returning residents and change the screening process. She said the City needed to invest in solutions that strengthened communities and urged Council to vote in support of this project.

Hana Hehman stated Council should support this measure because the developer worked with the community on the community benefit agreement. He added the City needed more dense housing given the few resources available.

Helen Mendizabal remarked this community benefit agreement would ensure directly affected people were not only involved but had ownership over the decision-making process. She indicated it also created economic, environmental and social stability by investing in community gardening spaces. She said she hoped that Council approved it.

Lola N'sangou commented she was displaced through incarceration from south Phoenix due to the lack of accessibility in housing. She said she lived in Laveen but wanted to live in south Phoenix, and urged Council to look at the community benefit agreement as it would allow people who lived in south Phoenix to remain there.

Vice Mayor Garcia asked why the community benefit agreement was important to her.

Ms. N'sangou replied the agreement spoke directly to formerly incarcerated people, noting one of the main reasons she could not live in south Phoenix was because she could not pass a background check due to her conviction in 2003. She pointed out this community benefit agreement said people would not be disqualified based on their background checks. She conveyed the developer was also offering to offset housing expenses to 50 percent for people who were housing unstable, so this was a huge win for her community.

Elizabeth Venable said this proposal was similar to other projects which were funded through the federal government; however, she expressed there was a need for justice in the community and supported this project.

Anthony Ray stated he opposed this project, but supported Vice Mayor Garcia's proposal with the exception that the maximum number of units be 156.

Twanna Ray thanked Vice Mayor Garcia for participating in multiple meetings with the community and applicant over the last several months, noting the applicant did not cooperate with the neighborhood until after the three-quarter vote petition was approved. She claimed this was not an affordable housing project as mentioned earlier, though the applicant was offering three units for formerly incarcerated people, single parents and first responders at 50 percent rate, but they would go for market rent which was not affordable housing. She asked that Council support Vice Mayor Garcia's proposal with the exception that 156 units be the maximum on the property to keep the MUA in tact.

Mayor Gallego declared the public hearing closed.

Vice Mayor Garcia wished to highlight this PUD exceeded some of the standards of the overlay, noting many of the changes in the memo shifted from the initial application. He pointed out there was an expectation in the General Plan of 5 percent open space, but this project would now have 20 percent. He said the setbacks were increased so part of the density reduction ensured the neighbors to the south and west had greater setbacks. He indicated open fencing was added and he asked the applicant to decrease the height of the project, plus move the dog park, community garden or any projects that would disturb the surrounding neighborhoods to the central part of the property. He thanked the neighbors for the conversations and their willingness to reach a compromise. He also thanked the developers and conversations with the community benefit agreement as it helped this case. He agreed with the request on Item 71, but did not think it was fair to bring down the units an extra 10 units on Item 72. He remarked since the original proposal was over 210 units he thought 166 units was fair and said he hoped as this moved forward that everyone would be good neighbors with each other.

The following electronic comments were submitted for the record: 16 in support, 30 in opposition and 4 with no position.

**The hearing was held. A motion was made by Vice Mayor Garcia, seconded by Councilwoman Guardado, that this item be denied as filed with approval of Mixed Use Agricultural/Residential 5-10 dwelling units per acre and adoption of the related resolution. The motion carried by the following vote:**

**Yes:** 8 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

**Absent:** 1 - Councilwoman Pastor

**72** **Public Hearing and Ordinance Adoption - Rezoning Application Z-35-20-8 - Approximately 340 Feet West of the Southwest Corner of 40th Street and Southern Avenue (Ordinance G-6841)**

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-35-20-8 and rezone the site from S-1 BAOD (Ranch or Farm Residence, Baseline Area Overlay District) and C-2 BAOD (Intermediate Commercial, Baseline Area Overlay District) to PUD BAOD (Planned Unit Development, Baseline Area Overlay District) to allow residential (including multifamily) and other permitted uses in the Mixed Use Agricultural (MUA) Zoning District. This file is a companion case to GPA-SM-1-20-8 and should be heard immediately following.

**Summary**
Current Zoning: S-1 BAOD and C-2 BAOD
Proposed Zoning: PUD BAOD
Acreage: 17.27 acres
Proposed Use: Planned Unit Development to allow residential (including multifamily) and other permitted uses in the Mixed Use Agricultural (MUA) Zoning District.

Owner: John C. Oertle, Jr., Lisa-Kay Oertle-Melancon, Kent C. Oertle, Beth O. Hintze, and Jerald A. Hintze
Applicant: Jason Morris, Withey Morris, PLC
Representative: Jason Morris, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The South Mountain Village Planning Committee heard this case on Feb. 9, 2021 and continued the request to the March 9, 2021 meeting, by a vote of 17-0. The South Mountain Village Planning Committee heard this case again on March 9, 2021 and recommended

denial, by a vote of 12-7.
PC Action: The Planning Commission heard this case on March 4, 2021 and continued the request to the April 1, 2021 meeting, by a vote of 9-0. The Planning Commission heard this case again on April 1, 2021 and recommended approval, per the staff recommendation with an additional stipulation, by a vote of 6-2.
The Planning Commission recommendation was appealed, and a three-quarter vote petition was submitted on April 8, 2021. A three-quarter vote is required.

**Location**
Approximately 340 feet west of the southwest corner of 40th Street and Southern Avenue
Council District: 8
Parcel Addresses: 6048 S. 40th St.

**Discussion**
The following electronic comments were submitted for the record: 14 in support, 28 in opposition and 3 with no position.

Prior to her vote, Councilwoman Guardado thanked Vice Mayor Garcia and everyone that came together for a compromise and expressed this was how developments should run where everybody comes to the table resulting in good outcomes. She indicated she was voting yes.

Prior to her vote, Mayor Gallego thanked everyone who participated in and commented on this process. She indicated the City continuously looked to improve its processes and indicated she was voting yes.

**The hearing was held. A motion was made by Vice Mayor Garcia, seconded by Councilwoman Guardado, that this item be approved per the May 5, 2021 memo from the Planning and Development Director, with adoption of the related ordinance. The motion carried by the following vote:**

| | | |
|---|---|---|
| **Yes:** | 8 - | Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego |
| **No:** | 0 | |

**Absent:** 1 - Councilwoman Pastor

## REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

## 000 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.

Elizabeth Venable stated more homeless shelters and affordable housing needed to be built, noting shelters should be appropriate to populations. She expressed technology limited democracy as some people did not have phones to call in and make comments.

## ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 5:48 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 5th day of May, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of March, 2024.

CITY CLERK