City of Phoenix

Minutes

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

186066

City Council Formal Meeting

Wednesday, January 26, 2022 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, Jan. 26, 2022 at 2:31 p.m. in the Council Chambers.

Present: 9 - Councilwoman Yassamin Ansari, Councilman Sal DiCiccio, Councilmember Carlos Garcia, Councilwoman Betty Guardado, Councilwoman Ann O'Brien, Councilwoman Debra Stark, Councilman Jim Waring, Vice Mayor Laura Pastor and Mayor Kate Gallego

The Mayor and Councilmembers attended the meeting virtually. Councilman DiCiccio left the meeting at the beginning of Item 72.

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

The City Clerk confirmed copies of the titles of Ordinances G-6943 through G-6950; S-48119, S-48261 through S-48296; and Resolution 21987 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

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

BOARDS AND COMMISSIONS

1 Mayor and Council Appointments to Boards and Commissions

Summary

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

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

Camelback East Village Planning Committee
Appoint Adiba Jurayeva, filling a vacancy, for a term to expire Nov. 19, 2023, as recommended by Councilman DiCiccio.

Central City Village Planning Committee
Appoint Ali Nervis, filling a vacancy, for a term to expire Nov. 19, 2023, as recommended by Councilmember Garcia.

Desert View Village Planning Committee
Appoint Cynthia Dean, filling a vacancy, for a term to expire Nov. 19, 2023, as recommended by Mayor Gallego and Councilman Waring.

Human Relations Commission
Appoint Miriam Weisman, filling a vacancy, for a term to expire June 30, 2024, as recommended by Mayor Gallego.

Laveen Village Planning Committee
Appoint JoAnne Jensen, filling a vacancy, for a term to expire Nov. 19, 2023, as recommended by Councilmember Garcia.

Phoenix Business and Workforce Development Board
Appoint Patrick Fitzhugh, filling a Business vacancy, for a partial term to expire June 30, 2022, as recommended by Mayor Gallego.

South Mountain Village Planning Committee
Appoint Tremikus Muhammad, filling a vacancy, for a term to expire Nov. 19, 2023, as recommended by Councilmember Garcia.

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

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

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

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

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Stark, that Items 2-7 be recommended for approval. The motion carried by the following voice vote:

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

2 Liquor License - Hutch Kitchen & Cocktails

Request for a liquor license. Arizona State License Application 172255.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
2603 N. Central Ave.
Zoning Classification: C-2 HRI TOD-1
Council District: 4

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 Jan. 31, 2022.

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.

Crown Public House (Series 12)
333 E. Jefferson St., Phoenix
Calls for police service: 350
Liquor license violations: In Aug. 2020, a fine of $1,500 was paid for failure to derive 40 percent of income from food.

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

Applicant's Statement
The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are

shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
“We train all of our employees in responsible liquor service. We conduct regular audits to ensure they comply.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“We would like the ability to offer our patrons of legal age the option of ordering an adult beverage with they choose to have one with their meal.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Hutch Kitchen & Cocktails
Liquor License Map - Hutch Kitchen & Cocktails

This item was recommended for approval.

3 Liquor License - L & S Ranch Market

Request for a liquor license. Arizona State License Application 170931.

Summary

Applicant
Lori Scott, Agent

License Type
Series 10 - Beer and Wine Store

Location
2750 W. Indian School Road
Zoning Classification: C-1
Council District: 4

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

The 60-day limit for processing this application is Jan. 28, 2022.

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.

Laveen Smoke Shop #6 (Series 10)
4325 S. 48th St., Ste. 101, Tempe
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license

because:
“I am a responsible business owner in the Phoenix area since 2006. I have held a liquor licenses previously for a restaurant, and other convenience store.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“This will allow the community a one stop shop to purchase beer or wine, cigarettes, food, beverages, or household items."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - L & S Ranch Market
Liquor License Map - L & S Ranch Market

This item was recommended for approval.

4 Liquor License - Special Event - Hermandad Del Senor De Los Milagros (Mesa, AZ)

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

Summary

Applicant
Sofia Vasquez Diaz

Location
7610 W. Indian School Road
Council District: 5

Function
Dance

Date(s) - Time(s) / Expected Attendance
Feb. 11, 2022 - 9 p.m. to 2 a.m. / 500 attendees

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

5 Liquor License - Special Event - Saint Sava Serbian Orthodox Church

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

Summary

Applicant
George Momich

Location
4436 E. McKinley St.
Council District: 8

Function
Golf Tournament

Date(s) - Time(s) / Expected Attendance
Feb. 23, 2022 - 6 p.m. to 1 a.m. / 200 attendees
Feb. 24, 2022 - 6 p.m. to 1 a.m. / 200 attendees
Feb. 25, 2022 - 6 p.m. to 2 a.m. / 300 attendees
Feb. 26, 2022 - 5 p.m. to 2 a.m. / 400 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

6 Liquor License - The Rose Theatre

Request for a liquor license. Arizona State License Application 174293.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 6 - Bar

Location
455 N. 3rd St., Ste. 1010
Zoning Classification: C-2
Council District: 8

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

The 60-day limit for processing this application is Feb. 5, 2022.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:

"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "The Rose Theatre will offer specialty and classic craft cocktails in a theatre setting. Applicant would like to offer guest 21 and over the opportunity to enjoy alcoholic beverages."

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

Attachments
Liquor License Data - The Rose Theatre
Liquor License Map - The Rose Theatre

This item was recommended for approval.

7 Liquor License - El Bravo Mexican Food

Request for a liquor license. Arizona State License Application 07070710.

Summary

Applicant
Amparo Cruz, Agent

License Type
Series 7 - Beer and Wine Bar

Location
8338 N. 7th St.
Zoning Classification: C-2
Council District: 6

This request is for an ownership transfer of a liquor license for a beer and

wine bar. 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 Jan. 28, 2022.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I understand the rules to hold the liquor license and I have the capability to be at the restaurant any-time of the day. I have worked in the restaurant for over 10 years and my husband has worked for this restaurant over 30+ years."

The public convenience requires and the best interest of the community

will be substantially served by the issuance of the liquor license because: “They will not have to travel to a bar or convienence store in order to obtain alcohol. Additionally, patrons do not typically get inebriated in restaurants as compared to a bar."

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

Attachments
Liquor License Data - El Bravo Mexican Food
Liquor License Map - El Bravo Mexican Food

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

Mayor Gallego stated that Item 73 was being remanded back to the Planning Commission on Feb. 3, 2022 and to City Council on Feb. 16, 2022 because the applicant did not update their sign with the continuance language. She conveyed this action allowed the issue to be corrected, noting the neighbors could speak to the merits of the case at the February 16 Council meeting. She requested a motion on the remaining agenda items. A motion was made, as appears below.

Electronic comments were submitted for the record on the following items: one in opposition of Item 63 and two in opposition of Item 73.

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Stark, that Items 8-72 be approved or adopted, except Items 15, 21, 30, 33, 37, 39, 41, 47-49, 51 and 72; noting that Item 40 is withdrawn and that Item 73 is remanded back to the Planning Commission on Feb. 3, 2022 and to the City Council on Feb. 16, 2022. The motion carried by the following vote:

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

Items 8-14, 16-20 and 22, Ordinance S-48261 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.

8 Settlement of Claim(s) Nissan v. City of Phoenix

To make payment of up to $48,000.00 in settlement of claim(s) in *Nissan v. City of Phoenix*, 17-0472-004, AU, BI, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of bodily injury and property damage claim arising from a motor vehicle accident on Oct. 20, 2017 involving the Planning and Development Department.

This item was adopted.

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

To make payment of up to $250,000.00 in settlement of claim(s) in *Moore v. City of Phoenix*, 20-0208-001, AU, BI, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of bodily injury and property damage claim arising from a motor vehicle accident on Feb. 29, 2020 involving the Police Department.

This item was adopted.

10 Arizona Science Center

For $204,000.00 in additional payment authority for Contract 127032 for the annual reimbursement of utilities for the Parks and Recreation Department. The contract agreement states the City will reimburse the Arizona Science Center for all utility payments each year. The agreement allows for the Arizona Science Center to maintain and operate the center on behalf of the City of Phoenix, providing science education to visitors. The science education provided by the Arizona Science Center provides Phoenix residents and visitors with increased knowledge and understanding of science among youth and adults alike.

This item was adopted.

11 Arizona State University

For $78,000.00 in payment authority for Contract 119092 for the annual operating and maintenance fees for the Downtown Phoenix Civic Space A.E. England Building, which is paid to Arizona Board of Regents on behalf of Arizona State University, for the Parks and Recreation Department.

This item was adopted.

12 WBCP, Inc.

For $35,000.00 in payment authority for a new contract, entered on or about Jan. 26, 2022 for a term of three years to conduct an Executive Search for the Assistant Human Services Director for the Human Resources Department. The executive search includes writing recruitment marketing materials, advertising, conducting applicant searches, identifying a diverse applicant pool, coordinating interviews, writing questions, and facilitating offer and negotiations. The Human Resources Department is conducting a Request for Qualifications.

This item was adopted.

13 N Harris Computer Corp

For $175,000.00 in additional payment authority through Dec. 31, 2023 for two years of annual maintenance costs for the iNovah cashiering system for the Finance Department. The iNovah system is the centralized cashiering system used to process payments for several City departments. Annual maintenance covers software support for the iNovah system, four daily batch exports, one real time interface, and the image cache letter file which is used to electronically process check payments.

This item was adopted.

14 SAP America, Inc.

For $15,922.00 in payment authority to purchase Crystal Reports licenses for the Information Technology Services (ITS) Department. This item is in support of the Finance and City Clerk departments for the Talis and Tax Mantra system. ITS has been migrating the Talis and Tax Mantra application to a new supportable and secure hardware platform, and new Crystal Reports licenses are required. The current version of Crystal Reports is obsolete and unsupported. The Finance and City Clerk departments rely on Tax Mantra to manage all regulatory license services for citizens and businesses. A new version will allow departments to

continue obtaining critical reports from the upgraded system.

This item was adopted.

16 Children's Museum of Phoenix

For $500,000.00 in additional payment authority for Agreement 122766, through June 30, 2026, for building maintenance and repair services, and 50 percent reimbursement of utilities and landscaping costs for the Children's Museum of Phoenix located at 215 N. 7th Ave., for the Phoenix Office of Arts and Culture.

This item was adopted.

17 Valley Youth Theatre

For $75,000.00 in additional payment authority for Contract 114612, through Jan. 5, 2026, for 50 percent reimbursement of utilities and sewer costs for the Valley Youth Theatre facility located at 525 N. 1st St., for the Phoenix Office of Arts and Culture.

This item was adopted.

18 Maricopa County Air Quality and Environmental Regulations

For $222,450.00 in annual payment authority for various mandated regulatory fees and permits for the Public Works Department. The Public Works Department manages fuel sites, Citywide fleet and facilities, open and closed landfills, transfer stations, solid waste collections, and other mandated entities that require various permits and fees to maintain compliance with Maricopa County air quality and environmental health regulations. The permits that Public Works maintains include Refuse Hauler, Authority to Operate, Title V, Non-Title V, Recycle Variance, permitted fuel burning equipment and permitted fuel dispensing.

This item was adopted.

19 Carrier Fire & Security Americas Corporation dba Carrier Fire & Security - MAStermind

For $27,993.00 in payment authority for MAStermind monitoring services using proprietary software for Jan. 1, 2021 through Dec. 31, 2023 for the Public Works Department. MAStermind is used by the Police Central Monitoring Station (CMS) to manage alarm services with support 24/7 throughout the Downtown Corridor. The software is required by CMS for monitoring alarms and emergency services in City-owned buildings.

This item was adopted.

20 Managed Medical Review Organization, Inc.

For $50,000.00 in additional payment authority for Contract 144922, for independent medical evaluations for the Retirement Office. The Retirement Office is currently finalizing a new contract through the RFP process. The number and complexity of applications submitted has increased from previous years, requiring additional funds. Independent medical evaluations are used when either the City of Phoenix Employees' Retirement System (COPERS) Board, Disability Assessment Committee, or the Local Police and Fire Retirement Boards (Local Boards) require information to determine the eligibility of individuals for a disability retirement. Further, State statute requires all public safety members who have filed an application for disability retirement be referred for an independent medical evaluation by a board certified, Arizona licensed physician in order to determine if they meet the criteria listed in Arizona Revised Statutes, section 38-859. Memorandum of Understanding 144978-0 is the agreement between the COPERS Board and the Locals Boards that permits the Local Boards to use the COPERS contract.

This item was adopted.

22 Brentwood Executive Holdings, LLC dba Paradigm Marketplace

For $1,400,000.00 in payment authority for Brentwood Executive Holdings, LLC dba Paradigm Marketplace, to purchase at-home COVID-19 test kits. The kits will be distributed to Phoenix residents through the City's ongoing community testing and vaccination efforts. The addition of the at-home test kits will strengthen the City's ability to address increased case counts and mitigate the impact of COVID-19 in the community. Funding is available through the City's allocation of the American Rescue Plan Act received from the U.S. Federal Government.

This item was adopted.

23 National Civic League's 2022 All-American City Award

Request authorization for the City Manager, or his designee, to apply for and, if selected, accept the National Civic League's All-American City Award for 2022.

Summary

The National Civic League's All-American City Award has celebrated the best in American civic innovation since 1949. The annual award recognizes communities that create innovative solutions to pressing issues through inclusive civic engagement and collaborations among residents, businesses, non-profit organizations and local governments. Phoenix has been honored with this national recognition five times, in 2009, 1989, 1980, 1958 and 1950.

The 2022 All-American City Award, in partnership with the Campaign for Grade-Level Reading, will recognize the resilience that communities across the country have shown as people come together to respond to the learning and equity challenges brought on by the COVID-19 pandemic. This year's theme is: Housing as a Platform for Early School Success and Equitable Learning Recovery. The ceremony will be held virtually July 18-22, 2022, during Grade Level Reading (GLR) Week.

This year's application focuses on innovative, inclusive, and data-driven efforts that seek measurable improvement around one or more of the following focus areas:
Digital equity (internet access, individual devices, technical assistance);
Relational support (tutors, mentors, coaches);
After school, summer and out-of-school learning opportunities;
Transforming non-school places and spaces into learning-rich environments;
Promoting school readiness, regular attendance and summer learning;
Parents succeeding as essential partners in the healthy development and early school success of their children; and
Parents succeeding in their own journey toward sustainable self-sufficiency.

The offices of Innovation and Youth and Education are leading the process in collaboration with City departments including Housing, Information Technology Services, Human Services, Parks and Recreation, Library, among others. The team has begun conducting research and compiling data to inform the application process. The next steps include working with staff members, community partners and residents to focus on key, successful initiatives that have been implemented during the pandemic. The final application is due March 1,

2022.

Financial Impact

There is no financial impact to the City.

This item was approved.

24 Legal Processing, Notary, and Related Services Requirements Contract - COOP 21-035 (A) (Ordinance S-48270)

Request to authorize the City Manager, or his designee, to approve an adjustment to Payment Ordinance S-47923 for Contract COOP 21-035 with First Legal Network, LLC, Nationwide Legal Services, LLC, and On the Run Legal Solutions, LLC to waive, or grant an exception to, Phoenix City Code Section 42-18 (Chapter 42 Risk Management, Contract Provisions; Indemnification Prohibition) and to authorize inclusion of indemnification and assumption of liability provisions that otherwise would not be allowed for the Master Services Agreement. Further request authorization for the City Controller to disburse all funds related to this item. No additional funds are needed.

Summary

The City of Phoenix requires contracts with multiple vendors who can provide legal processing, notary, and related services in order to support all City Departments. These services are used by various departments citywide, but primarily by the Neighborhood Services Department and the Law Department to deliver a wide array of legal notices to residents and businesses. Notices include construction violations, investigations, court proceedings for both in-state and out-of-state addresses, public notices, notary services, court filings, and complete processing services.

For a waiver of Phoenix City Code 42-18, the Master Agreement requires a limitation of liability to the greater value of either $1,000,000 or three times the purchase price of the specific materials and/or services giving rise to the claim.

Contract Term

This is a five-year contract beginning on or about Feb. 1, 2022.

Concurrence/Previous Council Action

The contract was originally approved by City Council on Sept. 8, 2021.

This item was adopted.

25 Technology Consulting Professional Service Agreement Requirements Contract - Amendment (Ordinance S-48271)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 144634 with ASKREPLY, INC dba B2GNOW to extend the term and to allow additional expenditures for the continued access of the online computer software modules such as Concessions, Baseline System/Vendor Management, Contract Compliance, Certification Management and the Online Application for the Equal Opportunity Department. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $30,345.

Summary

The B2GNOW software system supports diversity-based contracting, certification and outreach programs. The software is integrated with contracting processes utilized by contractors, vendors and other City of Phoenix departments such as the Water Services, Street Transportation, Public Transit, Aviation and Finance departments. The B2GNOW system allows for conducting frequent updates to vendor's lists, which is essential to the Federal Transit Administration and the Federal Aviation Administration assisted goal-setting requirements. The software provides for instant retrieval of Disadvantaged Business Enterprise (DBE), Airport Concessionaire Disadvantaged Business Enterprise (ACDBE), and Small Business Enterprise (SBE) firms by North American Industry Classification System codes and work descriptions, which are essential for DBE and SBE goal setting. The Equal Opportunity and Public Transit departments and Valley Metro will share the cost of this contract extension.

The requested service agreement is critical for multiple facility operations. The contract extension will ensure continued services.

This one-year extension is needed while a new competitive solicitation is issued and a new contract awarded.

Contract Term

Upon approval, the contract term will be extended through Jan. 31, 2023.

Financial Impact

Upon approval of $30,345 in additional funds, the revised aggregate value of the contract will not exceed $155,345. Funding is available in the Equal Opportunity and Public Transit departments' budgets.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Jan. 11, 2017.

This item was adopted.

26 Acceptance and Dedication of Easements for Public Utility Purposes (Ordinance S-48276)

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

Summary

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

Easement (a)
Applicant: Sandro Pinha and Gil Valdez, its successor and assigns
Purpose: Public Utility
Location: 28432 N. 44th St.
File: FN 210055
Council
District: 2

Easement (b)
Applicant: Tate Berger, Tate Burger and Jessica Hopper, its successor and assigns
Purpose: Public Utility
Location: 8916 and 8918 N. 11th St.
File: FN 210103
Council
District: 3

Easement (c)
Applicant: BFH Holdings, LLC, its successor and assigns

Purpose: Public Utility
Location: 4724 S. 35th Ave.
File: FN 210111
Council
District: 7

This item was adopted.

27 Acceptance of an Easement for Drainage Purposes (Ordinance S-48277)

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

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

Easement (a)
Applicant: VWP 48th ST OWNER, LLC, its successor and assigns
Purpose: Drainage
Location: 3232 S. 48th St.
File: FN 210119
Council District: 8

This item was adopted.

28 Sungard Availability Services (Ordinance S-48292)

Request to authorize the City Manager, or his designee, to grant an exemption from the indemnification and liability provisions of section 42-18 of the City Code and allow inclusion of indemnification and limitation of liability provisions in the agreement with Sungard Availability Services, LP and Sungard New Holdings III, LLC as previously authorized by Ordinance S-48184 for Disaster Recovery as a Service (DRaaS). No additional funds are needed.

Summary
Sungard Availability Services, LP (Sungard AS) was selected to provide the City disaster recovery services to help ensure critical systems and services are available during emergency situations. Their fully managed DRaaS solution integrates with other existing cloud disaster recovery services, establishes security protections to meet regulatory

requirements, and offers effective approaches to keep City business applications and data synchronized. The services also prevent unauthorized access, disclosure, and/or modification of the City's data to preserve data integrity and residents' trust.

Information technology companies such as Sungard AS provide increasingly complex products and services and will not agree to fully indemnify the City nor accept unlimited liability. Granting an exception would authorize the City to negotiate indemnification and assumption of liability provisions that best protect the City while still being aligned to IT industry standards and acceptable to Sungard AS.

Contract Term
This is a four-year contract term, with up to three two-year options to extend for a maximum ten-year contract term.

Financial Impact
There is no financial impact related to this request, as funding for this agreement was approved as part of Ordinance S-48184. This request is only for authorization to grant an exception from the indemnification and liability provisions of City Code section 42-18.

Concurrence/Previous Council Action
This contract was originally approved by City Council on Dec. 15, 2021, Ordinance S-48184.

This item was adopted.

29 Professional Services for IT Project Management and Business Analysis Support - Amendment (Ordinance S-48293)

Request to authorize the City Manager, or his designee, to execute an amendment to agreements with: CE Wilson Consulting, LLC Contract 144530; Envision, LLC Contract 144528; IntraEdge, Inc., Contract 144532; Kolla Soft, Inc., Contract 144531; and Scott Business Group, LLC Contract 144533 to extend the term and allow additional expenditures for professional Information Technology (IT) project management and business analysis services on an as-needed basis for the Information Technology Services Department (ITS) in support of various departments. The additional expenditures will not exceed

$3,060,000. Remaining funds previously authorized by the City Council will be applied to the extended contract term. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The City utilizes contract project managers and business analysts to augment staff. This model provides flexibility and allows the City to select project managers and business analysts with the skill set and experience specific to the IT project being undertaken. The number of citywide IT projects vary over time and staff in these roles are needed to ensure that projects meet the necessary business requirements, project scope, and are completed on time and on budget.

Recently, the ability to utilize these contracts allowed ITS to contract with project managers and business analysts to expeditiously support critical initiatives such as enhancements to the citywide cyber security programs, Fire and Police department critical system modernization efforts, and the myPHX311 initiative. This request is for additional contract term and funding to allow the City to support existing engagements and upcoming IT project needs, and avoid disruption to key initiatives. Including allowing the Project Management Office to finalize an assessment and roadmap to mature operational practices to meet the City's evolving business needs and continuity of service.

Contract Term

The term of these agreements would be extended through Jan. 31, 2023.

Financial Impact

This amendment will increase the authorization for these agreements by an additional $3,060,000 for a new total aggregate not to exceed $9,660,000. Funding is available in various departments' budgets.

Concurrence/Previous Council Action

These agreements were originally approved by City Council on Feb. 1, 2017, Ordinance S-43212. On July 1, 2021, City Council approved additional funds, as per Ordinance S-47817.

This item was adopted.

31 Request to Enter into an Agreement with Accurate Appraisals U.S.A., LLC for Single-Family Home Appraisal Services (Ordinance S-48272)

Request to authorize the City Manager, or his designee, to enter into an agreement with Accurate Appraisals U.S.A., LLC to provide single-family home appraisal services for the Housing Department's scattered site properties. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $125,000. There is no impact to the General Fund.

Summary

The Housing Department owns and operates public housing, including more than 245 single-family homes. The United States Department of Housing and Urban Development (HUD) has approved Section 18/32 homeownership programs, which provide the right to sell these single-family homes subject to certain requirements. The home appraisal services will provide a full report, desk report, and/or updated summary report that will meet the HUD Section 18/32 homeownership programs. All summary appraisal reports will comply with the reporting requirements set forth under the Uniform Standards of Professional Appraisal Practice. Appraiser must be certified with the State of Arizona, National Registry of Appraisers, Arizona Appraiser Qualifications Board of the Appraisal Foundation, Federal System Award Management (SAM.gov) and HUD requirements during the term of the contract.

Procurement Information

IFB FY 21-086-03 Home Appraisal Services was conducted in accordance with Administrative Regulation 3.10. One offer was received by the Housing Department on Oct. 5, 2021. The offer was evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offer submitted by Accurate Appraisals U.S.A., LLC is deemed to be fair based on the market contract pricing.

Staff recommends that the offer from Accurate Appraisals U.S.A., LLC be accepted as the lowest-priced, responsive, and responsible offer.

Contract Term

The contract term will begin on or about Feb. 1, 2022, and end on Jan. 31, 2027.

Financial Impact

The aggregate contract value will not exceed $125,000 (including applicable taxes). This contract is funded with HUD funds. There is no impact to the General Fund.

This item was adopted.

32 Authorization to Amend Contract with PUN Group, LLP for Fiscal Monitoring Services (Ordinance S-48269)

Request to authorize the City Manager, or his designee, to amend Contract 149307 with PUN Group, LLP (PUN Group) in the amount not to exceed $182,856 for a new contract total of $948,871. PUN Group provides fiscal monitoring services for Human Services Department programs. Further, request to authorize the City Controller to disburse all funds related to this item for the life of the contract.

Summary

PUN Group conducts annual fiscal audits of subrecipients accountable to the City to facilitate Human Services Department programs. These fiscal audit activities are required to comply with federal grant stipulations, including the Workforce Innovation and Opportunity Act, Head Start, and Homeless Services Emergency Solutions Grant programs.

Procurement Information

Solicitation RFP-CED18-FMS, Fiscal Monitoring Services, was issued on Aug. 30, 2018, and conducted in accordance with Administrative Regulation 3.10. The PUN Group submitted the only responsive offer for this business opportunity. Staff verified the proposal met the minimum qualifications and requirements of the RFP.

Contract Term

The contract began on Dec. 15, 2018, for a 1-year term, with four one-year renewal options, which may be exercised by the City Manager or his designee.

Financial Impact

The aggregate value of the contract will not exceed $948,871. $53,200 in

General Funds have been allocated annually and $200,913 in grant funds.

Concurrence/Previous Council Action
On Nov. 8, 2018, the Phoenix Business and Workforce Development Board approved the Workforce Development Program funding portion of this contract.

On Dec. 12, 2018, the City Council approved entering into contract with the PUN Group with Ordinance S-45232.

This item was adopted.

34 Automated Materials Handling System for Burton Barr Library - Requirements Contract - RFP 18-040 (A) (Ordinance S-48274)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 148428 with Envisionware, Inc for the purchase of an Automated Materials Handler (AMH) for the Library Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $284,062.

Summary
This contract is for the installation and upkeep of an Automated Materials Handler (AMH) at the Burton Barr Central Library, which receives, checks in, and sorts incoming materials into bins, significantly reducing staff effort. Library wishes to also replace existing equipment at the Mesquite Library with an Envisionware AMH to meet current requirements.

Contract Term
The contract term is Sept. 1, 2018 to Aug. 31, 2023.

Financial Impact
Upon approval of $284,062 in additional funds, the revised aggregate value of the contract will not exceed $1,042,468. Funds are available in the Library Department’s budget.

Concurrence/Previous Council Action
This contract was originally approved by City Council on Aug. 29, 2018.

This item was adopted.

35 Phoenix Public Library’s Integrated Library System - Requirements Contract (Ordinance S-48281)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 149073 with Innovative Interfaces, Inc. (III) to upgrade Phoenix Public Library's Integrated Library System (ILS) with the "Vega Catalog" and "Mobile App" platform enhancements for citywide use. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $370,000. There is no impact to the General Fund and funding is available through the City's allocation of the American Rescue Plan Act (ARPA) funding received from the federal government and is under the City's Library Technology, Capital and Support Staff category of the strategic plan. The total amount of the Innovative Interfaces, Inc. contract will not exceed $2.86 million through the remaining life of the contract.

Summary

This item was originally adopted by City Council on Dec. 12, 2018 (Ordinance S-45244). The Integrated Library System contract is through January 2022 with two one-year options to extend and in an amount not to exceed $2.49 million over the life of the contract. The "Vega Catalog" and "Mobile App" enhancements will cost $370,00 and will be paid for with previously approved American Rescue Plan Act (ARPA) funds.The Integrated Library System provided by Innovative Interfaces, Inc. serves as the Library Department's primary business system, governing the acquisition and lending of library materials to Phoenix residents, supporting online library card issue, providing library users an online catalog (eMedia lending platforms, research databases, etc.), and cardholders a secure view of their account. The Library’s website experiences an average of 7.5 million yearly page views.

"Vega Catalog" enhancements will improve and/or replace aging services such as Polaris PowerPAC, Polaris Telephony and Notices, Demco SignUp, etc. Library customer user experience will be more intuitive as customers search for author and topic pages throughout phoenixpubliclibrary.org and the library's catalog quickly and seamlessly.

"Mobile App" enhancements will offer self-check and contact-less pickup,

simplifies online payments and provides low-cost patron self-service options, including a digital library card and a self-check via barcode or RFID. In addition, a “Curbside Pickup” option is available for library customers to place holds on items in the app, be notified when it’s time to pick up, and includes an “I’m Here” option to alert the library customer is on site for curbside pickup.

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

Contract Term

The current contract is valid through Dec. 31, 2022 with an option to extend through Dec. 31, 2023 which may be exercised at the discretion of the City Manager or his designee.

Financial Impact

Upon approval of $370,000 in additional funds, the revised aggregate value of the contract will not exceed $2.86 million. Funds are available as part of the ARPA funds approved for the Library department.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Dec. 18, 2018.

This item was adopted.

36 Rental Rehabilitation Program Project Award (Ordinance S-48279)

Request to authorize the City Manager, or his designee, to enter into necessary loan agreements with the property owner, Steven Germain, and other agreements as necessary, for the completion of construction activities at 1027 E. Dunlap Ave. under the Rental Rehabilitation Program. Further request to authorize the City Controller to disburse funds up to $200,000.

Summary

In March 2021, the City Council approved expanding the Rental Rehabilitation Program to facilitate the preservation of single- and multi-family rental properties. The program focuses on addressing structural, safety, and health related standards to ensure the property is habitable and maintains its affordability. In this manner, the Rental Rehabilitation Program supports the Housing Phoenix Plan's vision of

utilizing innovative and solution-oriented policies to address housing challenges citywide.

Eligible properties include single- and multi-family rental properties of up to 24 units, occupied by, or set aside for, low- and moderate-income tenants. Financial assistance of up to $40,000 per unit, with a maximum project award of $400,000, is available to eligible property owners to complete renovation projects on their deteriorating property.

On a monthly basis, staff analyze applications for eligibility and completeness before the review panel's application evaluation; the panel is comprised of City staff and external affordable housing/rental property management industry experts, and is tasked with recommending project awards based on owner capacity, property management and management plan, project readiness, and financial feasibility. The recommendation for Rental Rehabilitation project award is for up to $200,000 to improve a five-unit multi-family property located at 1027 E. Dunlap Ave.

Financial Impact
This program is funded by the Community Development Block Grant; there is no impact to the General Fund.

Concurrence/Previous Council Action
The Community and Cultural Investment Subcommittee recommended approval of this item on Jan. 5, 2022, by a 4-0 vote.

Location
1027 E. Dunlap Ave.
Council District: 3

This item was adopted.

38 Authorize to Enter into a Development Agreement to Acquire and Improve 10 Acres within the Talinn Subdivision (Ordinance S-48263)

Request authorization for the City Manager, or his designee, to enter into a development agreement with DR Horton for the design, construction and dedication of a new neighborhood park located within the Talinn

subdivision at the northeast corner of 56th Street and Deer Valley Drive. Further authorizing the City Controller to receive and disburse funds.

Summary

DR Horton is developing the Talinn subdivision at Desert Ridge Superblock 1S(west). The Desert Ridge Specific Plan, the governing land use document for the City for Desert Ridge, calls for a 10-acre neighborhood park. The proposed ordinance will authorize the execution of a development agreement that will establish the terms for the construction of the park site. The major points of the agreement will include:

DR Horton will design and construct a public neighborhood park, including parking, landscaping, amenities and other improvements that is generally in conformance with a conceptual park plan. The final plan must be approved by the Parks and Recreation Department.

DR Horton will dedicate the final accepted neighborhood park to the City.

DR Horton, on behalf of the future Homeowner's Association for Talinn (Talinn HOA), will enter into a maintenance agreement with the City that sets forth the terms by which the Talinn HOA will fund or otherwise provide on-going maintenance and customary repairs in accordance with City maintenance standards.

DR Horton will receive park impact fee credit for the land at the rate established in the Park Infrastructure Improvements Plan that is in effect at the time the development agreement is executed, currently $200,000 per acre.

DR Horton will receive park impact fee credit, and/or cash reimbursement only if park impact fee funds are available, for eligible park design and construction costs. Design and construction costs are estimated at $2 million. All reimbursable costs will be subject to compliance with Arizona Revised Statutes title 34 governing public procurement procedures.

Financial Impact

The City's financial obligation will be met using park impact fee credit, and/or cash reimbursement only if park impact fee funds are available.

There is no financial impact to the City for on-going maintenance of the park.

Concurrence/Previous Council Action
On Oct. 28, 2021, the Parks and Recreation Board approved acceptance of the land dedication.

Location
Desert View Village, Northwest Park Impact Fee Area
Council District: 2

This item was adopted.

40 Authorization to Sell City-Owned Property Located at 4815 S. 67th Ave. to Arizona Department of Transportation for State Route 30 (Ordinance S-48296)

Request to authorize the City Manager, or his designee, to sell City-owned property located at 4815 S. 67th Ave. to the Arizona Department of Transportation (ADOT) for State Route 30. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary
ADOT requires the property for construction of the proposed State Route 30 which will extend between Loop 202 and Loop 303 through southwest Phoenix, Avondale and Goodyear. The property is approximately 85.98 acres (net) of vacant land, leased for sand and gravel operations from January 2006 through February 2021. Most of the site is a sand and gravel pit that cannot be developed without significant fill.

Financial Impact
Revenue of $1,505,220 is reflective of appraised value.

Location
4815 S. 67th Ave., identified by Maricopa County Assessor parcel number 104-66-001.
Council District: 7

This item was withdrawn.

42 Urban Interface Fire Fighting Gear for Fire Department - National

Purchasing Partners Cooperative Contract - Amendment - 00000170A (Ordinance S-48266)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 150751 with L.N. Curtis and Sons, to provide additional funding for the purchase of Urban Interface Fire Fighting Gear for the Fire Department and also allow the Public Works Department to use this contract. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in this amendment will not exceed $490,000.

Summary

The purpose of this amendment is to authorize additional funding, which is needed due to an unusually high fire season that included providing emergency response and assistance to other municipalities during large fires, which has led to an increased demand for tools and equipment.

Urban Interface Fire Fighting Gear are essential tools for the Fire Department to accurately and efficiently fight brush fire operations. These tools and equipment assist the Fire Department to provide life safety services to the public in critical incidents and complicated scenes to protect structures, land and people from the threat of fire when a limited water supply is available.

The Public Works Department Fleet Services Division requests authority to use the cooperative contract to purchase specialty products for Police and Fire vehicles. The cooperative contract offers a wide variety of products such as extraction tools and supplies, hazardous materials equipment, hoses, pumps, and other emergency-related systems. The contract will allow Public Works Fleet Services to directly acquire specialized products from multiple Fire Fighting Gear manufacturers to keep public safety fleet ready for optimal service.

Contract Term

The contract term will remain unchanged, ending on Aug. 31, 2024.

Financial Impact

The initial authorization for Contract 150751 was for an expenditure not to exceed $32,000. An amendment increased the authorization for the

contract by $130,000. This amendment will increase the authorization for the contract by an additional $490,000, for a new total not-to-exceed contract value of $652,000.

Funding is available in the Fire and Public Works departments' budgets.

Concurrence/Previous Council Action

The City Council approved:

Urban Interface Fire Fighting Gear Contract 150751 (Ordinance S-45997) on Sept. 4, 2019; and

Urban Interface Fire Fighting Gear Contract 150751 - Amendment (Ordinance S-47040) on Nov. 4, 2020.

This item was adopted.

43 Request to Apply for and Accept Federal Fiscal Year 2021 Assistance to Firefighters Grant Program Fund (Ordinance S-48291)

Request to authorize the City Manager, or his designee, to retroactively apply for, and accept, if awarded, up to $202,532 from federal fiscal year (FFY) 2021 Assistance to Firefighters Grant (AFG) Program to fund three projects: Personal Protective Equipment (PPE) Decontamination, Fire Ground Survival (FGS) Training, and Peer Fitness Trainer (PFT) Certification. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item. If not approved, the grant, if awarded, would be turned down.

Summary

The AFG Program, administered through the Federal Emergency Management Agency (FEMA), is intended to help the nation's fire service by providing vital funds to local fire departments across the country. The primary goal of the program is to meet the firefighting and emergency response needs of fire departments, nonaffiliated emergency medical service organizations, and State Fire Training Academies. Since 2001, AFG has helped firefighters and other first responders obtain critically needed equipment, protective gear, emergency vehicles, training, and other resources necessary to protect the public and emergency personnel from fire and related hazards.

PPE Decontamination

The PPE Decontamination Project will update the Fire Department's PPE decontamination and cleaning process with an overall goal of improving firefighter health and safety by reducing repeated exposure to harmful contaminants on unclean or inadequately cleaned PPE and fire ground equipment. The funds will be utilized to purchase new washers and dryers and a downdraft table for use in the Fire Department laundry room. The total cost for this project is $90,920 with a city match of around $11,859 for upgrading the department's aging PPE decontamination and cleaning system.

Fire Ground Survival Training

The Fire Ground Survival (FGS) Training Project will certify Phoenix and regional partner department trainers to teach Fire Ground Survival to Fire Department personnel. The training will enhance first responder awareness of conditions on the fire ground and give Fire Department members the critical skills necessary to handle a firefighter emergency. The funds will be utilized to provide training to 30 instructors and purchase three training props for department wide training. The total cost for this project is $79,612, with a city match of around $10,384.

Peer Fitness Trainer Certification

The Peer Fitness Trainer (PFT) Certification Training Project will train and certify Fire Department personnel as Peer Fitness Trainers. The goal of this project will be to certify Peer Fitness Trainers who can then deliver health and wellness training within the Department. The funds will be utilized to train and certify 40 members as PFTs. The total cost for this project is $32,000, with a city match of around $4,173.

Since 2008, the Fire Department has received more than $5 million in AFG funding. These grants were used to purchase portable radios, thermal imaging cameras, Incident Safety Officer System training, Automatic Chest Compression devices, Peer Support Team Training and Physical Therapy Equipment upgrades.

Procurement Information

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

Contract Term

The two-year grant Period of Performance is projected to begin on or around May 1, 2022.

Financial Impact

A cost share of up to 15 percent of the award amount is required. Funds are available in the Fire Department's operating budget.

This item was adopted.

44 Green Canines - Requirements Contract - RFQu 18-094 (A) (Ordinance S-48273)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contracts 147421,147424, 147425 and 147427 with Vohne Liche Kennels, Inc., Shallow Creek Kennels, Inc., Adlerhorst International, LLC, and Global K9 Solutions, LLC for the purchase of Green Canines for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $51,720.

Summary

The Police Department's Canine Unit utilizes Vohne Liche Kennels, Inc., Shallow Creek Kennels, Inc., Adlerhorst International, LLC, and Global K9 Solutions, LLC to purchase untrained or "green" canines capable of being trained as dual purpose police service dogs. The Canine Unit is responsible for locating, testing, and selecting the canine candidates. The canines must be Green Dogs that have received minimal training and are able to be trained for narcotics and patrol functions. The Green Canines are tested and evaluated in order to gauge their drive, courage, obedience, temperament, and social abilities.

The additional funds are needed to replace current canines ready to retire and to maintain funds vital to purchase new Green Dogs to replace current canines, in case an injury or medical event happens to the service dog.

Contract Term

The contract term is March 22, 2018 through Feb. 28, 2023.

Financial Impact

Upon approval of $51,720 in additional funds, the revised aggregate value of the contract will not exceed $156,720. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action
This contract was originally approved by City Council on March 21, 2018.

This item was adopted.

45 Request Authorization for Sale of Canine Murphy (Ordinance S-48285)

Request to authorize the City Manager, or his designee, to approve the sale of Police canine Murphy to Detective Billy Denham for $1.00. Detective Denham is assigned to the Homeland Defense Bureau and has requested to retire and purchase his assigned canine Murphy in accordance with Administrative Regulation 4.21. Detective Denham will be retiring from the Police Department on or about Feb. 11, 2022.

Summary
Police service dog Murphy is six and a half years old, and has been assigned to the Police Department's Homeland Defense Bureau since September 2017 where he has been assigned to Detective Denham. Canine Murphy was donated to the City at no cost to the Department and is approaching the end of his service life for Explosive Detective Canines.

This request is for the authorization of the sale of Police service canine Murphy for $1.00. The purchase of canine Murphy is being made by Detective Billy Denham, who agrees to accept full responsibility and liability for him and to care for him for the remainder of his life.

This item was adopted.

46 Randox Laboratories - Requirements Contract - RFA 17-099 (B) (Ordinance S-48283)

Request to authorize the City Manager, or his designee, to allow additional expenditures and to extend Agreement 144093 with Randox Laboratories US, Limited, for the purchase of Ultra-blood Driving Under the Influence Drugs Investigator Kits and Controls 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

$50,000.

Summary

The Police Department's Laboratory Services Bureau utilizes Ultra-blood Driving Under the Influence Drugs Investigator Kits and Controls from Randox Laboratories US, Limited to detect drugs in blood and urine samples of suspects and victims for cases involving driving under the influence of drug(s), sexual assault, and/or homicide. The kits ensure the ability to provide timely results to successfully support criminal investigations, the judicial system, and public safety.

The additional funds and contract extension are necessary in order to ensure the Police Department's operational needs are not interrupted, while a new procurement process is completed.

Contract Term

Upon approval, the contract term will be extended through Aug. 1, 2022.

Financial Impact

Upon approval of $50,000 in additional funds, the revised aggregate value of the contract will not exceed $245,000. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Dec. 7, 2016; supplemental actions include Ordinance S-48018 approved on Oct. 27, 2021.

This item was adopted.

50 Security Credentialing Assessment for Phoenix Sky Harbor International Airport (Ordinance S-48290)

Request to authorize the City Manager, or his designee, to enter into a contract with Aviation Security Consulting, Inc. to conduct an assessment of the current Phoenix Sky Harbor International Airport credentialing operations and provide interim and long-term process improvements and operational enhancements. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate value of the contract will not exceed $475,000.

Summary

Phoenix Sky Harbor International Airport (PHX) has rebounded from the pandemic at an industry-leading pace. However, the current comprehensive airport security credential processing time related to the on-boarding of prospective tenant employees has led a number of employees to seek job opportunities elsewhere in an extremely competitive market.

PHX has implemented a number of new processes in an attempt to alleviate some of the processing delays in the short term. Aviation Security Consulting, Inc. (ASC) will expand on these efforts to bring additional solutions to PHX using ASC's extensive airport credentialing office experience at similar large hub airports with TSA-mandated Airport Security Programs.

Procurement Information
In accordance with Administrative Regulation 3.10, an Emergency Determination Memo was approved to enter into a contract with ASC.

ASC's recommended solutions to enhance the PHX badging process will focus on responsive customer service and engagement as PHX develops and integrates a new security identity management system.

Contract Term
The term of the contract is 18 months. The contract will contain one option to extend the term on a month-to-month basis for a period of time not to exceed six months. The term will commence on or about Feb. 1, 2022.

Financial Impact
The contract value will not exceed $475,000 for the aggregate term of the contract.

Funding is available in the Aviation Department's budget.

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

This item was adopted.

52 T2050 Bus Stop Manufacturing and Repair Request for Proposals

Request to authorize the City Manager, or his designee, to approve the Public Transit Department's Request for Proposals process to procure the manufacture and repair of bus stops as part of the Transportation 2050 (T2050) Plan.

Summary

The Public Transit Department (PTD) manages over 4,000 bus stops within the City of Phoenix. Bus stops serve as the gateway between the region’s transit passengers and their trips, with PTD staff together with contracted service providers managing the manufacture and repair of bus stops and associated amenities across Phoenix.

Procurement Information

PTD currently manages two contracts related to manufacturing and repair of bus stop furniture. One contract provides for the manufacture and repair of 4,000 items of bus stop furniture, including shelters, that were in place prior to the start of the Phoenix T2050 Plan, and the manufacture of a redesigned "T2050 Shelter." A second, short-term manufacturing contract, which was the result of a collaboration with the Arizona State University (ASU) School of Industrial Design, provides for the development of alternative shelters that improve the amount of shade provided by bus stop structures, particularly in areas where right-of-way may be limited. Both contracts expire on June 30, 2022, and the manufacturing of both the T2050 and the ASU-inspired shelters will be done under this new solicitation.

In addition to PTD’s annual allocation of bus stop installation and maintenance funding, this contract proposed for solicitation will include the City Council’s allocation of $500,000 in federal funding from the American Rescue Plan Act to be spent over the first two years of the contract, adding 20 more structures per year to provide additional shade in Phoenix. The contract will also include a $300,000 grant from the Gila River Indian Community to be spent over two years for improved solar lighting assemblies at bus stops.

Contract Term

The proposed contract will have a five year term and include:

manufacture of new bus shelters, seating, and trash receptacles; repair and modernization of solar lighting at bus shelters; installation of concrete as necessary for bus stop pads, and the repair of bus stop amenities.

This item was approved.

53 OshKosh Original Equipment Manufacturer Technical Training - Contract Recommendation (Ordinance S-48286)

Request to authorize the City Manager, or his designee, to enter into contract with OshKosh, Corp. for original equipment manufacturer (OEM) training for equipment technicians. Further request to authorize the City Controller to disburse all funds related to this item. This item will have an aggregate amount of $203,831.

Summary

The Public Works Department is responsible for maintenance and repair of multiple types of fire apparatus in the fleet. It is imperative that the technicians assigned to the Fleet Services Fire Operations have the technical knowledge to diagnose, repair, and maintain all fire equipment. The OshKosh Corporation provides specialized, OEM training for all fire apparatus manufactured under the OshKosh Corporation including the Pierce and Oshkosh Defense brands, and is the sole provider of this training in the United States. This OEM training is essential to maintain fleet diagnostics, vehicle availability, and technical expertise required for the fire fleet.

Procurement Information

In accordance with Administrative Regulation 3.10 normal procurement was waived as a result of a determination memo citing sole source. OshKosh is the sole provider with certified trainers to conduct the level of training required. Below is the annual amount for technician training:

Pierce Fire Apparatus: $18,758.20
OshKosh Airport Rescue Fire Fighting: $22,008

Contract Term

This item will begin on or about March 1, 2022 for an initial one-year term, with four option years to be exercised in increments of up to one year, for a total contract term of five years.

Financial Impact

This contract will have an estimated annual expenditure of $40,766.20, with a total aggregate amount not to exceed $203,831.

Funding is available in the Public Works Department's budget.

This item was adopted.

54 Illuminated Street Signs Fabrication and Installation - Requirements Contract IFB 19-025B - Amendment (Ordinance S-48262)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 148743 with Fluoresco Services, LLC, to provide additional funding for the fabrication and installation of illuminated street signs for the Street Transportation Department. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in this amendment will not exceed $3 million.

Summary

The purpose of this amendment is to provide additional funds which are necessary to continue the replacement and re-signage of the City's illuminated street name signs, as needed. The additional expenditures are required to address necessary replacement of existing illuminated street name signs that have exceeded their useful life.

This contract is used by the traffic signal shop section of the Street Transportation Department and provides fabrication and installation of various sizes of single-sided and double-sided illuminated street signs and components.

Contract Term

The contract term will remain unchanged, ending on Nov. 30, 2023.

Financial Impact

The initial authorization for the illuminated street signs contract was for an expenditure not-to-exceed $6.25 million. The first amendment increased the authorization for the contract by $1.25 million. This amendment will increase the authorization for the contract by an additional $3 million, for a new total not-to-exceed contract value of $10.5 million.

Funding is available in the Street Transportation Department's budget.

Concurrence/Previous Council Action

The City Council approved:

Illuminated Street Signs Contract 148743 (Ordinance S-45090) on Nov. 7, 2018; and

Illuminated Street Sign Fabrication and Installation Services Contract 148743 - Amendment (Ordinance S-47134) on Dec. 2, 2020.

This item was adopted.

55 Thermoplastic Pavement Marking Raw Material - Requirements Contract - IFB 22-069 (Ordinance S-48282)

Request to authorize the City Manager, or his designee, to enter into a contract with Ennis-Flint, Inc., to purchase thermoplastic pavement marking raw materials for the Street Transportation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total contract value will not exceed $1,033,000.

Summary

The Signing and Striping Section of the Street Transportation Department utilizes thermoplastic pavement marking raw material in its daily operations to install and maintain pavement markings throughout the City of Phoenix streets. These markings include crosswalks and stop-bars. These activities serve the City's strategic plan priorities to create and maintain intra-city transportation and to maintain existing streets and associated assets in a state of good repair so they are clean, safe, and aesthetically pleasing for all users.

Procurement Information

IFB 22-069 was conducted in accordance with Administrative Regulation 3.10. There was one offer received by the Procurement Division on Dec. 9, 2021, which was evaluated on price, responsiveness to specifications, and responsibility to provide the required goods and services. The bid notification was sent to 49 suppliers and was publicly posted and available for download from the City's website. The price was determined to be fair and reasonable based upon market research conducted on hydrocarbon-based raw materials and the review of awards by other governmental agencies for the same materials.

The Assistant Finance Director recommends that the offer from Ennis-Flint, Inc., be accepted as the lowest priced, responsive and responsible offer.

Contract Term
The five-year contract term will begin on or about Feb. 15, 2022.

Financial Impact
The total contract value will not exceed $1,033,000.

Funding is available in the Street Transportation Department's budget.

This item was adopted.

56 Machine Shop and Related Services Contract Amendment (Ordinance S-48268)

Request to authorize the City Manager, or his designee, to allow additional expenditures and amend Contract 154134 with Device Development LLC to provide machine shop services for the Phoenix Convention Center Department (PCCD). Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $50,000.

Summary
The PCCD is requesting to use an existing Water Services Department contract for Machine Shop and Related Services. These services will provide spacers and flanges to retrofit new water valves throughout the Phoenix Convention Center facilities as needed. The PCCD has more than 200 water valves located throughout the campus, many of which are approaching the end of their useful life and will require replacement during the term of this contract.

Contract Term
The contract term will remain unchanged ending on June 30, 2027.

Financial Impact
With the $50,000 in additional funds, the revised contract value will be $1,470,000 (including applicable taxes). Funds are available in the PCCD operating budget.

Concurrence/Previous Council Action
The machine shop and related services contract was originally approved by the City Council on April 7, 2021 in Ordinance S-47424, with an original contract value of $1,420,000.

Location
Phoenix Convention Center, 100 N. 3rd St. and 33 S. 3rd St.
Council Districts: 7 and 8

This item was adopted.

57 35th Avenue: I-10 to Camelback Road (BUILD) - Engineering Services - ST89340634 (Ordinance S-48264)

Request to authorize the City Manager, or his designee, to enter into an agreement with Entellus, Inc., to provide Engineering Services that include assessments, surveys, design and possible construction administration and inspection services for the 35th Avenue: I-10 to Camelback Road (BUILD) 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 $3,094,505.

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

Summary
The purpose of this project is to implement a series of improvements that target current pedestrian and vehicular safety concerns on 35th Avenue

between Interstate 10 and Camelback Road, as well as improve vehicular mobility. It includes three pedestrian hybrid beacons, LED lighting, approximately nine intersection modernizations, upgraded signals throughout the corridor, raised medians, pavement treatment on a deteriorated section, and installation of broadband to support intelligent and connected transportation systems. The 35th Avenue: I-10 to Camelback Road (BUILD) corridor safety project received funding from the United States Department of Transportation through its competitive discretionary Better Utilizing Investments to Leverage Development grant program.

Entellus, Inc.'s, services include, but are not limited to, providing data collection information, topographic surveying, drainage memorandum, traffic analysis, utility investigation, and geotechnical investigation; preparing right-of-way acquisition legal description documentation; completing final construction plans, specifications, and cost estimates; providing bid phase services and preparing project addenda; and providing possible construction administration and inspection services to include project progress monitoring, review and certification of progress payments, clarification and correction of technical project issues, and other services as needed for a complete project.

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

Selected Firm
Rank 1: Entellus, Inc.

Additional Proposers
Rank 2: Kimley-Horn & Associates, Inc.
Rank 3: CA Group, Inc.
Rank 4: CIVTECH, Inc.
Rank 5: Y S Mantri & Associates, LLC

Contract Term
The term of the agreement is four 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 Entellus, Inc. will not exceed $3,094,505, including all subconsultant and reimbursable costs.

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations Part 26 and the U.S. Department of Transportation Disadvantaged Business Enterprise program. 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.

Public Outreach
Entellus, Inc. will work with a public engagement firm contracted by the City to provide public outreach by conducting interactive community meetings, small group and individual business owner meetings, and through a variety of media, including direct mail, door hangers, and/or flyers as needed for communication.

Location
35th Avenue: I-10 to Camelback Road
Council Districts: 4 and 5

This item was adopted.

58 License Agreement with AP 355 North Central Property, LLC to Provide Valet Services (Ordinance S-48265)

Request to authorize the City Manager, or his designee, to execute a valet license agreement with AP 355 North Central Property, LLC to

provide valet services on City property. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

AP 355 North Central Property, LLC c/o Akara Partners would like to use City-owned property abutting the Hampton Inn and Suites for the purpose of operating limited valet parking services. The City will grant a valet license to use approximately 610 square feet of ground space within the public right of way located on the south side of East Polk Street between Central Avenue and 1st Street. The licensed premises is to be used for operating valet services defined as accepting possession of a vehicle in the licensed premises for the purpose of parking the vehicle for the operator in a location other than the licensed premises. The licensed premises must be kept free and clear for operation of valet services during the hours of 6:00 a.m. and 2:00 a.m., seven days a week. Long term and VIP parking is prohibited, but express delivery vehicles may be permitted for short periods.

Contract Term

The term of the valet license will be for ten years with four, five-year extension options.

Financial Impact

The City is expected to receive $1,866.60 annually, which may be increased annually based on the Consumer Price Index.

Location

355 N. Central Ave., approximately the southeast corner of Central Avenue and Polk Street
Council District: 7

This item was adopted.

59 Salt River Project Land Use License for 7th Street and Highline Canal - ST87600123 (Ordinance S-48287)

Request to authorize the City Manager, or his designee, to enter into a Land Use License with Salt River Project for work associated with City of Phoenix project ST87600123 7th Street and Highline Canal. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this

transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18.

Summary

The purpose of the Salt River Project (SRP) Land Use License is to allow the City to maintain a signalized pedestrian crossing at the 7th Street and Highline Canal intersection within SRP right-of-way. The work associated with this license is in conjunction with City Project ST87600123.

Contract Term

The term of the Land Use License shall be for 25 years beginning Feb. 1, 2022, and ending Jan. 31, 2047. The license may be renewed upon written agreement by the parties.

Financial Impact

There is no financial impact to the City of Phoenix for this license.

Location

7th Street and Highline Canal
Council District: 8

This item was adopted.

60 Salt River Project Construction License for Water Main Replacement, Van Buren to Harrison Streets between 31st and 35th Avenues - WS85509035 (Ordinance S-48288)

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project for work associated with City of Phoenix project WS85509035 Water Main Replacement, Van Buren to Harrison Streets between 31st and 35th avenues. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18.

Summary

The purpose of this license is to allow the City to install waterline improvements and fire hydrants that will cross and run parallel with Salt River Project (SRP) irrigation facilities within SRP right-of-way. This work is in conjunction with City Project WS85509035 Water Main Replacement, Van Buren to Harrison Streets between 31st and 35th

avenues.

Contract Term
The term of the Construction License is one year, effective when the City begins construction, expected to be February 2022.

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

Location
Van Buren to Harrison Streets between 31st and 35th avenues
Council Districts: 4 and 7

This item was adopted.

61 Salt River Project Construction License for 3rd Street Promenade, Garfield Street to Indian School Road - ST87100162 (Ordinance S-48289)

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project for work associated with City of Phoenix project ST87100162 3rd Street Promenade, Garfield Street to Indian School Road. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18.

Summary
The City is constructing a roadway modernization project on 3rd Street from Garfield Street to Indian School Road. The purpose of this license is to allow the City to install roadway and traffic signal improvements that will cross and run parallel with Salt River Project (SRP) irrigation facilities as well as to upgrade SRP irrigation facilities for installation of a bus bay. This work is in conjunction with City Project ST87100162 3rd Street Promenade, Garfield Street to Indian School Road.

Contract Term
The term of the Construction License is one year, effective when the City begins construction, expected to be February 2022.

Financial Impact

There is no financial impact to the City of Phoenix for this license.

Location

3rd Street from Garfield Street to Indian School Road
Council Districts: 4, 7 and 8

This item was adopted.

62 Cooling Tower Water Treatment Services Agreement (Ordinance S-48267)

Request to authorize the City Manager, or his designee, to enter into an agreement with Aqua-Serv Engineers, Inc., for cooling tower water treatment services in City-owned facilities. The total aggregate amount is $1,936,500 over the life of the agreement. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Public Works Department is responsible for maintaining cooling towers and closed loop systems to ensure the safe, efficient, and reliable operation of the building air conditioning equipment in City-owned facilities. This agreement will provide regular maintenance of the systems, water treatment services, and remove solvents and bacteria from the systems. Maintenance of these systems is necessary to prevent solvents from recirculating back into the cooling systems and for proper equipment operation. This agreement will also provide services for facilities maintained by the Phoenix Convention Center and Water Services departments.

Procurement Information

Invitation for Bid 22-FMD-019 was conducted in accordance with Administrative Regulation 3.10. Three offers were received by the Public Works Department Procurement Services Division on Sept. 15, 2021. The offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offer submitted by Aqua-Serv Engineers, Inc. was deemed fair and reasonable.

Aqua-Serv Engineers, Inc.:
Group A - Public Works and Water Services Locations: $20,810 price for

regular cooling tower maintenance.
Group B - Phoenix Convention Center Locations: $1,050 price for regular cooling tower maintenance.

Contract Term
The one-year term of the agreement will begin on or about April 1, 2022. The agreement contains four, one-year options to extend the term, for a total agreement term of up to five years if all options are exercised.

Financial Impact
The aggregate value of the agreement, including all option years, is $1,936,500, including all applicable taxes, with an estimated annual expenditure of $387,300. Funding is available in the Phoenix Convention Center, Water Services, and Public Works departments' budgets.

This item was adopted.

63 Final Plat - Hurley Ranch Phase 2 - PLAT 200637 - North of Broadway Road and West of 83rd Avenue

Plat: 200637
Project: 02-4732
Name of Plat: Hurley Ranch Phase 2
Owner: Meritage Homes of Arizona, Inc.
Engineer: EPS Group, Inc.
Request: A 162 Lot Residential Plat
Reviewed by Staff: Dec. 8, 2021
Final Plat requires Formal Action Only

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

Location
Generally located north of Broadway Road and west of 83rd Avenue.
Council District: 7

This item was approved.

64 Final Plat - 10215 S. 27th Avenue - 210082 - Southeast Corner of Lodge Drive and 27th Avenue

Plat: 210082
Project: 20-3255
Name of Plat: 10215 S. 27th Avenue
Owner(s): Annette Mayorga and Socorro D Martinez
Engineer(s): David S. Klein, RLS
Request: A 3-Lot Residential Subdivision Plat
Reviewed by Staff: Dec. 7, 2021
Final Plat requires Formal Action Only

Summary

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

Location

Southeast corner of Lodge Drive and 27th Avenue.
Council District: 8

This item was approved.

65 Remove/Replace Zoning District - Cave Creek and Dynamite Boulevard Annexation 508 - 4328 E. Dynamite Blvd. (Ordinance G-6944)

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 Oct. 27, 2021 by Ordinance S-48051.

Location

Approximately 1.1 acre property located at 4328 E. Dynamite Blvd.
Council District: 2

This item was adopted.

66 Remove/Replace Zoning District - Ismail Annexation 510 - 3335 W. Baseline Road (Ordinance G-6945)

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 Oct. 27, 2021 by Ordinance S-48052.

Location
Approximately 6.67 acre property located at 3335 W. Baseline Road.
Council District: 8

This item was adopted.

67 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-18-10-1 - Southeast Corner of 13th Avenue and Parkview Lane Alignments (Ordinance G-6948)

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 Dec. 15, 2021.

Summary
Application: PHO-1-21--Z-18-10-1
Existing Zoning: CP/GCP DVAO
Acreage: 5.16

Applicant: Ed Bull, Burch & Cracchiolo PA
Owner: North K LLC
Representative: Ed Bull, Burch & Cracchiolo PA

Proposal:
1. Review of conceptual site plans and elevations per Stipulation 1.
2. Modification of Stipulation 2 regarding dedicating 40 feet of right-of-way for the north half of Alameda Road and 30 feet for the south half of Parkview Road.
3. Technical correction to Stipulation 3.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee opted not to hear this case.
PHO Action: The Planning Hearing Officer heard this case on Dec. 15, 2021 and recommended approval with a modification and an additional stipulation. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Southeast corner of 13th Avenue and Parkview Lane Alignments.
Council District: 1
Parcel Address: N/A

This item was adopted.

68 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-128-07-1 - Approximately 800 Feet East of 19th Avenue and the Alameda Road Alignment (Ordinance G-6946)

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 Dec. 15, 2021.

Summary
Application: PHO-1-21--Z-128-07-1
Existing Zoning: CP/GCP DVAO
Acreage: 5.12

Applicant: Ed Bull, Burch & Cracchiolo PA
Owner: 2001 Landgroup LLP
Representative: Ed Bull, Burch & Cracchiolo PA

Proposal:
1. Review of conceptual site plans and elevations per Stipulation 1.
2. Modification of Stipulation 5 regarding dedication of 33 feet of right-of-way for the north half of Alameda Road.
3. Technical corrections to Stipulations 2, 3, and 4.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee opted not to hear this case.
PHO Action: The Planning Hearing Officer heard this case on Dec. 15, 2021 and recommended approval with a modification. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Approximately 800 feet east of 19th Avenue and the Alameda Road alignment.

Council District: 1
Parcel Address: N/A

This item was adopted.

69 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-129-07-1 - Approximately 1,825 Feet East of 19th Avenue and the Alameda Road Alignment (Ordinance G-6947)

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 Dec. 15, 2021.

Summary
Application: PHO-1-21--Z-129-07-1
Existing Zoning: CP/GCP DVAO
Acreage: 20.41

Applicant: Ed Bull, Burch & Cracchiolo PA
Owner: North K LLC and 2001 Landgroup LLP
Representative: Ed Bull, Burch & Cracchiolo PA

Proposal:
1. Review of conceptual site plans and elevations per Stipulation 1.
2. Modification of Stipulation 5.a regarding dedicating 33 feet of right-of-way for the north half of Alameda Road.
3. Modification of Stipulation 5.b regarding dedicating 33 feet of right-of-way for the south half of Parkview Lane.
4. Modification of Stipulation 5.c regarding dedicating 66 feet of right-of-way for 15th Avenue.
5. Modification of Stipulation 5.d regarding dedicating 45-foot radius cul-de-sacs on Parkview Lane and Alameda Road.
6. Technical corrections to Stipulations 2, 3, 4, and 5.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee opted not to hear this case.
PHO Action: The Planning Hearing Officer heard this case on Dec. 15, 2021 and recommended approval with modifications. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location

Approximately 1,825 feet east of 19th Avenue and the Alameda Road alignment.
Council District: 1
Parcel Address: N/A

This item was adopted.

70 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-52-08-7 - Northwest Corner of 67th Avenue and Baseline Road (Ordinance G-6949)

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 Dec. 15, 2021.

Summary

Application: PHO-1-21--Z-52-08-7
Existing Zoning: C-2
Acreage: 10.92

Applicant: Adam Baugh, Withey Morris PLC
Owner: Arrowhead Apts Property Investments LLC
Representative: Adam Baugh, Withey Morris PLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance with the site plan date stamped October 23, 2008.
2. Modification of Stipulation 2 regarding general conformance with the elevations date stamped October 23, 2008.
3. Deletion of Stipulation 5 regarding a comprehensive sign plan.
4. Modification of Stipulation 6 regarding general conformance with the conceptual landscaping plan date stamped October 23, 2008.
5. Deletion of Stipulation 8 regarding a pedestrian walkway at the corner of Baseline Road and 67th Avenue.
6. Deletion of Stipulation 15 regarding final elevations for PAD-1.
7. Technical corrections to Stipulations 3, 4, 7, 9, 11, 12, and 13.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee heard this case on Dec. 13, 2021 and recommended approval with an additional stipulation by a vote of 8-0.
PHO Action: The Planning Hearing Officer heard this case on Dec. 15, 2021 and recommended denial as filed and approval with modifications and an additional stipulation. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Northwest corner of 67th Avenue and Baseline Road.
Council District: 7
Parcel Address: N/A

This item was adopted.

71 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-23-18-8 - Northeast Corner of 16th Street and Polk Street (Ordinance G-6950)

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 Dec. 15, 2021.

Summary
Application: PHO-1-21--Z-23-18-8
Existing Zoning: WU T5:6 EG
Acreage: 6.24

Applicant: Ed Bull, Burch & Cracchiolo PA
Owner: 16th & Polk LLC
Representative: Ed Bull, Burch & Cracchiolo PA

Proposal:
1. Deletion of Stipulation 4.c regarding on-site security.
2. Deletion of Stipulation 5 regarding cross block access between adjacent streets.
3. Modification of Stipulation 6 regarding detached sidewalks, streetscape landscaping, and bioswales.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Central City Village Planning Committee heard this case on Dec. 13, 2021 and recommended approval by a vote of 10-1.
PHO Action: The Planning Hearing Officer heard this case on Dec. 15, 2021 and recommended approval. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Northeast corner of 16th Street and Polk Street.
Council District: 8
Parcel Address: N/A

This item was adopted.

73 (CONTINUED FROM JAN. 5, 2022) - Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-69-20-6 (Autem Row PUD) - Approximately 300 Feet West of the Northwest Corner of 16th Street and Maryland Avenue (Ordinance G-6943)

Request to hold a public hearing on a proposal to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-69-20-6 and rezone the site from R-O (Residential Office - Restricted Commercial District) to PUD (Planned Unit Development) to allow multifamily residential.

Summary
Current Zoning: R-O (Residential Office - Restricted Commercial District)
Proposed Zoning: PUD (Planned Unit Development)
Acreage: 0.89 acres
Proposal: Multifamily residential

Owner: East Maryland, LLC
Applicant: AUTEM Development
Representative: John Oliver and William E. Lally, Esq., Tiffany & Bosco, PA

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Camelback East Village Planning Committee heard this case on May 4, 2021 for information only. The Camelback East Village Planning Committee heard this case on Oct. 5, 2021 and recommended denial, by a vote of 8-3.

PC Action: The Planning Commission heard this case on Nov. 4, 2021 and continued the case to Dec. 2, 2021. The Planning Commission heard this case on Dec. 2, 2021 and recommended approval, per the Addendum B Staff Report with modified and additional stipulations, by a vote of 8-1.
The applicant appealed the Planning Commission recommendation on Dec. 9, 2021.

Location
Approximately 300 feet west of the northwest corner of 16th Street and Maryland Avenue.
Council District: 6
Parcel Address: 1536 and 1538 E. Maryland Ave.

This item was remanded back to Planning Commission on Feb. 3, 2022 and to the City Council on Feb. 16, 2022.

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Stark, that Items 15 and 21 be adopted. The motion carried by the following vote:

Yes:	7 -	Councilwoman Ansari, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Vice Mayor Pastor and Mayor Gallego
No:	2 -	Councilman DiCiccio and Councilman Waring

Items 15 and 21, Ordinance S-48261 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.

15 Diamond Nets and Art Solutions

For $125,000.00 in payment authority to purchase specialty art services for the Phoenix Office of Arts and Culture Department. The funds will be used for fabrication and necessary replacement of the net of the "Her Secret Is Patience" sculpture at Civic Space Park. The current net has

reached the end of its life cycle. Diamond Nets was the original producer of the net when the percent-for-art sculpture was built in 2009. Art Solutions is the qualified local contractor that has the experience and expertise in art handling and monumental sculpture installation.

This item was adopted.

21 WateReuse Association - Annual Payment Authority

For $13,000.00 in payment authority for membership renewal to the WateReuse Association for the Water Services Department. Participation in the WateReuse Association allows Water Services access to a variety of research and information addressing drinking water, wastewater, water reclamation, watershed quality, and storm water issues. The item was approved by the Transportation, Infrastructure, and Innovation Subcommittee on April 7, 2021.

This item was adopted.

30 Enter into an Agreement with Vitalyst Health Foundation for ARPA Phoenix Urban Agriculture Fellowship Program (Ordinance S-48295)

Request to authorize the City Manager, or his designee, to enter into an agreement with Vitalyst Health Foundation to provide administration of the Phoenix Urban Agriculture Fellowship Program, which provides opportunities for Phoenix residents to gain experience in all aspects of food production with local Phoenix farms to grow the next generation of food producers. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The agreement value will not exceed $151,000. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) funding received from the federal government, and is under the City's Phoenix Resilient Food System category of the strategic plan, as well as from a Gila River Indian Community grant. There is no impact to the General Fund.

Summary

In response to the COVID-19 pandemic, the Office of Environmental Programs (OEP) developed a food assistance plan to address the food needs of vulnerable populations and communities impacted by COVID-19. The plan provides: 1) access to healthy foods for impacted populations; 2) food infrastructure assistance regarding transportation

and delivery with a focus on home delivery; 3) support for food banks, food pantries, and community agencies; 4) support for increased local food production; and 5) business and employment opportunities throughout the food system spectrum.

This program provides workforce training for residents to learn the business of food production while assisting food producers with needed employees.

Equity and Inclusion

Phoenix Urban Agriculture Fellowship

The fellowship is designed to train the next generation of growers who will represent the future of farm entrepreneurship, innovation, and business ownership in Phoenix. The program is open to nine City of Phoenix residents ages 18-24, who would work with a local grower beginning February 2022. The program is available Citywide and targets Spanish-speaking residents and Black, Indigenous, and People of Color (BIPOC). Additionally, upon completion of the fellowship, participants are eligible to enter the Phoenix Worker Cooperative Sustainable Food System Incubator Training Program. The fellows will be paid $15 per hour for a maximum of 20 hours per week, for 50 weeks for work. Each fellow will be matched with the nine Host Farms that have agreed to participate in the program.

The nine Host Farms include: Maya's Farm, Crooked Sky Farm, Horny Toad Farm, 40 Akers Farming, Project Roots, Arizona Worm Farm, Arizona Microgreens, 3 Angels Livable Communities Initiative (LCI), and Local Phoenix Organizing Committee. These farms are a diverse representation including small and large farms growing with various methods, such as organic, inground, greenhouse, in addition to diverse ownership.

Vitalyst Health Foundation (Vitalyst) will serve as a subrecipient and will administer the program, including payment to fellows. Vitalyst is a nonprofit organization located in Phoenix whose mission is to connect, support, and inform efforts to improve the health of individuals and communities in Arizona. Vitalyst has worked directly with the City on food system initiatives and was a key stakeholder in the development of the

2025 Phoenix Food Action Plan and in guiding the development of ARPA-funded Phoenix food programs. This program is in line with their community health initiatives.

OEP will assist Vitalyst to oversee the agreement and coordinate any needed services, such as program outreach and recruitment.

Four fellowships are being funded by ARPA and five are being funded by an OEP grant received from the Gila River Indian Community.

Procurement Information
Services may be procured, as needed, in accordance with Administrative Regulation 3.10 to implement and administer programs intended to prevent, prepare for, respond to, and recover from the COVID-19 national pandemic.

Contract Term
The term of the agreement will begin on or about Feb. 1, 2022 through March 31, 2023. The agreement may be extended based on continuous need and available funding, which may be exercised by the City Manager, or his designee.

Financial Impact
Funding for this program will not exceed $151,000. There is no impact to the General Fund. The funding breakdown is as follows:

$76,000 - American Rescue Plan Act
$75,000 - Gila River Indian Community Grant

Discussion
Councilwoman Ansari wished to highlight this program, noting her office added more money to the fellowship. She acknowledged the outreach that had been done and said there were a lot of applications to review. She expressed the City needed to work on workforce challenges and target industries like food and agriculture, as well as focus on careers youth were interested in.

A motion was made and seconded to approve this item.

Mayor Gallego stated the food production industry wanted a more robust pipeline for youth and this program would help accomplish that goal, noting this was a paid fellowship. She thanked individuals and staff involved with this program, including Vitalyst which had been a partner with the city in many areas.

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

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

33 Authorization for Payment Authority for Trimark-Park Place, LLC (Ordinance S-48278)

Request to authorize the City Manager, or his designee, for $712,500 in payment authority to pay the final notice of claim and related settlement agreement, executed on Nov. 26, 2021, for property damage sustained on Trimark-Park Place, LLC (Trimark) property located at 1615 E. Northern Ave., Phoenix, Ariz. 85020 (Property). Further request to authorize the City Controller to disburse all funds related to this item. Funding is available in the Human Services Department’s General Fund.

Summary

Trimark and Central Arizona Shelter Services, Inc. (CASS) are parties to a Facilities Agreement dated June 5, 2020. The City executed a guaranty of CASS’s obligations under the Facilities Agreement. In the Facilities Agreement, Trimark allowed CASS to use the Property for temporary emergency shelter services by CASS and its clients from June 5, 2020 through Sept. 30, 2021. The Facilities Agreement required CASS to return the Property in a certain condition. Trimark asserted that the condition of the Property at the end of the term of the Facilities Agreement failed to meet the condition required by the Facilities Agreement, and Trimark filed a notice of claim with the City under Arizona Revised Statutes § 12-821.01. The City, CASS, and Trimark subsequently reached a written settlement of the claim, under which the

City is obligated to pay Trimark $712,500.

Financial Impact
Pursuant to the settlement agreement, expenditures will not exceed $712,500. Funding is available in the Human Services Department's General Fund.

Concurrence/Previous Council Action
On May 6, 2020, the City Council authorized staff to enter into contract with CASS to provide emergency shelter, permanent housing and rapid re-housing services, and authorizing the City Controller to disburse funds with Ordinance S-46598.

On June 17, 2020, the City Council approved the payment guaranty of the Facilities Agreement between CASS and Trimark with Ordinance S-46776.

On Sept. 2, 2020, the City Council approved adding additional funding to Contract 152439 with CASS with Ordinance S-46898.

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

Yes:	7 -	Councilwoman Ansari, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Vice Mayor Pastor and Mayor Gallego
No:	2 -	Councilman DiCiccio and Councilman Waring

37 Retroactive Authorization for School Sustainability Program Grant (Ordinance S-48294)

Request to authorize retroactive approval for the City Manager, or his designee, to apply for and, if awarded, authorize the City Treasurer to accept funding from the United States Environmental Protection Agency (EPA) Environmental Education Local Grants Program. Further request City Council approval to create a two-year temporary position, funded by the grant, to expand the City's current sustainability education program to up to 50 Title I schools. The total grant requested is $90,000.

Summary

The EPA Region IX Environmental Education Local Grants Program is seeking to advance environmental education.

The City of Phoenix Student Council Sustainability Officer (SCSO) Program is a unique form of student engagement, the first of its kind in the nation, that aims to embed sustainability on school campuses by amending Student Council Constitutions to add an elected Sustainability Officer. SCSOs attend monthly meetings to learn how to address and solve environmental issues, as well as develop leadership skills. Using problem solving skills, SCSOs identify environmental challenges and work together to increase environmental stewardship.

The City is seeking a grant from the EPA Region IX Environmental Education Local Grants Program to support expansion of the City's current program over the next two years with guidance and support from the Arizona Department of Education. The funding will be used for three purposes: 1) supporting a new full-time grant-funded temporary position to administer the program and identify a long-term home for the program; 2) creating a green fund to provide mini-grants to schools; and 3) providing program funding for creating a web-based green guide for schools.

Currently, the SCSO program is implemented in the largest school district in Phoenix. This grant would allow the Office of Sustainability to expand the SCSO program to additional school districts and students, as well as create a $22,500 micro-grant fund to provide up to $2,500 in financial support for environmental stewardship projects in specific schools. With backing from our partners, the Arizona Department of Education and the Arizona State University Sustainable Cities Network, the program will produce a statewide Greening Events Guide for Schools to help students lower the environmental impact of school events such as Homecoming and Prom and support student-led change. The SCSO program aims to have at least 50 participating Title I schools, representing 80,000 students by the end of the two-year project. The sustainability of SCSO relies on schools amending their Student Council Constitutions to include elected SCSO positions to ensure SCSOs are elected each school year even after the grant period has ended. The SCSO program is scalable

and serves as a model of student engagement that can be easily replicated nationwide.

Concurrence/Previous Council Action
The Community and Cultural Investment Subcommittee recommended approval of this item on Jan 5, 2022, by a vote of 4-0.

Contract Term
The grant period is from July 1, 2022, through June 30, 2024.

Financial Impact
The Office of Sustainability currently supports the program with annual funding of an Americorps VISTA to run the program, and will commit to continue to provide funding at current levels, if needed, as part of the matching requirement for the grant.

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

Mayor Gallego stated she was excited the Office of Sustainability applied for federal funds for this program, noting this was an opportunity for schools to have sustainability officers as part of their student government. She added this program was already successful in the Phoenix Union District with graduates moving on to important careers. She conveyed the Arizona Department of Education would be partnering with the City and bringing this program to other parts of the state which had the potential of being a national model. She thanked individuals for their work and support in this program.

Councilwoman Stark expressed she was also excited about this program as she was a former VISTA volunteer, and said she was supportive of the motion.

Councilwoman O'Brien stated she was excited students were being provided additional opportunities to learn about sustainability within schools. She requested when this came back for implementation that staff change the language so individual student councils could determine who attended the monthly meetings to discuss this item. She expressed she had reservations about programs that required student councils

amend their constitution to add a new elected position. She noted if a student council chose to do so the city could provide them framework, but she wanted to make sure local control of student council bylaws remained in their hands so students could determine how sustainability continued on their campuses. She said she would be voting yes and looked forward to how the city implemented this program in the future.

Councilwoman Ansari expressed this was an amazing program and explained students could run to be a sustainability officer similar to any student body position. She mentioned she met with eight sustainability officers last month, noting these students were proactive and invested in climate issues. She emphasized she was excited the city was developing the next generation of leaders.

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

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

39 Tree and Plant Materials Contract - Requirements Contract - IFB-PKS-SOD16-001(A) (Ordinance S-48280)

Request to authorize the City Manager, or his designee, to extend and allow additional expenditures under Contract 144556 with Western Tree Company for the purchase of tree and plant materials for the Parks and Recreation Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $200,000.

Summary

This contract provides the City with critical and essential plants and trees necessary to help reach the City's 25 percent shade goal by 2030. These plants and trees allow the Parks and Recreation Department to plant upwards of 1,500 trees per year throughout the City in accordance with the City's Tree and Shade Master Plan. Additional funds are needed

to account for price increases and the additional needs by the City's Office of Heat Response and Mitigation for community tree planting partnerships with the Neighborhood Services Department. These additional funds will complete the tree planting needs of the Parks and Recreation Department throughout the City, as the current amount on the contract is not sufficient to maintain the 1,500 per year goal.

Contract Term
Upon approval, the contract term will be extended through Dec. 31, 2022.

Financial Impact
Upon approval of $200,000 in additional funds, the revised aggregate value of the contract will not exceed $700,000. Funds are available in the Parks and Recreation Department's budget.

Concurrence/Previous Council Action
This contract was originally approved by City Council on Jan. 25, 2017.

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

Mayor Gallego stated this item built onto the work the city was doing regarding tree planting and provided more contract authority with Western Tree Company, a local business. She thanked the departments that were working together to make sure the city met its tree canopy goals.

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

Yes:	9 -	Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego
No:	0	

41 Resolution to Declare 2023 NFL Super Bowl Activities in Downtown Phoenix as Special Promotional Events (Resolution 21987)

Requests City Council approval of a Resolution declaring that for the four-week period before the National Football League (NFL) Super Bowl LVII game on Sunday, Feb. 12, 2023, and for one week after, all Official NFL Events and other NFL and Arizona Super Bowl Host Committee-sanctioned activities held in the Downtown Redevelopment Area will be considered special promotional and civic events for the purposes of the Zoning Ordinance.

Summary

It is anticipated that certain NFL game-related activities will take place in downtown Phoenix in the weeks prior to and after the game. These events and activities will bring significant revenue and media exposure to the City of Phoenix during the event period. Phoenix Zoning Ordinance, section 705.F.1.b, provides that advertising devices otherwise prohibited by the Zoning Ordinance may be erected in the Downtown Redevelopment Area, subject to a use permit, in conjunction with special promotional events of a civic or commercial nature. By declaring the NFL and Arizona Super Bowl Host Committee-sanctioned activities as special promotional and civic events, this Resolution allows the NFL, NFL-approved sponsors, and Arizona Super Bowl Host Committee to advertise official events in the Downtown Redevelopment Area by use of signs, banners, and similar devices. This action will not impact any existing permitted permanent signs in downtown. This declaration will restrict all temporary signage within the Downtown Redevelopment Area that has not been authorized by the NFL and/or Arizona Super Bowl Host Committee during the above-mentioned time period in order to support NFL event-related activities.

Location

Downtown Redevelopment Area
Council Districts: 4, 7 and 8

Discussion

Mayor Gallego stated the 2023 Super Bowl was about one year away from coming to Arizona, noting the 2015 game brought approximately 120,000 people to Phoenix with an economic impact of $720 million for the region.

A motion was made and seconded to approve this item.

Kyle Hedstrom, with the Arizona Super Bowl Host Committee, expressed they were excited to have a large footprint in downtown Phoenix again. He recalled Super Bowl 49 was a success due to the integrative partnership with the city and thanked Council for considering this item.

Brent Kleinman wished to echo the previous comments about downtown Phoenix being the hub for Super Bowl activity.

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

Councilwoman Ansari said she was also excited, noting downtown Phoenix had changed since 2015. She stated she looked forward to working with staff and partners to host a welcome party in the downtown core.

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

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

47 Hornady Amax Tap Ammunition - Requirements Contract - IFB 17-086A (Ordinance S-48275)

Request to authorize the City Manager, or his designee, to allow additional expenditures and to extend Contract 144426 with Miwall Corporation for the purchase of ammunition for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $45,000.

Summary

The Phoenix Police Department's Training Bureau, Firearms Training Detail, utilizes Hornady Amax Tap Ammunition for sniper rifle firearms training and for on-duty purposes for the Special Assignments Unit

(SAU). This ammunition is critical for the SAU in high-risk situations due to its accuracy and ability to stop a threat to public safety.

The requested additional funds are necessary for the contract term extension through Jan. 31, 2023.

Contract Term
Upon approval, the contract term will be extended through Jan. 31, 2023.

Financial Impact
Upon approval of $45,000 in additional funds, the revised aggregate value of the contract will not exceed $140,000. Funds are available in the Police Department’s budget.

Concurrence/Previous Council Action
This contract was originally approved by City Council on Jan. 25, 2017.

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

Amy Meglio spoke in opposition of the Police Department receiving additional money for more bullets.

Jessica Spencer stated she was opposed to the motion of the Police Department getting more money.

Four electronic comments were submitted for the record in opposition on this item.

Vice Mayor Pastor asked if these funds were already coming from the Police Department's budget.

City Manager Jeffrey Barton affirmed these funds were already in the Police Department's budget and were not additional funds over their budget.

Vice Mayor Pastor questioned if these were ARPA funds.

Mr. Barton replied these were not ARPA funds.

Vice Mayor Pastor requested an explanation of why these funds were needed.

Executive Assistant Police Chief Michael Kurtenbach conveyed this type of ammunition was used by the Special Assignments Unit where snipers were deployed, noting not having the right ammunition would not allow them to do their jobs. He stated these funds were being requested to ensure there was enough ammunition to properly train which lead to positive results.

Councilwoman O'Brien asked for an explanation of how departments come before Council to receive approval of funds already in their budget.

Mr. Barton replied the City's procurement rules within City Code and policies stated a contract with an external vendor required Council approval. He added, even though the funds were already approved by Council in the annual operating budget, the purchase agreement was required to be approved by Council.

Councilwoman O'Brien requested confirmation these were not additional funds or ARPA funds, but were funds already allocated in the budget previously approved by Council.

Mr. Barton affirmed that was correct, noting ARPA funds were an ineligible use in this area.

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

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

48 Police Duty Gear - Requirements Contract - NPPGov VH11603 (A) (Ordinance S-48284)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 150290 with Proforce Marketing, Inc. dba Proforce Law Enforcement for the purchase of police duty gear for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $315,000.

Summary

The Special Assignments Unit is requesting to add $165,000 to the current Proforce contract for the purchase of 12 additional sets of L3 PVS-31 Night Vision Systems (NVS). The current contract was requested to purchase 50 of the Night Vision Systems to replace aging inventory; however, due to limited funding, only 38 night vision goggles were purchased. Staff is requesting an additional $165,000 to be added to the contract for the purchase of the remaining 12 NVS and accessories originally authorized. NVS devices are utilized for high-risk events such as hostage rescue incidents, high risk search warrants, and workplace/school active shooter incidents.

The Property Management Unit (PMU) is also requesting to add $150,000 to the Proforce contract. The PMU is transitioning to 9mm Glock 17 Gen 5 which require the purchase of new holsters and ammo pouches. This contract covers duty belts, handcuff cases, and OC spray holders. Additional supplies are needed for new recruits.

Contract Term

The contract term is Sept. 1, 2019 through Aug. 31, 2024.

Financial Impact

Upon approval of $315,000 in additional funds, the revised aggregate value of the contract will not exceed $802,500. Funds are available in the Police Department’s budget.

Concurrence/Previous Council Action

This contract was originally approved by City Council on May 15, 2019.

Discussion

A motion was made and seconded to approve this item.

Amy Meglio spoke in opposition of the Police Department receiving additional money for night vision goggles and questioned their use.

Jessica Spencer spoke in opposition and suggested these funds go toward de-escalation training.

Three electronic comments in opposition and one with no position were submitted for the record on this item.

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

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

No: 1 - Councilmember Garcia

49 **(CONTINUED FROM NOV. 17 AND DEC. 15, 2021) - 40-Foot Heavy Duty Transit Bus Contract Award Recommendation (Ordinance S-48119)**

Request to authorize the City Manager, or his designee, to enter into a contract with GILLIG, LLC to manufacture and deliver replacement 40-foot heavy-duty local transit buses for the Public Transit 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 $145,023,384.

Summary

A Request for Proposals (RFP #PTD20-003) was issued to solicit this five-year contract with a transit vehicle manufacturing firm to manufacture and deliver 40-foot heavy-duty local transit buses that use compressed natural gas (CNG) or biodiesel as the fuel source. City Council approved the issuance of this solicitation at their Feb. 17, 2021 formal meeting. Buses will be ordered based on the Public Transit Department's replacement schedule for local buses that have met or exceeded their useful life under Federal Transit Administration guidelines.

The Public Transit Department will also issue a solicitation for the

procurement, evaluation and use of zero and near-zero emission buses, if approved by Council. The City's most recent and previous testing of alternate transit vehicles demonstrated that CNG buses provided the best low-emissions option that also operates safely, effectively and reliably on long routes in the Phoenix climate. However, the "Green Transit" technology procurement will solicit the most up-to-date, environmentally friendly buses, including electric, hybrid or other alternative propulsion vehicles available for additional testing and on a long-term basis. The contract award recommended in this item will allow the City to replace buses that have exceeded their useful life and have reduced reliability and efficiency, while continuing to explore, evaluate and move forward with the alternative-powered buses as technologies advance and become available.

Procurement Information

RFP #PTD20-003 was issued on April 15, 2021, with two firms submitting proposals for consideration. An evaluation committee of qualified staff from Public Transit Department and Valley Metro was appointed to conduct detailed evaluations of all proposals received, establish a competitive range, and select a proposer to receive the contract award.

A technical advisory team was also established to provide technical assistance to the evaluation committee based on the advisors' knowledge and experience with transit vehicle manufacturing and long-term maintenance practices. The technical advisory team's role was to review the technical portions of each proposal for compliance with RFP specifications.

Each RFP was evaluated and scored based on the following criteria (1,000 points total possible):
Design, Quality, and Production Process (up to 400 points);
Price (up to 400 points); and
Warranty (up to 200 points).

Two proposals were received from the following firms:
GILLIG, LLC; and
New Flyer.

The evaluation recommendations were reached by consensus in consideration of published selection criteria, with the committee selecting GILLIG, LLC for award. The following summarizes the results:

Proposers	Total points
GILLIG, LLC	820
New Flyer	775

In accordance with Phoenix City Code section 43-14(J), a contract shall be awarded to the most highly-rated, responsible firm whose offer conforms in all material respects to the requirements and criteria outlined in the solicitation. Accordingly, the Public Transit Department's Procurement Officer recommends the award to GILLIG, LLC.

Included in the RFP's pricing schedule was the following language: "The estimated quantities shown on the enclosed Price Schedules are estimates only, contingent upon availability of appropriated funds and subject to change during the term of the Contract. The City is not obligated to make purchases in these exact amounts." As such, Public Transit Department staff will continue exploring other viable technologies that meet the region's operational needs and look for opportunities to transition to other proven propulsion technologies.

Financial Impact

The term of the awarded contract shall be five years with an aggregate value of $145,023,384. Buses are funded 85 percent with federal funds and 15 percent with regional funds. The Public Transit Department estimates purchasing a maximum of 265 buses over the five-year period. Funds are available in the Public Transit Department's five-year Capital Improvement Program.

Concurrence

The Transportation, Infrastructure and Planning Subcommittee recommended approval of this item on Oct. 20, 2021 by a vote of 3-1.

Discussion

A motion was made and seconded to approve this item.

JoAnna Strother, Senior Advocacy Director for the American Lung Association, expressed she supported the restrictions to stop the City's dependence on fossil fuels for its bus fleets. She emphasized transportation electrification could yield significant annual healthcare benefits in Arizona. She said she supported this much stronger proposal with expanded investments in zero-emission transit. She thanked Council for considering this cleaner proposal.

Councilwoman Ansari thanked staff for their hard work on this item. She requested staff explain the changes for this item from November to now.

Public Transit Director Jesus Sapien stated this was a proposed contract award based on an RFP that was put out last year. He remarked a few bids came in and staff evaluated them, noting the City was familiar with the company as they were currently part of the fleet. He mentioned Item 51 on today's agenda was a green transit RFP that staff would put out. He conveyed staff was expanding the value of the green transit RFP that was originally approved by Council on November 17, 2021. He said the City would procure and test on a long-term basis cleaner burning buses, including electric. He pointed out the RFP would show what manufacturers had available, such as pricing, capacity and delivery time as well as performance. He pointed out this was a two-prong approach with the City keeping the fleet running by purchasing 40 compressed natural gas (CNG) buses with this contract which was a proven technology in the region. He stated staff would discuss with Council on an annual basis about what to purchase moving forward based on proven technology and what manufacturers had available. He added there was potential to enter into a cooperative contract with the state of Washington for readily available newer technologies, if the Bipartisan Infrastructure Law was approved at the federal level. He explained the contract would allow the City to test newer technology in the region and be a stop-gap measure in between putting out the green transit RFP and coming back to Council for award.

Councilwoman Ansari expressed she was happy this would come back to Council every year to be approved. She emphasized the green transit pilot and cooperative contract could lead to a more diversified fleet when replacing buses instead of just CNG. She thanked staff for their work on

this matter, noting she did not want her vote to take away from the system being reliable so she would be voting yes on this item.

Vice Mayor Pastor recalled there were several comments made in November about relooking at this contract and move toward clean energy or electric. She asked if the City would be purchasing 40 buses that needed replacement.

Mr. Sapien affirmed yes, staff was looking to order 40 buses for the first year.

Vice Mayor Pastor asked if staff would then look at different ways to reduce the City's carbon footprint with electric or hybrid buses.

Mr. Sapien replied yes, noting staff wanted to look at what was available. He mentioned this was discussed at last month's Transportation, Infrastructure and Planning Subcommittee meeting where staff informed Council the City would be applying for federal funding which would provide options if awarded. He stated staff also wanted to talk to different vehicle manufacturers and see what technology they had available that could perform in this environment. He remarked another factor would be their capacity to work the City's order into their production schedules and timing to get the technology. He conveyed staff was giving Council options so after the first year there could be conversations about what to do in subsequent years.

Vice Mayor Pastor said she understood this would be phased based on Council direction. She stated she wanted to pilot different mechanisms to see what held up with the weather.

Mr. Sapien affirmed that was correct, staff wanted to incorporate proven technology.

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

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

51 **Green Transit Technology Request for Proposals**

Request to authorize the City Manager, or his designee, to approve the Public Transit Department's Request for Proposals process to procure vehicles for implementing a pilot program to operate and evaluate a sub-fleet of heavy-duty transit buses that use zero and/or near-zero emissions technology, and associated charging/fueling technologies. This item replaces a previous authorization to issue a Green Transit Technology RFP with a smaller contract capacity that the Council approved on Nov. 17, 2021. This request is to increase the capacity to $150 million over five years for any contract(s) procured through this RFP.

Summary

The Public Transit Department (PTD) has worked for many years to ensure that our fleet has the most up-to-date, environmentally-friendly buses with the best-proven technology available to operate within Phoenix's environment, particularly in terms of vehicle range (how far buses travel with respect to regional transit services) and extreme temperatures (ensuring buses have adequate air conditioning and other on-board systems to provide a comfortable passenger experience especially during hotter months). This Request for Proposals would allow the department to establish a sub-fleet of green buses and test, on a long-term basis, a contingent of zero and/or near-zero emissions buses for their ability to operate in our environment and support operating needs, such as peak passenger loads, on-board equipment, and higher-capacity air conditioning systems. The sub-fleet would initially serve as a pilot program, with the ability to prioritize and continue the purchase of such buses if they are found to meet the transit system's operational needs, allowing PTD to gain experience with newer technologies to determine how best to integrate them into the City's transit fleet.

Procurement Information
The Request for Proposals will be issued in Spring 2022 and request proposals to manufacture buses using electric hybrid, battery electric, and/or hydrogen power (or other suitable technologies bus manufacturers might propose), along with detailing any associated charging and fueling equipment needed for the buses. PTD will assemble a pilot fleet of buses using one or more of these available technologies and expand the purchase of such buses that meet the transit system's operational needs.

Contract Term
The term of the awarded contract shall be five years, with the total number of buses to be determined based on funding availability and the ability of the technologies proposed to accommodate the transit system's operational needs.

Financial Impact
The contract's estimated five-year aggregate value is a maximum of $150 million. In conjunction with the purchase of these vehicles, staff will continue researching and applying for grant opportunities when they arise, as newer-technology buses have a higher cost than the current fleet make-up and additional equipment and infrastructure upgrades may be necessary for the propulsion system(s) selected.

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

Michael Martinez spoke in support of converting buses to electric as it would save money on fuel costs. He expressed the City needed to take advantage of federal funds for this program. He urged Council to vote yes on this item as it would benefit the City, noting other cities were already using this technology.

Mario Barajas provided Spanish interpretation for Ms. Abarca.

Blanca Abarca expressed she lived in South Phoenix and was concerned about her family as the area was contaminated with smog. She asked Council to improve the environment by purchasing more electric buses and investing in infrastructure.

Sawsan Abdurrahman thanked Council for bringing this item back as mitigating environmental impacts was important to ensure the future livability of the city and safety of communities. She emphasized as the city continued to invest in infrastructure it should design for climate resiliency with green transit initiatives. She asked Council to vote yes on this item for the health of the community.

Don Ameden thanked staff and Council for considering this forward-thinking expansion of funds for green public transit. He expressed his concern about the smog in Phoenix, noting the city should lead with an all-electric public transit system. He urged Council to vote in support of this item as it was a smart investment.

Tomika Brown asked that Council vote in favor of funding green public transportation because it would clean the air. She mentioned there were federal funds available and this pilot program would be a great opportunity for those funds.

Catherine Castaneda thanked Council for considering the expansion of funding for the transition of green public transit. She expressed concern about the decline in air quality in central Phoenix. She stated this pilot program would be a good opportunity to use new federal funds. She emphasized Phoenix should lead this effort and encouraged Council to support investing in zero-emission transit.

Nicholas Ciccalone thanked Council for considering the expansion of funding for green initiatives. He stressed an electric bus fleet would clean the air for current and future residents in Phoenix. He urged Council to support investing in zero-emission transit.

Rhoda Gambler expressed her concern about the air quality in Phoenix. She said she was happy that staff was advocating for this item and urged Council to support investing in zero-emission transit.

Katie Lavra thanked staff and Council for considering the expansion of funding for green public transit. She encouraged the Council to focus on electric buses as they would help mitigate the bad air quality in Phoenix.

She conveyed this item would also help the city reach its goal in green-house gas and urged Council to vote yes on electric transit.

Mr. Barajas provided Spanish interpretation for Ms. Montes.

Araceli Montes said she wanted Council to consider electric buses and to continue the approved plan. She expressed she wanted clean air for everyone, especially low-income people that lived in South Phoenix which was highly contaminated. She urged Council to invest in zero-emission buses and asked that Council vote in favor of this item.

Alex Rosado thanked Council for considering this forward-thinking resolution, noting other Arizona cities had already adopted similar policies.

JoAnna Strother, Senior Director of Advocacy for the American Lung Association, recited a 2021 report ranked Phoenix as the fifth most polluted city in the country. She pointed out the transportation sector contributed the most to the air quality problems which lead to higher asthma rates, COPD exacerbations and lung cancer diagnosis. She stressed the City should take advantage of public transportation funds from the federal government's infrastructure plan with this green transit pilot program. She thanked staff for proposing the expansion and urged Council to support investment in zero-emission transit.

Mr. Barajas provided Spanish interpretation for Mr. Zepeda.

Julian Zepeda, a member of Chispa Arizona, said he supported the green transit program. He remarked during high heat the metal bus stops do not provide shade or relief and requested the city invest in planting more trees for shade. He expressed the city should improve public transportation, noting buses broke down more due to the heat. He urged Council to invest in zero-emission buses which would improve people's health and make Phoenix greener.

Seven electronic comments were submitted for the record in support of this item.

Councilwoman Ansari expressed this vote and investment would transition Phoenix to 100 percent zero-emission bus fleet in this decade. She added this investment would not only reduce emissions and improve air quality, but create good jobs in the community as well as save the city money with reduced maintenance and fuel costs. She thanked Deputy City Manager Mario Paniagua and Public Transit Director Jesus Sapien for working with Council to re-envision what the city's public transportation could look like and for speeding up the time line. She said she looked forward to supporting this item and thanked everyone who called in to speak.

Councilwoman Guardado expressed she was thankful this item was back before Council, but was concerned when the new bus contract proposed in October did not include a plan to transition the fleet to electric buses. She conveyed she worked with Councilwoman Ansari to ensure the work being done on the electric vehicle ad hoc committee was incorporated into this green transit technology RFP. Councilwoman Guardado thanked Councilwoman Ansari for her hard work on this item as well as Vice Mayor Pastor and Councilmember Garcia for their efforts on this issue. Councilwoman Guardado also thanked Councilman DiCiccio for his comments at the last meeting. She indicated this action would transition the fleet from compressed natural gas buses to electric buses over the next five years. She thanked Mr. Sapien and Mr. Paniagua for their hard work on this item and noted she was proud to support this item.

Prior to his vote, Councilman DiCiccio thanked his colleagues for their work on this item and voted yes.

Prior to his vote, Councilmember Garcia thanked everyone who called in on this item, but wanted staff to focus on looking at green options for purchases throughout the city. He said he was glad to see this issue resolved and voted yes.

Prior to her vote, Vice Mayor Pastor thanked everyone who was involved, noting this was her second vote for electric buses and voted yes.

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

Yes: 9 - Councilwoman Ansari, Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Pastor and Mayor Gallego

No: 0

72 **(CONTINUED FROM DEC. 15, 2021 AND JAN. 5, 2022) - Public Hearing - Certificate of Appropriateness - Appeal of Historic Preservation Commission's Decision on Certificate of Appropriateness Application HPCA 2100117 - 309 W. Monte Vista Road in the Willo Historic District**

Request to hold a public hearing of a Certificate of Appropriateness Decision by the Historic Preservation (HP) Commission on Certificate of Appropriateness Application HPCA 2100117 for 309 W. Monte Vista Road in the Willo Historic District for a request to construct a two-story, 1,152-square-foot garage/yoga studio at the southwest corner of the lot with an elevated walkway to the main house. Requested City Council action is to uphold, reverse or modify the HP Commission’s Certificate of Appropriateness decision.

Summary

On Sept. 21, 2021, the HP Hearing Officer held a public hearing to review this application, which was filed by the property owners, Bruce MacArthur and Jennifer Hunter. The Hearing Officer approved the Certificate of Appropriateness subject to the following stipulations:

That the north and south elevations be included in the final Certificate of Appropriateness plan submittal, along with a perspective view of the historic house and proposed building from the sidewalk northwest of the property.

That the access to the building, by either walkway or staircase, be chosen before final Certificate of Appropriateness submittal.

That all window egress, general building code and zoning issues be settled before the final Certificate of Appropriateness submittal.

The Hearing Officer’s decision was appealed on Sept. 24, 2021, by Tom Doescher, Chairperson of the Willo Zoning Committee. The HP

Commission was scheduled to hear the case on Oct. 18, 2021, but continued it to Nov. 15, 2021 at the owners' request. At the November hearing, the Commission voted 5-4 to uphold the Hearing Officer's decision with a modification to Stipulation 2, "That the exterior access to the second story of the new structure be exterior stairs rather than a walkway connecting the new structure to the historic home."

On Nov. 19, 2021, Mr. Doescher, on behalf of the Willo Neighborhood Association Governing Board, appealed the Commission's decision, sending the case to the City Council.

Staff finds that the proposed work meets the Standards for Consideration of a Certificate of Appropriateness set forth in Section 812.D of the Zoning Ordinance. While the proposed two-story structure is taller than the main house, it meets the guideline for new construction which states that "where changes in size must occur, the visual impact of the new construction should be minimized by stepping back the new construction from the historic building." The new structure is located as far to the rear of the lot as is possible and is designed to be as low as possible at 20 feet in height with 8-foot ceiling plates and a minimum of 12 inches between floors for utilities. There are several examples of two-story structures present in this section of Willo that were constructed during the historic era (1910-1956) at 325 W. Monte Vista Road, 317 W. Cypress St. and 314 W. Cypress St., as well as other examples constructed after the historic era at 314 W. Monte Vista Road and 320 W. Cypress St.

Staff recommends that the City Council uphold the HP Commission's Nov. 15, 2021 decision to approve with the following three stipulations:
1. That the north and south elevations be included in the final Certificate of Appropriateness plan submittal, along with a perspective view of the historic house and proposed building from the sidewalk northwest of the property.
2. That the exterior access to the second story of the new structure be exterior stairs rather than a walkway connecting the new structure to the historic home.
3. That all window egress, general building code and zoning issues be settled before the final Certificate of Appropriateness submittal.

Financial Impact

There is no financial impact to the city.

Concurrence/Previous Action

The HP Hearing Officer approved the Certificate of Appropriateness on Sept. 12, 2021 with three stipulations.

The Hearing Officer's decision was appealed on Sept. 24, 2021 by the Willo Neighborhood Association.

The HP Commission voted 5-4 to uphold the Hearing Officer's decision, with a modification to Stipulation 2, on Nov. 15, 2021.

The HP Commission's decision was appealed on Nov. 19, 2021 by the Willo Neighborhood Association.

Location

309 W. Monte Vista Road
Council District: 4

Discussion

Mayor Gallego announced this was Historic Preservation Officer Michelle Dodds last meeting and thanked Ms. Dodds for her outstanding service to the City.

NOTE: Councilman DiCiccio left the meeting.

Planning and Development Director Alan Stephenson stated this item was an appeal of a Historic Preservation Commission decision on a certificate of appropriateness for a proposed addition to a single-family home within the Willo Historic District.

Ms. Dodds indicated this case was at 309 W. Monte Vista Road in the Willo Historic District and displayed an aerial of the house. She explained the application requested to construct a two-story, 1,152-square-foot garage and yoga studio with an elevated walkway to the main house. She showed the site plan for the new garage and yoga studio that would be pushed all the way to the back on the lot, noting elevation for the new area would be 20 feet tall compared to the house which was 14 feet tall. She also displayed renderings of what the addition would look like from different viewpoints. She presented the 1949 Sanborn map which showed there were other two-story structures that were mostly accessory

buildings in the area. She recited the general design guidelines for historic properties and pointed out this proposal fit within the guidelines as it would be stepped back on the lot. She stated the applicant also reduced the ceiling plates and overall height to the lowest possible for a two-story structure.

Ms. Dodds remarked the Hearing Officer hearing was held on Sept. 21, 2021 and recommended approval with three stipulations, which was appealed by Tom Doescher of the Willo Zoning Committee. She said the Historic Preservation Commission heard the appeal on Nov. 15, 2021 and approved the Hearing Officer's decision by a 5-4 vote with modification to Stipulation 2. She indicated the Commission's decision was appealed by Mr. Doescher representing the Willo Neighborhood Association Governing Board. She conveyed Council's options were to uphold the Commission's decision or reverse their decision and deny the project.

Councilwoman Stark asked what the vote was at the Historic Preservation Commission meeting.

Ms. Dodds replied the vote was five in favor of the project and four opposed to the motion.

Mayor Gallego declared the public hearing open.

Bruce MacArthur, the applicant, stated this was a yoga studio/home office project.

Jennifer Hunter, Mr. MacArthur's wife and applicant, noted they had been in this house since 2002. She emphasized they were requesting to build a garage for their vehicle and extra space on top so she could work.

Mr. MacArthur conveyed they spoke to their neighbors before starting on the project and displayed letters in support. He cited support from their neighbors on the north side of the street as well as one house that was opposed, and support on the south side of the street along with one house that did not have a position but did not oppose the project.

Ms. Hunter presented renditions of their house as well as examples of homes in the area with original two-story garages. She also displayed two-story garages which were recently built that did not have opposition from the neighborhood. She stated their request was consistent with the neighborhood and would maintain the home's historic integrity.

NOTE: Councilmember Garcia temporarily left the meeting.

Robert Cannon, President of the Willo Neighborhood Association, defined the historic district's boundaries, noting it was the largest historic district in Phoenix with about 1,000 historic homes. He provided history of the Willo historic district which included adoption of the Willo Conservation Plan in 1986 that the neighborhood association was mandated to carry out and work with all residents and the City. He stated the Willo Governing Board unanimously voted to support appealing the Historic Preservation Hearing Officer's decision at its meeting on Oct. 14, 2021. He added the appeal was heard in open meetings on Nov. 11 and Dec. 9, 2021. He emphasized the issues on their appeal were based on incomplete information and that the staff report disregarded Historic Preservation guidelines and Zoning Ordinance 812.D related to massing which was not addressed by decision makers.

Mr. Cannon claimed that staff created a special entitlement for the Broadmoor subdivision to have two-story garages. He pointed out applications for new two-story buildings taller than the historic home had been denied by the Historic Preservation Office since Willo became a historic district in 1991. He recalled a Historic Preservation Commissioner denied their appeal because there are two-story carriage houses in Roosevelt, but this was Willo which had a plan that previous council members voted on. He displayed maps of the Broadmoor section within the Willo district, noting it was not listed in the Willo Conservation Plan. He conveyed secondary structures, such as garages and buildings, should be subordinate in size and this project did not meet that guideline. He stressed this application did not provide the north elevation depicting both the existing building and proposed new construction which deprived the public access to material information required for a fair hearing. He stated he was opposed to the two-story building as it would be a serious issue for Willo and other neighborhoods if approved.

Bob Herman said he lived about a block from this project, noting he would be able to see the structure from inside his home and front yard. He recalled a Historic Preservation Commissioner who voted against the original application alleged guidelines were not followed. He asked Council to side with Willo's appeal and allow the applicant to go back to the Historic Preservation Commission and come up with an acceptable project.

Ann Bommersbach, a member of the Willo Neighborhood Association, stated she was opposed to this certificate of appropriateness because it would set a precedent for new construction of other two-story structures that are not subordinate to the primary home. She stressed this secondary structure would be almost 50 percent higher which was not subordinate to the original home. She pointed out other two-story structures referred to previously were done before Willo became a historic district, whereas approval of this project would set a precedent for more two-story structures.

Brad Brauer stated he was a neighbor and lived across the street from this property. He remarked that staff and the Historic Preservation Commission should have stopped this from the beginning and were not following the guidelines. He emphasized this would set a precedent the neighborhood should not have to deal with, noting the scale of this project should be smaller in size.

Tom Doescher, Chair of the Willo Zoning Committee, remarked Willo was formed as a special conservation district in 1986 and became a historic district in 1991. He said as a committee member since 2006, he could not recall a two-story structure being built in someone's backyard. He mentioned that Willo's mission was to be a snapshot of the architectural history of Phoenix and wanted to continue being a steward of the historic district. He asked Council to uphold Willo's appeal and overturn the Historic Preservation Officer's decision to grant a certificate of appropriateness to construct a two-story accessory building in the neighborhood.

Erika Gagnon, a Willo board member, spoke in opposition to the

construction of the two-story garage as it was not compliant with the historic preservation guidelines. She pointed out that reference to other two-story structures in the neighborhood were grandfathered in prior to Willo becoming a historic district. She emphasized this structure was not appropriate and did not fit the criteria listed in the guidelines due to its height, encroachment on neighbors and view of park. She encouraged Council to deny this request as the integrity and preservation of Willo depended on the residents and City officials following the guidelines.

Brent Kleinman asked Council to oppose the motion for this garage. He mentioned the Encanto-Palmcroft historic district, where he lived, had worked with Willo in the past to preserve the characteristics of historic neighborhoods. He claimed there were mistakes made at the beginning of this process, such as submitting the application without a visual drawing of the two-story garage from the street view. He expressed concern with subsequent meetings where comparisons were made, noting the recent drawing showed it did not fit the character of historic preservation.

Sandra Lefcovich, a Willo board member, stressed the Conservation Plan that Council adopted in 1986 was not taken into account when the decision to approve was made. She remarked this structure would be detrimental to the Willo historic neighborhood.

Opal Wagner, a Willo board member and Zoning Committee member, conveyed that neighborhood leadership was shocked about this decision because requests for two-story additions had been denied since 1991. She indicated neighborhood leadership supported projects where residents wanted to extend their living space within the guidelines.

NOTE: Councilmember Garcia returned to the meeting.

John Morris stated he filed a certificate of appropriateness application shortly after the applicants, noting historic preservation staff were professional people who understood the Zoning Ordinance, building codes and history. He noted that during his research he found other two-story structures built after the Conservation Plan was adopted in 1986.

Ms. Hunter asserted the Conservation Plan was not specific that a structure had to be lower to be subordinate, noting height was only one consideration. She stated a number of two-story structures had been built after 1991 with no neighborhood opposition. She pointed out there was board opposition to their application, but that was not the makeup of the neighborhood. She expressed board members criticized City experts of not providing guidance, yet none of them spoke to her about the matter.

Mr. MacArthur added none of the board members who spoke in opposition were experts.

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

Mayor Gallego declared the public hearing closed.

Vice Mayor Pastor said she had talked with staff about this case and wished to add a stipulation to her motion.

The hearing was held. A motion was made by Vice Mayor Pastor, seconded by Councilwoman Stark, that this item be approved as amended to uphold the Historic Preservation Commission's Certificate of Appropriateness decision to approve the project, with an additional stipulation that the height of the garage and yoga studio not exceed one-story, 14 feet in height. The motion carried by the following vote:

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

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 CITIZEN COMMENTS

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

Bruce Shay mentioned the entry-into force of the United Nations Treaty on the Prohibition of Nuclear Weapons occurred on Jan. 22, 2021. He conveyed the treaty makes possession, manufacture, sale and use of these weapons illegal and calls for states possessing these weapons to dismantle them. He said the United States had not ratified this treaty; however, he expressed cities and towns should demonstrate their support of it. He asked Council to allocate resources to evaluate drafting a resolution in support of this treaty.

Jessica Spencer expressed concern about the lack of funds and shelter to help the homeless community.

Donald Karner said he wanted to recount an unfortunate situation he experienced caused by light rail construction. He remarked he owned property near 13th Street and Washington that he purchased in 2013 which had an inoperable sewer due to blockage under the business access line on the south side of Washington Street. He conveyed when the line was excavated it was determined the water main was moved during light rail construction and his sewer line was capped with a concrete plug during relocation. He said he provided receipts for the damage on his property to the City on May 6, 2021, and was referred to Valley Metro Rail for reimbursement. He stated he was then referred to the contractor who constructed that portion of the light rail, noting the contractor denied his claim citing it exceeded the statute of limitations. He noted he hired a lawyer who corrected the contractor's legal opinion which resulted in his claim going to the contractor's insurer. He said he received a settlement offer on Nov. 29, 2021, along with a second consultant for the contractor denying liability with their offer of 50 percent reduction for the cost of repairs to avoid a lawsuit.

Jeremy Thacker submitted a citizen petition to shut down operations of the City-owned municipal golf courses and reallocate the land in an equitable way. He expressed these golf courses were a misappropriation of City resources as well as a disproportionate percentage of land that people used. He added over

one billion gallons of water was used on City golf courses annually and paid a minimal amount for it. He argued the City should not compete with businesses that operated golf courses, noting a small percentage of the Phoenix population played the golf courses.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 4:41 p.m.

MAYOR

ATTEST:

CITY CLERK

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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 26th day of January, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 29th day of May, 2024.

CITY CLERK