City of Phoenix

Minutes

185983

City Council Formal Meeting

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

Wednesday, December 13, 2023 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, Dec. 13, 2023 at 2:37 p.m. in the Council Chambers.

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

Vice Mayor Ansari and Councilwomen Guardado and Stark temporarily left and returned to the voting body during discussion of Item 13. Mayor Gallego and Councilwoman Stark temporarily left and returned to the voting body during testimony of Item 25. Councilwoman Pastor temporarily left the voting body during discussion of Item 30 and returned to the voting body during testimony of Item 32. Councilwoman Pastor temporarily left the voting body and rejoined by telephone during discussion of Item 41. Vice Mayor Ansari temporarily left the voting body and rejoined by telephone during Citizen Comments.

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

The City Clerk confirmed copies of the titles of Ordinances G-7202 through G-7206, S-50410 through S-50440, and Resolutions 22175 through 22178 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

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

MINUTES OF MEETINGS

1 For Approval or Correction, the Minutes of the Formal Meeting on March 3, 2021

Summary

This item transmits the minutes of the Formal Meeting of March 3, 2021, for review, correction and/or approval by the City Council.

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

A motion was made by Councilman Waring, seconded by Councilwoman O'Brien, that this item be continued to the Jan. 3, 2024 City Council Formal Meeting. The motion carried by the following voice vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

BOARDS AND COMMISSIONS

2 Mayor and Council Appointments to Boards and Commissions

Summary

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

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

Camelback East Village Planning Committee

Appoint Raul Guevar, replacing Jack Wilenchik, for a term to expire Nov. 19, 2025, as recommended by Councilman Robinson.

Appoint Larry Whitesell, replacing Dan Rush, for a term to expire Nov. 19,

2025, as recommended by Councilman Robinson.

Desert View Village Planning Committee
Appoint Dimitri Douvalakis, filling a vacancy, for a term to expire Nov. 19, 2025, as recommended by Councilman Waring.

Development Advisory Board
Reappoint Timothy Keil, serving his first full term, to expire Dec. 13, 2026, as recommended by Mayor Gallego.
Reappoint Joy Seitz, serving her second term, to expire Dec. 13, 2026, as recommended by Mayor Gallego.

Encanto Village Planning Committee
Appoint Felipe Carranza, serving his first term, to expire Nov. 19, 2025, as recommended by Mayor Gallego.

Ethics Commission
Appoint Jose Samuel Leyvas III, serving as one of two Republicans for a three-year term, to expire Dec. 13, 2026, as recommended by Mayor Gallego.
Appoint Louie Lujan, serving as one of two Democrats for a three-year term, to expire Dec. 13, 2026, as recommended by Mayor Gallego.
Appoint Cheryl Pietkiewicz, serving as one of two Republicans for a five-year term, to expire Dec. 13, 2028, as recommended by Mayor Gallego.
Appoint Patricia Sallen, serving as one of two Democrats for a five-year term, to expire Dec. 13, 2028, as recommended by Mayor Gallego.
Appoint Peter Schirripa, serving as one Unaffiliated for a five-year term, to expire Dec. 13, 2028, as recommended by Mayor Gallego.

North Mountain Village Planning Committee
Reappoint Nadine Alauria, serving her third term, to expire Nov. 19, 2025, as recommended by Councilwoman Stark.

Planning Commission
Appoint Carol Hu, serving her first term, to expire Dec. 13, 2027, as recommended by Mayor Gallego.

A motion was made by Vice Mayor Ansari, seconded by

Councilwoman Stark, that this item be approved as revised. The motion carried by the following voice vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

Mayor Gallego administered the oath of office to the following appointees:
- Raul Guevar and Larry Whitesell, Camelback East Village Planning Committee;
- Dimitri Douvalakis, Desert View Village Planning Committee;
- Patricia Sallen and Peter Schirripa, Ethics Commission; and
- Carol Hu, Planning Commission.

Mayor Gallego invited the above individuals to approach the dais so Council could extend their appreciation. She stated appointees advise the City on a variety of important matters, noting the Council's vote today approved the Ethics Commission and seated all its members.

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

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

A motion was made by Vice Mayor Ansari, seconded by Councilwoman Stark, that Items 3-5 be recommended for approval. The motion carried by the following voice vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

3 Liquor License - Boo and Henry's Memphis Pit BBQ

Request for a liquor license. Arizona State License Application 262804.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
16500 N. Scottsdale Road, Ste. 100
Zoning Classification: CP/GCPPCD
Council District: 2

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

The 60-day limit for processing this application is Dec. 30, 2023.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Have attended both the Title 4 basic and management liquor law courses. Will require employees handling alcohol to attend as well. Will abide by AZ state laws and regulations"

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This restaurant will be the only authentic Memphis Style BBQ in the area. I'm originally from Memphis and my chef is from Louisiana. We are excited to bring the South style real BBQ to Arizona."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Boo and Henry's Memphis Pit BBQ - Data
Attachment - Boo and Henry's Memphis Pit BBQ - Map

This item was recommended for approval.

4 Liquor License - Tres Cabo Amigos LLC

Request for a liquor license. Arizona State License Application 260058.

Summary

Applicant
Richard Austin, Agent

License Type
Series 4 - Wholesaler

Location
1726 E. Deer Valley Road

Zoning Classification: A-1 DVAO
Council District: 2

This request is for a new liquor license for a wholesaler. This location was not previously licensed for liquor sales and does not have an interim permit. This business has plans to open in April 2024.

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

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

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 been working on putting this brand since forming the AZ LLC in October 2020 and selling our first bottle in December 2022. We have just been granted our Importer License in September 2022 and excited to complete this journey. Our company has given back to several charities including HopeKids, Wounded Warrior Project, Disabled American Veterans, Barb's Dog Rescue, Childhelp and many others. We are active in the community, in December 2023 we are the main agave sponsor at IMEX Spirits of Mexico in downtown Phoenix. Providing new AZ jobs."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

5 Liquor License - Special Event - Windsor Square Special Planning District

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

Summary

Applicant
Thomas Hilditch

Location
220 E. Orange Drive
Council District: 4

Function
Bi-annual Home Tour

Date(s) - Time(s) / Expected Attendance
March 10, 2024 - 11 a.m. to 4 p.m. / 1,500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

6 Liquor License - Mimi's Cafe

Request for a liquor license. Arizona State License Application 264200.

Summary

Applicant
Jared Repinski, Agent

License Type
Series 12 - Restaurant

Location
21001 N. Tatum Blvd., Ste. 88
Zoning Classification: C-2 DRSP
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 Dec. 31, 2023.

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

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

Mimi's Cafe (Series 12)
7450 W. Bell Road, Glendale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

comment period.

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been representing liquor licensed establishments in Arizona for over 15 years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Tourism plays an important role in our local economy and liquor licensed establishments (the sale of alcohol) is a very important aspect of tourism. Therefore, if the City of Phoenix continues to lead the State of Arizona by approving quality and diverse businesses (restaurants, bars, microbreweries, distilleries, hotels, resorts, golf courses, special events, convenience / liquor / grocery stores and gas stations) similar to this proposed liquor licensed business, all businesses will prosper."

Staff Recommendation
Staff recommends disapproval of this application based on a Finance Department recommendation for disapproval.

Attachments
Attachment - Mimi's Cafe - Data
Attachment - Mimi's Cafe - Map

Discussion
Councilman Waring said he wanted to hear public testimony before making a motion.

Jared Repinski stated he contacted Finance staff, but was unable to obtain information about their disapproval recommendation as it was confidential. He said he also spoke with the applicant who claimed she was unable to address issues caused by the previous owner. He emphasized this same application was already approved by Glendale

and Chandler as well as the State Liquor Department. He expressed he looked forward to how Council moved this application forward.

Councilman Waring asked how Mr. Repinski came to represent the applicant.

Mr. Repinski replied he was the agent on the application and filed all the forms.

Councilman Waring confirmed Mr. Repinski was not an attorney representing the applicant. He requested staff provide an explanation as this was a change in ownership because Mimi's Cafe had been there awhile.

Deputy City Clerk Leah Swanton announced Deputy Finance Director Brandi Flores was also present. Ms. Swanton conveyed this particular request was for a new liquor license for a restaurant, noting the location was previously licensed for liquor sales and can operate with an interim permit. She remarked the 60-day limit for processing this application was Dec. 31, 2023. She stated staff was recommending disapproval of this application based on Finance Department's recommendation for disapproval.

Councilman Waring inquired why the Finance Department recommended disapproval.

Ms. Flores advised the Finance Department's recommendation was subject to disclosure prohibitions per City Code section 14-510 and Arizona Revised Statutes 42-2001 through 42-2004.

Mayor Gallego confirmed information could not be provided due to confidentiality and suggested the item be continued to allow the applicant additional time for dialogue.

Councilman Waring interjected he wanted to know if paperwork was missing.

Ms. Flores reiterated she was prohibited from disclosing information per

state law.

Councilman Waring stated he would continue the item for two weeks.

Mayor Gallego remarked the applicant had to authorize the continuance to January 3.

Mr. Repinski expressed he did not think two weeks would resolve the situation as he claimed the issue was the previous owner and not the current applicant. He pointed out the applicant wanted to sort out the problem, but it was the prior owner's issue.

Assistant City Manager Lori Bays added another option was to move this item forward with no recommendation and let the state determine how to proceed.

Councilman Waring made a motion to forward this item to the State with no recommendation.

Councilwoman Pastor seconded the motion, noting she had questions for staff. She asked when this application would go before the State Liquor Board.

Ms. Swanton replied the City's 60-day limit provided by the Department of Liquor License and Control was December 31 at which point the State can move forward with their own recommendation.

Councilwoman Pastor requested confirmation the City's deadline expired on December 31 and then the State Liquor Board made their decision.

Ms. Swanton affirmed that was correct.

Councilwoman Pastor asked if the City's recommendation for disapproval was on the applicant or the location.

Ms. Swanton responded the application included both the location and the applicant.

Councilwoman Pastor recalled testimony that the previous owner had issues at this property and the new applicant taking over the property was dealing with the past history.

Ms. Flores advised staff was unable to share additional information.

Councilwoman Pastor said she wanted to know if the issue was with the current or past applicant.

City Clerk Denise Archibald replied staff could not disclose the issue related to the Finance Department recommendation for disapproval. She explained the current applicant and location would be looked at by the State, along with Council's no recommendation, as well as any pending issues with the prior applicant. She conveyed the Department can submit the application for a State Liquor Board hearing or approve it if all matters were resolved.

Councilwoman Pastor thanked staff for the clarification, but she recalled in the past having background information related to Finance Department recommendations for disapproval. She stressed she was attempting to understand the case, not get the financial background on the applicant. She requested staff meet with Council to explain why this case was recommended for disapproval.

A motion was made by Councilman Waring, seconded by Councilwoman Pastor, that this item be forwarded to the State with no recommendation. The motion carried by the following vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

A motion was made by Vice Mayor Ansari, seconded by Councilwoman

Stark, that Items 7-59 be approved or adopted, except Items 12-13, 19, 25, 27, 30, 32-33, 41 and 47; noting Item 27 is as revised, Item 57 is withdrawn and Item 59 is an add-on. The motion carried by the following vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

Items 7-11, Ordinance S-50410 was a request to authorize the City Controller to disburse funds, up to amounts indicated, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 42-13.

7 **WorkHorse Equipment, LLC**

For $85,000 in payment authority for a new contract, to be entered into on or about Jan. 1, 2024 for a five-year contract term for preventative maintenance and operator training for the Falcon FS95 lifts for the Aviation Department. The contract will provide inspections, calibration, preventative maintenance, repair service, and initial and refresher operator training annually. The FS95 lift requires annual calibration to comply with the United States Department of Labor Occupational Safety and Health Administration standard to ensure operational safety.

This item was adopted.

8 **Chevo Studios Inc.**

For $38,379 in payment authority for specialty art restoration services for the Office of Arts and Culture. A public art stone sculpture located in Paseo Highlands Park titled "Agave Grotto" was completed in 2003, and needs re-carving and re-texturing of worn surfaces, as well as restoration patching of the artwork. The original artist has been selected to perform the restoration service.

This item was adopted.

9 **Rural Water Association of Arizona**

For $100,000 in additional payment authority for Contract 152556 for training services for the Operator Certification examinations for the Water Services Department. The additional funds are necessary to provide training to Water Services employees preparing for Operator Certification examination. The Arizona Department of Environmental Quality (ADEQ) requires employees in job classifications involved in water and wastewater operations have passed the Operator Certification examination. This agreement provides the hands-on training, visual aids, and exam preparation services to assist the employees to meet the certification requirements of ADEQ.

This item was adopted.

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

To make payment of $50,000 in settlement of claim(s) in *Adams v. City of Phoenix*, CV2020-055765, 19-1069-003 GL, BI for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Street Transportation Department that occurred on Nov. 11, 2019.

This item was adopted.

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

To make payment of $75,000 in settlement of claim(s) in *Booth v. City of Phoenix*, CV2022-014649, 21-0552-002 GL, BI for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Water Services Department that occurred on Dec. 9, 2021.

This item was adopted.

14 Proposed 9th Ave. and Happy Valley Road Annexation - Authorization to File

Request to authorize the City Manager, or his designee, to file with the Maricopa County Recorder's Office a blank petition for a proposed annexation. This annexation was requested by Kathleen Shaffer with May, Potenza, Baran & Gillespie, P.C. for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation.

Summary

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

Location

The proposed annexation area includes parcel 210-09-019, located at 9th Ave. and Happy Valley Road (**Attachment A**). The annexation area is approximately 4.69 acres (0.0073 sq. mi.) and population estimate is three individuals.
Council District: 1

This item was approved.

15 Proposed 19th Avenue and Park View Lane Annexation - Authorization to File

Request to authorize the City Manager, or his designee, to file with the Maricopa County Recorder's Office a blank petition for a proposed annexation. This annexation was requested by Clark Diepholz of Hawkeye Development, LLC for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation.

Summary

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

Location

The proposed annexation area includes parcels 210-07-015 and 210-07-033E, located at 19th Avenue and Park View Lane (**Attachment A**). The annexation area is approximately 6.386 acres (0.0100 sq. mi.)

and population estimate is zero individuals.
Council District: 1

This item was approved.

16 Amend Ordinance S-46963 Accepting and Dedicating Deeds and Easements for Roadway, Sidewalk and Public Utility Purposes (Ordinance S-50415)

Request the City Council to amend Ordinance S-46963 to correct the legal description for Easement (K) for public utility purposes and easement (L) for sidewalk purposes; further ordering the ordinance recorded.

Summary

Ordinance S-46963 authorized acceptance and dedication of easements for roadway, sidewalk and public utility purposes. A recent survey of a property at 2640 N. 52nd St. revealed errors in the legal descriptions attached to Easement (K) for public utility purposes and Easement (L) for sidewalk purposes. The ordinance is being amended to correct the legal descriptions for those easements.

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

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

All other conditions and stipulations previously stated in Ordinance S-46963 remain the same.

Concurrence/Previous Council Action

City Council authorized the acceptance and dedication of deeds and easements for roadway, sidewalk, and public utilities purposes: (Ordinance S-46963) on Oct. 7, 2020.

This item was adopted.

17 Acceptance and Dedication of Easements for Sidewalk Purposes (Ordinance S-50424)

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

Summary

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

Easement (A)
Applicant: Holland Real Estate, LLC, its successor and assigns
Purpose: Sidewalk
Location: 5128 W. Van Buren St.
File: FN 230095
Council District: 7

Easement (B)
Applicant: Cobblestone Phoenix Propco, LLC, its successor and assigns
Purpose: Sidewalk
Location: 302 N. 51st Ave.
File: FN 230045
Council District: 7

This item was adopted.

18 Acceptance of Easements for Temporary Turn Around and Sewer Purposes (Ordinance S-50432)

Request for the City Council to accept easements for temporary turn around and sewer purposes; further ordering the ordinance recorded.

Summary

Accepting the property interests below meets the Planning and Development Department's Single Instrument Dedication Process

requirement prior to releasing any permits to applicants.

Easement (A)
Applicant: 3330 Madison, LLC, its successor and assigns
Purpose: Temporary Turn Around
Location: 3330 W. Madison St.
Expires: At the completion of construction and dedication of Madison Street to the West into lots three, four, and/or five of Wormser's Addition.
File: FN 230043
Council District: 7

Easement (B)
Applicants: Daniel John Budzban; Stephanie Dawn Budzban; James R. Bathurst; Joan M. Bathurst; its successor and assigns
Purpose: Sewer
Location: 9813 S. 39th Ave.
File: FN 230083
Council District: 8

Easement (C)
Applicant: Dobbins Village Homeowners Association; its successor and assigns
Purpose: Sewer
Location: S. 39th Avenue and W. Elliot Road
File: FN 230083
Council District: 8

This item was adopted.

20 Collection Services - RFQu 18-291 - Amendment (Ordinance S-50436)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 148508 with Ability Recovery Services, LLC, to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed. Staff requests to continue using Ordinance S-44972.

Summary
This contract will provide debt collection resources by providing accurate

debt collections, monitoring, and reporting debts. Debt collection accounts are referred to contractors based on the type and age of the debt, which is generally after 35 days. The City's major types of debt are general accounts receivable, Fire Department emergency transportation services, municipal services including water, wastewater, and refuse, Transaction Privilege Tax, library books, Police false alarms, and damage claims of City property. All fees associated with the debt collections are paid through payments received by the collection agency, except for Fire Department emergency transportation services, which is billed for the services and paid by the City.

Contract Term

Upon approval the contract will be extended through Dec. 31, 2024, with an option to extend through Dec. 31, 2025.

Financial Impact

The aggregate value of the contract will not exceed $234,600 and no additional funds are needed.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

Collection Services Contract 148508 (Ordinance S-44972) on Sep. 5, 2018.

This item was adopted.

21 Two-way Pager Equipment and Service - Amendment (Ordinance S-50431)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 149445 with Spok, Inc. to extend the contract term to continue the pager and related data services utilized citywide. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $64,000.

Summary

This contract will provide two-way pagers and services for multiple departments for their longstanding process control, emergency protocol, and business processes for the next five years. The Information Technology Services Department manages the administration of pagers

and produces monthly reports for departments to audit usage and discontinue service for those no longer needed. The primary users of pagers are Fire Department (93 pagers) and Water Services Department (42 pagers). The Fire Department uses pagers for Dispatch Center emergency notification to hospitals and employee notifications for those without a City-assigned cell phone. The Water Services Department uses the pagers to receive critical alerts and messages from their wastewater plants control systems.

Spok, Inc. provides low-cost notification devices that often have the associated numbers integrated into systems and processes. Continuing this contract mitigates the operational impact and risk of changing pager numbers hard-programmed into process control and emergency protocols. Unlike cell phone numbers, pager phone numbers are not subject to the Federal Communications Commission wireless local number portability requirements. They are typically owned by the paging company and cannot be ported away from them.

Contract Term
Upon approval, the contract will be extended through Dec. 31, 2028.

Financial Impact
Upon approval of $64,000 in additional funds, the revised aggregate value of the contract will not exceed $190,000. Funds are available in the various departments' budgets.

Concurrence/Previous Council Action
The City Council previously reviewed this request authorizing the initial contract and expenditures, Ordinance S-45255 on Dec. 12, 2018.

This item was adopted.

22 Roofing Replacement and Repairs Contracts - IFB FY24-086-04 Request for Award (Ordinance S-50412)

Request to authorize the City Manager, or his designee, to enter into contracts with Capstone Roofing, LLC, Mighty Roofing LLC, and Arizona Construction & Restoration Corporation to provide roofing replacement and repairs for the Housing Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of

the contracts will not exceed $1,250,000.

Summary
This contract will provide roofing replacement and repairs to the Single Family Scattered Site Homes, Senior Housing Sites, and other buildings owned by the Housing Department.

Procurement Information
An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Three vendors submitted bids deemed to be responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendors:

Capstone Roofing, LLC
Mighty Roofing LLC
Arizona Construction & Restoration Corporation

Contract Term
The contracts will begin on or about Feb. 1, 2024, for a five-year term with no options to extend.

Financial Impact
The aggregate contract values will not exceed $1,250,000. The contracts are with U.S. Department of Housing and Urban Development (HUD) funds. There is no impact to the General Fund.

This item was adopted.

23 Community Planning and Consulting Services - Marcos de Niza Apartments - Contract for RFP FY24 086-02 (DRW) - Request for Award (Ordinance S-50414)

Request to authorize the City Manager, or his designee, to enter into a contract with The Liou Choice, LLC to provide Community Planning and Consulting Services for the Marcos de Niza Apartment Community for the Housing Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will

not exceed $1,302,170. There is no impact to the General Fund.

Summary
The contract will provide for successful completion of all tasks and activities to develop a comprehensive neighborhood revitalization plan, or transformation plan, for the Marcos de Niza Apartment Community and the surrounding neighborhood.

Marcos de Niza is an affordable and public housing apartment community, located at 305 W. Pima Road, with a total of 374 units in 124 buildings on 30.5 acres.

The awardee is required to provide planning and coordination services in connection with development of a neighborhood revitalization plan, preparation of a Choice Neighborhoods Planning Grant application (should the City elect to apply), and the application of a future Choice Neighborhoods Implementation Grant and are required to provide ongoing technical assistance throughout each Choice Neighborhoods Grant initiative.

Procurement Information
A Request for Proposal procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Two vendors submitted proposals deemed responsive and responsible. An evaluation committee of City staff evaluated the proposals on a 1,000-point scale based on the following criteria:

Experience and Qualifications
Method of Approach
Schedule
Pricing

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

The Liou Choice, LLC

Contract Term
The contract will begin on or about Dec. 20, 2023, and end upon the City's confirmation that the necessary items in the scope of work have been completed.

Financial Impact
The aggregate contract value will not exceed $1,302,170. Funding is available in the Housing Department's Affordable Housing budget. There is no impact to the General Fund.

Location
305 W. Pima Road
Council District: 8

This item was adopted.

24 Lead-Based Paint Inspections and Risk Assessments - Contract - RFQ FY24-086-08 - Request to Award (Ordinance S-50429)

Request to authorize the City Manager, or his designee, to enter into a contract with Fiberquant, Inc. to provide lead-based paint testing and monitoring for the Housing Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $102,250. There is no impact to the General Fund.

Summary
This contract will provide testing for lead-based paint and other hazards at various properties around the City owned by the Housing Department. In addition to testing, an assessment will be provided and any properties that have a positive test will be monitored for an additional period of time determined to be appropriate by the assessment.

Procurement Information
A Request for Quote procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Five vendors submitted bids deemed to be responsive to the specifications and responsible to provide the required services. Following an evaluation based on price, the procurement officer

recommends award to the following vendor:

Fiberquant, Inc.

Contract Term
The contract will begin on or about Jan. 1, 2024, for a five-year term with no options to extend.

Financial Impact
The aggregate contract value will not exceed $102,250. The 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.

26 Authorization to Amend Contract and Accept Additional Local Utility Assistance Funding from the Arizona Community Action Association dba Wildfire (Ordinance S-50430)

Request to authorize the City Manager, or his designee, to amend Contract 158917 with the Arizona Community Action Association dba Wildfire (Wildfire) to accept additional local utility assistance funding in an amount up to $95,000 for a new contract total not to exceed $417,210 for the period of July 1, 2023, through June 30, 2024. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. There is no impact to the General Fund.

Summary
Funds provided to the City of Phoenix Human Services Department through Wildfire will be used to assist low-income individuals and families by removing barriers to self-sufficiency through utility bill assistance. This additional funding will allow the City of Phoenix to provide utility bill assistance to approximately 150 additional Phoenix households.

Contract Term
The contract term is one year beginning July 1, 2023, through June 30, 2024.

Financial Impact

The new contract total will not exceed $417,210. Additional funding for Fiscal Year 2023-24 will be provided by several local utility funding sources (see **Attachment A**). There is no impact to the General Fund.

Concurrence/Previous Council Action
City Council approved this contract (Ordinance S-49944) on June 28, 2023.

This item was adopted.

28 Artist Construction and Installation Contract for North 32nd Street Drought Pipeline and Neighborhood Improvements Public Art Project (Ordinance S-50413)

Request to authorize the City Manager, or his designee, to enter into a contract with Bobby Zokaites for an amount not to exceed $745,500 for the fabrication and installation of four distinct artworks as part of streetscape enhancements for the North 32nd Street Drought Pipeline and Neighborhood Improvements Project from Cheryl Drive to Cholla Street in North Phoenix. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Fiscal Year (FY) 2023-28 Public Art Plan includes a project to commission an artist to work with Street Transportation, Water Services and the local community to enhance the appearance of North 32nd Street between Cheryl Drive and Cholla Street along the Drought Pipeline pedestrian corridor in North Phoenix. The artist's final design integrates artwork into the streetscape including a retaining wall, a shade structure, an illuminated sculpture and benches to enhance the overall pedestrian experience throughout the site.

On Jan. 28, 2022, the selection panel reviewed 86 applicants who responded to the City's Request for Qualifications. Mr. Zokaites was recommended based on his experience in creating impactful public art projects, his demonstrated ability to involve the community in meaningful ways, and his potential to create a site-specific concept for this community. The five-person selection committee included Ruri Yampolsky, Waterfront Program Manager, Seattle Office of Arts and Culture; Rick Ross, Dean of Students, Shadow Mountain High School;

Wylwyn Reyes, Public Art Project Manager, Arts Foundation of Tucson and Southern Arizona; Allison Barnett, community representative; and John Dickson, Civil Engineer and North 32nd Street Project Manager, City of Phoenix Street Transportation Department.

The project consists of two phases: the design phase, and the fabrication and installation phase. The Office of Arts and Culture is seeking recommendation to enter into contract for the second phase.

Financial Impact

The North 32nd Street Drought Pipeline and Neighborhood Improvements public art project is one of 42 projects in the FY 2023-28 Public Art Plan that the City Council approved on July 3, 2023. The $745,500 artwork budget covers all costs related to the fabrication and installation of the artwork. Funds are available in the Public Art Capital Improvement Program Budget using Water and Street Transportation percent-for-art funding.

Concurrence/Previous Council Action

The Economic Development and Housing Subcommittee reviewed and approved this item at its Nov. 8, 2023 meeting.
The Phoenix Arts and Culture Commission reviewed and recommended this item for approval on Oct. 10, 2023, by a vote of 14-0, noting one absent and one abstention.

Phoenix City Council approved the design phase of the project:
Artist Design Contract for the North 32nd Street Improvements Public Art Project 156321(Ordinance S-48596) on May 11, 2022.
The Community and Cultural Investment Subcommittee recommended approval of the design phase of the project at its April 6, 2022 meeting.

This item was adopted.

29 Request to Enter into a Development Agreement with QTS Phoenix II, LLC (Ordinance S-50411)

Request authorization for the City Manager, or his designee, to enter into a development agreement with QTS Phoenix II, LLC for public open space to satisfy requirements in a Planned Unit Development at 40th Street and McDowell Road.

Summary
QTS Phoenix II, LLC is the owner of real property consisting of approximately 97.85 acres located at the southwest corner of 40th Street and McDowell Road. On Dec. 7, 2017, the Phoenix City Council approved Rezoning Case No. Z-62-17-8 (via Ordinance No G-6396), which rezoned the site to Planned Unit Development (PUD) (the "McDowell Road Data Center PUD"), to accommodate owner's proposed development of the site with a multi-building data center campus known as the "McDowell Road Data Center." As part of the development of the McDowell Road Data Center, and to satisfy the "open space area" requirements in the McDowell Road Data Center PUD, the owner will develop a portion of the southwest corner of the site with a publicly accessible park-like outdoor space. Additionally, for the duration of the agreement, the owner will be responsible to maintain, repair and make necessary replacement of park improvements located on the site so as to keep the improvements in a reasonable condition for its intended purposes in accordance with the maintenance standards of the Parks and Recreation Department. The City recognizes the public benefits that will accrue from the construction of park improvements within the approximate 2.5-acre outdoor space park site.

Contract Term
The initial term of the agreement will be 20 years, effective on or about Dec. 18, 2023, with automatic renewals for additional 10-year periods every 10 years, unless the City chooses not to renew prior to a renewal period.

Financial Impact
There is no impact to the General Fund.

Concurrence/Previous Council Action
City Council approved Rezoning Case No. Z-62-17-8 (Ordinance G-6396) on Dec. 17, 2017.

Location
40th Street and McDowell Road
Council District: 8

This item was adopted.

31 Miscellaneous Building Repairs Contract - PKS RFQu-24-0080 - Request for Award (Ordinance S-50427)

Request to authorize the City Manager, or his designee, to enter into contracts with Andrus Properties, Inc. dba API General Contractors, CHASSE Building Team, Inc., DMS Companies, Inc dba Hernandez, GCON, Inc, Haydon Building Corp, Sagebrush Restoration, LLC, Skyline Builders & Restoration, Inc, Tusk Developers, LLC, and Welch Companies, Inc. to provide miscellaneous building repairs for the Parks and Recreation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $30 million.

Summary

These contracts will provide commercial maintenance, incidental building repairs, and tenant improvement repairs that include, but are not exclusive to, plumbing, painting, general rough and finished carpentry, small flooring repairs, slot drain cleaning, minor asphalt work, minor concrete repairs, exterior wall texturing, drywall repair, tape and texture, acoustical ceiling work, and caulking services for Parks and Recreation Department maintained facilities. These services will be used on an as-needed basis to provide urgent and planned projects support for the department's facilities that require one-time or ongoing building repairs and tenant improvements.

Procurement Information

A Request for Qualifications procurement was processed in accordance with Administrative Regulation 3.10 to establish a Qualified Vendor List.

Thirteen companies submitted qualifications and were deemed to be responsive and responsible. City staff evaluated the offers based on the following minimum qualifications:

1. Business Practice/ Business Model
2. Approach to OSHA, Safety and Staff Training
3. Small Business Enterprise Program Participation
4. Price Schedule

Staff recommends to award a contract to the following companies:

Andrus Properties, Inc. dba API General Contractors
CHASSE Building Team, Inc.
DMS Companies, Inc dba Hernandez
GCON, Inc.
Haydon Building Corp
Sagebrush Restoration, LLC
Skyline Builders & Restoration, Inc.
Tusk Developers, LLC
Welch Companies, Inc.

Contract Term
The contracts will begin on or about Dec. 1, 2023, for a five-year term with one two-year option to extend.

Financial Impact
The aggregate value for all contracts will not exceed $30 million. Funding is available in the Parks and Recreation Department Operating and Capital Improvement Program budgets.

This item was adopted.

34 Leather Bunker Boots- PS16004 - Amendment (Ordinance S-50437)

Request to authorize the City Manager, or his designee, to execute an amendment to contract 149255 with United Fire Equipment Company to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed. Staff requests to continue using Ordinance S-47222.

Summary
This contract will provide leather bunker boots to protect firefighters from toxic and dangerous chemicals while responding to calls for service. The Fire Department supplies leather bunker boots to firefighters as part of their personal protective equipment (PPE) worn on-call or in training. The supply of leather bunker boots will ensure that the Fire Department has adequate stock for use in their inventory. This equipment is a critical part

of the Fire Department's efforts to provide the life safety services to the public.

Contract Term
Upon approval the contract will be extended through Dec. 31, 2024, with an option to extend through Dec. 31, 2025.

Financial Impact
The aggregate value of the contract will not exceed $4,000,000 and no additional funds are needed.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
Leather Bunker Boots Contract 149255 Ordinance S-48939 on Aug. 31, 2022;
Leather Bunker Boots Contract 149255 Ordinance S-47222 on Jan. 6, 2021;
Leather Bunker Boots Contract 149255 Ordinance S-45296 on Jan. 9, 2019.

This item was adopted.

35 Authorization to Enter into an Affiliated Personnel Agreement for Arizona Task Force One with Daniel Cook (Ordinance S-50439)

Request authorization for the City Manager, or his designee, to enter into an agreement with Daniel Cook to serve as an Affiliated Personnel of the Arizona Task Force One (AZ-TF1). Affiliated Personnel will be reimbursed through Federal Emergency Management Agency (FEMA) funds. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The Phoenix Fire Department (PFD) is the sponsoring agency of AZ-TF1, one of 28 national Urban Search and Rescue response system task forces that can rapidly deploy skilled personnel and state-of-the-art equipment to sites of natural disasters, terrorist attacks, and building collapses.

AZ-TF1 consists of individuals occupying certain specified positions plus

additional support personnel, all of whom have been properly trained with the requisite skills and capabilities required for urban search and rescue operations and/or deployment of the AZ-TF1. As a requirement of the Urban Search and Rescue Readiness Cooperative Agreement, PFD is charged with the recruitment and training of new task force members to an operation-ready state of deployment.

Contract Term

The agreements shall be effective upon approval and execution and shall remain in effect for a term of five years.

Financial Impact

Affiliated Personnel will be reimbursed through FEMA funds.

This item was adopted.

36 Aircraft Airframe, Engine, Avionics, Shop Supplies and General Helicopter/Aircraft Parts and Services - MCC 190142-C - Amendment (Ordinance S-50425)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 150790 with Aviall Services, Inc. for the purchase of Aircraft Parts and Services for the Police Department. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $40,000.

Summary

This contract will provide the Police Department's Air Support Unit with various aircraft parts and services to operate and maintain fixed wing and rotary aircraft. The aircraft is critical to the Police Department in order to support patrol officers, provide crime suppression, and conduct mountain rescue services. The Federal Aviation Administration (FAA) mandates routine maintenance and overhauls be performed to ensure the safe operation of the aircraft fleet.

Contract Term

The contract term remains unchanged, ending on Aug. 30, 2024.

Financial Impact

Upon approval of $40,000 in additional funds, the revised aggregate

value of the contract will not exceed $282,482. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

Aircraft Airframe, Engine, Avionics, Shop Supplies and General Helicopter/Aircraft Parts and Services Contract 150790 (Ordinance S-45940) on Aug. 28, 2019;

Aviall Aircraft Parts Contract 150790 (Ordinance S-47942) on Sept. 15, 2021.

This item was adopted.

37 LexisNexis Desk Officer Reporting System - RFA 18-010-Amendment (Ordinance S-50420)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 149053 with LexisNexis to extend contract term and add additional expenditures. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $249,796.

This item was adopted.

38 Phoenix Sky Harbor International Airport Terminal 4 Vertical and Horizontal Transportation System Modernization Phase II - Engineering Services - AV21000110 FAA (Ordinance S-50417)

Request to authorize the City Manager, or his designee, to enter into an agreement with Gannett Fleming, Inc. to provide Engineering Services that include design and possible construction administration and inspection (CA&I) services for the Phoenix Sky Harbor International Airport Terminal 4 Vertical and Horizontal Transportation System Modernization Phase II project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $3.1 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all

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

Summary

The purpose of this project is to provide engineering services for the Terminal 4 modernization and replacement of critical horizontal and vertical transportation systems which are part of on-going airport efforts to replace aging assets, improve operational resilience, enhance passenger experience and reduce energy consumption.

Gannett Fleming, Inc.'s services include, but are not limited to: full design of the project and the potential for follow-on CA&I services. Design services shall include, but are not limited to: evaluate existing equipment and supporting infrastructure and make recommendations on the modernization strategy; engage stakeholders in the design process; coordinate with the City and Construction Manager At Risk (CMAR) during the design of the project; chair all design meetings; develop design documents to a level that is sufficient for equipment manufacturer to produce shop drawings; assist CMAR contractor in the development of construction phasing plan and selection of equipment manufacturers; provide alternative design solutions during the Value Engineering process; and produce design documents to secure construction permits.

Procurement Information

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

Selected Firm
Rank 1: Gannett Fleming, Inc.

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

Financial Impact
The agreement value for Gannett Fleming, Inc. will not exceed $3.1 million, including all subconsultant and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget and the Aviation Department anticipates Bipartisan Infrastructure Law (BIL) grant funding for Phase II of this project. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Location
3800 E. Sky Harbor Blvd.
Council District: 8

This item was adopted.

39 Advertising and Graphic Design Services Contract - AVN RFP 23-0137 - Request for Award (Ordinance S-50426)

Request to authorize the City Manager, or his designee, to enter into a contract with Madden Preprint Media LLC to provide advertising and graphic design services at Phoenix Sky Harbor International Airport. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will be up to $436,250.

Summary
This contract will provide advertising and graphic design services

including, but not limited to, high-quality, cost-effective advertising campaigns for revenue-generating services such as parking, shopping, and dining, as well as other customer and community service initiatives.

Procurement Information
A Request for Proposal was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Seven vendors submitted proposals deemed responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following criteria with a maximum possible point total of 1000:

Work Samples (0-500 points)
Qualifications and Experience of the Firm (0-300 points)
Fee Schedule (0-200 points)

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

Madden Preprint Media LLC, 868 points

Contract Term
The contract will begin on or about Feb. 1, 2024, for a five-year term with no options to extend.

Financial Impact
The contract value will be up to $436,250 for the total five-year contract term.

Funding is available in the Aviation Department's budget.

Concurrence/Previous Council Action
The Business and Development Subcommittee recommended approval of this item on Nov. 2, 2023, by a vote of 3-0.
The Phoenix Aviation Advisory Board recommended approval of this item on Nov. 16, 2023, by a vote of 6-0.

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

This item was adopted.

40 Additional Expenditures for Purchase of Light and Medium Duty Vehicles (Ordinance S-50422)

Request to authorize the City Manager, or his designee, to allow additional expenditures to Contract 149604 with Courtesy Chevrolet; Contract 149603 with PFVT Motors, LLC, doing business as Peoria Ford; Contract 149601 with RWC International, LTD; and Contract 149600 with Sanderson Ford for the continued purchasing of light and medium duty vehicles for Public Works and various departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $6,000,000.

Summary
This contract will provide the continuation of purchases for replacement of light and medium duty vehicles on behalf of all City departments. The additional funding will allow for the continuation of purchases for the remaining six months of the contract. These contracts allow for the purchasing of vehicles that have exceeded the useful life and add new vehicles to fleet as needed for operations.

Contract Term
The contract term remains unchanged, ending on March 31, 2024.

Financial Impact
Upon approval of $6,000,000 in additional funds, the revised aggregate value of the contract will not exceed $81,000,000.

Funds are available in various department budgets.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
Purchase of Light and Medium Duty Vehicles Contracts 149604, 149603, 149601 and 149600 (Ordinance S-45497) on April 3, 2019.

This item was adopted.

42 **Pavement Marking Tape - IFB 19-069 - Amendment (Ordinance S-50418)**

Request to authorize the City Manager, or his designee, to execute amendment to Contract 149121 with 3M Company to extend contract term and add additional expenditures. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $525,000.

Summary
This contract will provide retro-reflective, preformed and patterned marking tape for the Street Transportation Department for pavement marking activities which comply with the Manual on Uniform Traffic Control Devices for Streets and Highways standards. Pavement marking activities include lane lines, preformed words and symbols, edge lines, etc., used for guiding the traveling public within the right-of-way.

Contract Term
Upon approval the contract will be extended through Jan. 9, 2025, with an option to extend through Jan. 9, 2026.

Financial Impact
Upon approval of $525,000 in additional funds, the revised aggregate value of the contract will not exceed $1,459,133. Funds are available in the Street Transportation Department’s budget.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
Pavement Marking Tape Contract 149121 (Ordinance S-45289) on Jan. 9, 2019; and
Pavement Marking Tape Contract 149121 (Ordinance S-49350) on Jan. 25, 2023.

This item was adopted.

43 **Hedgepeth Waterline Improvement District - Design-Bid-Build Services - WS85503001 (Ordinance S-50421)**

Request to authorize the City Manager, or his designee, to accept TF Contracting Services LLC as the lowest-priced, responsive and

responsible bidder and to enter into an agreement with TF Contracting Services LLC for Design-Bid-Build Services for the Hedgepeth Waterline Improvement District project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $3,753,447.20.

Summary

The purpose of this project is to construct approximately 1,400 linear feet of proposed 12-inch water distribution main along 51st Avenue between Behrend Drive and Tonopah Drive and approximately 1,200 linear feet of proposed 12-inch water distribution main along Tonopah Drive between 51st Avenue and 47th Avenue.

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Three bids were received on Oct. 3, 2023. A Small Business Enterprise (SBE) goal has not been established for this project due to a lack of availability of SBE contractors for this type of work.

The Opinion of Probable Cost and the lowest responsive, responsible bidders are listed below:

Opinion of Probable Cost: $3,248,186
TF Contracting Services LLC: $3,753,446.20
Arrowmark Underground LLC: $4,421,000
Action Direct LLC dba Redpoint Contracting: $4,529,759

Although the bid exceeds the Engineer’s Opinion of Probable Cost by more than 10 percent, it has been determined the bid represents a fair and reasonable price for the required work scope. Additionally, the bid award amount is within the total budget for this project.

Contract Term

The term of the agreement is 240 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for TF Contracting Services LLC will not exceed $3,753,447.20, 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 Resolution Agreement (Ordinance S-22130) on June 14, 2023.

Location

51st Avenue between Behrend Drive and Tonopah Drive, and on Tonopah Drive between 51st Avenue and 47th Avenue
Council District: 1

This item was adopted.

44 Van Buren Street: 7th Street to 24th Street - Engineering Services - ST89320161 (Ordinance S-50423)

Request to authorize the City Manager, or his designee, to enter into an agreement with The CK Group, Inc. to provide Engineering Services that include design for the Van Buren Street: 7th Street to 24th Street 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 $140,000.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads

and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary
The purpose of this project is to add traffic signal and street lighting design to an existing plan set.

The Engineering Consultant's services include, but are not limited to: completing design to 100 percent plans, five signal modifications, streetlight design, and landscaping.

Procurement Information
The CK Group, Inc. was chosen for this project using a Direct Select process set forth in section 34-103 of the Arizona Revised Statutes (A.R.S.). The Direct Select process will reduce the time to procure engineering services as opposed to an advertised selection process, meeting the project deadline, ensuring continuity and the most efficient use of staff and funding resources.

Contract Term
The term of the agreement is 180 calendar days from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for The CK Group, Inc. will not exceed $140,000, including all subconsultant and reimbursable costs.

Funding is available in the Street Transportation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all

rendered agreement services, which may extend past the agreement termination.

Location
Van Buren Street from 7th Street to 24th Street
Council District: 8

This item was adopted.

45 Support for Formation of Las Palmaritas Irrigation Water Delivery District (Resolution 22175)

Request to adopt a resolution to support formation of the Las Palmaritas Irrigation Water Delivery District (IWDD) through Maricopa County. The proposed IWDD includes the single-family residential properties bounded by Las Palmaritas Drive to the south, El Caminito Drive to the north, east of 19th Avenue to the west, and 17th Avenue to the east. This action has no financial impact to the City of Phoenix.

Summary
Under the provisions of Arizona Revised Statutes Chapter 20, title 48, Irrigation Water Delivery Districts, when the majority of the lot or parcel owners entitled to or capable of receiving irrigation water from the same system want irrigation water delivered to their lands, they may propose organization of an IWDD. Maricopa County requires that applicants for an IWDD within City of Phoenix boundaries obtain City Council support before the County will start the process of forming or re-establishing a district.

If approved by the City Council, landowning neighbors seeking an IWDD complete a special taxation impact statement and submit this document to the Maricopa County Board of Supervisors. The Board of Supervisors, along with Salt River Project (SRP), will decide if a petition to organize an IWDD may be circulated. See **Attachment A** for the Consent from SRP to the Board of Supervisors and map of the SRP delivery system.

This request has been reviewed by the Street Transportation and Water Services departments.

Financial Impact

This action has no financial impact to the City of Phoenix.

Public Outreach
On Oct. 3, 2023, the City received a formal written request from City of Phoenix resident Daniel Prefontaine to pursue City Council approval to form an IWDD with Maricopa County (**Attachment B**).

Location
The proposed IWDD includes the single-family residential properties bounded by Las Palmaritas Drive to the south, El Caminito Drive to the north, east of 19th Avenue to the west, and 17th Avenue to the east.

Council District: 5

This item was adopted.

46 Homeless Services Sprung Structure II - Architectural and Engineering Services Agreement - 8980150009 (Ordinance S-50440)

Request to authorize the City Manager, or his designee, to execute a new agreement with RPM Team, LLC to provide continued Architectural and Engineering Services for the Office of Homeless Solutions' Sprung Structure II 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 included in this agreement will not exceed $154,000.

Summary
The purpose of this project is to provide additional design in architectural, civil, electrical, plumbing, geotechnical engineering, and survey services for the Office of Homeless Solutions' Sprung Structure II project.

This agreement is necessary because the original project location has changed and additional site design work is necessary to complete the project at a new site. RPM will be able to use much of the previous work for the design at a new site.

Contract Term

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

Financial Impact

The initial Agreement 157319 for Architectural and Engineering Services was approved for an amount not to exceed $270,000, including all subconsultant and reimbursable costs.

Amendment 1 to Agreement 157319 was approved for an amount not to exceed $75,000, including all subconsultant and reimbursable costs.

This new agreement will increase the project value by an additional $154,000, for a new total project amount not to exceed $499,000, including all subconsultant and reimbursable costs.

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

Concurrence/Previous Council Action

The City Council approved:

Homeless Services Sprung Structure II Architectural and Engineering Services Agreement 157319 (Ordinance S-49118) on Oct. 22, 2022; and

Homeless Services Sprung Structure II Architectural and Engineering Services Agreement 157319 Amendment 1 (Ordinance S-49478) on March 1, 2023.

This item was adopted.

48 Final Plat - Deer Valley and Tatum Apartments - PLAT 230075 - Northeast Corner of Deer Valley Drive and Tatum Boulevard

Plat: 230075
Project: 99-35425
Name of Plat: Deer Valley and Tatum Apartments

Owner: Garden Deer Valley, LLC
Engineer: Chad W. Huber, RLS
Request: A Two-Lot Commercial Plat
Reviewed by Staff: Nov. 14, 2023
Final Plat requires Formal Action Only

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

Location
Generally located at the northeast corner of Deer Valley Drive and Tatum Boulevard
Council District: 2

This item was approved.

49 Final Plat - 13 W Missouri - PLAT 230042 - South of Missouri Avenue and West of Central Avenue

Plat: 230042
Project: 22-2709
Name of Plat: 13 W Missouri
Owner: 13 Missouri LLC
Engineer: Eric L. Sostrom, RLS
Request: A 10-Lot Residential Plat
Reviewed by Staff: Nov. 14, 2023
Final Plat requires Formal Action Only

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

Location
Generally located at the south of Missouri Avenue and west of Central Avenue
Council District: 4

This item was approved.

50 Final Plat - Sunset Farms Parcel 17 - PLAT 210070 - South of Broadway Road and West of 95th Avenue

Plat: 210070
Project: 02-2183
Name of Plat: Sunset Farms Parcel 17
Owner: Jen. Arizona 66, LLC
Engineer: Richard G. Alcocer, RLS
Request: A 158-Lot Residential Plat
Reviewed by Staff: Nov. 14, 2023
Final Plat requires Formal Action Only

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

Location
Generally located south of Broadway Road and west of 95th Avenue
Council District: 7

This item was approved.

51 Final Plat - 20th Street Townhomes - PLAT 220028 - Northeast Corner of 20th Street and Desert Lane

Plat: 220028
Project: 21-1510
Name of Plat: 20th Street Townhomes
Owner: RG 8181 S 20th St LLC
Engineer: Troy A. Ray, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: Nov. 15, 2023
Final Plat requires Formal Action Only

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

Location
Generally located at the northeast corner of 20th Street and Desert Lane
Council District: 8

This item was approved.

52 Abandonment of Right-of-Way - ABND 230020 - Northeast Corner of Darrow Street and 27th Street (Resolution 22177)

Abandonment: 230020
Project: 04-644
Applicant: LCG2MF Baseline Apartments, LLC
Request: To abandon the east 25 feet of 27th Street north of Darrow Street
Date of Hearing: June 12, 2023

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

Financial Impact
A fee was also collected as part of this abandonment in the amount of $8,290.

This item was adopted.

53 Abandonment of Right-of-Way - ABND 220035 - Northwest Corner of Darrow Street and 27th Street (Resolution 22178)

Abandonment: 220035
Project: 22-675
Applicant: Craig Baker
Request: To abandon the length of 25th Street north of Baseline Road, a portion of 27th Street and Ellis Street, a sewer easement, a water easement and a sidewalk and trail easement.
Date of Hearing: July 7, 2022

Location
Generally located at the northwest corner of Darrow Street and 27th Street

Council District: 8

Financial Impact

A fee was also collected as part of this abandonment in the amount of $102,900.

This item was adopted.

54 Planning and Development Department Residential, Commercial and Fire Building Plan Review - On-Call Services Amendment (Ordinance S-50435)

Request to authorize the City Manager, or his designee, to execute amendments to Master Agreements 156128 with Bowman Consulting Group, Ltd., 156129 with Bureau Veritas North America, Inc., 156130 with MZ Engineering, LLC, 156131 with Nova Performance Group, LLC, 156132 with OnSite Engineering, P.L.C., 156133 with Precision Design Consultants, PLLC, 156134 with SafeBuilt Arizona, LLC, 156135 with Shums Coda Associates, Inc., 156136 with Stantec Consulting Services, Inc., and 156137 with Willdan Engineering, Inc. to provide additional Planning and Development Department Residential, Commercial and Fire Building Plan Review On-Call Services. 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 additional fee for services included in these amendments will not exceed an aggregate value of $1 million.

Summary

The purpose of this project is to provide on-call residential, commercial, and fire building plan review services on an as-needed basis that include, but are not limited to: new construction, alterations, and repairs submitted by commercial and residential property owners for compliance with the Phoenix Building Construction Code and Fire Code.

These amendments are necessary because development activity in the City of Phoenix has continued to increase over the past year, and the local economy continues to strongly attract private investment. Plan review and permitting activity in several areas are approaching levels still remain at high levels. To maintain customer service levels in plan

reviews, the Planning and Development Department proposes an increase in several areas to add peak plan review capacity. These amendments will provide additional funds to the agreements.

Contract Term

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

Financial Impact

The initial agreement for each of the consultants for the Planning and Development Department Residential, Commercia,l and Fire Building Plan Review On-Call Services was approved for an aggregate amount not to exceed $3.5 million, including all subconsultant and reimbursable costs.

These amendments will increase the aggregate authorization by an additional $1 million, for a new aggregate total amount not to exceed $4.5 million, including all subconsultant and reimbursable costs.

Funding for these amendments are available in the Planning and Development Department's Operating budget. The Budget and Research Department will separately review and approve funding availability prior to issuance of any On-Call task order of $100,000 or more. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The City Council approved Planning and Development Department Residential, Commercial, and Fire Building Plan Review On-Call Services Agreements 156128, 156129, 153130, 156131, 156132, 156133, 156134, 156135, 156136, and 156137 (Ordinance S-48514) on April 20, 2022.

This item was adopted.

55 Amend City Code - Official Supplementary Zoning Map 1255 (Ordinance G-7202)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1255. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with a portion of Z-116-M-81 and the entitlements are fully vested.

Summary

To rezone a parcel on the southwest corner of South Pointe Parkway and East Beverly Road.
Application No.: Z-116-M-81
Zoning: R-5 PCD
Owner: San Paseo Apartments, LLC
Acreage: 6.82

Location

Southwest corner of South Pointe Parkway and East Beverly Road
Address: 8050 and 8080 S. Pointe Parkway
Council District: 6

This item was adopted.

56 Amend City Code - Official Supplementary Zoning Map 1259 (Ordinance G-7204)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1259. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-139-06 and the entitlements are fully vested.

Summary

To rezone a parcel located approximately 368 feet west of the southwest corner of 27th Avenue and Baseline Road.
Application No.: Z-139-06
Zoning: C-3
Owner: City of Phoenix
Acreage: 2.79

Location

Located approximately 368 feet west of the southwest corner of 27th

Avenue and Baseline Road
Address: 2727 W. Baseline Road
Council District: 8

This item was adopted.

57 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-23--Z-SP-5-21-7 - Approximately 100 Feet West of the Northwest Corner of 59th Avenue and Lower Buckeye Road (Ordinance G-7205)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Nov. 15, 2023.

Summary
Application: PHO-1-23--Z-SP-5-21-7
Existing Zoning: C-2 SP
Acreage: 11.83

Owner: Aamerco Real Estate Company
Applicant/Representative: EPS Group, Inc.

Proposal:
1. Modification to Stipulation 1 regarding general conformance with building elevations date stamped Nov. 16, 2021.
2. Deletion of Stipulation 5 regarding perimeter walls.
3. Modification to Stipulation 6 regarding parking lot landscaping.
4. Deletion of Stipulation 7.a regarding shading of pedestrian walkways.
5. Deletion of Stipulation 8.a regarding location of pedestrian thoroughfares.
6. Modification to Stipulation 9.b regarding the location of a bicycle repair station.
7. Modification to Stipulation 12 regarding location of sidewalks along Lower Buckeye Road.

VPC Action: The Estrella Village Planning Committee was scheduled to hear the request on Oct. 17, 2023, but did not have a quorum.
PHO Action: The Planning Hearing Officer heard the request on Nov. 15,

2023, and recommended approval, with a modification.

Location
Approximately 100 feet west of the northwest corner of 59th Avenue and Lower Buckeye Road
Council District: 7
Parcel Address: N/A

This item was withdrawn.

58 Remove/Replace Zoning District - 35th Avenue and Carter Road - Annexation 528 - Southwest Corner of 35th Avenue and the Carter Road Alignment (Ordinance G-7206)

Request to authorize the City Manager, or his designee, to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by removing the Maricopa County RU-43 zoning district and replacing it with the City of Phoenix S-1 zoning district on property at the location described below, which was annexed into the City of Phoenix on Nov. 1, 2023, by Ordinance S-50312.

Location
Southwest corner of 35th Avenue and the Carter Road alignment
Council District: 7

This item was adopted.

59 Final Plat - South Mountain Promenade - PLAT 220067 - Northwest Corner of Baseline Road and 27th Street

Plat: 220067
Project: 22-675
Name of Plat: South Mountain Promenade
Owner: Baseline 25, LLC and LCG2MF Baseline Apartments, LLC
Engineer: Jay Vanlandschoot, RLS
Request: A Six-Lot Commercial Plat
Reviewed by Staff: Dec. 8, 2023
Final Plat requires Formal Action Only

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

easements as shown to the public. The plat needs to record concurrently with Abandonments 220035 and 230020. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

Location
Generally located at the northwest corner of Baseline Road and 27th Street
Council District: 8

This item was approved.

Item 12, Ordinance S-50410 was a request to authorize the City Controller to disburse funds, up to amounts indicated, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 42-13.

12 Settlement of Claim(s) Stickney v. City of Phoenix

To make payment of $650,000 in settlement of claim(s) in *Stickney v. City of Phoenix,* CV2020-091655, 19-0126-001 GL, BI for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Police Department that occurred on Feb. 4, 2019.

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

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

13 Public Comment on Proposed Changes to Memoranda of Understanding Submitted by Authorized Employee Organizations

This item is to provide public comment on proposed changes to existing Memoranda of Understanding (MOUs) submitted by employee organizations.

Summary

The Meet and Confer process is outlined in Phoenix City Code, Chapter 2, section 218.

Under the terms of the City Code, authorized employee organizations must submit a proposed MOU on or before December 1. The City Code provides employee organizations the opportunity to make a presentation to the City Council regarding proposed changes to the existing Memoranda of Understanding (MOUs), which occurred this year on Dec. 6, 2023.

The City Code provides that at the next City Council meeting following presentations by employee organizations, the public shall be afforded an opportunity to comment on the proposals. This item on the Dec. 13, 2023, agenda provides that opportunity.

The current MOUs can be viewed at the following link: https://www.phoenix.gov/hr/current-jobs/total-compensation-information

Discussion

Mayor Gallego declared the public hearing open. She explained there was no vote on this item today as it was only a public hearing to obtain feedback on the proposals.

Carmen Cota provided Spanish interpretation for Ms. Abarca and Ms. Alonso.

Blanca Abarca spoke in opposition of the contract for the Police Department based on lack of transparency and accountability. She urged Council to invest that money in the community.

Maria Alonso spoke in opposition of the Police Department contract, noting it was negotiated behind closed doors. She said she wanted to invest these funds in accessible housing, transportation, parks and a rehabilitation center.

Martha Avendano spoke in opposition of the Police Department contract

and instead supported programs and policies that kept communities safer and healthier.

Carmen Cota provided Spanish interpretation for Ms. Chavez.

Alma Chavez spoke in opposition and requested negotiations not be done behind closed doors. She expressed the fund for the Police Department should be used to improve parks, repair streets and build a rehab center.

Sebastian Del Portillo, campaign coordinator with Unemployed Workers United, spoke in opposition of the contract negotiations with PLEA as they were done behind closed doors which was not transparent. He urged Council to not fund the Police Department and instead invest it in parks, streets or housing.

Rebecca Dennis spoke in opposition of PLEA's MOU and said negotiations should be open to the public so community members can engage in the process. She insisted there be no increases in the Police Department's budget as that would take away critical resources communities needed.

Forest Diaz spoke in opposition of the Police Department's contract and expressed these funds should be invested in housing and education.

Miros Domenzain spoke in opposition of the Police Department's contract and urged Council to negotiate with the community on their needs, such as investing in rehabilitation centers, parks and schools.

Shalae Flores spoke in opposition of negotiations being done behind closed doors without community input. She insisted the Police Department not receive additional funds to purchase more weapons.

Carmen Cota provided Spanish interpretation for Ms. Garcia.

Beatriz Garcia spoke in opposition and said these funds should be used to help the community, such as parks and affordable housing.

Isabel Garcia stated she was opposed to the PLEA MOU based on police salaries and benefits which equaled about 40 percent of the City's funds. She expressed these funds should be used on programs, such as housing, workforce development and youth programs. She insisted public participation or observation be allowed in the negotiation process done behind closed doors.

Stephany Gonzalez spoke in opposition of the Police Department's MOU as negotiations were done behind closed doors. She remarked people brought forward solutions for things that happen in their community.

Carmen Cota provided Spanish interpretation for Ms. Gutierrez.

Marci Gutierrez said she was opposed to the Police Department's contract, noting this money should be invested in resources chosen by the people.

Councilwoman Guardado added Ms. Gutierriez also requested negotiations stop being done behind closed doors.

Viri Hernandez mentioned a call was made requesting interpreters at this meeting and expressed concern about those services. She said she was opposed to the Police Department's contract, noting lawsuits against the department meant less money for communities. She insisted that negotiations regarding residents' safety and resources not be done behind closed doors.

Carmen Cota provided Spanish interpretation for Mr. Jimenez.

Francisco Jimenez spoke in opposition of the Police Department's contract and expressed concern about negotiations taking place behind closed doors. He mentioned he called the police about a problem in his neighborhood but they showed up several hours later.

Jessica Blanco spoke in opposition of the Police Department's contract, noting money was being taken away from infrastructure and school programs in West Phoenix to fund the department.

Ben Laughlin said he was opposed to the PLEA MOU and urged Council to make labor negotiations a public process. He expressed concern about negotiations being done behind closed doors with no public knowledge of the proposed pay raises and protections. He stressed these funds should be spent on mental healthcare, affordable housing and childhood development services.

Eduardo Pym spoke in opposition of the Police Department's MOU, noting transparency was key in city government and asked the City to stop negotiating behind closed doors.

NOTE: Vice Mayor Ansari temporarily left the voting body.

Carmen Cota provided Spanish interpretation for Juana and Berta Rita.

Juana Rita spoke in opposition of closed door negotiations with the Police Department and requested that Council allow the public to be present during negotiations for transparency.

NOTE: Vice Mayor Ansari returned to the voting body.

Berta Rita spoke in opposition of the Police Department's contract, especially when negotiations are done behind closed doors.

Maria Sanchez said she was opposed to the Police Department's contract, in particular the negotiation process which does not permit the public to attend.

Carmen Cota provided Spanish interpretation for Ms. Varela.

Estela Varela spoke in opposition of negotiations behind closed doors and asked for transparency. She also requested that the money for the Police Department be spent in the community.

NOTE: Councilwoman Stark temporarily left the voting body during testimony from Ms. Anaya.

Lupita Anaya spoke in opposition of the Police Department's contract

due to no transparency and expressed the money should be spent in the community.

NOTE: Councilwoman Stark returned to the voting body during comments from Ms. Hernandez. Councilwoman Guardado temporarily left the voting body during testimony from Ms. Hernandez.

Carolina Hernandez said she was opposed to the Police Department's contract and insisted negotiations be open to the public for transparency. She suggested the money be reallocated in communities, such as affordable and accessible housing, mental health resources, living wages and health benefits.

NOTE: Councilwoman Guardado returned to the voting body during comments from Ms. Winkler.

Marti Winkler spoke in opposition of the Police Department's contract and spoke about a traumatic incident she had with a police officer. She asked for transparency and allow the public to be part of the negotiations.

Ms. Felicitas spoke in opposition of the Police Department's contract and expressed the money should be invested in the community where it was needed most.

Anne Ender, President of Operation Blue Ribbon, spoke in support of the Police Department's MOU and the other MOUs listed in the agenda. She expressed she trusted the unions and representatives to negotiate a fair and balanced contract as negotiations were not a public process. She added the public could participate in the budget process, noting public safety was the City's priority.

Nine electronic comments were submitted for the record in opposition of this item.

Mayor Gallego reiterated there was no vote on this item today as it was only an opportunity for public comment on the Memorandums of Understanding. She declared the public hearing closed.

The item and related public comments were heard.

19 Acquisition of Vacant Land South of Alameda Road Between 7th and 19th Avenues for a New North Phoenix Transit Operations and Maintenance Garage (Ordinance S-50433)

Request to authorize the City Manager, or his designee, to acquire approximately 24.7 acres of vacant land by donation, purchase within the City's appraised value, purchase at a settlement amount arrived at through mediation and determined by the City Manager or his designee to be reasonable under the circumstances, or the power of eminent domain for a new North Phoenix Transit Operations and Maintenance Garage south of Alameda Road between 7th and 19th avenues. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The Public Transit Department, as part of its current operations and future bus fleet transition to battery electric buses and hydrogen-fuel-cell electric buses, needs to construct an operations and maintenance garage to support the operation of public transit services. Two of the three existing operation and maintenance garages were constructed in 1981 and are at capacity for buses and operations. The acquisition of approximately 24.7 acres of vacant land is required to facilitate the construction of a new North Phoenix Operations and Maintenance Garage for more fleet capacity, new fueling technology, and a more modern facility to effectively provide bus service to the City and surrounding communities.

The parcel affected by this acquisition is a portion of the land identified by Maricopa County Assessor's parcel number 210-07-090C, located south of Alameda Road between 7th and 19th avenues.

Financial Impact

Funding is available in the Public Transit Department's Capital Improvement Program budget.

Location

South of Alameda Road between 7th and 19th Avenues.
Council District: 1

Discussion

A motion was made and seconded to approve this item.

Lezley Shepherd spoke in opposition and urged Council not to use eminent domain to obtain this land, noting this was quite a bit of land to purchase for buses. She claimed utility companies had concerns about not being able to provide enough energy for vehicle charging.

Two electronic comments were submitted for the record in opposition of this item.

Councilwoman O'Brien requested staff explain the purpose of this item.

Deputy City Manager Mario Paniagua stated this was a request for authorization to negotiate with the land owner to purchase vacant land south of Alameda Road between 7th and 19th avenues for a new North Phoenix Transit Operations and Maintenance Center. He mentioned this has been planned for several years and would accommodate the new and existing bus fleets.

Councilwoman O'Brien asked how long the City has been looking for land.

Deputy Public Transit Director Joe Bowar replied staff had been looking a little over three years.

Councilwoman O'Brien inquired if the City was looking because it had outgrown the current location.

Mr. Bowar affirmed that was correct, noting two of the three garages were at capacity while the third garage was sufficient at this time.

Councilwoman O'Brien requested clarification the City was currently negotiating to purchase the land.

Assistant Public Transit Director Juanita Carver affirmed that was correct and advised the City was negotiating with an interested seller.

Councilwoman Pastor said she understood eminent domain was a last

resort and was not the Council's preference. She asked staff to explain Prop 207 as it relates to eminent domain.

Mr. Paniagua confirmed eminent domain was the last option.

Deputy Finance Director Jami Schmalz explained staff goes through lengthy negotiations with property owners to voluntarily acquire land. She added eminent domain was used as a last resort and only for public use in necessity, noting it was not used for redevelopment which relates to Prop 207.

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

25 Authorization to Amend Emergency Shelter/Heat Related Respite Operator and Supportive Services Qualified Vendor List and Increase Authority (Ordinance S-50419)

Request authorization for the City Manager, or his designee, to amend the Request for Qualifications for Emergency Shelter/Heat Related Respite Operator and Supportive Services Qualified Vendor List (QVL) to add $6,040,000 in General Purpose Funds and $712,847 in American Rescue Plan Act funds for a new not to exceed amount of $30,052,847. Further request authorization for the City Controller to disburse funds for the life of the QVL. Funding is available in the Human Services Department operating budget and via existing federal grant funding.

Summary

The City of Phoenix Office of Homeless Solutions (OHS) provides support and services for persons experiencing homelessness and is committed to ending homelessness through a comprehensive, regional approach to housing and services. With the dramatic rise of unsheltered individuals experiencing homelessness during and after the COVID-19

pandemic, the OHS is allocating additional resources to serve this population and focus on housing and services for those most vulnerable. Qualified vendors from this procurement could be awarded future contracts for specific projects when opportunities become available. Contracts awarded include City-owned projects in need of temporary emergency shelter/heat related respite operators and/or supportive services to individuals or families experiencing homelessness.

Contract Term

The term of the QVL will remain unchanged from Feb. 1, 2023, through June 30, 2028.

Financial Impact

The total cost of the contracts will not exceed $30,052,847 over the life of the QVL. Funding is available in the Human Services Department operating budget and via existing federal grant funding.

Concurrence/Previous Council Action

On Jan. 25, 2023, the City Council approved the QVL with Ordinance S-49352.

On June 28, 2023, the City Council approved an additional $13.3 million with Ordinance S-49924.

Discussion

A motion was made and seconded to approve this item.

Councilwoman Hodge Washington asked what the use was for these additional funds.

Deputy City Manager Gina Montes replied the additional funds would be used to setup temporary shelter to accommodate folks outside the Human Services Campus. She conveyed the City was working with two hotels, one was operated by Community Bridges, Inc. (CBI) and the other by A New Leaf.

Office of Homeless Solutions Director Rachel Milne added there were two temporary lodging sites as well as the community court and navigation program with CBI.

Councilwoman Hodge Washington questioned if one or both of the sites were operated by CBI.

Ms. Milne responded one temporary lodging site was operated by CBI and the other was operated by A New Leaf, noting the community court and navigation program was also operated by CBI. She advised all three of these projects were included in this request.

Councilwoman Hodge Washington inquired if the temporary lodging site operated by A New Leaf was located in District 8.

Ms. Milne affirmed that was correct.

Councilwoman Hodge Washington asked what district the site operated by CBI was located.

Ms. Milne replied the other temporary lodging site in this request was actually the Central Arizona Shelter Services Haven shelter which was in District 4.

Councilwoman Hodge Washington questioned where the community court and navigation program would be located.

Ms. Milne responded the community court and navigation office would be located in Municipal Court but working with clients citywide.

Ms. Montes added the qualified vendor (QVL) list allowed for services in addition to shelter, noting CBI was support services for people going through the community court program.

Councilwoman Hodge Washington expressed concern about using the QVL without input from the council member whose district was impacted, including expansion or extension of the contract. She said she wished to amend the motion to provide any extension or changes to the current contract in any way that it be brought to the councilmember whose district it resides with the option of presenting it to Council if the councilmember so chooses with a 60-day approval.

Mayor Gallego wondered if a substitute motion would be better than an amended motion.

Chief Assistant City Attorney Deryck Lavelle responded yes.

Councilwoman Hodge Washington made a substitute motion to approve this item on the condition that staff must meet and confer with the councilmember in whose district it is being extended or modified in any way of an existing program and be presented back to Council at least 60 days for approval before utilizing or extending that QVL contract.

Councilwoman Pastor seconded the substitute motion.

Assistant City Manager Lori Bays asked if that applied to contract extensions in the future and not the one on the floor.

Councilwoman Hodge Washington responded her motion applied to this QVL since A New Leaf was in her district and she did not know if it extended the contract term or increased the number of beds. She reiterated it applied to this contract and associated additional funds for this item.

Ms. Bays stated as long as it was for existing extensions staff could accommodate Council's request.

Councilwoman Hodge Washington wanted clarification staff was asking for an extension of the contract.

Ms. Montes explained there was not enough funding under the current QVL for existing services at the two temporary shelters. She conveyed staff put items in place to comply with the court deadline so staff was not requesting to extend time frames on those items.

Councilwoman Hodge Washington said she understood a contract was entered into with A New Leaf until July 2024.

Ms. Milne responded the contract with A New Leaf started in September 2023, noting it was a one-year contract that expired in September 2024.

Councilwoman Hodge Washington expressed she was asking questions because the item was not clear in the agenda. She asked if staff was requesting additional funds to pay for the new contract.

Ms. Montes affirmed that was correct.

Councilwoman Hodge Washington provided clarification that staff would not need to bring this item back to Council, but any extension beyond this would need to go to that council member as well as Council for approval.

Mayor Gallego requested confirmation that new beds and contract extensions would come back to Council.

Councilwoman Hodge Washington affirmed that was correct.

Ms. Montes interjected her concern with the 60-day time frame if there was an emergency in the future as that could take away the City's flexibility to move quickly.

Councilwoman Hodge Washington said she assumed staff would be planning in advance, so 60 days would ensure Council was getting information in a timely manner. She remarked if there was an emergency staff could talk to Council, but it should not be a practice moving forward as Council needed sufficient time to act appropriately.

Councilwoman O'Brien said she wanted clarification that staff was asking for additional funds to fulfill existing contracts and not extend dates or add beds.

Ms. Montes affirmed that was correct.

Councilwoman O'Brien inquired if staff did not have to come back to Council in 60 days if they could move forward with this QVL and put services in any district.

Ms. Montes responded this QVL allows the City to enter into an agreement without coming back to Council.

Councilwoman O'Brien asked if the 60 days would prevent staff from coming back to Council if there was an emergency.

Mr. Lavelle replied it depended on the type of emergency, noting it could be added to the ordinance that a valid emergency would not have to come back to Council.

Councilwoman Hodge Washington interjected parameters were necessary to define an emergency.

Mr. Lavelle advised the Code already identified reasons for what qualified as an emergency, noting expiration of a contract would not qualify as an emergency.

Councilwoman Hodge Washington stated the expiration dates of the contracts were known and did not want to use that as a reason to push it through Council. She expressed this issue should be a balanced approach in all districts as the City was experiencing this problem as a whole, but it was currently being concentrated in one district. She emphasized her motion was assurance there was oversight on this matter.

NOTE: Mayor Gallego temporarily left and returned to the voting body during Councilwoman Pastor's comments.

Councilwoman Pastor expressed concern that the QVL gives authority for staff to choose where shelters are placed. She indicated council members were not given an opportunity to present information to the community or provide feedback. She stated the issue was staff needed to inform the Council of plans and then present it to the community. She recalled staff informed her of an emergency situation in her district and she provided feedback, noting council members should know what was going on in their districts so they can address the community. She asked if language was needed in this QVL to identify pieces as staff would need to come back to Council for extension.

NOTE: Councilwoman Stark temporarily left the voting body.

Ms. Montes replied any time staff used the QVL for new beds or service or extend the time frame that staff would need to notify the council member whose district was affected and come back to Council for approval 60 days in advance.

Councilwoman Pastor said she was trying to find a compromise because she heard 60 days was too long, but she wanted the ability for feedback.

NOTE: Councilwoman Stark returned to the voting body.

Ms. Montes suggested 30 days advance notice.

Councilwoman Pastor asked what staff would do if a council member did not want this service in their district even though the QVL allowed it.

Mr. Montes replied she understood Council's concern, but the injunction forced staff to establish the QVL to move items quickly to comply with the court order. She stated it was difficult to site these shelters; however, if a council member did not want it in their district but it was needed then staff would bring it to the full Council.

Ms. Bays added staff would speak to the council member whose district was impacted with as much notice as possible before implementing new services. She acknowledged staff should have communicated sooner with Council during the injunction, noting circumstances dictated how quickly things moved. She reiterated staff would communicate with Council in advance before placing an item on the agenda.

Councilwoman Hodge Washington stated she wished to amend her substitute motion to 30 days based on the issues staff raised.

Vice Mayor Ansari expressed she had experience in her district with emergency heat relief the past couple years and recalled last summer when staff moved quickly to install pop-up tents and brought in a cooling bus. She asked if this motion prevented her or any of her colleagues from talking with staff about doing those types of actions.

Ms. Montes responded if there was funding the City needed to provide to an organization listed on this QVL they would be impacted but it depended on the circumstances, noting staff had a better plan for this summer.

Vice Mayor Ansari questioned what specifically would be impacted because this motion could affect things that needed to happen fast during the summer months.

Ms. Milne replied the two times staff used the QVL this past summer for heat respite was to quickly set-up sites in the Sunnyslope area and at the Watkins Campus. She added other things over the summer were done on City-owned property or existing contracts. She conveyed the two heat relief sites were done quickly with money received from Maricopa County because of the QVL.

Vice Mayor Ansari asked what month that action took place.

Ms. Milne responded the money was received in May and set-up heat relief on June 1.

Vice Mayor Ansari inquired if something happened in July when Council was on recess if this QVL could not be used based on the motion.

Ms. Montes replied staff might not be able to use the QVL but it depended on the timing.

Vice Mayor Ansari expressed that was her concern since she did more of the heat relief in her district, so she would be voting no on the motion unless there was a compromise excepting that issue.

Councilwoman Hodge Washington interjected she understood if there was an emergency it would bypass the provisions in the motion.

Mr. Lavelle advised if there was an emergency clause the action would take effect immediately.

Vice Mayor Ansari requested staff explain an emergency clause.

Mr. Lavelle stated he needed to look at the emergency provisions, but he thought heat mitigation qualified as an emergency measure.

Vice Mayor Ansari expressed those were conflicting answers.

Mayor Gallego asked if staff was referring to an emergency clause attached by Council or a declared emergency.

Mr. Lavelle responded he was referring to an emergency clause in an ordinance but even declaring an emergency would need action from Council.

Mayor Gallego remarked staff was putting together a more robust heat plan and wondered if communication and different scenarios could be included in that plan.

Ms. Montes replied yes, noting staff already had contingencies and said staff could use City resources or work with an existing contractor for emergencies, such as pop-up tents.

Vice Mayor Ansari requested wording be included in the motion so a council member could initiate an emergency in their district without the 60-day notice.

Mayor Gallego confirmed Councilwomen Hodge Washington and Pastor agreed with the amendment to the motion. Mayor Gallego restated the 30-day notice would waived if done by a council member whose district was impacted, noting she wished to be included in that waiver.

A motion was made by Councilwoman Hodge Washington, seconded by Councilwoman Pastor, that this item be adopted with an amendment that this would provide any extension or changes in the current contract in any way, that staff must meet and confer with the councilmember whose Council District the anticipated project is located, and be presented back to Council at least 30 days prior to approval before utilizing or extending that qualified vender list or contract. The motion carried by the following vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

27 **Proposed Vacant Property Registry (Ordinance G-7203)**

Request City Council approval of the proposed framework for the Neighborhood Services Department's (NSD) Vacant Property Registry (VPR).

Summary

In May 2023, NSD presented a draft framework for a VPR to the Community and Cultural Investment (CCI) Subcommittee. NSD addresses property maintenance violations for occupied and unoccupied/vacant properties. Vacant properties can present a challenge when trying to notify a responsible party regarding code violations. In some cases, staff spends significant time researching ownership contact information when the information is not readily available, or when the owner is located out of state and does not have a local point of contact.

The draft framework would require vacant non-residential properties, unimproved land that is over 10,000 square feet, and residential properties, with 50 or more units, to register if vacant for more than 30 days. Staff would create a free online registration portal for ease of registry and to provide education on the Authority to Arrest and trespassing process, private property Graffiti Removal Waiver, PHX C.A.R.E.S. process, property maintenance responsibilities and Crime Prevention Through Environmental Design (CPTED).

Additionally, staff would develop a private property outreach access waiver to allow City staff or contractors to access the property to provide outreach and offer services to unsheltered individuals or other people in crisis. Annual registration would be required, and occupancy needs to be reported within 10 days. Most importantly, the registry would require a local contact who would have the ability to address issues in a timely manner.

Staff received feedback from the CCI Subcommittee and, over the summer, conducted public outreach, identified resources needed to create and enforce a registry, researched costs, and updated the framework.

Public Outreach
Following the presentation in May 2023, NSD held four community outreach meetings, three virtual and one in-person. Outreach included social media (FaceBook, Twitter, Next Door, NSD website), Neighborhood Associations listed with our Department, and Arizona Multi-Housing Association. NSD also created a VPR webpage and conducted an online survey. Approximately 62 residents attended the community meetings and 22 responses were received via the online survey. Overall, staff received positive feedback and support for the proposed registry, with some residents asking for ways to better address repeat violations on vacant residential properties, support for an electronic Graffiti Removal Waiver, and questions about how to encourage or support development/use of vacant property.

The primary resource considerations include what software platform to use and enforcement costs. Additionally, the CCI Subcommittee inquired about whether additional resources would be needed for proactive enforcement.

NSD researched software platforms for the online registration portal and selected Microsoft Dynamics as the most feasible option. The City currently has solutions built on Microsoft Dynamics, including the Short-Term Rental Registry, and there is no new cost for this system as staff already have the necessary licenses for ongoing use. The Information Technology Services Department estimates the registration portal could be available on Jan. 1, 2024.

Staff anticipates no additional cost for standard complaint-based enforcement. This includes proactive enforcement of major arterials as already outlined in NSD's Code Enforcement Policy. Additionally, staff worked with the Community and Economic Development Department on possible solutions to proactively identify potential vacant properties that

would fit the requirements of the registry. Staff currently has access to CoStar, which provides access to commercial real estate data, that can be a resource to provide leads for inspections. Based on the currently low estimated vacancy rate of commercial real estate, staff does not anticipate a significant ongoing enforcement resource demand once the initial outreach and education is completed.

Based on the generally positive feedback received through NSD's outreach efforts, staff proposes maintaining the draft framework presented in May, including providing a free online registration portal for ease of registry through Microsoft Dynamics. Increased penalties for noncompliance would include a minimum fine of $500 (first violation), $1,000 (second violation), and up to a maximum fine of $2,500 (third and subsequent violations).

To help assist with development/use of vacant property, staff will include an option in the registry for applicants interested in sharing their information with the Community and Economic Development Department to use in providing referrals for businesses seeking vacant commercial space in Phoenix. Staff would plan to launch the registration portal on Jan. 1, 2024, with enforcement starting on Feb. 1, 2024.

Finally, due to community interest in addressing repeated issues on residential properties, NSD will create a parallel process to identify and address these repeat offenders through scheduled compliance inspections.

Staff recommends approval of the proposed amendment to the City Code section 39-3 and adding section 39-49 through 39-55, Article IX related to Vacant Property Registry to establish the registry and related requirements (See **Attachments A and B**).

Concurrence/Previous Council Action

On Oct. 11, 2023, the Economic Development and Housing Subcommittee unanimously recommended City Council approval of the proposed framework for the Vacant Property Registry by a vote of 4-0.

Discussion

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

A motion was made and seconded to approve this item.

Councilwoman Guardado said she had been working with neighborhood leaders on this important issue regarding out-of-state and absentee owners letting their properties turn to blight or disrepair by leaving them vacant. She thanked the Neighborhood Services Department for listening to neighborhood leaders and expressed she looked forward to supporting this item which took the burden off of neighborhoods and City staff.

Michael Norton recalled a statement Mayor Gallego made in 2013 about blighted neighborhoods throughout the city, though he acknowledged some areas had changed for the better over time. He expressed the worst property owner in Phoenix was the city as there were more unused properties on its registry which impacted the community. He said he supported this ordinance being approved and suggested it be blind to whoever owned the land as the city could be the offender.

Councilwoman Hodge Washington stated she supported the registry but wanted to apply this to infill properties as her office received complaints about vacant property next to them which impacted the community. She said she also wanted to implement this in an equitable manner.

A motion was made by Vice Mayor Ansari, seconded by Councilwoman Stark, that this item be adopted as revised per the Dec. 11, 2023 memo from the Neighborhood Services Director. The motion carried by the following vote:

Yes:	9 -	Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego
No:	0	

30 Citywide General Construction Job Order Contract Services - Amendment - 4108JOC209 (Ordinance S-50416)

Request to authorize the City Manager, or his designee, to execute an amendment to authorize execution of a Job Order Agreement under

Master Agreement 156751 with Chasse Building Team, Inc. in an amount up to $4 million for the La Pradera Park Renovation project. Further request to authorize execution of amendments to Master Agreement 156751 as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $4 million. The Job Order Agreement amount will not change the original Master Agreement Council-approved not-to-exceed amount.

Summary
The purpose of this project is to provide complete construction renovations for the La Pradera Park.

This amendment is necessary because the cost of construction exceeded the original budget of the project. This amendment will provide additional funds to the Job Order Agreement to complete the project.

Contract Term
The term of the Master Agreement remains unchanged. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The Master Agreement was approved for an amount not to exceed $15 million, including all subcontractor and reimbursable costs. This amount remains unchanged.

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

Concurrence/Previous Council Action
The City Council approved Master Agreement 156751 (Ordinance

S-48850) on July 2, 2022.

Location
6830 N. 39th Ave.
Council District: 5

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

NOTE: Councilwoman Pastor temporarily left the voting body.

Councilwoman Guardado mentioned this item would provide $4 million in upgrades and renovations to La Pradera Park. She thanked the Parks and Recreation Department for their hard work as residents looked forward to these improvements.

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

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

32 Golf Course Maintenance and Operation Contract Extension (Ordinance S-50438)

Request to authorize the City Manager, or his designee, to amend OB Sports Golf Management Contract 148918 to extend the contract term and add additional spending authority. Further request to authorize the City Controller to disburse all funds related to this item. The added funding will not exceed $23.3 million.

Summary
The City entered into a five-year maintenance and concessions contract with OB Sports Golf Management (OB Sports) in 2019. Within the normal scope of work, the contract includes basic daily maintenance of five City golf courses and three food and beverage concessions. Outsourcing the

maintenance of the municipal golf courses and concessions has been a key component to providing the community with affordable golfing opportunities. The contract with OB Sports also identifies necessary repairs the City is responsible for and the contract allows OB Sports to make these improvements on behalf of the City to enhance the golfing experience.

OB Sports has consistently demonstrated a deep understanding of the unique challenges associated with municipal golf course maintenance. Their team of experienced maintenance professionals continues to preserve the integrity and high quality maintenance expectations required by the City. OB Sports brings years of experience in golf course maintenance to the table. Their team's knowledge of turf management, irrigation systems, pest control and overall course aesthetics has improved the guest experience and increased rounds of golf at all of the City golf courses. One of the standout features of OB Sports is their commitment to staying abreast of industry innovations. They embrace the latest technologies and environmentally sustainable practices to enhance the quality of course maintenance. This forward-thinking approach not only improves efficiency but also contributes to the long-term sustainability of the golf courses. Recognizing that each golf course has its unique characteristics and challenges, OB Sports tailors their services to meet the specific needs of each facility. OB Sports takes pride in their meticulous attention to detail. Due to the depth of their resources, OB Sports is able to bring specific expertise to the golf course maintenance and concessions operations. OB Sports continues to be an active partner in the City golf operation.

Contract Term

The initial contract term was for five years covering Jan. 1, 2019 through Dec. 31, 2023. The contract included an option to extend until Dec. 31, 2028.

Financial Impact

The additional funding authority will not exceed $23.3 million. Revenue generated from the golf courses fund this contract. Funds are available in the Parks and Recreation Department's Golf Special Revenue Fund.

Concurrence/Previous Council Action

The City Council approved:

Golf Course Maintenance and Operation Contract 148918 (Ordinance S-45113) on Nov. 7, 2018.

Authorize Additional Funding to the Golf Course Maintenance and Operation Contract (Ordinance S-49680) on May 5, 2023.

Location

Cave Creek Golf Course, 15202 N. 19th Ave.
Encanto 18 Golf Course, 2775 N. 15th Ave.
Encanto 9 Golf Course, 2300 N. 17th Ave.
Palo Verde Golf Course, 6215 N. 15th Ave.
Aguila Golf Course, 8440 S. 35th Ave.
Council Districts: 3, 4, 5 and 7

Discussion

A motion was made and seconded to approve this item.

Vice Mayor Ansari questioned, as the City moved toward more sustainable practices, such as removing or replacing turf, what OB Sports and the City were doing to reduce water usage on golf courses.

Lead Head Golf Professional Greg Leicht responded that staff worked with OB Sports and other golf entities to have sustainable practices in golf course maintenance, noting only two percent of water was used which was the best in the state. He added there was a water resources specialist in the Special Operations Division who monitored the scheduling of all the water at parks, including golf courses. He remarked staff also planned on hiring a consultant to help address the golf course challenges with the upcoming state water reductions.

Vice Mayor Ansari asked how many total acres of Phoenix land was utilized for golf courses and how much of that land was City-owned.

Mr. Leicht replied the City owned all of the golf courses which totaled over 800 acres. He pointed out two of the golf courses were contracted out, one was Grand Canyon University (GCU) and the other golf course was Papago.

Vice Mayor Ansari inquired if the City ever considered utilizing the land for anything other than golf courses.

Deputy City Manager Inger Erickson answered there were deed restrictions on many of the properties, noting the contracts with GCU for the Maryvale golf course and a foundation for the Papago golf course. She mentioned the City found ways to improve the experience for golfers, but past discussions on other uses for the properties came down to deed restrictions.

Vice Mayor Ansari requested staff explain the deed restrictions.

Mr. Leicht stated the restrictions were that the land be used for recreational purposes, noting the only property without that restriction was the Palo Verde golf course.

Vice Mayor Ansari restated the restrictions were for recreational uses, but not necessarily golf courses.

Mr. Leicht affirmed that was correct.

Vice Mayor Ansari asked if the land could be used for parks.

Ms. Erickson replied staff looked at that option in the past, but golf courses were currently self sufficient due to fees collected whereas parks would be an expense the City would need to fund.

Vice Mayor Ansari expressed she appreciated staff's response because as Council looked towards the future at the City's biggest challenges it was important to have broader discussions about how to better use land.

NOTE: Councilwoman Pastor returned to the voting body.

Councilwoman Stark said she was open to looking at different land uses, but the Cave Creek golf course used to be a landfill that still had issues which limited the options at that location.

Councilwoman Guardado recalled the challenges the City used to have

with the golf courses, so she was happy to hear it was now self sufficient. She said she was open to looking at how to make them sustainable especially with people purchasing homes behind golf courses.

Councilwoman Pastor remembered having this conversation when she was first elected, noting Encanto Park had deed restrictions put on by the neighborhood to save that space from development. She mentioned there was talk about converting golf courses into development, but the historic community protected the land. She emphasized the land itself was a limited asset to the City, but agreed there should be cautious discussion. She asked when the Parks and Recreation Board came into play.

Ms. Erickson replied the board had the ability to provide disposition for the land, so they needed to be involved in the discussion. She explained many years ago when the golf courses were not self sufficient a large committee was created and two golf courses were outsourced.

Councilwoman Pastor said the conversation moving forward would be different as it related to water, but golf had to be equitable for everyone so someone who could not afford to play or get private lessons has that opportunity. She mentioned a possibility was turning some 18-hole golf courses into 9-holes and use the remaining land for another activity.

Councilman Waring stated he pulled this item from consent, noting he voted no on golf-related items as he did not think it was a core function of the city. He expressed he understood Councilwoman Pastor's opinion that golf should be accessible for everyone, but the sport was not inexpensive even if fees were cut. He recalled the golf fund was losing money when he was first elected, but that issue was resolved by hiring people who ran golf courses instead of the City running them. He also remembered $15 million being shifted from the Parks fund to the golf fund which was not the intent of that money. He expressed appreciation that golf courses were water efficient, but there was more need for open spaces.

Mayor Gallego acknowledged Councilman Waring had been consistent on this particular matter. She mentioned the City was updating the Parks

Master Plan and staff was working with Dr. Max Wilson on water conservation at all parks. She requested staff conduct a specific focus on golf courses measures, noting Phoenix received attention for some innovative things on its golf courses, such as a partnership with Arizona State University to reduce water evaporation. She expressed she looked forward to the Parks Master Plan and said her top priority was to develop existing properties.

Vice Mayor Ansari asked if potable or recycled water was used to maintain the golf courses.

Mr. Leicht responded raw water was used and emphasized potable water was not used on golf courses.

Vice Mayor Ansari requested staff describe raw water.

Mr. Leicht explained raw water was not treated water, noting most of the water sources came from SRP and a well located at Cave Creek. He added no water was used from the canal system.

Vice Mayor Ansari inquired if staff could look at using recycled water during the Parks Master Plan update to better conserve water used at golf courses.

Mr. Leicht affirmed staff was in favor of all the suggestions.

Jeff Caldwell spoke in opposition of spending this much money on upkeep of five City-owned golf courses. He encouraged the Council to sell the land and golf courses to private entities and use the funds for other City business. He claimed that reviews from people who used the City golf courses complained about the upkeep on four of them.

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

Councilwoman O'Brien questioned how many acres were allocated to golf courses.

Mr. Leicht responded there was just over 800 acres.

Councilwoman O'Brien requested clarification that all but one golf course was deed restricted to recreational use.

Ms. Erickson affirmed that was correct.

Councilwoman O'Brien said she wanted to know what the deed restricted properties would look like if they were sold and could only be used for recreational purposes.

Ms. Erickson answered staff had not conducted a study on that aspect, noting it would be costly without revenue coming in to offset it. She pointed out revenue that currently came in from fees and cart rentals paid for everything spent at the golf courses.

Councilwoman O'Brien agreed golf could be an expensive sport, but people could cut costs, such as purchasing used golf clubs. She said she appreciated that people have an opportunity to play golf in an affordable manner.

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

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

33 Three-Year Membership with Canada Arizona Business Council (Ordinance S-50428)

Request to authorize the City Manager, or his designee, to pay membership dues to the Canada Arizona Business Council (CABC) for December 2023 through December 2026 in the amount of $25,000 annually, for a total amount not to exceed $75,000. Further request to authorize the City Controller to disburse funds related to this item. Funding is available in the Community and Economic Development

Department's budget.

Summary

The City entered into its first one-year membership with the CABC in 2014. A three-year CABC membership, at $25,000 annually, was approved by the City Council in January 2018 and again in December 2020. With nearly 100 members representing the private sector, economic development organizations, municipalities and trade organizations from Arizona and Canada, the CABC focuses on attracting Canadian foreign direct investment to Phoenix's residential and commercial real estate market. In addition, the CABC provides support to any Canadian mergers and acquisitions business, and continued expansion of existing Canadian businesses in the local Phoenix economy.

Arizona exports goods totaling $1.3 billion annually to Canada, with agricultural products, aircrafts and aircraft parts representing the largest volume of exported goods. The work of the CABC has proven to be vital to the economic relationship between Arizona and Canada and has been instrumental in fostering Canadian investment in the Phoenix market. There are more than 500 Canadian companies in Arizona - the majority of which are in Phoenix. Among these companies are Circle K, Stantec, BMO, Epcor Water Arizona, GardaWorld, Colliers International, Jeld-Wen Windows and Doors, and Coreslab Structures.

Recent efforts to increase foreign direct investment in Phoenix have included CABC coordination of a visit by Arizona legislators to Toronto, Ottawa and Montreal to explore opportunities for investment in infrastructure projects by Canadian pension funds. Currently, Canadian pensions funds have approximately $4 trillion under management. Renewal of the CABC membership will continue to provide the City access to critical Canadian foreign direct investment intelligence, data, trends and opportunities to strengthen economic development relationships with potential Canadian investors and businesses. This will further enhance Phoenix's competitive position within the Canadian market.

Over the past three years, CABC has focused significant effort in

restoring air service between Canada and Phoenix post-pandemic, and increasing it where possible. Its contributions have supported the restoration and development of 13 service points in Canada, including Calgary, Toronto, Vancouver, Edmonton, and Montreal. Carriers serving the Phoenix metro area include Lynx, Westjet, Flair, Swoop and Air Canada.

Other CABC initiatives focus on workforce development, the return of seasonal visitors, North American supply chain, medical tourism, the future of water resources and mining.

If approved, the City's three-year membership will be valid through December 2026.

Financial Impact

Membership dues are $25,000 annually, for a total amount not to exceed $75,000 over the course of three years. Funds are available in the Community and Economic Development Department's budget.

Concurrence/Previous Council Action

The City Council approved the 2020-2023 CABC membership on Dec. 16, 2020 (Ordinance S-47191).

Discussion

A motion was made and seconded to approve this item.

Jeff Caldwell spoke in opposition as this would add cost to the City's housing and hinder affordable housing. He expressed government should not look to foreign investors for residential and commercial real estate even if it lead to other types of investment. He urged Council to vote no on this item.

Lezley Shepherd spoke in opposition and said she agreed with the previous speaker's comments. She emphasized this money would be better spent on the community instead of going outside the country.

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

Mayor Gallego said she looked forward to supporting this item as Canada was the number two trade and tourism partner, noting $1.3 billion in goods was exported to Canada. She emphasized the City had a great partnership with the Canada Arizona Business Council in a number of areas, such as new air service including low-fare carriers at Sky Harbor Airport and pilot training with Canadian companies. She expressed it was a point of pride for her that the City trained pilots for the world with a Canadian company that provided a significant investment at Sky Harbor Airport. She added she was especially excited about the many destinations from Phoenix to Canada due to this membership.

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

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

No: 1 - Councilman Waring

41 **Apply for Arizona Department of Environmental Quality Recycling Research and Development Grant Opportunity (Ordinance S-50434)**

Request to authorize the City Manager, or his designee, to retroactively apply for, and if awarded, accept, and enter into an agreement for disbursement of grant funding from the Arizona Department of Environmental Quality (ADEQ) through its Recycling Grant Program's Recycling Research and Development Grant. If awarded, the grant will be used to conduct a feasibility study for alternative transportation of recycling and compost by rail at the 27th Avenue Resource Innovation Campus. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The total grant funds applied for will not exceed $100,000.

Summary

Currently the City's Materials Recovery Facility (MRF) and compost facility operations contractors rely solely on semi-trucks to transport baled recyclables (commodities) and finished compost out of the 27th Avenue

Resource Innovation Campus. With the reliance on semi-trucks, the contractors can experience increased transportation costs when fuel costs increase and they are limited on how many loads they can transport per day. With rail infrastructure in close proximity to the Resource Innovation Campus and the additional volume capacity of rail cars compared to semi-trucks, both the MRF and compost facility operations contractors communicated to the City their interest in having access to a rail spur. Access to a rail spur can also increase capacity to divert more materials from the landfill as the Resource Innovation Campus develops, supporting the City's solid waste diversion goals. By conducting a feasibility study, the City can determine if constructing a rail spur is viable and economically feasible, including the estimated costs.

The ADEQ Recycling Research and Development Grant aims to help recipients develop tools and create knowledge that will help divert significant amounts of material from the solid waste stream in the future. The Public Works Department is requesting retroactive authorization to submit an application for the ADEQ Recycling Research and Development Grant. If awarded, funding will be used for a city contractor to conduct a feasibility study for alternative transportation of recycling and compost by rail at the 27th Avenue Resource Innovation Campus. The grant was submitted prior to the deadline of Dec. 1, 2023. If not authorized, the grant application can be withdrawn. The Public Works Department is also requesting authorization to enter into an agreement to accept the funding if awarded.

Financial Impact

The Public Works Department is requesting grant funds up to $100,000. If awarded, ADEQ's grant would not exceed $100,000 and the City's costs would be approximately $0 for the local match. Potential grant funding received is available through the Arizona Solid Waste Recycling Act of 1990 and is derived from landfill disposal fees.

Location

27th Avenue Resource Innovation Campus - 3060 S. 27th Ave.
Council District: 7

Discussion

NOTE: Councilwoman Pastor temporarily left the voting body.

A motion was made and seconded to approve this item.

NOTE: Councilwoman Pastor rejoined the voting body by telephone.

Lezley Shepherd spoke in opposition as this would create more issues considering the high cost of gas.

Jeff Caldwell spoke in opposition as this was a shift from one cost to another and suggested the study include comparison of how many truck loads versus rail it would take to break even on the project. He expressed concern this would increase costs and take more time to pay off.

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

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

47 Resolution Authorizing Application for a Designation of Assured Water Supply to the Arizona Department of Water Resources (Resolution 22176)

Request City Council to approve a resolution authorizing the City Manager, or his designee, to execute and submit an updated application for the Designation of Assured Water Supply to the Arizona Department of Water Resources (ADWR).

Summary

In order to ensure that sufficient water resources are available to supply potential new development, and to allow the platting of new residential and commercial development parcels, Arizona State law requires that cities and private water providers apply for and receive a Designation of

Assured Water Supply from ADWR. The designation serves as the State of Arizona's endorsement that the City has taken proactive steps to acquire sufficient renewable supplies to accommodate projected growth.

The City's current designation will be reviewed by ADWR no later than 2024. Therefore, the City plans to submit an updated application well in advance to maintain the City's continuous designation status.

ADWR requires the City Manager of a City applying for a Designation of Assured Water Supply to sign and submit the application, with authorization from its City Council, accompanied by a $2,000 initial fee.

Financial Impact

The funding for the application is not to exceed $35,000, with an initial fee of $2,000. Funding for ADWR is available in the Water Services Department's operating budget.

Discussion

A motion was made and seconded to approve this item.

Lezley Shepherd spoke in opposition of the City forgoing 150,000-acre-feet of Colorado River water for $60 million in federal funding earlier this year while raising the water rate. She claimed that amount of water could have been used by 450,000 households in a year's time. She urged Council not to trade more water for federal funding.

Jeff Caldwell said he supported this item as the City needed water and hoped the State approved this request. He wished to correct a statement made by the previous speaker that the 150,000-acre-feet of water would equal 100-year supply of water for 45,000 households. He reiterated his support of moving this forward, but did not want the City restricting water or raising the water rate. He also expressed concern there was not enough mechanisms in place to turn wastewater into drinking water.

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

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

the following vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 CITIZEN COMMENTS

Chief Assistant City Attorney Deryck Lavelle stated during Citizen Comment, members of the public may address the City Council for up to three minutes on issues of interest or concern to them. She advised the Arizona Open Meeting Law permits the City Council to listen to the comment, but prohibits council members from discussing or acting on the matters presented.

NOTE: Vice Mayor Ansari temporarily left the voting body.

Lezley Shepherd expressed she did not want Council to support the consent decree between the Department of Justice (DOJ) and Phoenix Police Department. She claimed other cities that agreed to the consent decree saw an increase in violent crime. She said she appreciated Council asking questions of staff to make educated decisions.

Jeff Caldwell expressed he hoped Council reflected on the City's future over the holidays and listened to what people said about certain policies. He stated he also did not want Council to support the consent decree and urged Council to hire the best attorney if the DOJ filed a lawsuit against the City.

Michael Norton recalled a 2017 article which reported the City owned 5,449 vacant parcels that should be sold. He continued in 2018 staff identified several hundred of those parcels should be sold, noting the City Charter said that unneeded land should be sold. He emphasized the Parks and Recreation Department owned properties for 20 years that were adjacent to schools, noting six of them were dormant which created health and safety hazards. He asked that Council create an ordinance adopting the policies established in 2013.

NOTE: Vice Mayor Ansari rejoined the voting body by telephone.

Jerry Carlton, representing Rogers Ranch Residents Committee, said he had submitted several petitions to Council but was informed by staff the petitions should be submitted to the Parks and Recreation Board. He indicated the City Charter said citizen petitions could only be submitted in writing during the general Council session. He mentioned one of the petitions requested the City adopt a new ordinance addressing the acquisition or sale of any property intended to be used as a park when adjacent to a public school. He submitted a request on behalf of the Committee for the City adopt a new dormant parks properties ordinance that no additional property could be purchased until all properties designated as parks were developed or return deed of property back to the prior owner at fair market value. He also requested assistance from Districts 7 and 8 on this matter.

Bryan McCarty said he lived in the West Valley north of Goodyear Airport and expressed concerns about the growing noise and public safety issue due to the growing flight school operations and their flight patterns. He mentioned Goodyear residents endured long hours of aircraft noise, air pollution from aircraft emissions and increased public safety risk of airplane crashes. He urged Council to use their influence to encourage flight school pilots to fly south of Interstate 10, noting the Goodyear Airport Pilot Guide already stated to avoid low level activity over residential areas.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 5:21 p.m.

MAYOR

ATTEST:

CITY CLERK

SM

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 13th day of December, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of May, 2024.

CITY CLERK