174169

City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, November 20, 2019 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, November 20, 2019 at 2:34 p.m. in the Council Chambers.

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

Councilwoman Williams was present telephonically, absent for the omnibus vote on Ordinances, Resolutions, and New Business, and disconnected from the voting body after the vote on Item 68. Councilwoman Pastor entered the Council Chambers after the vote on Item 1, but did not join the voting body until Item 2. Councilman Nowakowski joined the voting body after the swearing in of the newly appointed Commissioners from Item 1 and was temporarily absent from the voting body for the vote on Item 27.

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

The City Clerk confirmed that copies of the titles of Ordinances G-6617, G-6640 through G-6642, S-46159 through S-46192, and Resolution 21798 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

MINUTES OF MEETINGS

BOARDS AND COMMISSIONS

1 Mayor and Council Appointments to Boards and Commissions

Summary

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

The following individuals were recommended for appointment by Mayor Gallego:

Expenditure Limit Task Force

Appoint Rachel Aja, Bert Coleman, Herb Ely, Todd Sanders, and Kelli Williams.

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

Yes:	7 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego
No:	0	
Absent:	2 -	Councilman Nowakowski and Councilwoman Pastor

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

Rachel Aja, Bert Coleman, Herb Ely, and Kelli Williams - Expenditure Limit Task Force

Note: Councilwoman Pastor joined the voting body.

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

Note: Councilman Nowakowski joined the voting body after the the newly appointed Commissioners left the dais and Councilwoman Pastor temporarily

stepped away from the voting body.

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

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

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

Sarhadoon Odisho - Applicant, Item 5
Michael Zistatsis - Applicant, Item 6

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Stark, that Items 2 through 15 be recommended for approval, except Item 2. The motion carried by the following voice vote:

Yes:	8 -	Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman Pastor

3 Liquor License - The Burg Sports Grill

Request for a liquor license. Arizona State License Application 78121.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
751 E. Union Hills Drive, Ste. 3-6
Zoning Classification: PSC
Council District: 2

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

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

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

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

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

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "The Burg Sports Grill is a neighborhood restaurant offering a variety of burgers, sandwiches and salads in a casual, family-friendly atmosphere. Applicant would like to offer alcoholic beverages to guests 21 and over with the meals they enjoy."

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 Burg Sports Grill
Liquor License Map - The Burg Sports Grill

This item was recommended for approval.

4 Liquor License - Yolk Cafe

Request for a liquor license. Arizona State License Application 77495.

Summary

Applicant
Dina Mati, Agent

License Type
Series 12 - Restaurant

Location
20811 N. Cave Creek Road, Ste. 101
Zoning Classification: C-2
Council District: 2

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor alcohol consumption. This business is currently being remodeled with plans to open in January 2020.

The 60-day limit for processing this application is Nov. 25, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have a proven track record of operating several businesses. I grew up in a family that has owned liquor stores. I understand that this license holds your livelihood and responsibility with judgement. My actions have an affect to my patrons, their families, and our families. Obtaining a liquor license will come with respect, responsibility, and the best training we can to our staff and owners."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “Our eatblishment is a breakfast and light lunch. We feel the public enjoys a coktail of mimosa or bloody marys with breakfast. A liquor license will bring all age groups together for a wonderful meal and social gathering.”

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 - Yolk Cafe
Liquor License Map - Yolk Cafe

This item was recommended for approval.

5 Liquor License - Special Event - St. George Church, The Ancient Apostolic Catholic Church of

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

Summary

Applicant
Sarhadoon Odisho

Location
1915 W. Thunderbird Road
Council District: 3

Function
Dance

Date(s) - Time(s) / Expected Attendance
Dec. 31, 2019 - 8 p.m. to 2 a.m. / 400 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

6 Liquor License - Alexi's Restaurant

Request for a liquor license. Arizona State License Application 12072151.

Summary

Applicant
Michael Zistatsis, Agent

License Type
Series 12 - Restaurant

Location
3350 N. Central Ave., Ste. 120
Zoning Classification: PUD
Council District: 4

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

The 60-day limit for processing this application is Nov. 26, 2019.

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.

Christo's Ristorante (Series 12)
6327 N. 7th St., 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 have managed & owned restaurants with liquor licenses for over 20 years."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

7 Liquor License - Clovr Life Spa

Request for a liquor license. Arizona State License Application 07073500.

Summary

Applicant
Robert Harris, Agent

License Type
Series 7 - Beer and Wine Bar

Location
100 E. Camelback Road, Ste. 144
Zoning Classification: C-2 TOD-1
Council District: 4

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

The 60-day limit for processing this application is Nov. 23, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am a law abiding citizen and will ensure the employees of Clovr Life Spa will attend the Title 4 liquor law training course."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We would like to offer our guests a glass of wine/beer while enjoying their time at the spa."

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 - Clovr Life Spa
Liquor License Map - Clovr Life Spa

This item was recommended for approval.

8 Liquor License - Special Event - Rosie's House: A Music Academy for Children, Inc.

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

Summary

Applicant
Alyson Hartsock

Location
300 E. Indian School Road
Council District: 4

Function
Musical Performance

Date(s) - Time(s) / Expected Attendance
Dec. 8, 2019 - 3 p.m. to 5 p.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - The Tavern & Wine Store

Request for a liquor license. Arizona State License Application 06070233.

Summary

Applicant

Mark Tarbell, Agent

License Type
Series 6 - Bar

Location
3205 & 3209 E. Camelback Road
Zoning Classification: C-1
Council District: 6

This request is for an ownership and location transfer of a liquor license for a bar. This location is currently licensed for liquor sales with a Series 7 - Beer and Wine Bar liquor license and a Series 10 - Beer and Wine Store liquor license.

The 60-day limit for processing this application is Nov. 26, 2019.

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

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

Tarbell's (Series 12)

3213 E. Camelback Road, Phoenix
Calls for police service: 12
Liquor license violations: None

Wine Store (Series 10)
3209 E. Camelback Road, Phoenix
Calls for police service: None
Liquor license violations: None

Wine Store (Series 7)
3209 E. Camelback Road, Phoenix
Calls for police service: None
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 held liquor licenses with the City of Phoenix (Tarbell's #94008384 - since 1994) and Wine Store (#10058833 - since 2013) without incident."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"My businesses present high-end environments with community and social value to patrons of an affluent and educated demographic."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - The Tavern & Wine Store
Liquor License Map - The Tavern & Wine Store

This item was recommended for approval.

10 Liquor License - Arrogant Butcher

Request for a liquor license. Arizona State License Application 77355.

Summary

Applicant
Amy Nations, Agent

License Type
Series 7 - Beer and Wine Bar

Location
2 E. Jefferson St., Ste. 150
Zoning Classification: DTC-Business Core
Council District: 7

This request is for a new liquor license for a beer and wine bar. This location is currently licensed for liquor sales with a Series 12 - Restaurant liquor license.

The 60-day limit for processing this application is Nov. 24, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We train all of our employees in responsible liquor service and will 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:
"We would like to continue to offer our customers a place to come and enjoy a nice atmosphere and an adult beverage if they choose to have one."

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

Attachments
Liquor License Data - Arrogant Butcher
Liquor License Map - Arrogant Butcher

This item was recommended for approval.

11 Liquor License - Condesa

Request for a liquor license. Arizona State License Application 79688.

Summary

Applicant
Kevin Kramber, Agent

License Type
Series 12 - Restaurant

Location
2 N. Central Ave., Ste. 101
Zoning Classification: DTC-BC
Council District: 7

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

The 60-day limit for processing this application is Dec. 6, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I currently hold a good-standing license in San Diego, CA and have been the responsible party for large scale venues for over 15 years with no infractions. I require all staff to undergo responsible alcohol service certifications and constantly secret shop to ensure all standards are upheld."

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 adding a significant new venue to Downtown Phx were a previous institution shuttered. We will be catering to locals, and visitors alike with capabilities to serve large scale convention business."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Condesa
Liquor License Map - Condesa

This item was recommended for approval.

12 Liquor License - Dressing Room

Request for a liquor license. Arizona State License Application 77542.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location

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

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption.

The 60-day limit for processing this application is Nov. 26, 2019.

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

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

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

All The Little Things (Series 12)
1025 N. 2nd St., Phoenix

Calls for police service: None
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We train all of our employees in responsible liquor service and will 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:
"We would like to continue to offer our customers a place to come and enjoy a nice atmosphere and an adult beverage if they choose to have one."

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

Attachments
Liquor License Data - Dressing Room
Liquor License Map - Dressing Room

This item was recommended for approval.

13 Liquor License - Dvina Modern Fare

Request for a liquor license. Arizona State License Application 78396.

Summary

Applicant

Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
918 N. 5th St.
Zoning Classification: DTC-EEC ACOD
Council District: 8

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption. A Use Permit hearing has been scheduled.

The 60-day limit for processing this application is Dec. 3, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"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:
"Dvina Modern Fare will offer a unique fusion of Italian-inspired pastas, tacos, salads, and more in the historic Roosevelt Row neighborhood. The restaurant would like to offer guests 21 and over the opportunity to purchase classic and craft alcoholic beverages to complement the unique dishes served."

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 - Dvina Modern Fare
Liquor License Map - Dvina Modern Fare

This item was recommended for approval.

14 Liquor License - Special Event - Fixitnow.Org Foundation

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

Summary

Applicant
Paul Miller

Location
1122 N. 7th St.
Council District: 8

Function
Networking Event

Date(s) - Time(s) / Expected Attendance
Jan. 23, 2020 - 4 p.m. to 10 p.m. / 200 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - Special Event - Phoenix World Arts Collective

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

Summary

Applicant
Carlos Montufar

Location
1650 E. Roosevelt St., Ste. 160
Council District: 8

Function
Cultural Event

Date(s) - Time(s) / Expected Attendance
Dec. 7, 2019 - 6 p.m. to 10:30 p.m. / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

2 (CONTINUED FROM NOV. 6, 2019) - Off-Track Pari-Mutuel

Wagering Permit - Moon Valley Grill

Request for an Off-track Pari-mutuel Wagering Permit for a business that has a Series 12 liquor license.

Summary

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

Applicant

David Auther, Agent for Arizona Downs

Location

15414 N. 7th St., Ste. 1 & 2
Zoning Classification: C-1
Council District: 3

Public Opinion

Public notice was posted at the proposed location and special notice letters were mailed to residents within a 1/8 mile radius of the proposed location. The comment period expired Sept. 30, 2019. Three letters protesting the issuance of this license have been received and are on file in the Office of the City Clerk. The letters are from local residents expressing concern about the potential for increased traffic and noise in the shopping center and adjacent neighborhood, as well as a potential negative impact on property values in the surrounding area.

Staff Recommendation

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

Attachments

Off-track Pari-mutuel Wagering Permit Data - Moon Valley Grill
Off-track Pari-mutuel Wagering Permit Map - Moon Valley Grill

Discussion

Mayor Gallego announced there were several comment cards submitted on Item 2.

Councilwoman Stark requested to hear testimony from individuals who submitted comment cards.

Tom Auther introduced himself and Joe Jackson and stated they were in support of the off-track betting proposal. He explained the only people protesting the application were competitors. He read Council a letter that was submitted by the owner of Moon Valley Grill, Roger Listman, which urged Council to recommend this item for approval.

Note: Councilwoman Pastor rejoined the voting body.

Mayor Gallego asked if Mr. Jackson was donating his two minutes to Mr. Auther responded he was donating his time.

Mr. Auther reflected on when he attended a Council meeting 10 months ago and inquired about the proximity report that was discussed. He urged Council to assist in growth, job creation, and year-round horse racing in Arizona.

Jerry Simms stated this was not a competitor issue and that he was trying to keep racing alive in Arizona. He informed Council that Mr. Aurther and Mr. Jackson closed six out of seven OTBs. He further explained his main concern is that he does not want customers to think it is his business that is closing OTBs and get the two businesses confused.

Carol Turoff stated Moon Valley Grill is considered a neighborhood hamburger restaurant and she does not see it as being conducive to off-track betting. She described the surrounding area of the location and concluded that having off-track betting in the shopping center is not compatible with the neighborhood.

David Johnson stated he was the Vice President of Turf Paradise, a local Phoenix-based company that has been in operation for nearly 65 years and home to horsemen and jockeys. He asked Council to deny the application and asked to concede his remaining time to Mr. Simms.

Mr. Simms stated the Department of Racing is finishing up a report on

how the applicant opened 13 days of racing then closed.

Milton Gabaldon discussed off-track betting and his business, Parkview Tap House in Fountain Hills, Ariz. He shared his experience with how Arizona Downs closed down without giving him notice and paid with bad checks.

Councilwoman Stark stated a lot of the issues discussed sound like Racing Commission problems and it is solely up to the Racing Commission to look into those issues. She explained the City Council was looking at whether the location was appropriate.

Note: Prior to Councilwoman Williams vote, she explained she would not be supporting the item as she had some concerns about their finances and reports.

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

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

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Note: Councilwoman Williams was absent during the following omnibus vote.

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Pastor, that Items 16 through 68 be approved or adopted, except Items 27, 35, 42, and 68; continuing Item 23 to the Dec. 18, 2019 City Council Formal Meeting; and noting that Item 41 is withdrawn and Item 36 is as corrected. The motion carried by the following vote:

Yes:	8 -	Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Guardado and Mayor Gallego
No:	0	
Absent:	1 -	Councilwoman Williams

Items 16-22, Ordinance S-46159 was a request to authorize the City Controller to disburse funds, up to amounts indicated on Items 16 through 22, 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 Various Vendors for Badging Supplies

For $100,000.00 in additional payment authority to purchase badging supplies for the Aviation Department, Public Works Department, and other city departments. The contracts provide badging supplies for City employees and contractors. Badging supplies include identification cards, badge revalidation stickers, badge print supplies, and necessary badge accessories. The additional funds are necessary due to an increase in demand for the Phoenix Sky Harbor International Airport Terminal 3 expansion and seasonal changes.

Bender Associates, Inc., Contract 140613
Honeywell International, Inc., Contract 140642
Rockwest Technology Group, Inc., doing business as DBA Multicard, Inc., Contract 140612
Scan Technology, Inc., Contract 140614

This item was adopted.

17 AHS Rescue LLC

For $30,000.00 in payment authority to enter into contract on or about Dec. 1, 2019, for a term of five years to provide technical rescue boots for the Phoenix Fire Department. The Technical Rescue Team (TRT) is

responsible for high hazard specialized rescues for the Phoenix Fire Department, such as mountain, swift water, confined space, and helicopter rescues. The technical rescue boot is part of the TRT member's Personal Protective Equipment and complies with the departments requirement to provide proper footwear for the safe performance of specialized duties, under OSHA regulation 1910.132.

This item was adopted.

18 Settlement of Claim(s) Smith v. City of Phoenix

To make payment of up to $2,000,000.00 in settlement of claim(s) in *Smith v. City of Phoenix,* Maricopa County Superior Court, case number CV2019-005738, 18-0218-001 GL BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

19 Julie Polito, doing business as Desert Eagle Appraisals

For $39,000.00 in additional payment authority to extend Contract 144342 through Jan. 31, 2022 for Home Appraisal Services for the Housing Department. The additional funds and extension are necessary to continue using the appraisal services for the Scattered Site Section 18 and 32 Programs. This contract is funded with U.S. Department of Housing and Urban Development funds. There is no impact to the General Fund.

This item was adopted.

20 Various Vendors for Whole House Assessment

For up to $462,560.00 in payment authority beginning on or about Nov. 1, 2019 for Housing Rehab Programs On-Call Healthy Homes Whole House Assessment Contracts. These contractors provide recommendations to the Neighborhood Services Department regarding how to resolve key health hazards in homes. No additional funding is required, only payment authorization to continue to pay for services received per the executed contract terms, which will expire Jan. 20, 2020. The original Payment Ordinance, S-42871, began prior to the grant and existing contract start dates.

FSL HOME Improvements, Inc., Contract 144381

KAM Environmental Inc, Contract 144382

This item was adopted.

21 American Inspection and Test, Inc.

For $11,000.00 in additional payment authority for Contract 150346 for testing and repair services for electric motors for the Phoenix Convention Center Department. Nineteen of the motors are extensively utilized at the Herberger Theater, Orpheum Theatre and Symphony Hall stage areas to lift lighting truss and other production equipment over the stages. Hoist motors are inspected and certified annually to ensure safe and reliable operability. The additional funds are needed to add the Phoenix Convention Center Department to the Water Services Department contract to provide testing and repair services through June 30, 2024.

This item was adopted.

22 Arizona Power Authority

For $200,000.00 in annual payment authority for monthly billings under Contract 143595 for the Water Services Department power consumption agreement with the Arizona Power Authority. The contract allows the City to receive a 50-year supply of renewable energy, moving the City one step closer to the adopted goal of 15 percent renewable energy Citywide by 2025. Through separate credit agreements with SRP and APS, the contract also allows the City to receive energy at reduced costs.

This item was adopted.

23 (CONTINUED FROM SEPT. 4, SEPT. 18, OCT. 2, AND NOV. 6, 2019) - Election Funding Disclosure (Dark Money) (Ordinance G-6617)

Request City Council approval of an ordinance amending Chapter 12, Article VII of the Phoenix City Code by revising Division 2 on campaign finance and adding a new Division 3 relating to election funding disclosure obligations.

Summary

The "Keep Dark Money Out of Local Phoenix Elections Ordinance" is intended to secure the right of City of Phoenix residents to know the source of all major contributions made to influence the result of a local Phoenix election, to prevent actual corruption and its appearance, and to protect the integrity of Phoenix elections. On Nov. 6, 2018, City of Phoenix voters passed Proposition 419 with 85 percent of votes in favor,

for a Charter Amendment requiring election funding disclosure. On July 3, 2019 Gov. Doug Ducey signed the Charter Amendment. This report provides the City Council with information on election funding disclosure and provides a draft ordinance for Council consideration **(Attachment A)**.

This ordinance will require entities currently not subject to disclosure under State law, including nonprofit organizations, to disclose expenditures of $1,000 or more to influence the outcome of a City of Phoenix election, as well as the source(s) of contributions received of $1,000 or more, including any intermediary through which such contributions passed. These disclosure reports will be filed with the City Clerk Department within 48 hours of making an expenditure of $1,000 or more. The disclosure will be required for any person or association that makes independent expenditures to influence a City candidate or ballot measure election. Entities that are found to be in violation of this ordinance may be fined up to three times the amount spent on the expenditure they failed to disclose.

Concurrence/Previous Council Action
On Feb. 15, 2018, then Councilwoman Kate Gallego, Councilwoman Debra Stark and then Mayor Greg Stanton requested an item be placed on a Formal agenda related to a proposed Charter Amendment regarding the disclosure of the contribution source for election-related independent expenditures, sometimes referred to as "dark money."

At the March 7, 2018 Formal Meeting, the City Council approved an eight-hour rule request for staff to conduct research on proposed ballot language for election funding disclosure.

On April 17, 2018, the Sustainability, Housing, Efficiency, and Neighborhoods Subcommittee approved a draft ordinance.

At the May 2, 2018 Formal Meeting, the City Council adopted an ordinance referring the proposed Charter Amendment regarding election funding disclosure to voters at the General Election on Nov. 6, 2018.

This item was continued to the Dec. 18, 2019 City Council Formal Meeting.

24 Request for City Council to Call to Meet in Executive Sessions

Request for the City Council to call meetings for the purpose of holding an Executive Session pursuant to Arizona Revised Statutes Section 38-431.03.A on Dec. 13, 2019, at 9 a.m. in the Meeting Room, 300 W. Jefferson St., Phoenix, Arizona. Also request holding an Executive Session for the following dates at 1 p.m. in East Conference Room, 12th Floor of Phoenix City Hall, 200 W. Washington St., Phoenix, Arizona: Jan. 14, 2020; Jan. 28, 2020; Feb. 11, 2020; Feb. 25, 2020; March 3, 2020; March 17, 2020; April 7, 2020; April 21, 2020; May 5, 2020; May 19, 2020; June 9, 2020; and June 23, 2020.

Public Outreach

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

This item was approved.

25 Water Services Department Training Services - State of Arizona Cooperative Contract - ADSPO18-210226 (Ordinance S-46160)

Request to authorize the City Manager, or his designee, to access the State of Arizona Cooperative Contract ADSPO18-210226 and to enter into a contract with AGTS, Inc. in an aggregate amount not to exceed $100,000. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

This contract will provide the Water Services Department Safety and Training Division with training on topics including, but not limited to, customer service, communication, and change management on an as-needed basis. The training will deliver critical competencies and skillsets to all supervisors and employees in a variety of formats that will accommodate the department’s needs.

Procurement Information

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

allows the City to benefit from government pricing and volume discounts. The State of Arizona contract covers professional development training and was awarded on July 30, 2018.

Contract Term

The five-year contract term shall begin on or about Nov. 21, 2019.

Financial Impact

The aggregate value of the contract value will not exceed $100,000. Funds are available in the Water Services Department's Operating budget.

This item was adopted.

26 Guidesoft, Inc., doing business as Knowledge Services - State of Arizona Cooperative Contract - ADSPO17-00006933 (Ordinance S-46189)

Request to authorize the City Manager, or his designee, to add additional expenditures for State of Arizona Cooperative Contract ADSPO17-00006933 with Guidesoft, Inc., doing business as Knowledge Services, in an amount not to exceed $2,366,000 for information technology professional services for the Information Technology Services Department and other city departments. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The State of Arizona conducted a competitive procurement process for a managed services provider (MSP) to provide qualified contract staff in various technology disciplines for ad-hoc staff augmentation and project implementation. The City adopted this cooperative contract in 2018. It has been used by city departments for multiple engagements, including providing developers for elections applications, database administrators for the Police and Street Transportation Departments, GIS analysts for the Parks and Recreation Department, network analysts and user technology specialists for the Water Services Department, and system and server administrators and engineers for Information Technology Services when they had vacancies in positions that provide critical technology support. The ability to on-board highly technical contractor staff quickly has proven very valuable to maintain service levels when

staff depart or move within the organization, and to temporarily increase staffing numbers to address projects or upgrades. Additional funds, based on historical trending, are requested in order to continue to provide technology staff and project support to citywide departments on an as-needed basis through Aug. 31, 2023.
This item has been reviewed and approved by the Information Technology Services Department.

Procurement Information
In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement processes, as set forth in the Phoenix City Code, chapter 43. Utilization of cooperative agreements allows the City to benefit from national government pricing and volume discounts. The State of Arizona contract covers MSP IT professional services and was awarded on July 5, 2017.

Financial Impact
This request is to approve additional funds through Aug. 31, 2023. With the $2,366,000 in additional funds, the revised aggregate value is now $3,466,000. Funds are available in all City of Phoenix Departments' budgets.

Concurrence/Previous Council Action
This State of Arizona Cooperative Contract was approved by Formal Council Action on Sept. 5, 2018 with an original aggregate value to $1,100,000. The contract's value increased since its initial approval and is now at an aggregate value of $3,466,000 with the additional amount.

This item was adopted.

28 Amend Ordinance S-45596 for Acquisition of Real Property Along Buckeye Road from 59th to 67th Avenues (Ordinance S-46168)

Request the City Council amend Ordinance S-45596 for authorization to acquire additional parcels required for the street improvement project located along Buckeye Road from 67th to 59th avenues. Further request an exception pursuant to Phoenix City Code section 42-20 to authorize inclusion of indemnification and assumption of liability provisions in the

documents pertaining to this transaction that otherwise would be prohibited by Phoenix City Code section 42-18 as documents related to the United States of America include such provisions.

Summary

The Street Transportation Department identified additional parcels during design that are necessary to accommodate project construction. All other conditions and stipulations previously stated in the above referenced ordinance will remain the same. The additional parcels impacted by this project are identified in **Attachment A**.

Financial Impact

The project will be funded using Transportation 2050 funds available in the Street Transportation Department's Capital Improvement Program budget.

Location

Buckeye Road from 67th to 59th avenues
Council District: 7

Concurrence/Previous Council Action

Ordinance S-45596 was adopted by City Council on May 1, 2019.

This item was adopted.

29 Sign Fabrication Equipment Maintenance and Repair Services (Ordinance S-46169)

Request to authorize the City Manager, or his designee, to enter into a contract with Plotter Doctors, LLC. for inspection, repair and maintenance services for various types of sign fabrication equipment for the Aviation, Phoenix Convention Center, and Street Transportation departments. Further request authorization for the City Controller to disburse all funds related to this item. The five-year aggregate contract value will not exceed $137,500, with an estimated annual expenditure of $27,500.

Summary

This contract will provide inspection, repair and maintenance services, as needed, for the upkeep of sign fabrication equipment essential to daily operations in multiple city departments. Some of the equipment has been in operation for many years and requires proper maintenance in order to keep running at full capacity. Also, there are approximately 800,000 signs

within the right-of-way in Phoenix and this contract will ensure sign fabrication equipment is continually operational to produce, maintain, and repair this signage.

Procurement Information

IFB 20-019 was conducted in accordance with Administrative Regulation 3.10. One offer was received by the Finance Department Procurement Division on Sept. 20, 2019. The offer was evaluated on price, responsiveness to specifications, and responsibility to provide the required goods and/or services. The price was determined to be fair and reasonable based on feedback from user departments. The bid notification was sent to over 500 suppliers and was publicly posted and available for download from the City's website.

The Deputy Finance Director recommends that the offer from Plotter Doctors, LLC. be accepted.

Contract Term

The five-year contract term will begin on or about Dec. 1, 2019.

Financial Impact

The five-year aggregate contract value will not exceed $137,500, with an estimated annual expenditure of $27,500.

This item was adopted.

30 Pesticides and Herbicides - Requirements Contract (Ordinance S-46171)

Request to authorize the City Manager, or his designee, to enter into contracts with Nutrien Ag Solutions, Inc., ADAPCO LLC, Helena Argi-Enterprises LLC, Rentokil North America, Inc. DBA Target Specialty Products, and Siteone Landscape Supply, LLC to provide pesticide and herbicide supplies for citywide use in an amount which will not exceed $1,217,900 over the term of contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

These contracts will provide various pesticides and herbicides, intended

for preventing, destroying, repelling or mitigating pests and also for use as plant regulators, defoliants or desiccants. Products may include insecticides, larvacides, herbicides, algaecides, fungicides, and associated additives, indicators, colorants and organic alternatives. The contracts will be available for use by all departments but the primary users are the Parks and Recreation and Water Services Departments.

Procurement Information
Invitation for Bid (IFB) 20-008 was conducted in accordance with Administrative Regulations 3.10. There were six offers received by the Procurement Division on Aug. 30, 2019. The following are the recommended offerors who provide the lowest overall cost to the City. Individual line items will be awarded to the lowest-priced bidder.

Nutrien Ag Solutions, Inc.: Unit price range $5.00 to $350.00
ADAPCO LLC: Unit price range $78.80 to $233.20
Helena Argi-Enterprises LLC: Unit price range $31.50 to $49.80
Target Specialty Products: Unit price range $11.31 to $464.00
Siteone Landscape Supply, LLC.: Unit price range $2.73 to $112.74

The Deputy Finance Director recommends that the offers from Nutrien Ag Solutions, Inc., ADAPCO LLC, Helena Argi-Enterprises LLC, Target Specialty Products, and Siteone Landscape Supply, LLC be accepted as the responsive and responsible offerors which offer the lowest cost to the City.

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

Financial Impact
The five-year aggregate value of the contract will not exceed $1,217,900, with an annual estimated expenditure of $243,580. Funds are available in various departments' budgets.

This item was adopted.

31 Acceptance of Easements for Water and Drainage Purposes

(Ordinance S-46172)

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

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

Easement (a)
Applicant: Alta Marlette, LLC, its successor and assigns
Purpose: Water
Location: 7th Street and Marlette Avenue
File: FN190055
Council District: 6

Easement (b)
Applicant: 4725 N. 56th St., LLC, its successor and assigns
Purpose: Drainage
Location: 4725 N. 56th St.
File: FN190005
Council District: 6

Easement (c)
Applicant: Prologis L.P., its successor and assigns
Purpose: Drainage
Location: 2432 S. 12th St.
File: FN190041
Council District: 8

This item was adopted.

32 Additional Expenditures for Recreational and Playground Equipment, Accessories and Supplies (Ordinance S-46181)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contracts 147930 and 147842, with Landscape Structures, Inc. and Miracle Recreation Equipment Company, for playground equipment, accessories and services for the Parks and Recreation Department. The additional amount of $2 million is needed to

increase the value of the contracts, and the revised aggregate value will not exceed $4 million. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

These agreements were originally established for the Parks and Recreation Department to support efforts to repair and replace playground and outdoor fitness equipment and components, as existing equipment nears the end of its lifecycle. However, as a result of a grant awarded to the Neighborhood Services Department (NSD), the Parks and Recreation Department, in partnership with NSD, will use these contracts as well as the grant funds to replace 16 playground structures throughout the City. The current value of the contracts is not sufficient to cover the cost of the project; therefore, a request is being made to increase their value.

The replacement of playground structures will enhance and support the quality of recreational programs and services that are provided to the residents of Phoenix.

Contract Term

The original contract term is May 1, 2018 through April 30, 2023.

Financial Impact

Upon approval of increasing the contracts value by an additional $2 million, the revised aggregate value will not exceed $4 million. Funds are available in the Parks and Recreation Department's budget using NSD funds.

Concurrence/Previous Council Action

These contracts were originally approved by City Council on April 18, 2018.

This item was adopted.

33 Landscaping Sprinkler and Irrigation Supplies (Ordinance S-46185)

Request to authorize the City Manager, or his designee, to allow additional expenditures on contract 144233 with Ewing Irrigation Products and also to extend the agreement, as needed, on a

month-to-month basis for no more than 12 months. Further request authorization for the City Controller to disburse all funds related to this item, in an amount not to exceed $255,000.

Summary

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

Contract Term

The contract term will be extended through no later than Nov. 30, 2020.

Financial Impact

Upon approval of $255,000 in additional funds, the revised aggregate value of the contract will not exceed $1,527,195. Funds are available in the various department's budgets.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Nov. 30, 2016.

This item was adopted.

34 Contract for Emergency Replacement of Hardwood Gymnasium Floor at Goelet A.C. Beuf Community Center (Ordinance S-46186)

Request to authorize the City Manager, or his designee, to enter into a contract with Arizona Hardwood Floor Supply, Inc. for an emergency one-time purchase to replace the hardwood gymnasium floor at the Goelet A.C. Beuf Community Center for the Parks and Recreation Department. The total amount will not exceed $180,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Arizona Hardwood Floor Supply, Inc. has a current contract with the City to maintain and re-finish hardwood floors for the Parks and Recreation Department. While providing regular services under that agreement, it was discovered there was standing water underneath the Goelet A.C.

Beuf Community Center gymnasium wood floor, caused by a leak from the condensation line of a rooftop air conditioner, which damaged the gymnasium floor beyond repair. In response to the critical need to have the gymnasium available for programs and avoid allowing moisture with the potential of mold to remain trapped under the wood floor, the replacement must be completed as quickly as possible. These services will ensure the community center gymnasium is available as soon as possible, to support programs which are provided to the residents of Phoenix at this location.

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved Emergency Determination Memo allowing Arizona Hardwood Floor Supply, Inc. to perform the removal and replacement of the hardwood gymnasium floor at Goelet A.C. Beuf Community Center.

Contract Term
This is a one-time purchase and the work will be completed on or about March 31, 2020.

Financial Impact
Expenditures will not exceed $180,000. Funds are available in the Parks and Recreation Department's Capital Improvement Program budget.

Location
3435 W. Pinnacle Peak Road
Council District: 1

This item was adopted.

36 Amend Pay Ordinance S-45840 to Establish Credentialed Court Interpreter Assignment in Accordance with Human Resources Committee Recommendation (Ordinance S-41688)

To recognize the advanced education and service level provided commensurate with the attainment of an interpreter credential, the establishment of an assignment for the Court Interpreter classification is proposed as follows:

Establish a new assignment of Court Interpreter*Credentialed, Code 00642, Salary Plan 001, Grade 034 ($25.28 - $38.47).

Reallocate existing Court Interpreter positions to the new assignment. Incumbent employees in these positions that do not meet the AOC Credential requirements for the assignment will remain in their current classification and grade as an underfill to the assignment (00004899, 00009518, 00013103, 00016065, 00018130, 00092381).

Change the grade of Court Supervisor*Interpreter, Code 00621, Salary Plan 001, from Grade 032 ($22.81- $34.80), to Grade 036 ($27.95 - $42.49).

Reallocate existing Court Supervisor*Interpreter to the new grade (00006126).

Summary

It is the goal of the Arizona Judiciary to increase the availability and quality of court interpreters and interpreter services. In 2015, the Arizona Judiciary issued an administrative order establishing the Court Interpreter Program Advisory Committee. In early 2016, the Arizona Supreme Court adopted the Arizona Court Interpreter Credentialing Program (ACICP) through A.O. 2016-02. This Administrative Order requires the Phoenix Municipal Court to ensure staff interpreters are credentialed at the Tier 3 or Tier 4 level. This higher level of service delivery has increased the value of the interpreter profession in the labor market, necessitating a higher level classification and grade assignment.

Financial Impact

The estimated cost of these actions for a full fiscal year, including benefits, is $75,241. Funding is available in the Phoenix Municipal Court budget.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 604 on Nov. 1, 2019.

This item was adopted as corrected to Ordinance S-46188.

37 Fort McDowell Yavapai Nation Gaming Grant (Ordinance S-46164)

Request authorization for the City Manager, or his designee, to accept and enter into an agreement for $10,000 in new funding from the Fort

McDowell Yavapai Nation. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, funds as directed by Fort McDowell Yavapai Nation in connection with this grant.

Summary

The funds will be applied as directed by Fort McDowell Yavapai Nation for the application submitted by Valley of Sun YMCA, a nonprofit organization, for its YMCA Lifeguard Academy. The YMCA Lifeguard Academy is a program that trains teens with skills to prevent, recognize and respond to water emergencies, as well as to provide initial care for other emergencies, injuries, and sudden illnesses. The YMCA offers a full YMCA of the USA lifeguard training course that includes American Safety and Health Institute training for the Professional Rescuer, First Aid, equipment-based rescues for aquatic environments, accident prevention, and decision-making skills. Upon successful completion of the course, the participant will be certified in: YMCA Lifeguarding (valid for two years), American Safety and Health Institute CPR/AED for the Professional Rescuer (valid for one year), American Safety and Health Institute Basic First Aid and Emergency Oxygen Administrator (valid for two years). The overall goal is to reduce drownings in Arizona by increasing the number of trained lifeguards in the state. The program fulfills Fort McDowell's priority funding areas of education, health, and economic and community development.

The gaming compact entered into by the State of Arizona and various tribes calls for 12 percent of gaming revenue to be contributed to cities, towns and counties for government services that benefit the public including public safety, mitigation of impacts of gaming, and promotion of commerce and economic development.

Financial Impact

There is no budgetary impact to the City of Phoenix and no General Fund dollars are required. Entities that receive gaming grants are responsible for the management of those funds.

This item was adopted.

38 Request to Accept Pulliam Foundation Grant Funds

Request to authorize the City Manager, or his designee, to accept a grant award in the amount of $22,800 from the Nina Mason Pulliam Charitable

Trust. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The Pulliam Charitable Trust donation will be used to assist low-income individuals and families by removing barriers through rental assistance and eviction prevention services. The donation will allow the Human Services Department to assist approximately 20 individuals and families to remain housed during the holiday season.

Financial Impact

No General Funds are required to receive this funding of $22,800 from the Nina Mason Pulliam Charitable Trust.

This item was approved.

39 Intergovernmental Agreement with The Tourism and Sports Authority, dba The Arizona Sports and Tourism Authority (Ordinance S-46165)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with The Tourism and Sports Authority, dba The Arizona Sports and Tourism Authority (AZSTA), to allow the transfer of funds for the renovations of the Maryvale Sports Facilities (now, American Family Fields of Phoenix), a Cactus League project. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item. The City has requested AZSTA provide funding in the amount of $5.7 million, for the completed project.

Summary

On March 22, 2018, the City and Milwaukee Brewers Baseball Club (Brewers) entered into an operating agreement for the Maryvale Sports Facilities. The agreement requires the Brewers to invest $41 million to $63 million towards renovating the facilities and commit to playing spring training games in Maryvale for 25 years. Under the agreement, the City is required to contribute $2 million per year for five years ($10 million total) toward the renovations.

Earlier this year, the renovations to the facilities were completed, as set forth in the site plan. Now, in connection with the renovations, the City has requested AZSTA provide funding in the amount of $5.7 million, for the

completed project. Pursuant to the terms of the operating agreement with the Brewers, the City will deposit funds received from AZSTA in connection with this renovation project into the facility's Renewal and Replacement Account.

Previously in 2012, the City executed IGA 134454 with AZSTA, for funds in connection with a $1.5 million project that included renovations to the weightroom and administrative offices at the Maryvale facility. The existing IGA 134454 will not be impacted by the execution of the new agreement between the City and AZSTA, if approved.

Contract Term
The term of the agreement is until April 30, 2043, to have the same termination as the Brewers operating agreement with the City.

Concurrence/Previous Council Action
The City Council approved entering into the operating agreement and renovations with the Brewers on Nov. 15, 2017.

Location
3600 N. 51st Ave.
Council District: 5

This item was adopted.

40 Shared Local Governance Agreement with Phoenix Business and Workforce Development Board (Ordinance S-46163)

Request to authorize the City Manager, or his designee, to enter into a Shared Local Governance Agreement (Agreement) between the City's Chief Elected Official (CEO) and the Phoenix Business and Workforce Development Board (PBWD Board). There is no impact to the General Fund.

Summary
The PBWD Board is a local workforce development board established by federal law in the Workforce Innovation and Opportunity Act (WIOA). As stated in WIOA, the CEO, who is the Mayor of the City of Phoenix, and the PBWD Board share governance responsibility for the board

functions such as local planning, program oversight, negotiating local performance accountability measures, selection of operators and providers, and approving the WIOA budget for the City's workforce program activities.

The Mayor designates the City Manager to be her delegate for the purposes of entering into this Agreement. The CEO and the PBWD Board must enter into a written partnership agreement that describes how the parties will carry out their shared governance functions. The Agreement sets forth the separation of duties between the City departments that implement WIOA services. The Agreement, which is scheduled to commence on or about Dec. 1, 2019, is required by federal law to separate certain roles and responsibilities between governance and operations of WIOA services as further described below.

The State Workforce Development Board (Workforce Arizona Council), as the designated representative of the Governor, provides guidance on the Agreement. The following paragraph outlines the functions within the Agreement that includes the updated required roles and separation of duties to provide workforce development activities, and highlights specific duties aligned with the WIOA and Workforce Arizona Council policies.

The Agreement details that the CEO is the grant recipient of WIOA funds for adult, dislocated worker, and youth, employment and training activities. Through the Agreement, the CEO designates an Administrative Entity, Fiscal Agent and Program Operator. Additionally, the Agreement outlines the PBWD Board membership, terms, subcommittees and other duties, roles and responsibilities of the Board. The Agreement outlines the process for selecting Board members and filling vacancies on the Board. Duties include the requirement to create a Local Workforce Development Area Plan consistent with WIOA, State Unified Plan, and CEO's strategic priorities and policies. Also included in the Agreement is a Memorandum of Understanding (MOU) between City Departments for the implementation of the Agreement. Details within the MOU include that the Community and Economic Development Department serves as the Administrative Entity which includes the following primary functions: staffing the PBWD Board, oversight of the One Stop Operator contract,

quality assurance, business services, procurement of services for the PBWD Board and oversight/administration of the Shared Local Governance Agreement. The Human Services Department provides the following primary functions: the Management Services Division serves as the Fiscal Agent and the Business and Workforce Development Division serves as the Program Operator. The Fiscal Agent is responsible for the management and disbursement of the grant funds for workforce development activities at the direction of the PBWD Board and authorization of the City Council. The Program Operator directly provides career services and manages and procures youth services contracts and competitive grants. The Agreement will include other terms and conditions as determined by the City Manager.

Contract Term

The Agreement will be in effect on or about Dec. 1, 2019 through June 30, 2021.

Financial Impact

There is no impact to the General Fund with this action.

Concurrence/Previous Council Action

The Proposed Shared Local Governance Agreement is scheduled to be presented at the Phoenix Business and Workforce Development Board meeting on Nov. 14, 2019. On July 28, 2017, the City Council authorized entering into a Shared Local Governance Agreement between the City (Chief Elected Official) and the Phoenix Business and Workforce Development Board, via Ordinance S-43764.

This item was adopted.

41 2018 International Fire Code with Phoenix Amendments - Clarifications and Adjustments (Ordinance G-6641)

Request City Council authorization to make clarifications and adjustments to the 2018 International Fire Code (IFC) with Phoenix amendments.

Summary

The 2018 IFC with Phoenix amendments was adopted by the Phoenix City Council on June 19, 2019 and codified on July 19, 2019. As with any large code that is actively utilized by the community, clarifications and adjustments are often implemented to ensure the code language is clear,

understandable, concise and provides consistent outcomes for fire protection contractors, construction contractors, radio communications, the high-rise community, developers, and other industry groups. In line with the original Fire Code, the Fire Safety Advisory Board has reviewed the attached clarifications and adjustments, chapter-by-chapter, and has approved the changes in a public meeting.

The full details of the proposed clarifications and adjustments are provided in the attachment, "Tracking Consistency & Clarification 10/21/2019." This attachment is color-coded and provides the code citation, the proposed change or adjustment, and the reason for the clarification.

The effective date of the clarifications and adjustments of the Fire Code, if adopted by Council, would be approximately 30 days following City Council Formal approval.

This item was withdrawn.

43 Designated Aviation Channeling Services - AVN RFP 19-026 (Ordinance S-46161)

Request to authorize the City Manager, or his designee, to enter into a contract with Telos Identity Management Solutions, LLC to provide Designated Aviation Channeling (DAC) services for the Aviation Department, in an amount not to exceed $1,500,000 for a five-year aggregate contract term. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Phoenix Sky Harbor International Airport (Airport) is required under Code of Federal Regulations Title 49, Part 1542 and Transportation Security Administration (TSA) Aviation Security Directive 1542-04-08N to conduct background checks on all Airport workers before issuing a badge for unescorted access authority to restricted areas at the Airport. The TSA requires that airports use a TSA-certified and approved DAC service provider when submitting these background checks. Telos Identity Management Solutions, LLC (Telos) is a TSA-certified and approved DAC service provider, which will: (1) receive, validate, and aggregate biographic and biometric data from the Airport and then transmit the data to the TSA for airport worker screening, (2) fully automate the

transmission of the biographic and biometric data from the Airport to the TSA and from the TSA to the Airport, (3) provide a web-based portal for the Airport to obtain transmitted airport worker screening information, and (4) integrate with the Airport's identity management system and existing fingerprint equipment.

The Airport has approximately 25,000 badge holders who will utilize this service. If not fulfilled, the Airport will not be compliant with the federal mandate and could receive administrative sanctions from the TSA. In addition, there could be delays or complete stoppage of the badging process, which will negatively impact the employers and employees who work in the secured areas of the airport such as airlines, concessions and leaseholders.

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

Procurement Information
Request for Proposal (RFP) 19-026 - Designated Aviation Channeling Services was conducted in accordance with Administrative Regulation 3.10. Two proposals were received and both were deemed responsive and responsible.

The proposals were evaluated by an evaluation panel and scored by consensus based on the following criteria, with a point range of 0-1,000 points:

Method of Approach: 0-300 points.
Price Proposal: 0-275 points.
Qualifications & Experience: 0-250 points.
Customer Services / On-Going Support: 0-175 points.

The evaluation panel recommends Telos Identity Management Solutions, LLC for contract award as the best value to the City based on the following consensus scores:

Telos Identity Management Solutions, LLC - 945 points.
American Association of Airport Executives' (AAAE) Airport Research

and Development Foundation dba The Transportation Security Clearinghouse - 837 points.

Contract Term
The contract will begin on or about Jan. 1, 2020 for an initial one-year term with four one-year options to extend for a five-year aggregate contract term.

Financial Impact
The contract value will not exceed $1,500,000 for the five-year aggregate contract term, with an estimated annual expenditure of $300,000. Funds are available in the Aviation Department's budget.

Concurrence/Previous Council Action
This item was recommended for approval at the Transportation, Infrastructure and Innovation Subcommittee meeting on Nov. 6, 2019, by a vote of 4-0.

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, AZ.
Council Districts: 1, 8, and Out of City

This item was adopted.

44 Runway Closure Markers (Ordinance S-46170)

Request to authorize the City Manager, or his designee, to spend from $100,000 to $280,000 in additional money under Runway Closure Markers Contract No. 147832 (Contract) with Airport Lighting Company of NY, Inc. over the five-year term of the Contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Airport Lighting Company of NY, Inc. provides runway closure markers, that act as portable visual aids, at various locations on a runway to depict temporary closure using a self-powered flashing "X" signal. Runway closure markers are essential for the safety of airport operations

at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport.

To remain compliant with the Federal Aviation Administration's (FAA) requirements (FAA AC 150/5345-53D), the Aviation Department has successfully installed LED conversion kits on many of incandescent bulb fixtures. The LED conversion kits have allowed the Aviation Department to retrofit the existing signals with low hours which is less expensive than procuring all new units. The requested additional funds will allow the Aviation Department to complete the conversions, meet FAA requirements for the runway closure markers, will reduce liability and ensure the safety of airport operations during runway closures.

Concurrence/ Previous Council Action
On June 6, 2018, the Phoenix City Council passed Ordinance S-44729, which authorized the City Manager, or his designee, to enter into the Contract with Airport Lighting Company of NY, Inc.

Contract Term
The term of the Contract is five years and commenced on or about July 1, 2018. The Contract has no option to extend the term.

Financial Impact
The additional money will increase the Contract value in an amount not to exceed $280,000 over the five-year term of the Contract. Funds are available in the Aviation Department's budget.

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

This item was adopted.

45 Amendment to Lease with Aersale, Inc. at Phoenix Goodyear Airport (Ordinance S-46173)

Request to authorize the City Manager, or his designee, to amend Facility Lease Agreement No. 136123 (Lease) with AerSale, Inc. (AerSale) for

Hangar 18 located at Phoenix Goodyear Airport (GYR) to extend the Lease term approximately six years.

Summary

In 2017, AerSale assumed the Lease from its predecessor, AeroTurbine, Inc. Aersale uses Hangar 18 to perform aircraft maintenance. The Lease covers 89,306 square feet of hangar floor space, 12,398 square feet of office/shop space, and 167,776 square feet of surrounding apron space. The Lease will expire on May 16, 2020. AerSale has requested to continue leasing Hangar 18 for an additional six years.

Contract Term

The term will be extended approximately six years to June 27, 2026, which will be coterminous with AerSale's Lease Agreement No. 75812 for Hangar 52 at GYR.

Financial Impact

Annual rent will be approximately $349,053 per year with no annual adjustments. The total anticipated revenue over the term of the Lease will be approximately $2,094,318. In exchange for the Aviation Department's agreement to forego annual rent increases, AerSale agrees to assume maintenance and custodial responsibilities for Hangar 18, which is estimated to save GYR approximately $480,000 over the term of the Lease.

Concurrence/Previous Council Action

This item was recommended for approval by the Phoenix Aviation Advisory Board on Oct. 17, 2019 by a vote of 7-0.

Location

Phoenix Goodyear Airport, 1658 South Litchfield Road, Goodyear, Ariz.
Council District(s): Out of City

This item was adopted.

46 Amendment to Hangar Lease Agreement with Civil Air Patrol, Arizona Wing at Phoenix Deer Valley Airport (Ordinance S-46174)

Request to authorize the City Manager, or his designee, to amend Corporate Hangar Lease Agreement No. 136822 (Lease) with Civil Air

Patrol, Arizona Wing (Civil Air Patrol) at Phoenix Deer Valley Airport (DVT) to extend the Lease term one year.

Summary

Civil Air Patrol, also known as the United States Air Force Auxiliary, has leased a corporate hangar at DVT since 2013. Civil Air Patrol is a non-profit corporation that engages in rescue and disaster relief operations, as well as educational programs for the general public. The Lease covers 5,064 square feet of hangar and office space. The Lease will expire on Dec. 31, 2019 and Civil Air Patrol has requested to continue leasing the hangar for one additional year.

Contract Term

The term will be extended one year.

Financial Impact

Annual rent will be at the nominal rate of $1.00 per year.

Concurrence/Previous Council Action

This item was recommended for approval by the Phoenix Aviation Advisory Board on Oct. 17, 2019 by a vote of 7-0.

Location

Phoenix Deer Valley Airport, 702 W. Deer Valley Road
Council District(s): 1

This item was adopted.

47 Ground Lease with Galaxy International, Inc. at Phoenix Goodyear Airport (Ordinance S-46175)

Request to authorize the City Manager, or his designee, to enter into a ground lease (Lease) with Galaxy International, Inc. (Galaxy) at Phoenix Goodyear Airport (GYR) for a term of five years with two five-year options to extend the term.

Summary

Galaxy currently has a facility lease at GYR for space inside Hangar No. 18. Galaxy has requested to lease additional space. Galaxy has requested approximately 96,341 square feet (2.2 acres) of unimproved land for the purpose of dismantling aircraft and possible commercial aircraft maintenance, repair, and overall operation in the future.

Contract Term
The term will be five years with two five-year options to extend the term that may be exercised at the sole discretion of the Aviation Director.

Financial Impact
Rent will be approximately $35,646 ($0.37 per square foot) and will be adjusted annually basis based on the Phoenix-Mesa-Scottsdale Consumer Price Index or three percent, whichever is greater. The total anticipated revenue over the term of the Lease will be approximately $534,690.

Concurrence/Previous Council Action
This item was recommended for approval by the Phoenix Aviation Advisory Board on Oct. 17, 2019 by a vote of 7-0.

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

This item was adopted.

48 Executive Hangar Lease with Papa Sierra, LLC at Phoenix Sky Harbor International Airport (Ordinance S-46176)

Request to authorize the City Manager, or his designee, to enter into an executive hangar lease (Lease) with Papa Sierra, LLC (Papa Sierra) at Phoenix Sky Harbor International Airport (PHX) for a term of approximately three years.

Summary
Papa Sierra currently leases Executive Hangar No. 28 under Executive Hangar Lease Agreement No. 139057, which will expire on Dec. 31, 2022. Papa Sierra has requested to enter into the Lease for the purpose of storage and maintenance of approved aircraft. The hangar will be used for no other purpose without the prior consent of the Aviation Director.

Contract Term
The term will be approximately three years and expire on Dec. 31, 2022, which will be conterminous with Executive Hangar Lease Agreement No. 139057.

Financial Impact

Rent will be approximately $35,531 ($6.52 per square foot) and will be adjusted annually basis based on the Phoenix-Mesa-Scottsdale Consumer Price Index or three percent, whichever is greater. The total anticipated revenue over the term of the Lease will be approximately $106,593.

Concurrence/Previous Council Action

This item was recommended for approval by the Phoenix Aviation Advisory Board on Oct. 17, 2019 by a vote of 7-0.

Location

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.
Council District(s): 8

This item was adopted.

49 Val Vista Water Treatment Plant Rehabilitation 2018 - Construction Manager at Risk Construction Services - WS85230052 (Ordinance S-46190)

Request to authorize the City Manager, or his designee, to enter into an agreement with Sundt Construction, Inc. (Sundt) to provide Construction Manager at Risk (CMAR) Construction Services for the Val Vista Water Treatment Plant Rehabilitation project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $29.5 million.

Summary

The purpose of this project is to perform rehabilitation services at the Val Vista Water Treatment Plant (WTP). The Val Vista WTP is located on the south side of the Arizona Canal in the City of Mesa and has the capacity to treat 220 million gallons per day. The Water Services Department anticipates rehabilitation, replacement, or new construction of the following treatment systems which may include, but are not limited to: Chemical Feed Stations, East and West Plant Bar Screens, Solid Handling Facility Polymer Feed System, Sludge Collectors, East Plant Inlet Electrical Building-Switchgear, East Plant Sedimentation Basins 1-8

Launders, Ferric Chloride Bulk Storage Tanks, and East and West Plant Filter 1-8 Rebuild and GAC Conversion.

Sundt's initial services will include preparation of a Guaranteed Maximum Price (GMP) 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. Sundt will be responsible for construction means and methods related to the project and fulfilling the SBE program requirements. Sundt will be required to solicit bids from prequalified subcontractors and to perform the work using the City's subcontractor selection process. Sundt may also compete to self-perform limited amounts of work.

Sundt Construction, Inc.'s services include, but are not limited to: rehabilitation, replacement, or new construction of the treatment systems listed above.

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 CMAR Preconstruction Services selection process.

Contract Term
The term of the agreement is 24 months 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 Sundt Construction Inc. will not exceed $29.5 million, 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:

Design Services Agreement 147879 (Ordinance S-44755) on June 20, 2018; and

Preconstruction Services Agreement 147880 (Ordinance S-44756) on June 20, 2018.

Location

3200 E. McDowell Road, Mesa, Ariz.

Council District: Out of City

This item was adopted.

50 Salt River Project Right of Way Use License for Arizona Canal, 43rd to 56th Streets (Ordinance S-46180)

Request to authorize the City Manager, or his designee, to enter into a right of way use license with Salt River Project (SRP) for discharge from storm drain facilities into the Arizona Canal. There is no financial impact to the City of Phoenix.

Summary

The right of way use license will allow stormwater runoff collected from the surrounding neighborhoods through the City's storm drain system to outfall into the Arizona Canal at eight locations from 43rd to 56th streets.

Indemnification

The SRP License agreement includes authorization pursuant to Phoenix City Code section 42-20 to indemnify, release and hold harmless SRP for: (A) acts of omissions of the City, its agents, officers, directors or employees, (B) the City's use of occupancy of the licensed property for the purposes contemplated by the license, including but not limited to claims by third parties who are invited or permitted onto the licensed property, either expressed or implied by the City or by nature of the City's improvement or other use of the licensed property pursuant to this license, (C) the City's failure to comply with or fulfill its obligations established by the license or by laws. Per City of Phoenix Code,

indemnification of another public entity requires approval from City Council.

Contract Term
The license will begin on Dec. 1, 2019, with a contract term of 25 years.

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

Location
Eight locations along the Arizona Canal from 43rd to 56th streets.
Council District: 6

This item was adopted.

51 Neighborhood Services Community Development Block Grant - Job Order Contracting Services - 4108JOC186 (Ordinance S-46182)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with five contractors, to provide Neighborhood Services Community Development Block Grant Job Order Contracting (JOC) Services for the Neighborhood 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 $3.6 million for each master agreement.

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

Summary

The contractor's services will be used on an as-needed basis to provide Community Development Block Grant (CDBG) services for various remodeling, new building additions, new building construction, electrical, HVAC, re-roofing, site enhancements, painting, playgrounds, parking lots, site lighting, landscape, irrigation systems, concrete work, fencing, grading and drainage, site construction, miscellaneous improvements, and some project related design work.

Procurement Information

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

Selected Firms

Rank 1: ForeSite Design & Construction, Inc.
Rank 2: SDB, Inc.
Rank 3: BWC Enterprises, Inc., dba Woodruff Construction
Rank 4: Simpson Walker Contracting Corporation
Rank 5: KOO Design Build, Inc.

Contract Term

The term of each master agreement is for up to five years, or up to $3.6 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 contractors will not exceed $3.6 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed $18 million.

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

order agreements performed under these master agreements for up to $3.6 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 Neighborhood Services Department's Operating budget utilizing Community Development Block Grant Enhancement and Infrastructure Program funds. 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.

This item was adopted.

52 Planning and Development Department Building Plan Review for Residential and Commercial Projects On-Call Services - Amendment 1 (Ordinance S-46183)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 147112 with MZ Engineering, LLC, to provide additional Planning and Development Department Building Plan Review for Residential and Commercial Projects On-Call Services. 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 $200,000.

Summary

The purpose of this work is for the firm to provide On-Call plan review services on an as-needed basis, including reviews of plans for new construction, alterations, and repairs submitted by commercial and residential property owners for compliance with the Phoenix Building Construction Code and Fire Code.

This amendment is necessary because Residential Plan Review has seen a 36 percent increase in plan submittals from this time last year. The use of On-Call plan review will continue to be critical to meet workload demands. To date, MZ Engineering, LLC has been able to consistently provide plan review staff as requested. The Planning and Development Department Residential Plan Review team has been using

MZ Engineering, LLC's reviewers for the life of their agreement. Projections show that their initial contract funds will extinguish by January 2020, three months prior to the expiration of the agreement. The other firms under contract to provide building plan review services as-needed have either been unresponsive or inconsistently responsive to requests for plan review staff. This amendment will provide additional funds to the agreement.

Contract Term

The 24-month term of this agreement is unchanged. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The initial agreement for Building Plan Review for Residential and Commercial Projects On-Call Services was executed for a fee not-to-exceed $500,000, including all subconsultant and reimbursable costs.

Amendment 1 will increase the agreement by an additional $200,000, for a new total not-to-exceed agreement value of $700,000, including all subconsultant and reimbursable costs.

Funding for this amendment is available in the Planning and Development 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:

On-Call Services Agreement 147112 (Ordinance S-44348) on March 21, 2018.

This item was adopted.

53 Street Transportation Department Public Outreach and

Community Engagement Services - Requirements Contract - RFQu 63-2001 (Ordinance S-46184)

Request to authorize the City Manager, or his designee, to enter into a contract with: Gunn Communications, Inc.; HDR Engineering, Inc.; InRoads Info, Inc.; RIESTER Sonoran, LLC; Urias Communications, LLC; and Your Project Marketing & Outreach, LLC for public outreach and community engagement services for the Street Transportation Department. Further request authorization for the City Controller to disburse all funds related to this item. The total value of the six contracts shall not exceed $1.5 million.

Summary

The Street Transportation Department has current contracts to provide public outreach and community engagement services. The current contracts will expire on Jan. 31, 2020. The new contracts will replace the existing contracts and provide as-needed services to the Street Transportation Department. Services will include effective message development, communication, outreach and engagement through multiple media formats, including graphic and oral communication to broad and diverse audiences regarding streets-related issues, programs and projects, as well as news media, internet and social media audiences.

Procurement Information

A Request for Qualifications, RFQu 63-2001, for public outreach and community engagement services was conducted in accordance with Administrative Regulations 3.10, with the intent of establishing a Qualified Vendor List (QVL) to provide public outreach and community engagement services. Twelve offers were received by the Street Transportation Department on Aug. 30, 2019. A selection committee evaluated all 12 offers and deemed six to be responsive, responsible offers to the specifications and minimum qualification criteria established in the solicitation.

The following responsive offerors will be part of the Qualified Vendors List for public outreach and community engagement services:

-Gunn Communications, Inc.

-HDR Engineering, Inc.
-InRoads Info, Inc.
-RIESTER Sonoran, LLC
-Urias Communications, LLC
-Your Project Marketing & Outreach, LLC

The Street Transportation Director recommends award to all firms listed above, as responsive and responsible offerors and to be accepted for the Qualified Vendors List.

Contract Term
The contracts will have five-year terms, which shall begin on or about Feb. 1, 2020 and end Jan. 31, 2025.

Financial Impact
The total value of the six contracts shall not exceed $1.5 million. Funds are available in the Street Transportation Department's Capital Improvement Project budgets.

This item was adopted.

54 Sludge Collector Drive Unit Parts - One-Time Purchase (Ordinance S-46167)

Request to authorize the City Manager, or his designee, to purchase Sludge Collector Drive Unit Parts from IES Southwest, Inc., for the purpose of repairing a secondary basin clarifier for the Water Services Department. Further request authorization for the City Controller to disburse all funds related to this item. The total agreement value will not exceed $13,040.50.

Summary
The purpose of this contract is to perform a one-time purchase to provide required parts for the Sludge Collector Drive Unit located in a secondary basin clarifier at the 91st Avenue Wastewater Treatment Plant (WWTP). This Basin uses a circular clarification process with two large paddles (A side and B side), both of which must operate in tandem. One side is no longer functional and requires replacement. Installation will be performed by Water Services Department staff.

Procurement Information

A Request for Quotes was conducted in accordance with Phoenix City Code 43-11.D and 43-40. The Request for Quotes was sent to 68 vendors and one response was received.

IES Southwest, Inc.: $13,040.50

The quote from IES Southwest, Inc. was reviewed by the Procurement Officer and determined to be fair and reasonable. Therefore, the Procurement Officer recommends acceptance of the quote from IES Southwest, Inc. as the most responsive and responsible bidder that is the most advantageous to the City.

Contract Term
This is a one-time purchase.

Financial Impact
One-time purchase in the amount of $13,040.50.

Location
91st Avenue WWTP
Council District: 7

This item was adopted.

55 Development Agreement between City of Phoenix and Mortenson Development, Inc. for Upsizing of Water Main at 2nd Avenue and Adams Street (Ordinance S-46177)

Request to authorize the City Manager, or his designee, to enter into a Development Agreement between the City of Phoenix ("City") and Mortenson Development, Inc. (“Developer”) to allow the Developer to pay the City an amount of $203,235 in lieu of the requirements to upsize approximately 195 feet of a substandard water main in 2nd Avenue, 225 feet of a substandard main in Adams Street, and to perform associated street pavement repairs along 2nd Avenue and Adams Street. Further request to authorize the City Controller to disburse and the City Treasurer to accept all funds related to this item.

Summary
The Developer owns approximately 0.475 acres of property consisting of

two lots at the northeast corner of 2nd Avenue and Adams Street. To facilitate this development, local improvements to public infrastructure are necessary. The improvements include upsizing a substandard 6-inch water main in 2nd Avenue and Adams Street to a 12-inch main. The Developer has gone through the Technical Appeal process to the Director's Representative level, where it was determined that the Developer will still be in compliance with the Water Services Department's Downtown Master Plan by paying funds into an escrow account for the City to use to upsize the water line and complete associated street pavement repairs. This Master Plan requires that any water lines 6-inch in diameter or smaller in the Downtown Core Area (bounded by 7th Street, 7th Avenue, Jackson Street, and I-10) must be upsized to a minimum diameter of 12-inches. The Developer will promptly pay $203,235 to Phoenix to satisfy the Developer's obligations for water main upsizing and street pavement repair.

Financial Impact

The Developer will pay the City a one-time payment of $203,235.

Location

Northeast Corner of 2nd Avenue and Adams Street
Council District: 7

This item was adopted.

56 Purchase Philadelphia Mixer Replacement Parts (Ordinance S-46178)

Request to authorize the City Manager, or his designee, to purchase replacement parts for a critical repair to a Philadelphia Coagulation Mixer for the Water Service Department (WSD). Further request to authorize the City Controller to disburse all funds related to this item. The total agreement value will not exceed $9,771.26.

Summary

The purpose of this purchase is to provide replacement parts for a coagulation mixer unit located at the Deer Valley Water Treatment Facility. The mixer operates 24 hours a day, seven days a week to blend chemicals and water as part of the Sand Ballasted Flocculation process.

Purchases include delivery of gaskets, pins and shafts, meeting the specifications as ordered by WSD.

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

The RFQ was sent to four vendors, grouped by Product Category.

Selected vendor
Philadelphia Mixing Solutions

No Quotes Submitted
Pioneer Equipment
Kaman
Xylem

Contract Term
This is a one-time purchase.

Financial Impact
One-time purchase in the amount of $9,771.26. Funds are available in the Water Services Department's Operating budget.

This item was adopted.

57 Agreements with All Commercial Landscape Services and Arizona State University in Conjunction with United States Bureau of Reclamation Grant (Ordinance S-46179)

Request to authorize the City Manager, or his designee, to enter into agreements with All Commercial Landscape Services (ACLS) and Arizona State University (ASU) pursuant to a grant award from the United States Bureau of Reclamation (USBR). Further request to authorize the City Treasurer to accept, and the City Controller to disburse, matching funds from ASU.

Summary

At its April 17, 2019 Formal meeting, City Council adopted Ordinance S-45568 which authorized the Water Services Department (WSD), in conjunction with ASU, "…to apply for and, if awarded, accept and enter into agreements" with the USBR under the Bureau's "Lower Colorado Region Water Conservation Field Services Program Financial Assistance for Fiscal Year 2019" funding opportunity. The Ordinance also authorized the City Treasurer to accept, and for the City Controller to disburse, any grant monies awarded.

Subsequently, USBR selected the City's application for award of a financial assistance agreement for $98,634. The grant was conditioned on a dollar-for-dollar match from a non-federal/municipal water provider source, for which the application specified a $100,000 commitment: $50,000 from WSD Capital Improvement Program (CIP) funds and $50,000 from ASU. With the $198,634 total, the City and ASU will perform a pilot project to determine the efficacy of water-absorbing polymers (known as "hydrogel") in conserving potable water supplies and reducing watering costs in turf-irrigation settings.

In keeping with the grant application, the City and ASU will each provide adjoining demonstration sites at which ACLS (as the exclusive provider of the Aqua Cents Water Management system) will install the hydrogel under 12 existing acres of turf currently being irrigated with City potable water. In addition, WSD, Parks & Recreation and ASU staffs will collaborate on compiling historical water application rates at the sites, developing study methodologies, and quantifying post-hydrogel watering over an initial two-year study period. These efforts will be followed by preparation of a joint report on the findings.

Contract Term

The grant provides two years to complete the installation and study. To allow for installation, commissioning and analysis of the hydrogel, a two-year contract with ALCS is needed. In addition, a five-year Intergovernmental Agreement is needed with ASU to cooperate on a longer-term hydrogel evaluation and report.

Financial Impact

A one-time City expense of $50,000 would be incurred in FY 2019-20.

Funding is available in the WSD's CIP budget. Using the USBR grant and ASU and WSD matching funds, WSD will pay ALCS a total of $198,634 under the Phoenix/ALCS contract. Under the grant award, USBR will remit $98,634 to the City, and ASU will remit its $50,000 share under the Phoenix/ASU intergovernmental agreement.

Concurrence/Previous Council Action

The City Council approved Agreements for 2019 Lower Colorado Region Water Conservation Field Services Grant, in Conjunction with ASU(Ordinance S-45568) on April 17, 2019.

Public Outreach

If the study produces the positive results anticipated, the City and ASU will share the outcomes with the public to encourage use of hydrogels for turf applications. This outreach may yield substantive water conservation within the City's service area and throughout the region.

This item was adopted.

58 Amendment to Sewer Cleaning and Inspection Services Agreement (Ordinance S-46191)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 139709 with Hoffman Southwest Corporation dba Professional Pipe Services (ProPipe), Inc. to provide additional funding and time to the agreement. 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. This amendment will increase the agreement by an additional $387,000, for a new total not-to-exceed agreement value of $1,587,000.

Summary

The purpose of this agreement is to keep the sanitary sewers and storm drains free from obstructions through sewer and storm drain cleaning. Operation and maintenance responsibilities for sanitary sewers resides within the Water Services Department, while operation and maintenance responsibilities for storm drains resides within the Street Transportation Department.

A solicitation for a new vendor contract was issued, but was cancelled

prior to selecting a new vendor. A new solicitation is being developed, but a new vendor contract will not be awarded before the current agreement expiration date of Nov. 30, 2019. The approval of this extension amendment will allow sufficient time to complete a competitive procurement process to award and execute a new multi-year agreement. The remaining funds in the current agreement are insufficient to cover the time extension so additional funds need to be added to the agreement.

Contract Term

This amendment will extend the agreement term from Dec. 1, 2019 through March 31, 2020, with the option to extend on a month-to-month basis until June 30, 2020.

Financial Impact

The initial agreement for Sewer Cleaning and Inspection Services was executed for a fee not-to-exceed $1.2 million.

This amendment will increase the agreement by an additional $387,000, for a new total not-to-exceed agreement value of $1,587,000.

Funding is available in the Street Transportation Department and Water Services Department Operating Program budgets.

Concurrence/Previous Council Action

The City Council approved Sewer Cleaning and Inspection Agreement 139709 (Ordinance S-41278) on Nov. 19, 2014.

This item was adopted.

59 Intergovernmental Agreement Between City of Phoenix and Arizona Board of Regents on Behalf of Arizona State University for Upsizing of Water Main at 380 N. 1st Ave. (Ordinance S-46192)

Request authorization for the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) between the City of Phoenix (“City”) and the Arizona Board of Regents on behalf of Arizona State University (“Developer”) to allow the Developer to pay the City an amount of $141,813 in lieu of the requirement to upsize approximately 315 feet of a substandard water main and to perform associated street pavement repairs along 1st Avenue from the Fillmore Street and 1st Avenue intersection. Further request to authorize the City Treasurer to accept,

and the City Controller to disburse, all funds related to this item.

Summary

The Developer owns approximately 0.9 acres of property at the southwest corner of 1st Avenue and Fillmore Street. To facilitate this development, local improvements to public infrastructure are necessary. The improvements include upsizing a substandard 6-inch water main in 1st Avenue to a 12-inch water main. The Water Services Department's Downtown Master Plan requires that any water lines 6-inch in diameter or smaller in the Downtown Core Area (bounded by 7th Street, 7th Avenue, Jackson Street, and I-10) must be upsized to a minimum diameter of 12 inches. The Developer will promptly pay $141,813 to the City of Phoenix to satisfy the Developer's obligations for water main upsizing and street pavement repair.

Financial Impact

The Developer will pay the City a one-time payment of $141,813.

Location

1st Avenue south from the intersection of Fillmore Street and 1st Avenue for a distance of approximately 315 feet.
Council District: 7

This item was adopted.

60 Modification of Stipulation Request for Ratification of Oct. 16, 2019 Planning Hearing Officer Action - Z-124-03-7(4)

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct.16, 2019. This ratification requires formal action only.

Summary

Application: PHO-2-19--Z-124-03-7(4)
Existing Zoning: C-2
Acreage: 8.79
Applicant: Paul E. Gilbert, Beus Gilbert PLLC
Owner: 59th Avenue and McDowell LLC
Representative: Andy Jochums, Beus Gilbert PLLC

Proposal:

Modification of Stipulation 1 regarding site plan date stamped Jan. 22, 2004 and elevations date stamped Jan. 13, 2004.
Deletion of Stipulation 2 regarding comprehensive design theme to be approved prior to preliminary site plan approval.
Deletion of Stipulation 3 regarding parking between right-of-way and buildings.
Deletion of Stipulation 4 regarding a maximum of two driveways along each street.
Deletion of Stipulation 5 regarding dedication of right-of-way for the south half of McDowell Road.

Location

Approximately 175 feet east of the southeast corner of 59th Avenue and McDowell Road
Council District: 4
Parcel Address: N/A

Concurrence

Village Planning Committee (VPC) Recommendation: The Maryvale Village Planning Committee chose not to hear this case.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Oct. 16, 2019 and recommended denial as filed and approval with modifications and additional stipulations. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

This item was approved.

61 Final Plat - Arabella - Parcel 1 - 190021 - Southeast Corner of Tatum Boulevard and Grovers Avenue

Plat: 190021
Project: 18-482
Name of Plat: Arabella - Parcel 1
Owner(s): D.R. Horton, Inc.
Engineer(s): Hilgart Wilson
Request: A 377 Lot Residential Plat
Reviewed by Staff: Oct. 17, 2019
Final Plat requires Formal Action Only

Summary

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

Location
Generally located at the southeast corner of Tatum Boulevard and Grovers Avenue.
Council District: 2

This item was approved.

62 Final Plat - Mirabella - 190054 - Southeast Corner of Central Avenue and Sunland Avenue

Plat: 190054
Project: 18-2088
Name of Plat: Mirabella
Owner(s): Sunland Housing, LLC
Engineer(s): MLC Services, LLC
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Oct. 17, 2019
Final Plat requires Formal Action Only

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

Location
Generally located at the southeast corner of Central Avenue and Sunland Avenue.
Council District: 7

This item was approved.

63 Final Plat - Imagine Communities - Phase 1 - 190028 - Northeast Corner of Virginia Road and 27th Street

Plat: 190028
Project: 17-1147
Name of Plat: Imagine Communities - Phase 1
Owner(s): Imagine Communities, LLC
Engineer(s): Engineering and Environmental Consultants, Inc.

Request: A 9 Lot Residential Plat
Reviewed by Staff: Oct. 17, 2019
Final Plat requires Formal Action Only

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

Location
Generally located at the northeast corner of Virginia Road and 27th Street.
Council District: 8

This item was approved.

64 Final Plat - Imagine Communities - Phase 2 - 190029 - Northwest Corner of 27th Street and Virginia Avenue

Plat: 190029
Project: 17-1147
Name of Plat: Imagine Communities - Phase 2
Owner(s): Imagine Communities, LLC
Engineer(s): Engineering and Environmental Consultants, Inc.
Request: A 24 Lot Residential Plat
Reviewed by Staff: Oct. 17, 2019
Final Plat requires Formal Action Only

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

Location
Generally located at the northwest corner of 27th Street and Virginia Avenue.
Council District: 8

This item was approved.

65 Final Plat - Zen on Flower - 190051 - 200 Feet +/- East of 32nd Street on the South Side of Flower Street

Plat: 190051

Project: 18-3334
Name of Plat: Zen on Flower
Owner(s): AJM Ventures, LLC
Engineer(s): Buchli Engineers, Inc.
Request: A 20 Lot residential single family attached subdivision plat
Reviewed by Staff: Oct. 14, 2019
Final Plat requires Formal Action Only

Summary

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

Location

Generally located 200 feet +/- east of 32nd Street on the south side of Flower Street.
Council District: 8

This item was approved.

66 Abandonment of Easement - V190009A - Northeast Corner of 7th Avenue and Lincoln Street (Resolution 21798)

Abandonment: V190009A
Project: 18-2849
Applicant(s): Brad Junker; SEG
Request: To abandon portions of the public utility easements where right-of-way was previously abandoned including a 20-foot sewer easement located near 7th Avenue and Lincoln Street.
Date of Decision/Hearing: May 6, 2019

Location

Northeast corner of 7th Avenue and Lincoln Street
Council District: 8

Financial Impact

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

consideration in this matter.

This item was adopted.

67 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-19--Z-SP-11-17-4 - Southwest Corner of Black Canyon Highway and Mariposa Street (Ordinance G-6640)

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct. 16, 2019.

Summary
Application: PHO-1-19--Z-SP-11-17-4
Existing Zoning: C-2 HGT/WVR SP
Acreage: 2.91
Applicant: Benjamin Tate, Withey Morris
Representative: Black Canyon Self-Storage, LLC
Owner: Benjamin Tate, Withey Morris

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the elevations date stamped Aug. 18, 2017.

Location
Southwest corner of Black Canyon Highway and Mariposa Street
Council District: 4
Parcel Address: N/A

Concurrence
Village Planning Committee (VPC) Recommendation: The Alhambra Village Planning Committee chose not to hear this case.
PHO Action: The Planning Hearing Officer heard this case on Oct. 16, 2019 and recommended approval with an additional stipulation. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

This item was adopted.

27 Authorization to Sell City-Owned Property at Cave Creek Water Reclamation Plant to Arizona Public Service Company (Ordinance

S-46166)

Request to authorize the City Manager, or his designee, to enter into a purchase and sale agreement and other agreements necessary to sell approximately 93,061 square feet of City-owned real property to Arizona Public Service Company (APS), an Arizona corporation, and to grant APS an access easement across City-owned land for the purpose of vehicular access to the site. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

Since 1998, APS has leased approximately 77,674 square feet of City-owned land at the Cave Creek Water Reclamation Plant (WRP) to operate an electrical power substation that serves the WRP and the neighboring community. APS built and maintains the substation at its own expense and owns all improvements on the leased land. The final extended term of the lease expires Aug. 11, 2020. APS has requested to acquire the land that it currently occupies, as well as additional adjoining land, in order to expand its substation to accommodate the future power needs of the WRP and additional residential development in the surrounding area.

The land to be sold to APS is approximately 93,061 square feet within a portion of Maricopa County Assessor parcel number 213-02-169A. The land is accessible by a private road leading to the WRP that is maintained by the Water Services Department. The City will grant APS an easement to access the property via the private road, and APS agrees to mill and overlay at its own expense a portion of the private road that leads to the substation. As part of the purchase and sale agreement, APS will allow the City of Phoenix to reserve the right to continue accessing and maintaining an electrical vault within the substation property that serves the WRP until such time as the electrical vault can be relocated or abandoned by the City.

Financial Impact

Revenue will be based on the appraised value of the land with access, reviewed and approved by the Finance Department's Real Estate Division. APS will be responsible for all closing costs.

Location

Near the northeast corner of N. Cave Creek Road and E. Deer Valley Drive

Council District: 2

Discussion

Katherine Roxlo stated her opposition of the land sale to APS and requested that it be continued as a lease. She stated Phoenix has a limited amount of land and the City needs this land.

Note: Councilman Nowakowski temporarily stepped away from the voting body while Ms. Roxlo was addressing Council.

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

Yes:	8 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego
No:	0	
Absent:	1 -	Councilman Nowakowski

35 Amend Pay Ordinance S-45840 in Accordance with Human Resources Committee Recommendation (Ordinance S-46187)

To accommodate increases in pay to part-time, non-seasonal employees to at least $15 per hour, five classifications require a change in grade or a change in rate of pay. In accordance with the recommendation of Human Resources Committee 604, the Human Resources Department is requesting the following re-grading of five classifications:

Change the flat rate of pay of Public Service Trainee (NC), Code 80040, Salary Plan 006, Grade 300 from $11/hour to $15/hour.

Change the grade of Clerical Trainee (NC), Code 00100, Salary Plan 006, from Grade 314 ($10.11 - $14.54), to Grade 315 ($10.54 - $15.16).

Change the grade of Library Page, Code 01580, Salary Plan 006, from Grade 311 ($8.75- $12.59), to Grade 315 ($10.54 - $15.16).

Change the grade of Parks & Recreation Aide, Code 40450, Salary Plan

006, from Grade 311 ($8.75 - $12.59), to Grade 315 ($10.54 - $15.16).

Change the grade of Parks & Recreation Aide*Cash, Code 40452, Salary Plan 006, from Grade 313 ($9.61 - $13.79), to Grade 315 ($10.54 - $15.16).

Summary

The City Council, City management, and labor organizations are committed to ensuring employees earn a livable rate of pay. The City of Phoenix increased the minimum hiring rate for full-time employees to no less than $15 per hour effective the first pay period in May of 2019. The City intends to adjust all non-seasonal employees below the City's established starting wage of $15 to at least the starting rate or to the step in their pay grade closet to, but not lower than, the City's starting rate. Non-seasonal employees hired after this date will begin at a rate no lower than the City's established entry rate of $15. Upon approval, the classifications listed above will be re-graded to ensure that the top step in the range meets at least $15 per hour, which will allow the intended adjustment to occur.

Financial Impact

Re-grading the classifications listed above is part of a larger initiative to increase starting salaries for part-time, non-seasonal employees to no less than $15 per hour. The estimated cost to change the salaries of affected employees in each department for a full fiscal year, including benefits, is shown in **Attachment A**. Additional costs in the current fiscal year will be absorbed by each Department and, if necessary, these costs will be absorbed by the Parks and Recreation and Library departments by holding positions vacant. The full-year costs next year and ongoing will be reflected in the proposed budget.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 604 on Nov. 1, 2019.

Discussion

Mayor Gallego announced earlier in 2019 the City of Phoenix adjusted all full-time employees to $15 an hour and this item would bring non-seasonal part-time employees to $15 an hour.

Note: Councilman Nowakowski rejoined the voting body.

Jennifer Grondahl stated she works with LIUNA Local 777, which represents Unit 1 employees, and they are in favor of this item. She reflected on working towards this for over six full years. She stated that since the full-time employees pay was increased to $15 an hour it has drastically changed peoples lives.

Councilman DiCiccio expressed his appreciation for everything Ms. Grondahl has done and noted her work with the labor groups and her good job representing Unit 1.

Mayor Gallego complimented Ms. Grondahl and her team. She discussed how important this item is for City employees and the community.

Vice Mayor Guardado stated she was very happy being able to support this item and applauded the work of Ms. Grondahl. She additionally stated the City is facing unprecedented rental increases, stagnate wages, record level evictions, and a skyrocketing homeless population. She stated the right solutions will require all members of the community, elected officials, business owners, City staff, developers, nonprofit organizations, and labor leaders to all work together.

Councilman Nowakowski thanked staff, colleagues, and Mayor Gallego for their leadership and for seeing the need to make sure the part-time workers were getting their fair share.

Councilwoman Pastor asked if staff was present to answer a question.

Human Resources Director Lori Bays and Deputy Human Resources Director Greg Carmichael approached the dais.

Councilwoman Pastor asked if the pay increase would apply to Parks and Recreation life guards and any people hired during the summer, specifically the youth that get hired.

Ms. Bays responded no, lifeguards are not included. This is for non-seasonal year-round employees. Lifeguards and seasonal election staff are not included in this proposal.

Councilwoman Pastor asked Ms. Bays to look into the cost of including seasonal staff in the future.

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

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

No: 1 - Councilman Waring

42 Photo Red Light and Photo Speed Enforcement - RFP 14-021A (Ordinance S-46162)

Request for the City Manager, or his designee, to authorize additional funds and extend Contract 139520 with Redflex Traffic Systems, Inc. for the continuation of Photo Red Light and Photo Speed Enforcement services for the Phoenix Police Department, originally awarded on Oct. 15, 2014. With the additional funds of $800,000, the revised aggregate value will be $4,027,776. The extension of the current contract will be effective Jan. 1, 2020 through Dec. 31, 2020, on a month-to-month basis to provide additional time to complete the Request for Proposal (RFP) process with uninterrupted services. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Police Department utilizes photo enforcement technologies to reduce traffic collisions, encourage voluntary compliance with traffic laws, and create a safer street environment. It is the recommendation of the Police Department to add the necessary funds to the Redflex contract due to the reduction in collisions, injuries and fatalities at photo enforcement intersections and the increased volume of speed and red light violations generated at the locations.

The current City of Phoenix Photo Enforcement Program from Sept. 1,

2009 through Sept. 30, 2018, has reported a net General Fund revenue of $7,062,885, resulting from a total of 205,384 school speed and red light complaints filed with the City Court.

Contract Term
Upon Council's approval, the beyond-term extension will be effective Jan. 1, 2020 through Dec. 31, 2020 and will be extended on a month-to-month basis to provide additional time to complete the RFP process with uninterrupted services.

Financial Impact
Upon approval of the additional expenditures of $800,000, the revised aggregate value will be $4,027,776 through the term of Dec. 31, 2020. Funds are available in the Police Department's budget.

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

Yes:	4 -	Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams and Mayor Gallego
No:	5 -	Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilman Waring and Vice Mayor Guardado

68 Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-36-19-6 - Northwest Corner of 44th Street and Camelback Road (Ordinance G-6642)

Request to hold a public hearing on the request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-36-19-6 and rezone the site from C-O to PUD (Planned Unit Development) to allow mixed-use.

Summary
Application: Z-36-19-6
Current Zoning: C-O
Proposed Zoning: PUD
Acreage: 17.72
Proposed Use: Planned Unit Development to allow a mixed-use

development

Owner: Camel Square, LLC
Representative: Ed Bull, Burch & Cracchiolo
Applicant: Ed Bull, Burch & Cracchiolo

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Camelback East Village Planning Committee heard this case on Oct. 1, 2019 and recommended approval, subject to staff stipulations and five additional stipulations by an 11-6 vote.
PC Action: The Planning Commission heard this case on Nov. 7, 2019 and recommended approval, per the staff memo dated Nov. 7, 2019 with additional stipulations by an 7-0 vote.

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

Discussion
Planning and Development Director Alan Stephenson noted this item was a rezoning request of a 17.72 acre site from CO to PUD for a mixed use development, which staff recommended approval subject to stipulations. He presented a powerpoint that showed the subject location, existing zoning map, and proposed site plan, land use plan exhibit that outlined various sub-zones and explained their uses, proposed building height exhibit, and proposed building elevations. He reiterated that staff recommends approval per the memo he issued dated Nov. 20, 2019. He noted the request was approved by the Camelback East Village Planning Committee by an 11-6 vote, and by the Planning Commission by a 7-0 vote.

Mayor Gallego opened the public hearing.

Mayor Gallego announced there were nine individuals in favor of the project, two individuals opposed, and one neutral who submitted comment cards to speak on the item. An additional 59 comment cards

were submitted in favor of the project and four opposed to the project, all not wishing to speak.

Tim LaSota stated he was in support of the project after having previously attended the Planning Commission and opposed it. He thanked Red Development and Fox Restaurant Concepts for their willingness to finally find a path that neighbors could support. He urged Council to support this item with the additional stipulations.

Ed Bull stated he represented Red Development and Camel Square LLC and registered to speak on behalf of SWF Hospitality. He said they were present to thank the neighbors in support and noted they reached an agreement that is outlined in the staff memo. He concluded they were requesting the Council's approval in accordance with the stipulations and staff memo.

Mike Ebert, managing partner of Red Development, discussed the start of Red Development, their growth, and the extensive work with multiple neighborhood associations, the Camelback East Village Planning Committee, and Planning Commission for the proposed project. He requested the support of Council.

Marvin Borsand thanked Shannon Johnson and her work with getting the surrounding neighborhoods together to work on the project. He also thanked Councilman DiCiccio. He stated it is going to be a tremendous development and he is in support with the amendments that were put together.

Paul Barnes stated he had a long association with this project. He discussed being opposed to the proposed 75 foot height. He concluded he supports the results of the meeting from the night prior and hopes the City Council adopts the stipulations.

Sam Fox noted he had been dreaming about this project for over six years, and the whole process had been eye opening. He stated his biggest takeaway from the journey is how passionate people are about the City of Phoenix and the communities they live in. He thanked Council for their leadership and expressed his hope that they vote for the project.

Jeff Moloznik stated he was present on behalf of Red Development and asked Council for their support of the project.

Julia Patrick said she was the closest resident to the project and that she speaks in profound support of it. She reflected on her father being the original developer of the land and stated it was time to embrace some change, exciting services and products.

Melissa Bull stated she was opposed to the project and collected signatures over the weekend. She explained presenting the site plan to neighbors and they were quite surprised to see what the developers are planning and noted they had a lot of negative comments to make. She further explained some of the concerns were about not having enough information about the design and the pedestrian feel in the neighborhood.

Ron Ober spoke in support of the project and said what Council was hearing today is a great example of what can happen when people talk to each other. He said Red Development and the neighbors have done a fantastic job.

Matt Evens submitted a comment card in favor of Item 68 but was no longer at the meeting to speak on the item.

Bryan Brown submitted a card in opposition to Item 86 and announced he was going to relinquish his time.

Randall Pullen stated he has looked at this project, and there have been many proposed projects at this site, and concluded this project is by far the best and well thought out project proposed. He expressed his support of the project.

Richard Spiegel explained he was not happy about the project and discussed the goal to make sure the project would still allow views of Camelback Mountain. He stated a 55 foot height would be adequate and a compromise.

Note: The following individuals submitted comment cards for the record

in favor of Item 68, wishing not to speak:

Stephanie Aleman
Heather Barilla
Emily Blais
Ryan Blay
Joshua Bray
Dawn Brimley
Nicholas Brown
Brian Cabianca
Alex Clark
Trevor Cohen
Taylor Corbett
Ashley Davis
Gregory Davis
David Dawson
April Fischer
Brian Frakes
Ellen Frank-Fedorka
D. Matthew Glines
Lisa Goodwin
Joey Hakola
Robert Harris
Kimberly Harns
Jeremy Hatfield
Donna Harman
Brett Heron
Joanne Hertel
Mark Holder
Shannon Johnson
Suzanne Kinney (NAIOP)
Chris Ledwith
Amy Lopez
Christine Martin
Andrew Medley
Andy Mertz
Pedro Miranda
Viktor Morozov

Bryon Oberg
Ryan O'Connor
Mark Papala
Scott Rehorn
Layla Ressler
Sarah Wolf Reust
Danielle Roisom
Jeremiah Rojo
Barry Shannahan
Lisa Sheets
Kelly Singer
Renee Stryjecki
Brad Sullivan
Judith Testani
Thomas Trout
Ryan Valencia
Brooke Vink
Scott Wagner
Pay Williams
James Edwin Young
Ramona Zapostas
Kevin Zitkovich

Note: The following individuals submitted comment cards for the record in opposition to Item 68, wishing not to speak:

Rick Celcala
Catherine Foley
Katherine Kovach
Melissa Martin
Joyce Schmidt

Mayor Gallego closed the public hearing.

Vice Mayor Guardado thanked the neighbors, Red Development, and Councilman DiCiccio for all their work. She explained that as things are changing and thriving in Phoenix, everyone is going to have to talk to each other even more. She stated she was honored and happy to be able to

support the project.

Vice Mayor Guardado motioned that this item be approved per the Nov. 20, 2019 memo from the Planning and Development Director with adoption of the related ordinance, seconded by Councilman Nowakowski.

Councilman DiCiccio discussed the complexity of the project and the location. He took time to thank the neighbors and following individuals for working together:
Wally Graham
Paul Barnes
Neal Haddad
Marvin Borsand
Shannon Johnson
Rick Spiegel
Jim Binns
Connie Binns
Tim LaSota
Robert Sarver

Councilman DiCiccio also thanked Mayor Gallego, Vice Mayor Guardado, and Councilman Nowakowski in particular for their leadership. He also thanked the developers, Mike Ebert, and Sam Fox for doing business in Phoenix.

Councilman DiCiccio named neighborhood groups that were in support of the project, including the following:
Arcadia Camelback Mountain Neighborhood Association
Arcadia Osborn
Arcadia Villa
Cudia City Estates
Hacienda Granada
Marion Estates
Short Hills
Neighborhood Coalition of Greater Phoenix
Park Paradise
Villages at Camelback Mountain

Councilman DiCiccio further thanked Daniel Sharaby, Jay Swart, and members of the Camelback East Village Planning Committee, noting they are volunteers that go out of their way to do their work.

Councilman Nowakowski thanked Councilman DiCiccio for his leadership and noted it was amazing he was able to bring nine neighborhood associations together to have a four hour conversation. He stated this was a fine example of finding common ground and growing from it.

Mayor Gallego thanked everyone for their hard work on this project and expressed her appreciation for people gathering to talk about what matters. She commented that Phoenix has the most acres of parks within city limits of any large city and that it is a credit to Phoenix. She noted the passion people have for the city's businesses and neighborhoods.

Councilwoman Pastor thanked the neighbors and neighborhoods for coming together to find a common ground. She explained she appreciated the effort of everyone, especially Shannon Johnson and Melissa Bull.

Councilman DiCiccio acknowledged Layla Ressler and thanked her for all that she did to make this project work.

The hearing was held. A motion was made by Vice Mayor Guardado, seconded by Councilman Nowakowski, that this item be approved per the Nov. 20, 2019 memo from the Planning and Development Director with adoption of the related ordinance. The motion carried by the following vote:

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

Note: Councilwoman Williams disconnected from the voting body after the vote on Item 68.

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

CITIZEN COMMENTS

The City Attorney stated the Citizen Comment part of the agenda provides an opportunity for members of the public to address the City Council for up to three minutes on issues of interest or concern to them. The Arizona Open Meeting Law permits the Council to listen to the comments from the public, but prohibits the members from discussing or taking action on matters presented during Citizen Comment.

Discussion

Katherine Roxlo noted she heard the city is in a record drought and said the City of Phoenix Water Department states on their website that Phoenix is in an unprecedented drought. Ms. Roxlo requested that the city prioritize a new 100-year water supply evaluation for Phoenix before additional water pipeline construction. She concluded that Phoenix needs to evaluate the best sources and use for clean and gray water and encouraged the Water Department to strengthen water conservation efforts.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 3:49 p.m.

MAYOR

ATTEST:

CITY CLERK

ES

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 20th day of November, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 16th day of December, 2020.

CITY CLERK