City of Phoenix

Minutes

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

186086

City Council Formal Meeting

Wednesday, September 20, 2023 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, Sept. 20, 2023 at 2:34 p.m. in the Council Chambers.

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

Mayor Gallego, Councilwomen Guardado and Hodge Washington, and Councilman Robinson attended the meeting virtually. Councilwoman Pastor temporarily left the voting body following Item 77 and returned virtually during Citizen Comments. Councilwoman Stark temporarily left and returned to the voting body during Citizen Comments. Councilman Robinson disconnected from the meeting during Citizen Comments.

Mayor Gallego acknowledged the presence of Mario Barajas and Elsie Duarte, Spanish interpreters. In Spanish, Mr. Barajas announced their availability to the audience.

The City Clerk confirmed copies of the titles of Ordinances G-7098, G-7156, G-7162 through G-7163, and G-7165 through G-7167; S-50152 through S-50191; and Resolutions 22149 through 22154 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

Chief Counsel Deryck Lavelle stated members of the public may speak for up

to two minutes on agenda items and gave direction on appropriate decorum when providing comments.

MINUTES OF MEETINGS

1 For Approval or Correction, the Minutes of the Formal Meeting on Nov. 18, 2020

Summary

This item transmits the minutes of the Formal Meeting of Nov. 18, 2020, for review, correction and/or approval by the City Council.

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

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

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

No: 0

BOARDS AND COMMISSIONS

2 Mayor and Council Appointments to Boards and Commissions

Summary

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

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

Fire Safety Advisory Board

Appoint Derrick Morales, filling a Petroleum Industry vacancy, for a term to expire Sept. 20, 2027, as recommended by Mayor Gallego.

North Gateway Village Planning Committee

Appoint Chandra McCarty, filling a vacancy, for a term to expire Nov. 19, 2024, as recommended by Councilman Waring.

Paradise Valley Village Planning Committee
Appoint Shawn Hoffman, filling a vacancy, for a term to expire Nov. 19, 2024, as recommended by Councilman Waring.

Phoenix Arts and Culture Commission
Appoint Melissa Acevedo, filling a vacancy, for a term to expire Sept. 20, 2026, as recommended by Mayor Gallego.
Appoint Bailey Cacciatore, filling a vacancy, for a term to expire Sept. 20, 2026, as recommended by Mayor Gallego.
Appoint Sierra Ochoa, filling a vacancy, for a term to expire Sept. 20, 2026, as recommended by Mayor Gallego.
Appoint Joe Rivera, filling a vacancy, for a term to expire Sept. 20, 2026, as recommended by Mayor Gallego.

Rehabilitation Appeals Board
Appoint Pam Duty, filling a Neighborhoods vacancy, for a term to expire Sept. 20, 2026, as recommended by Mayor Gallego.

Sister Cities Commission
Appoint Sandy Casement, filling a vacancy, for a term to expire Sept. 20, 2026, as recommended by Mayor Gallego.
Appoint Sally Chen, filling a vacancy, for a term to expire Sept. 20, 2026, as recommended by Mayor Gallego.
Reappoint Misty Cisneros-Contreras, serving her first full term to expire Sept. 20, 2026, as recommended by Mayor Gallego.
Reappoint Jennifer Doan-Richardson, serving her second term to expire Sept. 20, 2026, as recommended by Mayor Gallego.
Reappoint Bruce Meyerson, serving his second term to expire Sept. 20, 2026, as recommended by Mayor Gallego.
Reappoint Karl Obergh, serving his second term to expire Sept. 20, 2026, as recommended by Mayor Gallego.

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

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

No: 0

Vice Mayor Ansari administered the oath of office to the following appointees:

Chandra McCarty - North Gateway Village Planning Committee;
Sierra Ochoa and Joe Rivera - Phoenix Arts and Culture Commission;
Pam Duty - Rehabilitation Appeals Board; and
Sandy Casement and Sally Chen - Sister Cities Commission.

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

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

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

A motion was made by Vice Mayor Ansari, seconded by Councilwoman Stark, that Items 3-16 be recommended for approval. The motion carried by the following voice vote:

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

No: 0

3 Liquor License - Shinme Cuisine

Request for a liquor license. Arizona State License Application 252850.

Summary

Applicant
Sheng Yu, Agent

License Type

Series 12 - Restaurant

Location
2855 W. Cactus Road, Ste. 2
Zoning Classification: C-1
Council District: 1

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 Sept. 25, 2023.

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

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

Shinme Sushi (Series 12)
3020 S. Gilbert Road, Ste. 5, Chandler
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:
"With over 15 years of experience in the restaurant industry, i have gained a comlrehensive Understanding of alcohol regulations, responsible service practices, and the nuances of mangagijg an establishment that serves alcohol beverages."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Shinme Cuisine is designed to be a welcoming and responsible establishment that caters to a diverse clientele. Our primary goal is to create a safe and enjoyable environment for Patrins to socialize while adhering to the highest standards of alcohol servicex We understand the significance of responsible alcohol consumption and will imolement conprehensive training programs for our staff to ensure that all patrons are setved in accordance with legal regulations and ethical guidelines."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Shinme Cuisine
Liquor License Map - Shinme Cuisine

This item was recommended for approval.

4 Liquor License - Someburros

Request for a liquor license. Arizona State License Application 252530.

Summary

Applicant
Timothy Vasquez, Agent

License Type
Series 12 - Restaurant

Location
2525 W. Jomax Road
Zoning Classification: PUD
Council District: 1

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption as an accessory use to a restaurant. This business is currently under construction with plans to open in November 2023.

The 60-day limit for processing this application is Oct. 1, 2023.

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

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

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

comment period.

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We train all of our employees in responsible liquor service. We also 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 drinking age, adult beverages if they choose to have one with our made-from-scratch recipes that are cooked with the highest quality of ingredients."

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 - Someburros
Liquor License Map - Someburros

This item was recommended for approval.

5 Liquor License - Special Event - St. Luke Roman Catholic Parish Phoenix

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

Summary

Applicant
Jonathan Leithmann

Location

19644 N. 7th Ave.
Council District: 2

Function
Festival

Date(s) - Time(s) / Expected Attendance
Oct. 20, 2023 - 4 p.m. to 11 p.m. / 350 attendees
Oct. 21, 2023 - 4 p.m. to 11 p.m. / 400 attendees
Oct. 22, 2023 - 4 p.m. to 11 p.m. / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

6 Liquor License - Special Event - Coronado Neighborhood Association, Inc.

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

Summary

Applicant
Michael Anderson

Location
1717 N. 12th St.
Council District: 4

Function
Festival

Date(s) - Time(s) / Expected Attendance
Nov. 11, 2023 - 4 p.m. to 9 p.m. / 1,100 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

7 Liquor License - Club Classico Phoenix

Request for a liquor license. Arizona State License Application 6070170.

Summary

Applicant
Angelica Contreras, Agent

License Type
Series 6 - Bar

Location
5030 W. McDowell Road, Ste. 29-30
Zoning Classification: C-2
Council District: 4

This request is for an ownership transfer of a liquor license for a 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 Oct. 3, 2023.

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

Other Active Liquor License Interest in Arizona
The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor

Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Bandoleros Night Club (Series 6)
3613 E. Van Buren St., Phoenix
Calls for police service: 5
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been involved in the industry for many years and have broad knowledge of the liquor rules and regulations. I currently own and operate Bandoleros Night Club for over a year with no issues or violations, which also includes the previous club I managed from 2016-2020, Club Santa Fe, in Avondale Arizona."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I will provide an entertainment venue were the community can gather, enjoy the live bands performing and dance in a family oriented atmosphere."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Club Classico Phoenix
Liquor License Map - Club Classico Phoenix

This item was recommended for approval.

8 Liquor License - Mini Mart

Request for a liquor license. Arizona State License Application 249476.

Summary

Applicant
Nitin Gupta, Agent

License Type
Series 10 - Beer and Wine Store

Location
3502 W. Thomas Road
Zoning Classification: PSC
Council District: 4

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

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

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

Other Active Liquor License Interest in Arizona
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.

Kwik Corner 5402 (Series 10)
5402 W. Indian School Road, Phoenix
Calls for police service: 46
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have over 20 years of experience with Convenience Store and Gas Station businesses ranging from operations to management and during this time have learnt the ins and outs of handling the liquor license in a responsible manner providing due care of the laws while being mindful of the needs to the community and serving the local community to the best of my abilities."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"It's a business that is already currently operational. I am purchasing the business from the current owner who has been serving the local community from this location for almost 3 years and I intend to continue the tradition of ensuring that this business continues to provide a safe and friendly environment and service to the same local community while assisting with the safety of the families living in the area by continuing to follow the liquor laws and safety protocols."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Mini Mart
Liquor License Map - Mini Mart

This item was recommended for approval.

9 Liquor License - Special Event - Kiwanis Club of Ahwatukee Foundation, Inc.

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

Summary

Applicant
Andrea Pettyjohn

Location
4700 E. Warner Road
Council District: 6

Function
Festival

Date(s) - Time(s) / Expected Attendance
Oct. 7, 2023 - 5 p.m. to 9 p.m. / 100 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

10 Liquor License - Arco AM PM

Request for a liquor license. Arizona State License Application 252122.

Summary

Applicant
Abdul Hakeem, Agent

License Type
Series 10 - Beer and Wine Store

Location
1201 E. Northern Ave.
Zoning Classification: C-2
Council District: 6

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

The 60-day limit for processing this application is Sept. 24, 2023.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
“As a previous owner of gas station and C-stores a bit over 10 years ago, I was very responsible and compliant with all regulations in managing my business. I am now wanting to return to this field of business management and will commit to all training required to abide by the law and State, County and City regulations to run my new business. I understand with that comes the responsibility in training all hired employees to be just as compliant to keep our community safe and be able to serve them as well.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“The community is already accustomed to purchasing their beer and wine at this Location. as the previous owner held the Same License and I as the new owner and manager would like to continue to be able to Provide the community with the same Product at their convience and local store.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Arco AM PM
Liquor License Map - Arco AM PM

This item was recommended for approval.

11 Liquor License - Arizona Mutual Trading

Request for a liquor license. Arizona State License Application 252473.

Summary

Applicant
Harry Kang, Agent

License Type
Series 4 - Wholesaler

Location

5402 W. Roosevelt St., Ste. 104
Zoning Classification: A-1
Council District: 7

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

The 60-day limit for processing this application is Oct. 1, 2023.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
“I am a resident of Arizona. I will be the manager, representative, and agent of this business under the name Arizona Mutual Trading, LLC ('AMT'). AMT is a wholly-owned subsidiary of Mutual Trading Co., Inc., a California corporation ('MTC'), a national importer and distributor and multi-state wholesaler of alcohol beverages. AMT's parent MTC has operated a similar wholesaler business in California and currently holds a Wholesaler license in Arizona. MTC has been operating successfully and compliantly in California for 97 years and in Arizona for 24 years. MTC also holds federal (Alcohol & Tobacco Tax & Trade Bureau) importer and wholesaler permits in both Arizona and California. MTC also wholly-owns

New York Mutual Trading, LLC, a NJ limited liability company ('NYMTC'). NYMTC operates a similar wholesaler business in New Jersey and New York for 49 years and currently holds wholesaler liquor licenses in New Jersey and New York. Also, MTC is a major shareholder in The Cherry Company Ltd, a Hawaii corporation ('Cherry Company'). Cherry Company operates a similar wholesaler business in Hawaii for 35 years and currently holds wholesaler liquor license in Hawaii."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

12 Liquor License - Footprint Center

Request for a liquor license. Arizona State License Application 6070376.

Summary

Applicant
Jay Satenspiel, Agent

License Type
Series 6 - Bar

Location
201 E. Jefferson St.
Zoning Classification: DTC Business Core
Council District: 7

This request is for an ownership and location transfer of a liquor license for an arena. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Oct. 3, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the

application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Ovation's possesses strong business management skills, a thorough understanding of laws, rules & regulations, a commitment to responsible alcohol service, a focus on customer satisfaction, financial stability, & a proven track record of reliability & work ethic. We are confident in our ability to manage and operate a licensed establishment effectively & responsibly."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Ovations is an industry leader in hosting and entertainment, partnering with clients to create memorable experiences for millions of visitors every year. Ovation's unmatched blend of integrated services delivers incremental value for clients through several primary areas of expertise: Venue Management, Food Services & Hospitality, and Partnerships."

Staff Recommendation

Staff recommends approval of this application.

Attachments
Liquor License Data - Footprint Center
Liquor License Map - Footprint Center

This item was recommended for approval.

13 Liquor License - Special Event - Alwun House Foundation

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

Summary

Applicant
Dana Johnson

Location
1209 E. Diamond St.
Council District: 8

Function
Art Show

Date(s) - Time(s) / Expected Attendance
Oct. 6, 2023 - 6 p.m. to 10:30 p.m. / 400 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

14 Liquor License - Special Event - Alwun House Foundation

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

Summary

Applicant
Dana Johnson, Agent

Location

1204 E. Roosevelt St.
Council District: 8

Function
Art Exhibit

Date(s) - Time(s) / Expected Attendance
Oct. 28, 2023 - 7 p.m. to 12:30 a.m. / 350 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - Blue Cloud Distribution of Arizona, Inc.

Request for a liquor license. Arizona State License Application 004070021353.

Summary

Applicant
Camila Alarcon, Agent

License Type
Series 4 - Wholesaler

Location
4242 E. Raymond St.
Zoning Classification: A-1
Council District: 8

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

The 60-day limit for processing this application is Oct. 2, 2023.

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

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.

Blue Cloud Distribution of Arizona, Inc. (Series 4)
31065 N. Cotton Lane, Goodyear
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Blue Cloud Distribution of Arizona, Inc. (Series 4)
3131 E. Transcon Way, Tucson
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant or its commonly-controlled entities have operated with wholesaler licenses since 2021 in various states, and since 2023 in Arizona. Applicant is committed to adhering to all applicable liquor laws."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

16 Liquor License - Aloft Hotel Phoenix Airport

Request for a liquor license. Arizona State License Application 251222.

Summary

Applicant
Amy Nations, Agent

License Type
Series 11 - Hotel/Motel

Location
4450 E. Washington St.
Zoning Classification: C-2 M-R TOD-1
Council District: 8

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

The 60-day limit for processing this application is Oct. 3, 2023.

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

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

Westin La Paloma Resort & Country Club (Series 6)
3660 + 3800 E. Sunrise Drive, Tucson
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 serve as an executive of multiple entities that hold liquor licenses across the United States."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The hotel is near Phoenix Airport which provides comfortable lodging and services to guests and business people visiting the area. The hotel provides easy access to top local attractions like the Sun Devil Stadium, the Phoenix Zoo and Desert Botanical Gardens and offers event space for upcoming meetings and special occasions."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Aloft Hotel Phoenix Airport
Liquor License Map - Aloft Hotel Phoenix Airport

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Electronic comments were submitted for the record on the following items:
- Item 72: 1 neutral; and
- Item 75: 1 neutral, 1 in support and 2 in opposition.

A motion was made by Vice Mayor Ansari, seconded by Councilwoman Stark, that Items 17-80 be approved or adopted, except Items 20, 35, 39, 42, 50, 74 and 76-77; continuing Item 75 to the Oct. 4, 2023 City Council Formal Meeting; and noting that Items 42, 76 and 77 are as revised and Items 78-80 are add-on items. The motion carried by the following vote:

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

No: 0

Items 17-19, Ordinance S-50152 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.

17 Planning Technology, Inc.

For $96,000 in payment authority for a new contract, entered on or about Dec. 1, 2023, for a term of five years to provide Airspace Analysis Services for the Aviation Department. This contract will provide specialized software which helps Aviation staff review proposed development on and off Phoenix Sky Harbor International Airport, Phoenix Deer Valley, and Phoenix Goodyear Airport (Airports) to determine if a construction project will pose hazards or obstructions to the aircraft flight path that the Aviation Department is required to protect. Objects protruding into Airports' aeronautical surfaces can significantly affect Airports' capacity by requiring changes to the airport minima. The service will include airspace surfaces that are unique for aircraft operation

in Instrument Flight Rules conditions to each runway at the City's Airports.

This item was adopted.

18 Charlie Pepper AZ, Inc., dba Salt Works

For $22,500 in additional payment authority for Contract 158216 for salt minerals to be used in water softening systems for the Phoenix Convention Center Department (PCCD). PCCD will be added to the Water Services Department contract valid through April 28, 2028.

This item was adopted.

19 Salt River Project Agriculture Improvement and Power District dba SRP

For $15,800 in payment authority to Salt River Project Agriculture Improvement and Power District, dba SRP, for design and construction of electrical facilities for 4049 N. 67th Ave. (67th Avenue and Indian School Road) signalized intersection T3390319.WV. Relocation of the pole and power was required to operate this traffic signal for Street Transportation project ST89340584-4.

This item was adopted.

21 Grant of a Public Utility Easement on City-owned Property Located at 445 N. 5th St. (Ordinance S-50154)

Request the City Council to grant a public utility easement for consideration of $1 and/or other valuable consideration, for utility service to a City-owned property in the Arizona Public Service Company service area; further ordering the ordinance recorded.

Summary

The public utility easement provides services to the International Genomics Consortium and Translational Genomics Research Institute (IGC/T-Gen) Headquarters for project ED10000011 located at located at 445 N. 5th St.

This public utility easement is more fully described in the legal description ("Easement Premises") to be recorded with this ordinance and will be granted to all public service corporations (collectively "Grantee") providing utility service to Genomics Campus in perpetuity, so long as the Grantee uses the Easement Premises for the purposes herein specified, subject to the following terms and conditions:

Grantee is hereby granted the right to construct, reconstruct, replace, repair, operate and maintain utility facilities together with appurtenant fixtures for use in connection therewith (collectively "Grantee Facilities") to, through, across and beyond Grantor's property within the Easement Premises. Subject to the notice requirements provided in paragraph "I," Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified. Grantee acknowledges and accepts that Grantee shall share the Easement Premises with other Grantees and shall use such Easement Premises with other Grantees in accordance with and consistent with industry standards and customs for shared use. Grantor agrees to coordinate the location of Grantee's Facilities within the Easement Premises and to pay costs for relocation of Grantee's Facilities as provided in paragraph "F."

Grantor shall not locate, erect or construct, or permit to be located or erected or constructed, any building or structure within the limits of the Easement Premises. However, Grantor reserves all other rights, interests, and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of Easement Premises without the prior written consent by the Grantee whose facilities will be affected by the change of elevation.

Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state, and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate or maintain the Grantee Facilities.

Grantor shall maintain an appropriate three-foot clear area around all edges of all equipment pads for Grantee Facilities in addition to a

clear operational area that extends 12 feet immediately in front of all transformer or switching cabinet openings, within the Easement Premises. No obstruction, trees, shrubs, fixtures, or permanent structures shall be placed or permitted by Grantor within said areas. Grantee is hereby granted the right to trim, prune, cut, and clear away trees, brush, shrubs or other obstruction within said areas.

Grantee shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon and agrees that following any work or use by Grantee within the Easement Premises, the affected area, including without limitation, all pavement, landscaping, concrete, and other improvements permitted within the Easement Premises pursuant to this easement will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's property; provided however, that: 1) Grantor pays the entire cost of redesigning and relocating existing Grantee Facilities to the new location; and 2) Grantor provides Grantee with a new and substantially similar public utility easement at no cost to Grantee. After relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement without cost or consequence to Grantor.

Each public service corporation and telecommunication services corporation as a Grantee shall coordinate and work with other Grantees in the use of the Easement Premises. In the event that a third party or other Grantee requests the relocation of existing Grantee Facilities to a new location (whether or not) within the Easement Premises, the requesting party shall pay the entire cost of redesigning and relocating the existing Grantee Facilities.

Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation or other entity without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of any proposed transfer, conveyance or assignment of any rights granted herein at address listed below.

Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where

the Easement Premises are located: 1) on a site that includes Aviation Department facilities; 2) water and wastewater treatment facilities; 3) Police Department headquarters located at 620 W. Washington St.; 4) Fire Department headquarters located at 150 S. 12th St.; 5) City Hall located at 200 W. Washington St.; 6) City Court Building located at 300 W. Washington St.; 7) Calvin C. Goode Building located at 251 W. Washington St.; 8) Transit Operations Center located at 320 N. 1st Ave. or West Transit Facility located at 405 N. 79th Ave.; or 9) in a secured or fenced area.

Location
445 N. 5th St., within Maricopa County Assessor parcel number 111-46-155.
Council District: 8

This item was adopted.

22 Acceptance and Dedication of Easements for Multi-use Trail, Sidewalk and Public Utility Purposes (Ordinance S-50169)

Request for the City Council to accept and dedicate easements for multi-use trail, sidewalk and public utility purposes; further ordering the ordinance recorded.

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

Easement (a)
Applicant: DV Parcel A-1 Owner, LP, its successor and assigns
Purpose: Multi-use Trail
Location: 23625 N. 19th Ave.
File: FN 230007
Council District: 1

Easement (b)
Applicant: DV Parcel A-1 Owner, LP, its successor and assigns
Purpose: Sidewalk
Location: 23625 N. 19th Ave.
File: FN 230007

Council District: 1

Easement (c)
Applicant: 13839 N. 12th St., LLC, its successor and assigns
Purpose: Public Utility
Location: 13839 N. 12th St.
File: FN 230072
Council District: 3

Easement (d)
Applicant: A.S.E. Management, LLC, its successor and assigns
Purpose: Public Utility
Location: 715 N. Black Canyon Highway
File: FN 230039
Council District: 7

This item was adopted.

23 Acceptance of Easements for Drainage, Water and Sewer Purposes (Ordinance S-50170)

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

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

Easement (a)
Applicant: DV Parcel A-1 Owner, LP, its successor and assigns
Purpose: Drainage
Location: 23625 N. 19th Ave.
File: FN 230007
Council District: 1

Easement (b)
Applicant: The Spengler Condominiums Homeowners Association, its successor and assigns
Purpose: Water
Location: 5525 E. Thomas Road

File: FN 230066
Council District: 6

Easement (c)
Applicant: Williams Family Living 1996 Trust, dated Sept. 6, 1996, also known as the June QTIP Trust; Williams Family Living 1996 Trust, its successor and assigns
Purpose: Sewer
Location: 6710 W. Dobbins Road
File: FN 230056
Council District: 7

This item was adopted.

24 Paper Products - IFB 19-004 - Amendment (Ordinance S-50162)

Request to authorize the City Manager, or his designee, to execute amendments to Contracts 148607 with Veritiv Operating Company and 148608 with Kelly Spicers, Inc. to extend Contract terms and allow additional expenditures. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $550,000.

Summary
These contracts will provide a large variety of paper types used by the Print, Design, and Mail Services section of the City Clerk Department to produce community awareness, training and other critical business communications for all City departments. Examples of common projects include flyers, brochures, postcards and other media used to inform the public about City events, programs and services, as well as legal forms, statements, licenses and invoices for the Police, Fire, City Clerk, Municipal Court and Law departments.

Contract Term
Upon approval the contracts will be extended through Sept. 30, 2024, with an option to extend through Sept. 30, 2025.

Financial Impact
Upon approval of $550,000 in additional funds, the revised aggregate value of the contracts will not exceed $1,550,000. Funds are available in the City Clerk Department’s budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

• Paper Products Contract 148607 (Ordinance S-45029) on Oct. 3, 2018.

This item was adopted.

25 Amendments to Classification Plan (Ordinance S-5815) in Accordance with Human Resources Committee 618 Recommendations - Classification and Compensation Study Post Implementation Adjustments (Ordinance S-50187)

The following amendments to the Classification Plan (Ordinance S-5815) are proposed in accordance with the recommendations of Human Resources Committee 618, effective Oct. 2, 2023. The proposal will also require modifications to the City's Pay Ordinance (S-49802), which will be processed under a separate ordinance.

Modify the classification of Public Defender (NC), Job Code: 10230, Salary Plan: 018, Grade/Range: 922, Labor Unit Code: 008, Benefit Category: 009, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Benefit Category: 010.

Modify the assignment of Court Supervisor*Interpreter, Job Code: 00621, Salary Plan: 001, Grade/Range: 055, Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Administrative Support, FLSA Status: Exempt to Grade/Range: 056.

Modify the classification of Urban Forestry Technician, Job Code: 40030, Salary Plan: 002, Grade/Range: 132, Labor Unit Code: 001, Benefit Category: 001, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Grade/Range: 143.

Modify the classification of Exec Asst to Mayor (NC), Job Code: 06070, Salary Plan: 018, Grade/Range: 912, Labor Unit Code: 008, Benefit Category: 010, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Grade/Range: 918.

Modify the classification of Senior Exec Asst/City Manager (NC), Job

Code: 06140, Salary Plan: 018, Grade/Range: 912, Labor Unit Code: 008, Benefit Category: 010, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Grade/Range: 918.

Summary

The Classification and Compensation study was implemented rapidly to address a systemic staffing and labor market crisis throughout the City. Adjustments to grade and salary ranges are necessary as the City adapts to the new pay structures that took effect on Aug. 7, 2023. These recommendations balance internal alignment with external market focus.

Concurrence/Previous Council Action

City Council provided approval to repeal Ordinance S-47689 and adopt Ordinance S-49802 to implement the new rates and compensation associated with the classification and compensation study on May 31, 2023.

This item was adopted.

26 Amendments to Pay Ordinance (S-49802) in Accordance with Human Resources Committee 618 Recommendations - Classification and Compensation Study Post Implementation Adjustments (Ordinance S-50189)

The following amendments to the Pay Ordinance (S-49802) are proposed in accordance with the recommendations of Human Resources Committee 618, effective Oct. 2, 2023. The proposal will also require modifications to the City's Classification Plan (Ordinance S-5815), which will be processed under a separate ordinance.

Modify the classification of Public Defender (NC), Job Code: 10230, Salary Plan: 018, Grade/Range: 922, Labor Unit Code: 008, Benefit Category: 009, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Benefit Category: 010.

Modify the assignment of Court Supervisor*Interpreter, Job Code: 00621, Salary Plan: 001, Grade/Range: 055, Labor Unit Code: 007, Benefit Category: 007, EEO-4 Category: Administrative Support, FLSA Status: Exempt to Grade/Range: 056.

Modify the classification of Urban Forestry Technician, Job Code: 40030,

Salary Plan: 002, Grade/Range: 132, Labor Unit Code: 001, Benefit Category: 001, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Grade/Range: 143.

Modify the classification of Exec Asst to Mayor (NC), Job Code: 06070, Salary Plan: 018, Grade/Range: 912, Labor Unit Code: 008, Benefit Category: 010, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Grade/Range: 918.

Modify the classification of Senior Exec Asst/City Manager (NC), Job Code: 06140, Salary Plan: 018, Grade/Range: 912, Labor Unit Code: 008, Benefit Category: 010, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Grade/Range: 918.

Summary

The Classification and Compensation study was implemented rapidly to address a systemic staffing and labor market crisis throughout the City. Adjustments to grade and salary ranges are necessary as the City adapts to the new pay structures that took effect on Aug. 7, 2023. These recommendations balance internal alignment with external market focus.

Concurrence/Previous Council Action

City Council provided approval to repeal Ordinance S-47689 and adopt Ordinance S-49802 to implement the new rates and compensation associated with the classification and compensation study on May 31, 2023.

This item was adopted.

27 Request Authority to Enter Into IGA with AHCCCS to Use Pediatric Health Care Initiative Funds to Finance AHCCCS Payments to Phoenix Children's Hospital (Ordinance S-50190)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Arizona Health Care Cost Containment System (AHCCCS) to implement the provisions of Ordinance S-45435 to allow the funding of the nonfederal share of certain AHCCCS payments to eligible children's hospitals within the City of Phoenix, namely Phoenix Children's Hospital (PCH), from the Pediatric Health Care Initiative Fund. Also request that the City Treasurer be authorized to accept and the City Controller be authorized to disburse the

funds.

Summary

In March 2019, the City of Phoenix passed Ordinance S-45435 extending authorization for the Pediatric Health Care Initiative to allow donated funds to finance a broader scope of AHCCCS payments to PCH, after the original program financed by the City ended. At the time of passage, there was not a clear opportunity for use of the City's funds and so the ordinance did not include authority to enter into an intergovernmental agreement with AHCCCS. Given the challenges PCH is facing as a result of COVID-19, AHCCCS is seeking federal approval for enhanced payments to PCH. PCH has lost revenue totaling $32 million in the last month and has not, up to this point, received federal assistance through the Coronavirus Aid Relief and Economic Security (CARES) Act because relief for hospitals has been distributed through the Medicare program (in which PCH, as a children's hospital, does not participate). There is an opportunity for the Pediatric Health Care Initiative Fund to help finance these and other AHCCCS payments, as outlined in Ordinance S-45435, for the duration of the ordinance. The City's funds will be of particular benefit, as the federal government has increased its matching rate for AHCCCS services; PCH will receive $4 for every $1 provided by the City. An IGA is required to enable the City to transfer the funds to AHCCCS for this purpose, and to outline the terms of AHCCCS' use of those funds.

Concurrence/Previous Council Action

City Council approved Ordinance S-41038 on July 2, 2014.
City Council approved Ordinance S-45435 on March 6, 2019.

This item was adopted.

28 Authorization to License Vacant City-owned Land Located at 314 and 318 N. 5th Ave. to T.B. Penick and Sons, Inc. (Ordinance S-50157)

Request to authorize the City Manager, or his designee, to enter into a construction staging license with T.B. Penick and Sons, Inc. (T.B. Penick), across a portion of vacant City-owned parcels located at 314 and 318 N. 5th Ave. for temporary construction staging needs. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

T.B. Penick will license approximately 13,900 square feet of vacant City-owned land at 314 and 318 N. 5th Ave., for construction staging purposes for the construction of a nearby apartment building by a private developer. The license fee is $174,000, plus applicable taxes, for a one-year term which is within the range of market rents as determined by the Real Estate Division.

T.B. Penick is responsible for all costs related to use of the land under the license, including restoration of the site upon expiration. The license will include insurance and indemnity provisions acceptable to the City's Risk Management Division and City Attorney. The license may be canceled pursuant to Arizona Revised Statutes section 38-511. The license may contain other terms and conditions deemed necessary by the City.

Contract Term

The license term is one year. The license may be extended on a month-to-month basis, not to exceed twelve months.

Financial Impact

Revenue during the one-year term will be $174,000, plus applicable taxes. Revenue during any extension will be $14,500 per month, plus applicable taxes.

Location

314 and 318 N. 5th Ave., identified by Maricopa County Assessor parcel numbers 111-41-082 and 111-41-084.
Council District: 7

This item was adopted.

29 Property Management Services Contract for Affordable Housing Portfolio, Group C - Request for Award (Ordinance S-50171)

Request to authorize the City Manager, or his designee, to enter into a contract with MEB Affordable Management Services, LLC (MEB) to provide property management services for the City of Phoenix Housing Department's Affordable Housing Portfolio, Group C (Camelback Properties, Paradise Greens, Yale Court, Red Mountain Springs and

Desert Meadows). Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value including all option years will not exceed $6.4 million. There is no impact to the General Fund.

Summary

The City of Phoenix Housing Department, Asset Management Division requires 3rd party property management services in connection with the continued operations of Group C consisting of five multifamily rental developments that are a subset of the Affordable Housing Portfolio (Portfolio) located in Phoenix, Arizona.

The City-owned Portfolio consists of 16 multifamily residential housing properties with 1,214 rental units that provide affordable housing to low-to-moderate income residents. This contract is for Group C consisting of five of those properties with an aggregate of 426 rental units.

Procurement Information

Request for Proposals FY24-086-1 (DRW) for Property Management Services for Affordable Housing Portfolio, Group C was conducted in accordance with Administrative Regulation 3.10.

Five vendors submitted proposals by the deadline of July 13, 2023, and all were deemed responsive and responsible. An evaluation panel, comprised of three City staff, evaluated the submitted proposals. Proposals received points in the following categories: Method of Approach (300 Points), Experience and Qualifications of Firm and Key Personnel (450 Points), Price (150 Points), and References (100 Points). The maximum possible score for each proposal in each group was 1,000 points. The final scores for the proposals received are as follows:

MEB Affordable Management Services, LLC	785 Points
D.B. Chamberlin & Associates	781 Points
Consolidated Asset Management, Inc.	760 Points
Dunlap and Magee	629 Points
Envolve Client Services AZ, LLC	625 Points

After reaching a consensus, the evaluation panel recommends award to MEB Affordable Management Services, LLC. The Housing Department concurs with the evaluation panel's decision and recommends awarding the property management services contract to MEB.

Contract Term

The initial three-year contract term will begin on or about Oct. 31, 2023, and end on Oct. 30, 2026. Provisions of the contract include an option to extend the term of the contract up to two additional years, which may be exercised in the discretion of the City Manager or designee.

Financial Impact

The aggregate contract value, including all option years, will not exceed $6.4 million (including applicable taxes) with an estimated annual expenditure of $1.3 million. Contract costs related to staffing and management fees will be funded by the rental revenue generated by Group C properties. There is no impact to the General Fund.

Location

Desert Meadows: 16819 N. 42nd Ave., District 1
Paradise Greens: 16001 N. 25th St., District 2
Camelback Greens: 5102 N. 11th Ave., District 4
Camelback Village - Senior: 5102 N. 11th Ave., District 4
Red Mountain Springs: 1652 N. 52th St., District 6
Yale Court: 2524 N. 31st St. and 3034 E. Yale St., District 8
Council Districts: 1, 2, 4, 6 and 8

This item was adopted.

30 Construction Administration Services for Maryvale Parkway Terrace Rehabilitation Project Contract - RFA FY24-086-03 - Request for Award (Ordinance S-50186)

Request to authorize the City Manager, or his designee, to enter into a contract with Architectural Resource Team (ART) to provide construction administration for the Housing Department's Maryvale Parkway Terrace Rehabilitation Project. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $171,050.

Summary

This contract will provide construction administration including monthly meeting attendance, Request For Information reviews, General Contractor and Consultant coordination, punch list walks, and final completion review along with various other duties to ensure the rehabilitation of the senior public housing apartments is completed according to plan and budget.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Without Competition/Special Circumstances Alternative. The architect was originally procured through the City's Job Order Contract On-Call Services list. ART has extensive knowledge of the project since it developed the building plans, scope of work and specifications. There were not enough funds on the contract to complete this project since it was originally procured as a citywide contract.

Contract Term

The contract will begin on or about Aug. 1, 2023, for a one-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed $171,050 for the one-year aggregate term. There is no impact on the General Fund. Funding is available in the Housing Capital Improvement Program budget.

Concurrence/Previous Council Action

City Council previously approved this request for Citywide Architectural On-Call Services for calendar years 2022-23, Contract 155420 (Ordinance S-48044), on Oct. 27, 2021.

Location

4545 N. Maryvale Parkway
Council District: 5

This item was adopted.

31 Retroactive Authorization to Apply for, Accept Funding and Enter Into an Agreement with Maricopa Association of Governments

(Ordinance S-50179)

Request to authorize the City Manager, or his designee, to retroactively apply for, accept funding and enter into an agreement with the Maricopa Association of Governments (MAG) for the FY 2024 Enhanced Shelter Opportunities funding in an amount not to exceed $200,000. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

In partnership with the Paradise Valley Town Council, MAG was provided an appropriation of $200,000 for regional homeless initiatives to support homelessness beds and service. MAG issued a Request for Proposals and accepted applications from qualified agencies to receive $200,000 to provide emergency shelter and services to individuals experiencing homelessness. The Office of Homeless Solutions applied for funding in the amount of $200,000 to ensure continued availability of operations and support services for the Rio Fresco Healing Center (Center), a 117-room shelter operated by Community Bridges, Inc. (CBI). The Center leverages CBI's Full Continuum of Care by providing intense supportive services through case management, behavioral health services, individualized housing plans and opportunities for employment.

This retroactive approval is requested due to the timing of the application period and gathering of the detailed information required. Notification of the funding opportunity was provided to staff on July 3, 2023, with the application due July 24, 2023. On Aug. 23, 2023, staff was notified that the City of Phoenix was awarded funding in the amount of $200,000 to support shelter operations at Rio Fresco Healing Center.

Contract Term

The award funding period is for 10 months beginning on or about Aug. 24, 2023, and ending on or about June 30, 2024.

Financial Impact

Funding will be provided by MAG with no matching funds required. There is no impact to the General Fund.

Location

2425 S. 24th St.
Council District: 8

This item was adopted.

32 Authorization to Amend Contract With Child Crisis Arizona (Ordinance S-50181)

Request to authorize the City Manager, or his designee, to amend Contract 154921 with Child Crisis Arizona (CCA) to extend the term of the contract through June 30, 2024, and add $70,000 in Community Development Block Grant (CDBG) funding and $130,000 in Emergency Solutions Grant-CV (ESG-CV) funding. Further request authorization for the City Controller to disburse all funds related to this item. Funds are available from CDBG and ESG-CV.

Summary

CCA provides residential, emergency shelter for homeless minor children between the ages of four and 12 years. The children in CCA's care have been removed from their families for the crimes of abuse and/or neglect. Services provided include: immediate shelter, food, clothing, health and educational care.

The additional CDBG and ESG-CV funding will allow CCA to continue replacement of playground and/or other equipment.

Contract Term

The extended contract term will be Oct. 1, 2023, through June 30, 2024.

Financial Impact

The total value of the contract will not exceed $1,396,459. Funding is available from CDBG and ESG-CV from the U.S. Department of Housing and Urban Development. There is no impact to the General Fund.

Concurrence/Previous Council Action

The City Council approved Contract 154921 (Ordinance S-47793) on July 1, 2021.

The City Council approved a contract extension for 154921 (Ordinance S-48975) on Sept. 7, 2022.

The City Council approved the addition of CDBG funding for 154921 (Ordinance S-49472) on March 1, 2023.

This item was adopted.

33 Request Authorization to Contract with Pressure Equipment Sales, LLC for Graffiti Removal Solutions (Ordinance S-50184)

Request authorization for the City Manager, or his designee, to enter into a contract with Pressure Equipment Sales, LLC to provide graffiti removal solutions for the Neighborhood Services Department. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The Neighborhood Services Department (NSD) Graffiti Busters program is responsible for abating graffiti from a variety of surfaces throughout the City of Phoenix. Program staff employ methods and tools to achieve this goal, including the utilization of color-matched paint, power washing, and the application of specialized chemicals designed to remove graffiti from non-painted, porous surfaces such as masonry, block, brick, metal, and concrete. Elephant Snot is the preferred graffiti removal product, by NSD's experienced Graffiti Busters team due to its quality and performance.

On June 4, 2020, the NSD invited qualified offerors to submit bids (NSD-IFB-20-006) for the Elephant Snot graffiti removal product. On June 18, 2020, bids for Elephant Snot were received from Clean Sweep Pressure Washing, Inc. and Pressure Equipment Sales, LLC. Clean Sweep Pressure Washing, Inc. was selected and entered into a contract with the city on Nov. 15, 2020. In March of 2023, Clean Sweep Pressure Washing, Inc. terminated their contract with the city.

In August, NSD received sole-source determination approval from the Finance Department to enter into a five-year contract with Pressure Equipment Sales, LLC, the only vendor in Arizona currently authorized by the manufacturer to sell the Elephant Snot product, and the second vendor to submit an offer to the competitive procurement (NSD-IFB-20-006) issued by the NSD in June of 2020.

Contract Term

The contract term will be one year, commencing on or about Sept. 1, 2023, with four one-year options to extend. The total contract cost is not to exceed $80,000.

Financial Impact

The total value of the contract will not exceed $80,000 over five years. The contract will be funded through the General Fund and the U.S. Department of Housing and Urban Development Community Development Block Grant.

This item was adopted.

34 Acceptance of a Monument Sign Easement located on the Southwest Corner of Washington and 16th Streets (Ordinance S-50167)

Request for the City Council to accept a monument sign easement from Washington Pointe, LLC; further ordering the ordinance recorded.

Summary

The approximate 42 square foot monument sign easement, at the southwest corner of Washington and 16th streets, was donated by Washington Pointe, LLC, for identification of the Eastlake Park neighborhood.

The easement to be accepted is located within Maricopa County Assessor's parcel number 116-48-076, further described in the legal description to be recorded with the ordinance.

Location

Southwest corner of Washington and 16th streets.
Council District: 8

This item was adopted.

36 City of Phoenix 2024 NCAA Men’s Final Four Host Committee Sponsorship (Ordinance S-50185)

Request to authorize the City Manager, or his designee, to enter into a one-year sponsorship agreement with the Phoenix Final Four Local Organizing Committee, in an amount not to exceed $500,000, for the support of hosting responsibilities for the 2024 NCAA Men’s Final Four. Funding is available in the Downtown Community Reinvestment Fund. Further request to authorize the City Controller to disburse funds under the terms of the agreement.

Summary

The Community and Economic Development Department is seeking to enter into an agreement to sponsor the Phoenix Final Four Local Organizing Committee and its activities to host the 2024 NCAA Men's Final Four in Phoenix in April 2024. As a sponsor, the City will work with the host committee to determine event venue locations, be included in marketing materials, and collaborate to improve opportunities for Phoenix businesses to participate in the Business Connect and the CEO Forum programs related to Final Four events. The 2024 NCAA Men's national semifinal and championship games will be played at the State Farm Stadium in Glendale, Arizona, with major fan-related events, lodging and meeting activities associated with the tournament being held in Phoenix.

In 2017, Phoenix last hosted the Final Four ancillary and community events in conjunction with the Phoenix Local Organizing Committee and Arizona State University (Host Institution). The 2017 Phoenix Final Four was the first to be held in the West in 22 years and was the second highest attended in Final Four history. Final Four Fan Fest activities at the Phoenix Convention Center attracted more than 50,000 people; 135,000 attended the March Madness Music Festival at Margaret T. Hance Park; and 6,000 participated in the Final Four Dribble at Heritage and Science Park. The Final Four games were watched by nearly 23 million viewers in 176 countries, with 2,200 media members in town to cover the games and related events.

As part of the ongoing familiarization (FAM) tour activities, staff will be returning at the next Council meeting with plans to host a Women's National Basketball Association (WNBA) All Star Game FAM tour in 2024 to further highlight Phoenix to leading corporate decision makers.

Contract Term

The term of the one-year contract will begin on or about Nov. 1, 2023.

Financial Impact

The total sponsorship contract will not exceed $500,000. Funding is available in the Downtown Community Reinvestment Fund.

This item was adopted.

37 Ungerboeck Event Management System - RFA 19-002 -

Amendment (Ordinance S-50156)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 152382 with Ungerboeck Systems International Inc. (USI) to purchase software licenses for event booking and management software for the Phoenix Convention Center Department (PCCD). Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $220,000.

Summary

In 2006, PCCD invested in USI, the leading convention industry event space booking and management system application, and aligned its business processes around it. The USI application is critical to the operations of the Phoenix Convention Center, Symphony Hall, and the Orpheum Theatre. The system is used for all facets of the event booking and management process including, but not limited to, sales leads, detailed event information, financial transactions and use agreements. PCCD's destination marketing partner, the Greater Phoenix Convention and Visitors Bureau, also utilizes USI to access booking information.

The original contract procured 200 user licenses and numerous USI software features. However, to sustain optimal usage of the system, the department needed to install software enhancements and procure additional user licenses, items not included in the original contract.

PCCD is requesting an additional $220,000 to ensure continued access to the event management system and to prevent negative impacts on the department's ability to conduct business.

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

Contract Term

The contract term remains unchanged, ending on May 31, 2025.

Financial Impact

Upon approval of $220,000 in additional funds, the revised aggregate value of the contract will not exceed $900,000. Funds are available in the

Phoenix Convention Center Department's operating budget.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
• Ungerboeck Event Management System Contract 152382, Ordinance S-46585 on May 6, 2020.

Location
Council Districts: 7 and 8

This item was adopted.

38 Telescopic Seating Maintenance and Repair Contract - IFB PCC 23-007 - Request for Award (Ordinance S-50174)

Request to authorize the City Manager, or his designee, to enter into a contract with Arizona Courtlines, Inc., to provide telescopic seating maintenance and repair services for the Phoenix Convention Center 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 $125,000.

Summary
This contract will provide telescopic seating services at the Phoenix Convention Center Department (PCCD). PCCD has a telescopic seating system with a capacity of 1,207 fixed seats. The seating system, purchased in 2006, requires preventive maintenance, repairs and servicing on an as-needed basis. Contracted services will ensure the equipment is safe and operational when used by clients for citywide and other events.

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

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

Selected Bidder

Arizona Courtlines, Inc.: $19,872.

Contract Term
The contract will begin on or about Nov. 1, 2023, for a five-year term with no options to extend.

Financial Impact
The contract value will not exceed $125,000.

Funding is available in the Phoenix Convention Center Department's operating budget.

Location
General Location: Phoenix Convention Center
Council Districts: 7 and 8

This item was adopted.

40 Whelen Automotive Products - IFB 18-316 - Amendment (Ordinance S-50161)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 148506 with Kenco OR LLC, dba LSH Lights to extend Contract term and allow additional expenditures. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $50,000.

Summary
This contract will provide the Fire Department with emergency lighting and associated products for fire apparatus and for use at emergency scenes. The emergency lighting on the apparatus warns other drivers that an emergency vehicle is approaching or is stopped for an emergency. Lighting at an emergency scene is critical in ensuring the safety of firefighters, the public and patients.

Contract Term
Upon approval the contract will be extended through Sept. 30, 2024, with an option to extend through Sept. 30, 2025.

Financial Impact
Upon approval of $50,000 in additional funds, the revised aggregate

value of the contract will not exceed $465,000. Funds are available in the Fire Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

Whelen Automotive Products Contract 148506 (Ordinance S-44990) on Sept. 19, 2018.

Whelen Automotive Products Contract 148506 (Ordinance S-49081) on Oct. 26, 2022.

This item was adopted.

41 Agreement for Enhanced Mutual Aid in Fire and Emergency Services (Ordinance S-50177)

Request City Council authorization for the City Manager, or his designee, to enter into an agreement with the United States of America by the Secretary of the Air Force for enhanced mutual aid in fire and emergency services. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

This agreement aims to clearly identify the responsibilities and actions for emergency service delivery between the Phoenix Fire Department and Luke Air Force Base. Luke Air Force Base is a significant training base for the United States Air Force. The Phoenix Fire Department has had a longstanding relationship with Luke Air Force Base. Mutual aid agreements are common practice among fire departments across the United States. The primary role of this agreement is to facilitate assistance across jurisdictional boundaries if the emergency incident overwhelms the primary authority having jurisdiction. Either party may request fire protection equipment and personnel be dispatched by the other in the event of such an emergency.

Contract Term

The term of the agreement shall commence upon execution and continue for a term of five years.

Financial Impact

It is not the intent for either party to seek reimbursement for providing mutual aid; however, each party is permitted to seek reimbursement for

expenses and losses over normal operational costs incurred in the provision of mutual aid.

Location
Council District: Out of City

This item was adopted.

43 Donation from the Hartford Insurance Company for Phoenix Fire Department Community Involvement (Ordinance S-50188)

Request authorization for the City Manager, or his designee, to accept a donation of $10,000 from the Hartford Insurance Company for the Phoenix Fire Department's Community Involvement Section for use in safety education. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this donation. If not approved, the donation would be declined.

Summary
The Hartford Insurance Company wishes to express their appreciation for the Phoenix Fire Department's service by donating $10,000 to the Department. The donation will be used to enhance community safety through fire safety education, including but not limited to the installation and distribution of smoke detection devices.

This request adheres to the Fire Department's charitable donations process.

Financial Impact
This donation does not require any matching funds. The funds will be used in accordance with City policies.

This item was adopted.

44 Information Technology Project Management and Consulting Services - RFP 18-050 - Amendment (Ordinance S-50160)

Request to authorize the City Manager, or his designee, to amend Contract 148622 with Barich, Inc. for Information Technology (IT) Project Management and Consulting Services to extend the term of the contract. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will be up to $4,200,000.

Summary

The contract provides IT project management and consulting services for the planning, design, and implementation of IT projects for the Aviation Department. The current contractor, Barich, Inc., is actively involved in several complex multi-year projects, including distributed antenna system, audio paging system replacement, environmental management information system, SharePoint upgrade, employee parking and green business partner initiative, Federal Aviation Administration Part 139 tracking and reporting tool, and the Customs and Border Protection biometric exit program. Because many of these projects are in the critical implementation stage, it is imperative to continue working with Barich and its assigned project staff to complete the implementation and launch of these projects. Transitioning to a new contractor in the middle of these projects would create disruptions, delay service launch, and negatively impact many airport stakeholders. Aviation is diligently working with Barich to complete key projects by the requested new expiration date. Additional funds are necessary to continue working with Barich for the proposed two-year extension.

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

Contract Term
The contract extension is two years for a seven-year contract term.

Financial Impact
Additional funds in the amount of $4,200,000 will increase the value of the contract up to $12,200,000 for the seven-year contract term. Funds are available in the Aviation Department’s budget.

Concurrence/Previous Council Action
The City Council previously reviewed this request:

IT Project Management and Consulting Services Contract 148622 (Ordinance S-45062) on Sept. 25, 2018.

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

This item was adopted.

45 Automated Teller Machine License Agreement with Bank of America, National Association, at Phoenix Sky Harbor International Airport and Rental Car Center (Ordinance S-50168)

Request to authorize the City Manager, or his designee, to enter into a license agreement with Bank of America, National Association (Bank of America) to continue to provide Automated Teller Machine (ATM) services at Phoenix Sky Harbor International Airport (PHX) and the Rental Car Center (RCC). Further request to authorize the City Treasurer to accept all funds related to this item. The gross sales for ATM services are estimated to generate $249,996 to the City over the term of the license agreement.

Summary

The City Council authorized ATM Concession Agreement 146614 with Bank of America in December 2017 to provide ATM services at PHX and RCC. This contract expired Dec. 31, 2022. A temporary six-month license agreement was executed in January 2023 to ensure ATM services were available to airport customers while a new solicitation was being developed. The temporary license agreement expired on June 30, 2023, before the completion of the new solicitation process. Staff is requesting authorization to enter into a license agreement with Bank of America on a month-to-month basis for up to 12 months or until a vendor is selected and awarded a new concessions contract from the City's solicitation process, whichever comes first. The 12 month term of the license agreement will be effective July 1, 2023.

Contract Term

The term of the license will be month-to-month for up to 12 months and will begin on July 1, 2023.

Financial Impact

Bank of America will pay an estimated $20,833 per month, which will result in approximately $249,996 revenue to the City over the term of the license.

Location

Phoenix Sky Harbor International Airport: 2485 E. Buckeye Road

Council District: 8

This item was adopted.

46 Airfield Information Management Contract - RFA 24-007 - Request for Award (Ordinance S-50172)

Request to authorize the City Manager, or his designee, to enter into a contract with Saab Inc. to provide an airfield information management and collaborative decision making software subscription through ongoing implementation of the Aerobahn suite of products at Phoenix Sky Harbor International Airport (Airport). Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $1,950,000.

Summary

The contract will provide for ongoing licensing and operation and maintenance of the Aerobahn system that assists with Airport operational decision making, gate utilization management, gathering of performance statistics, and managing irregular operations at the Airport. The Aerobahn system tracks aircraft on Airport runways and taxiways to enhance safety, efficiency, situational awareness, and support playback of real-time surveillance data. This capability is instrumental in managing diversions, researching airfield incursions, identifying operational trends, and implementing new procedures that mitigate delays and enhance airfield safety. The Aerobahn suite of products includes Aerobahn Surface Manager, Global Flight Manager, Vehicle Tracking, and Airport Status Dashboard.

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

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on Special Circumstances Without Competition.

Contract Term

The term of the contract will begin on or about Oct. 1, 2023. The term is five years with no options to extend.

Financial Impact

The contract value will be up to $1,950,000 for the five-year contract term.

Funding is available in the Aviation Department's budget.

Location

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

This item was adopted.

47 Access Control and Alarm Monitoring System Maintenance and Support Contract - RFA 24-008 - Request for Award (Ordinance S-50173)

Request to authorize the City Manager, or his designee, to enter into a contract with Honeywell International, Inc. (Honeywell) to provide annual maintenance and support, software enhancement, and equipment upgrade for the Access Control and Alarm Monitoring System (ACAMS) and related systems throughout Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport (Airports). Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will be up to $8,200,000.

Summary

The contract will provide the Aviation Department with ongoing critical maintenance and technical support of the ACAMS and mitigate potential security risk for the Airports. ACAMS consists of physical security access portals (gates, doors, elevators, etc.) that allow approximately 25,000 badged airport workers access to restricted areas of the Airports to perform their jobs on a daily basis.

ACAMS is integrated with the Airports' Identity Management System. Both systems are integral to managing all aspects of airport security badging, access control, and alarm response to meet regulatory requirements prescribed by the Transportation Security Administration. ACAMS integrates with Digital Video Manager (DVM) to utilize security cameras for video call-up in conjunction with secure portal alarms for

expedited alarm incident resolution.

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

Procurement Information
In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on Special Circumstances Without Competition. The existing ACAMS has significant remaining useful life and does not require major life cycle replacements. It is in the best interest of the City to continue contracting with Honeywell to provide maintenance and technical support for the system. Honeywell is the only service provider authorized to maintain and support their proprietary system. Issuing a solicitation for a new system would be cost prohibitive as it would require complete replacement of the existing system over a period of five years with an estimated implementation cost over $20 million.

Contract Term
The contract will begin on or about Oct. 1, 2023, for a seven-year term with no options to extend.

Financial Impact
The contract value will be up to $8,200,000 for the seven-year contract term.

Funding is available in the Aviation Department's operating budget.

Location
Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road;
Phoenix Deer Valley Airport, 702 W. Deer Valley Road;
Phoenix Goodyear Airport, 1658 S. Litchfield Road, Goodyear, Ariz.
Council Districts: 1, 8, and Out of City

This item was adopted.

48 Electrical Services Requirements Contract - IFB 19-002 - Amendment (Ordinance S-50180)

Request to authorize the City Manager, or his designee, to assign

Contract 149383 (Contract) from H & B Electric, Inc. to Kind Electric, LLC, an Arizona limited liability company. Further request to authorize the City Manager, or his designee, to execute an assignment of the Contract, as necessary and within the City Council-approved expenditure authority. Additionally, request to authorize the City Manager, or his designee, to continue to use Ordinance S-45380 for Contracts 149382 and 149383. Any remaining funds authorized by previous City Council action, including S-45380, may be applied to the Contract.

Summary

The Contract will provide electrical labor, materials, supplies, and equipment on an as-needed basis for Phoenix Sky Harbor International Airport, Phoenix Goodyear Airport, and Phoenix Deer Valley Airport. If approved, H & B Electric, Inc., as assignor, will assign the Contract to Kind Electric, LLC, as assignee, effective Sept. 20, 2023.

Contract Term

The Contract term remains unchanged, expiring on Feb. 19, 2024.

Financial Impact

The aggregate value of the Contract will remain unchanged and no additional funds are needed.

Concurrence/Previous Council Action

The City Council previously reviewed this request:
Electrical Services Requirements Contract 149383 (Ordinance S-45380) on Feb. 20, 2019.

Location

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

This item was adopted.

49 Acquisition of Easements for Bus Stop Enhancements Along Northern Avenue, East of 27th Avenue (Ordinance S-50158)

Request to authorize the City Manager, or his designee, to acquire easements required by donation, purchase within the City's appraised

value or by the power of eminent domain for bus stop enhancements along Northern Avenue, east of 27th Avenue. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

Acquisition is required to enhance the existing bus stop along the southern side of Northern Avenue, east of 27th Avenue. Bus stop enhancements include a transit pad and shelter in compliance with American with Disabilities Act (ADA). The City recently received complaints regarding limited ADA accessibility for the bus stop at this location. Making this bus stop ADA compliant requires acquisition of this proposed easement.

The parcels affected by this project and included in this request are identified by Maricopa County Assessor's parcel numbers 157-29-001 located at 7835 N. 27th Ave., and 157-29-002A located at 2627 W. Northern Ave.

Financial Impact

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

Location

Along the southern side of Northern Avenue, east of 27th Avenue. Council District: 5

This item was adopted.

51 Fleet Vehicle Accessories and Installation, Including Police Up-Fitting Contract - IFB 24-FSD-013 - Request for Award (Ordinance S-50153)

Request to authorize the City Manager, or his designee, to enter into separate contracts with Airwave Communications Enterprises, Arizona Emergency Products, Inc., Hyper Customs, LLC dba Arizona Truck Pros, Automotive Custom Lighting, LLC, Don Chalmers Ford Inc. dba MHQ of Arizona, J.B. Poindexter & Co, Inc. dba Reading Truck Equipment, Kenco OR, LLC dba LSH Lights, Pride Outfitting, LLC, to provide fleet vehicle accessories and installation, as well as vehicle up-fitting. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $17,214,600.

Summary

The Public Works Department is responsible for maintaining a fleet of 7,300 vehicles and pieces of equipment and up-fits vehicles for departments Citywide and this contract will provide the ability to purchase and install accessories. The Aviation Department also manages their fleet of about 450 vehicles and will use for the same purpose. These contracts provide for essential up-fitting and vehicle installations for City fleet including tool boxes, bed liners, lift gates, auxiliary lighting, prisoner cages, etc. Due to the volume and variety of up-fitting requirements, an outside provider has been used historically to manage these services.

Procurement Information

An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10. The Public Works Department, Procurement Section received nine offers over the various two groups, with eight deemed responsive and responsible. Group I - Police Up-fitting; Group II - Fleet Accessories to include bid items for Lighting, Push Bumpers, Truck Accessories, Cargo Management Systems, Lift Gates, Truck Cranes and Bed Covers. Group I - Police Up-fitting was based on a total cost of seven Police vehicle up-fits, with Group II having vendors provide a percentage discount or mark-up on accessories. Due to the high volume of fleet vehicles needing accessories and up-fitting, it is recommended that all bids received be awarded to manage the volume and expedite service for customers. Groups are awarded as follows:

Group I - Airwave Communications Enterprises, Arizona Emergency Products, Inc., MHQ of Arizona, LSH Lights, Pride Outfitting, LLC

Group II

Bid Item 1- Airwave Communications Enterprises, Arizona Emergency Products, Inc., Arizona Truck Pros, Automotive Custom Lighting, LLC, MHQ of Arizona, Reading Truck Equipment, LSH Lights, Pride Outfitting, LLC

Bid Item 2 - Airwave Communications Enterprises, Arizona Emergency Products, Inc., Arizona Truck Pros, Automotive Custom Lighting, LLC, MHQ of Arizona, Reading Truck Equipment, LSH Lights, Pride Outfitting, LLC

Bid Item 3 - Airwave Communications Enterprises, Arizona Emergency

Products, Inc., Arizona Truck Pros, Automotive Custom Lighting, LLC, MHQ of Arizona, Reading Truck Equipment, LSH Lights, Pride Outfitting, LLC
Bid Item 4 - Arizona Emergency Products, Inc., Arizona Truck Pros, Reading Truck Equipment, LSH Lights, Pride Outfitting, LLC
Bid Item 5 - Arizona Emergency Products, Inc., Arizona Truck Pros, Reading Truck Equipment, Pride Outfitting, LLC
Bid Item 6 - Reading Truck Equipment, Pride Outfitting, LLC

See **Attachment A** for full bid recommendations.

Contract Term
The contracts will begin on or about Oct. 1, 2023 for an initial three-year term with two one-year options to extend in increments of up to one year, for a total contract term of five years.

Financial Impact
The value of the contracts will not exceed $17,214,600.

Funds are available in the Aviation and Public Works departments' budgets.

This item was adopted.

52 Citywide General Construction - Job Order Contracting Services - Amendment - 4108JOC209 (Ordinance S-50175)

Request to authorize the City Manager, or his designee, to execute an amendment to Master Agreement 156753 with McCarthy Building Companies, Inc. to provide continued General Construction Job Order Contracting Services for capital projects citywide and to authorize execution of a Job Order Agreement in an amount not to exceed $8 million for the 27th Avenue Transfer Station Material Recovery Facility Upgrade 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.

Summary
The purpose of this project is to upgrade the existing Material Recovery Facility (MRF). The facility was originally commissioned in 1998 and

additions to the facility and limited upgrades were made in 2013, but the essential equipment and associated facility infrastructure remained the same. Over 20 years of use as municipal recycling facility has caused significant wear on the MRF area infrastructure, and revolutionary advances in automated recycling equipment during that time has led to the need for a significant upgrade in the area intended to house the new state-of-the-art equipment currently contracted with Machinex. Installation will happen in the fall of 2023 with a start up in the spring of 2024.

This amendment is necessary to provide all the infrastructure upgrades to support the new operation. The upgrades include: a new electrical distribution system; extensive structural concrete systems and large-scale floor replacements; mechanical system upgrades; fire alarm system modifications; and complete lighting system modifications. Use of a Job Order Contract (JOC) construction services contract allows the City to address the specialized aspects of the project and timeline requirements to ensure that the facility experiences minimal down time to recycling operations. This amendment will allow for issuance of a job order agreement to McCarthy Building Companies, Inc. for an amount not to exceed $8 million for the 27th Avenue Transfer Station MRF Replacement project.

Contract Term

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

Financial Impact

The initial Master Agreement for Job Order Contracting Services was approved for an amount not to exceed $15 million, including all subcontractor and reimbursable costs. This amount remains unchanged.

Funding for this amendment is available in the Public Works Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any job order agreements. Payments may

be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The City Council passed JOC Master Agreement 156753 (Ordinance S-48850) on July 1, 2022.

The City Council passed Amendment 1 (Ordinance S-49602) on April 19, 2023.

Location

3060 S. 27th Ave.

Council District: 7

This item was adopted.

53 Acquisition of Real Property for Roadway Improvements along Alta Vista Road and Encinas Lane from 26th Avenue to 19th Street (Ordinance S-50159)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests required by donation, purchase within the City's appraised value, or by the power of eminent domain for roadway improvements along Alta Vista Road and Encinas Lane from 26th Avenue to 19th Street. Further request to authorize dedication of land with roadway and/or public improvements to public use for right of way purposes via separate recording instrument. Additionally, request to authorize the City Controller to disburse all funds related to this item.

Summary

The acquisition of real property is required for the construction of roadway improvements to enhance roadway and sidewalk conditions for pedestrians, bicyclists and vehicular traffic. Improvements include Americans with Disabilities Act (ADA) compliant sidewalks, street lighting, curbs and gutters.

The parcels affected by this project are identified in **Attachment A**.

Financial Impact

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

Location
Along Alta Vista Road and Encinas Lane from 26th Avenue to 19th Street.
Council Districts: 7 and 8

This item was adopted.

54 Amend Ordinance S-49159 for Acquisition of Real Property for Roadway Improvements at the Intersection of 5th Avenue and Chambers Street (Ordinance S-50163)

Request the City Council amend Ordinance S-49159 for authorization to acquire additional real property and related property interests required for roadway improvements at the intersection of 5th Avenue and Chambers Street.

Summary
Ordinance S-49159 authorized the acquisition of real property and related property interests for the widening and installation of roadway improvements at the intersection of 5th Avenue and Chambers Street. Two parcels affected by acquisition were not identified during preliminary design and are necessary to accommodate project construction. All other conditions and stipulations previously stated in Ordinance S-49159 remain the same.

The additional parcels affected by this project and included in this request are identified by Maricopa County Assessor's parcel numbers 113-38-032 located at 508 W. Sunland Ave., and 113-38-042G located at 514 W. Sunland Ave.

Financial Impact
Funding is available in the Streets Transportation Department's Capital Improvement Program budget.

Concurrence/Previous Council Action
Ordinance S-49159 was adopted on Nov. 16, 2023.

Location
Intersection of 5th Avenue and Chambers Street.
Council District: 7

This item was adopted.

55 Parking Pay-by-Phone Agreement - Amendment (Ordinance S-50164)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146492 with ParkMobile, LLC to extend the contract term. Further request to authorize the City Treasurer to accept all funds related to this ordinance. No additional funds are needed; request to continue using Ordinance S-43909.

Summary

This contract provides for Parking Pay-by-Phone services for individuals who wish to pay for parking meters in the downtown area using a smart phone. The existing contract will expire Nov. 30, 2023. Additional time is needed in order to allow the Street Transportation Department to develop a new revenue contract solicitation without interruption in service. The scope of work for services is being expanded to incorporate enforcement functionalities to reduce the need for a law enforcement officer to have to go into a different software program to see if a parking meter has been paid, deploy enhancements, and collect data and incorporate into a parking master plan. This service is critical to the City's efforts to provide parking options in the downtown area.

Contract Term

Upon approval, the contract will be extended through June 30, 2024, with an option to extend through June 30, 2025.

Financial Impact

This is a revenue-generating contract. The estimated annual income is approximately $575,000 from credit card based transactions via smart phone. There is no financial cost to the City. Convenience fees are paid by the end user paid directly to the Pay-by-Phone services contractor. No additional funds are needed.

Concurrence/Previous Council Action

The City Council previously approved Parking Pay-by-Phone Agreement 146492 (Ordinance S-43909) on Sept. 20, 2017.

Location

The parking meters are located in downtown Phoenix.

Council Districts: 7 and 8

This item was adopted.

56 Street Transportation Department Public Outreach and Community Engagement Services - RFQu 63-2001 - Amendment (Ordinance S-50165)

Request to authorize the City Manager, or his designee, to execute an amendment to Contracts 151323 with Gunn Communications, Inc.; 151324 with HDR Engineering, Inc.; 151322 with InRoads Info, Inc.; 151325 with REISTER Sonoran, LLC; 151326 with Urias Communications, LLC; and 151327 with Your Project Marketing and Outreach, LLC to allow additional expenditures for public outreach and community engagement services on an as-needed basis for the Street Transportation Department. The additional expenditures will not exceed $600,000. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The Street Transportation Department uses contracted public engagement firms to assist with capital improvement projects and projects that affect large numbers of parcels. Enhanced public engagement helps shape projects and create awareness for people who may be temporarily affected by the construction. The current contracts allow us to effectively problem-solve, obtain temporary construction easements, provide public notification, prepare public meeting materials and operate project hotlines. Additionally, the contracted firms provide graphic design and multimedia support to help us reach broad and diverse audiences regarding transportation-related programs, projects and services.

The current contracts provide public outreach and community engagement services such as effective message development, use of multiple media formats including graphic and oral communications to broad and diverse audiences regarding street transportation related issues, programs and projects. The existing contracts will expire Jan. 31, 2025.

Additional funds are needed to support added initiatives associated with increased grant funding from the Governor's Office of Highway Safety, as

well as expanded outreach on programs such as the Vision Zero Roadway Safety Action Plan, Active Transportation, Shared Micromobility, and CoolPavement.

Contract Term

The term of the existing contracts will remain unchanged and end on Jan. 31, 2025.

Financial Impact

This amendment will increase the authorization for these agreements by an additional $600,000 for a new total aggregate not-to-exceed value of $2.1 million. Funds are available in the Street Transportation Department's Capital Improvement Budget.

Concurrence/Previous Council Action

The City Council previously reviewed Public Outreach and Community Engagement RFQu 63-2001 (Ordinance S-46184) on Nov. 20, 2019.

This item was adopted.

57 Agreement with BNSF Railway for Safety Improvements at Two BNSF Railroad Crossings (Ordinance S-50182)

Request authorization for the City Manager, or his designee, to enter into an Agreement with BNSF Railway for the City to design and construct safety improvements at two intersections with BNSF railroad crossings: 43rd Avenue and Camelback Road, and 19th Avenue and McDowell Road. Further request the City Council to grant an exception pursuant to Phoenix City Code section 42-20 to authorize indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code section 42-18. Further request the City Controller to disburse all funds related to this item.

Summary

The project will upgrade two large railroad crossings to provide medians and gate arms to prevent vehicles from stopping on the tracks when a train is approaching the crossing. These crossings are not currently protected by gate arms; they only have cantilever signals. This creates a situation where cars and trucks routinely stop on the tracks while waiting for the traffic signal to change, leading to collisions along the tracks. This project has a mutual benefit for both BNSF Railway and the City by

utilizing both technology and modifications to the right-of-way to improve safety. The project was awarded FY2021 Consolidated Rail Infrastructure and Safety Improvements grant program funds by the Federal Railroad Administration (FRA).

Contract Term
The agreement will be effective on the date it is executed by all the governing organizations and shall remain in effect until all stipulations previously indicated have been satisfied.

Financial Impact
The City will reimburse the actual costs and expenses that BNSF Railway incurs in performing their work related to the project in an amount not to exceed $100,000. The total cost of the project including design, construction, and administration is $10,120,937. The FRA-awarded grant will contribute up to 70 percent of the total project cost, not to exceed $7,084,656. The non-federal contribution is comprised of local match funds available in the Street Transportation Department's Capital Improvement Program budget valued at $3,036,281. Any additional expenses required beyond that provided in the Agreement to complete the project will be the funded by the City of Phoenix.

Location
43rd Avenue and Camelback Road, and 19th Avenue and McDowell Road.
Council Districts: 4, 5 and 7

This item was adopted.

58 Salt River Project Land Use and Construction Licenses for Water Services Main Replacement Project - WS85509108 (Ordinance S-50166)

Request to authorize the City Manager, or his designee, to enter into both a Land Use License and a Construction License with Salt River Project for work associated with City of Phoenix Project WS85509108 - Water Main Replacement Project located in an area bounded by Bethany Home to Camelback roads, 24th to 32nd streets. 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 Water Services Department is installing a new 12 inch water main in the area bounded by Bethany Home to Camelback roads and 24th to 32nd streets. The purpose of the Salt River Project (SRP) Land Use License is to allow the City to construct and maintain the new waterline along the Arizona Canal. The purpose of the SRP Construction License is to allow the waterline to cross under existing SRP Irrigation facilities. The work associated with this license is in conjunction with City Project WS85509108.

Contract Term

The term of the Land Use License shall be for 15 years beginning Oct. 1, 2023, and ending Sept. 30, 2038. The term of the Construction License is one year, effective when the City begins construction on or about Sept. 5, 2023.

Financial Impact

There is no financial impact to the City of Phoenix for these licenses.

Location

Bethany Home Road to Camelback Road and 24th Street to 32nd Street
Council District: 6

This item was adopted.

59 Booster Pump Stations Rehabilitation and Replacement - Engineering Services Amendment - WS85100032 (Ordinance S-50178)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 150121 with Wilson Engineers, LLC, to provide additional Engineering Services for the Booster Pump Stations Rehabilitation and Replacement project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed $300,000.

Summary

The purpose of this project is to rehabilitate or replace six booster pump stations (BPS), including summarizing and prioritizing the BPS as part of the capital improvement projects over the next several years. The proposed sites will require extensive coordination with Operations and other divisions, including potentially performing construction activities in parallel at multiple sites within a tight construction schedule.

This amendment is necessary because additional time is needed to complete construction administration and inspection services for the electrical rehabilitation at BPS 1-B3. This amendment will provide additional funds and time to the agreement.

Contract Term

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

Financial Impact

The initial agreement for Engineering Services was approved for an amount not to exceed $1,475,000, including all subconsultant and reimbursable costs.

This amendment will increase the agreement by an additional $300,000, for a new total amount not to exceed $1,775,000, including all subconsultant and reimbursable costs.

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

Concurrence/Previous Council Action

The City Council approved:

Engineering Services Agreement 150121 (Ordinance S-45709) on June 5, 2019.

This item was adopted.

60 Water Services Department Process Control On-Call Services (Ordinance S-50155)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the three consultants listed below, to provide Process Control On-Call services citywide for the Water Services Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for all services will not exceed $9 million.

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

Summary

The On-Call consultants will be responsible for providing On-Call Process Control services that include, but are not limited to: design of process control systems, including integration into current control systems, and adding or upgrading instrumentation and control elements; design of the refurbishment or replacement of electrical and process control panels, remote terminal units, programmable logic controllers and remote input/output panels; design for electrical distribution systems improvements; design of conduit and duct bank installations for power and control wiring and fiber optic cables; design services to install perimeter walls, antenna and camera poles, concrete pads, sunshield canopies and other physical infrastructure necessary for the installation of process control equipment and electronic security systems; and provide

construction administration and inspection services citywide.

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

Selected Firms
Rank 1: Black & Veatch Corporation
Rank 2: Arcadis U.S., Inc.
Rank 3: OZ Engineering, LLC

Additional Proposers
Rank 4: Wilson Engineers, LLC
Rank 5: Brown and Caldwell, Inc.
Rank 6: EIC Engineers, LLC
Rank 7: Kimley-Horn and Associates, Inc.
Rank 8: Gannett Fleming, Inc.
Rank 9: Quantum Integrated Solutions

Contract Term
The term of each agreement is up to five years, or up to $3 million, whichever occurs first. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for each of the On-Call consultants will not exceed $3 million, including all subconsultant and reimbursable costs. The total fee for all services will not exceed $9 million.

Funding is available in the Water Services Department’s Capital Improvement Program and Operating budgets. The Budget and Research Department will review and approve funding availability prior to

issuance of any On-Call task order of $100,000 or more. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

This item was adopted.

61 Final Plat - SEC Bell Road & 21st Avenue - PLAT 230005 - Southeast Corner of Bell Road and 21st Avenue

Plat: 230005
Project: 18-1329
Name of Plat: SEC Bell Road & 21st Avenue
Owner: Sunbelt Bell 17, LP
Engineer: James M. Williamson, RLS
Request: A Two-Lot Commercial Plat
Reviewed by Staff: Aug. 18, 2023
Final Plat requires Formal Action Only

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

Location
Generally located at the southeast corner of Bell Road and 21st Avenue
Council District: 3

This item was approved.

62 Final Plat - Villas at 91st Avenue - PLAT 220044 - Northwest Corner of Lower Buckeye Road and 91st Avenue

Plat: 220044
Project: 21-963
Name of Plat: Villas at 91st Avenue
Owner: STT 91st & Lower Buckeye, LLC
Engineer: Colin D. Harvey, RLS
Request: A Two-Lot Commercial Plat
Reviewed by Staff: Aug. 21, 2023
Final Plat requires Formal Action Only

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

easements as shown to the public. This plat needs to record concurrently with Abandonment 220051. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

Location
Generally located at the northwest corner of Lower Buckeye Road and 91st Avenue
Council District: 7

This item was approved.

63 Final Plat - Dobbins Industrial Tech Park Phase 1 - PLAT 220084 - Southwest Corner of 65th Avenue and Dobbins Road

Plat: 220084
Project: 21-4899
Name of Plat: Dobbins Industrial Tech Park Phase 1
Owner: Scannell Properties # 508, LLC
Engineer: Michael A. Banta, RLS
Request: A Four-Lot Commercial Plat
Reviewed by Staff: Aug. 17, 2023
Final Plat requires Formal Action Only

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

Location
Generally located at the southwest corner of 65th Avenue and Dobbins Road
Council District: 7

This item was approved.

64 Final Plat - Park 91 - PLAT 230021 - South of Buckeye Road and West of 91st Avenue

Plat: 230021
Project: 21-5780
Name of Plat: Park 91
Owner: Martens Park 91 Land, LLC
Engineer: Chad Huber, RLS

Request: A One-Lot Commercial Plat
Reviewed by Staff: Aug. 21, 2023
Final Plat requires Formal Action Only

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

Location
Generally located south of Buckeye Road and west of 91st Avenue
Council District: 7

This item was approved.

65 Final Plat - 1802 & 1820 S. 7th Street - PLAT 220066 - Southwest Corner of 7th Street and Mohave Street

Plat: 220066
Project: 21-3713
Name of Plat: 1802 & 1820 S. 7th Street
Owner: LMJ Motel Holdings, Inc., F/K/A E-Z Motels, Inc.
Engineer: David S. Klein, RLS
Request: A Three-Lot Commercial Plat
Reviewed by Staff: Aug. 17, 2023
Final Plat requires Formal Action Only

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

Location
Generally located at the southwest corner of 7th Street and Mohave Street
Council District: 8

This item was approved.

66 Final Plat - Bibars Properties 1 Industrial Office Buildings - PLAT 230038 - South of Van Buren Street and East of 37th Street

Plat: 230038
Project: 20-3566

Name of Plat: Bibars Properties 1 Industrial Office Buildings
Owner: Masyno Washington Company, LLC
Engineer: Anthony N. Zaugg, RLS
Request: A Two-Lot Commercial Plat
Reviewed by Staff: Aug. 18, 2023
Final Plat requires Formal Action Only

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

Location
Generally located south of Van Buren Street and east of 37th Street
Council District: 8

This item was approved.

67 Final Plat - 18th Street and Jones - PLAT 230051 - Southeast Corner of 18th Street and Jones Avenue

Plat: 230051
Project: 21-4997
Name of Plat: 18th Street and Jones
Owner: Phoenix Jones Partners, LLC
Engineer: Troy A. Ray, RLS
Request: A Two-Lot Commercial Plat
Reviewed by Staff: Aug. 18, 2023
Final Plat requires Formal Action Only

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

Location
Generally located at the southeast corner of 18th Street and Jones Avenue
Council District: 8

This item was approved.

68 Abandonment of Easement - ABND 220062 - 26830 N. 33rd Ave.

(Resolution 22150)

Abandonment: ABND 220062
Project: 18-3074
Applicant: Adam Miller
Request: To abandon the drainage easements described in DOC 2006-0349955 Maricopa County Recorder.
Date of Decision/Hearing: Aug. 11, 2023

Location
26830 N. 33rd Ave.
Council District: 1

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

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

This item was adopted.

69 Abandonment of Easement - ABND 230015 - Northeast Corner of Voltaire Avenue and 69th Street (Resolution 22152)

Abandonment: ABND 230015
Project: 02-788
Applicant: Andrea Vakneen
Request: To abandon the equestrian easements between Thunderbird and Voltaire from 69th and 70th streets, as well as between 6922 E. Voltaire Ave. and 6932 E. Voltaire Ave.
Date of Decision/Hearing: April 6, 2023

Location
Northeast corner of Voltaire Avenue and 69th Street
Council District: 2

Financial Impact

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

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

This item was adopted.

70 Abandonment of Easement - ABND 220048 - 701 N. Central Ave. (Resolution 22151)

Abandonment: ABND 220048
Project: 22-2533
Applicant: Vela Development Partners
Request: To abandon the eight-foot public utility easement adjacent to the south, west and north property lines, as well as the eight-foot sidewalk easement and landscape easement adjacent to the west property line of the parcel identified by Assessor Parcel Number 111-43-150.
Date of Decision/Hearing: Oct. 13, 2022

Location

701 N. Central Ave.
Council District: 7

Financial Impact

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

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

This item was adopted.

71 Abandonment of Easement - ABND 220051 - Northwest Corner of 91st Avenue and Lower Buckeye Road (Resolution 22149)

Abandonment: ABND 220051
Project: 21-966
Applicant: David Bohn
Request: To abandon portions of the existing drainage easement as illustrated by the attached exhibit.
Date of Decision/Hearing: Feb. 8, 2023

Summary

The resolution of the abandonment and PLAT 220044 are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

Northwest corner of 91st Avenue and Lower Buckeye Road
Council District: 7

Financial Impact

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

None. No consideration fee was required as a part of this easement abandonment, although filling fees were paid.

This item was adopted.

72 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-23--Z-61-21-6 - Approximately 150 Feet North of the Northeast Corner of 44th Street and Earll Drive (Ordinance G-7165)

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 Aug. 16, 2023.

Summary

Application: PHO-1-23--Z-61-21-6
Existing Zoning: R-O
Acreage: 1.15

Applicant: Berry Riddell LLC c/o Wendy Riddell
Owner: Thomas Ryan Holdings LLC
Representative: Wendy Riddell

Proposal:
1. Request to modify Stipulation 1 regarding general conformance with the site plan and elevations date stamped Sept. 2, 2021.
2. Request to modify Stipulation 1.A regarding building height.
3. Request to modify Stipulation 8 regarding signage.
4. Request to modify Stipulation 9 regarding bicycle parking location.
5. Request to modify Stipulation 11 regarding pedestrian pathways.
6. Request to modify Stipulation 14 regarding shared access drives.
7. Request to delete Stipulation 15 permitting a maximum of one driveway on 44th Street.

VPC Action: The Camelback East Village Planning Committee heard this request on June 6, 2023, and recommended denial by a vote of 10-2.
PHO Action: The Planning Hearing Officer recommended approval.

Location

Approximately 150 feet north of the northeast corner of 44th Street and Earll Drive
Council District: 6
Parcel Address: N/A

This item was adopted.

73 Remove/Replace Zoning District - 35th Avenue and Elliot Road - Annexation 526 - Northwest Corner of 35th Avenue and the Elliot Road Alignment (Ordinance G-7163)

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 R-3 zoning district and replacing it with the City of Phoenix R-3 zoning district on property at the location described below, which was annexed into the City of Phoenix on June 28, 2023, by Ordinance S-50028.

Location
Northwest corner of 35th Avenue and the Elliot Road Alignment
Council District: 8

This item was adopted.

75 (CONTINUED FROM APRIL 5 AND AUG. 28, 2023) - Public Hearing and Ordinance Adoption - Rezoning Application Z-62-22-8 - Approximately 200 Feet East of the Northeast Corner of 42nd Street and Edgemont Avenue (Ordinance G-7098)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, and consider adopting Rezoning Application Z-62-22-8 to rezone the site from R1-6 (Single-Family Residence District) to R-3 (Multifamily Residence District) to allow multifamily residential.

Summary
Current Zoning: R1-6
Proposed Zoning: R-3
Acreage: 0.86 acres
Proposed Use: Multifamily residential

Owner: 4211 Thomas, LLC
Applicant: Sean J. Doyle, Tiffany & Boscoe, P.A.
Representative: Mark Tomecak

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Camelback East Village Planning Committee heard this case on Feb. 7, 2023, and recommended approval, per the staff recommendation, by a vote of 13-2.
PC Action: The Planning Commission heard this case on March 2, 2023, and recommended approval, per the Camelback East Village Planning Committee recommendation, by a vote of 5-1.
The Planning Commission recommendation was appealed for a public hearing by a community member and a petition for a three-quarter vote was submitted on March 9, 2023. A three-quarter vote is required.

Location
Approximately 200 feet east of the northeast corner of 42nd Street and Edgemont Avenue.
Council District: 8

Parcel Addresses: 4222 E. Edgemont Ave. and a portion of 4215 and 4221 E. Thomas Road.

This item was continued to the Oct. 4, 2023 City Council Formal Meeting.

78 ADD-ON - Final Plat - Lumara Apartment Homes - PLAT 220060 - North of Happy Valley Road and East of 19th Avenue

Plat: 220060
Project: 21-1621
Name of Plat: Lumara Apartment Homes
Owner: TB 19th Happy Valley LLC
Engineer: Adrian M. Burcham, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: Sept. 8, 2023
Final Plat requires Formal Action Only

Summary
Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment 230004. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

Location
Generally located north of Happy Valley Road and east of 19th Avenue
Council District: 1

This item was approved.

79 ADD-ON - Waiver of Patent Easements - ABND 230004 - 1734, 1737, 1745 and 1748 West Desert Hollow Drive (Resolution 22154)

Abandonment: ABND 230004
Project: 21-1621
Applicant: TB 19th Happy Valley LLC

Request: To waive all the federal patent easements for 1734, 1737, 1745 and 1748 West Desert Hollow Drive.
Date of Decision/Hearing: March 23, 2023

Summary

The resolution of the abandonment and Plat 220060 are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

1734, 1737, 1745 and 1748 West Desert Hollow Drive
Council District: 1

Financial Impact

None. No consideration fee was required as a part of this waiver, although filing fees were paid.

This item was adopted.

80 ADD-ON - Abandonment of Alley - ABND 220068 - Lafayette Boulevard and Calle Rosa, North 62nd Street to North 64th Street (Resolution 22153)

Abandonment: ABND 220068
Project: 94-0007499
Applicant: Joshua Hustedt
Request: To abandon the public alley bounded by Lafayette Boulevard, Calle Rosa, North 62nd Street and North 64th Street per exhibit.
Date of Decision/Hearing: Feb. 23, 2023

Location

Lafayette Boulevard and Calle Rosa, North 62nd Street to North 64th Street
Council District: 6

Financial Impact

A consideration fee was also collected as part of this alley abandonment in the amount of $2,885.20.

This item was adopted.

20 Proposed Ekmark Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes section 9-471, on the proposed Ekmark Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

Summary

The annexation was requested by Jennifer Hall with the Rose Law Group for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation. Additionally, the annexation is recommended for adoption per the attached Task Force Analysis Report (**Attachment A**).

Public Outreach

Notification of the public hearing was published in the *Arizona Business Gazette* newspaper, and was posted in at least three conspicuous places in the area proposed to be annexed. Also, notice via first-class mail was sent to each property owner within the proposed annexation area.

Location

The proposed annexation area includes parcel 104-84-008G and 104-84-008B, located at 77th Avenue and Alta Vista Road (**Attachment B**). The annexation area is approximately 18.972 acres (0.0296 sq. mi.) and population estimate is three individuals.

Council District: 7

Discussion

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

The hearing was held.

35 Golf Vehicles Lease Agreement and Fleetcare Maintenance Contract - COOP-24-0004 - Request for Award (Ordinance S-50176)

Request to authorize the City Manager, or his designee, to enter into a contract with Club Car, LLC, and De Lage Landen Financial Services,

Inc, dba DLL Finance, to provide a Golf Vehicles Lease Agreement and Fleetcare Maintenance for the Parks and Recreation Department. Further request an exception to the indemnity and assumption of liability provisions of Phoenix City Code section 42-18. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $2,750,000.

Summary

This contract will provide Parks and Recreation Department with a new fleet of golf cart vehicles to successfully support daily operations for the City's municipal golf courses. The golf courses will require approximately 270 vehicles to fully serve patrons and staff. The COOP agreement will provide a 60-month lease of new golf cart vehicles and include preventative maintenance and repair services for all carts.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Alternative Competition. Parks and Recreation Department staff compared two national government cooperative agreements and the OMNIA National Cooperative Agreement offered the best cost and provides full services to the City of Phoenix. This contract was awarded through a process consistent with the City's procurement requirements as set forth in the Phoenix City Code, Chapter 43, and best aligns with the City of Phoenix's Terms and Conditions and overall needs.

Contract Term

The contract will begin on or about Oct. 1, 2023, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value for will not exceed $2,750,000 for the five-year aggregate term.

Funding is available in the Parks and Recreation Department's Golf Special Revenue Fund.

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

the following vote:

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

No: 1 - Councilman Waring

39 **Amend Phoenix City Code - Ordinance Adoption - Chapter 3, Section 3-10 - Temporary Signage for City Major Events (Ordinance G-7166)**

Request City Council adopt an amendment to the City Code Chapter 3, section 3-10 related to Temporary Signage for City Major Events to establish temporary signage rights for Major Event Organizers producing Major Events in the downtown area.

Summary

The intent of the proposed amendment is to establish temporary signage rights for Major Event Organizers producing Major Events in the downtown area contingent upon: 1) the City of Phoenix submitting or participating in a bid proposal to host a Major Event; 2) the Major Event being successfully awarded to the City and/or region; and 3) the Major Event will attract significant media coverage that promotes Phoenix to national or international audiences and is projected to generate at least $30 million in overall economic impact.

Large-scale events, such as an NFL Super Bowl or NCAA Final Four, hosted in Phoenix supports the City's visitor industry, brings significant media exposure, and generates substantial economic impact due to the national or international significance of the events and ancillary activities. Generally, the opportunity to serve as a host community involves a competitive bid process whereby the City may submit a proposal to be a host city and/or participate as part of a regional bid. Typical to the bid process, prospective host cities declare support for the event through various mechanisms including the granting of certain signage rights to the Major Event Organizer allowing event related décor and/or sponsor advertising devices (including banners, building wraps, and similar devices) that are otherwise prohibited by city codes or zoning ordinances.

If the City is the successful bidder awarded to host a Major Event, the Major Event Organizer, or its designee, may submit an application for temporary signage through the Planning and Development Department. The second step in the process includes submittal of a detailed project plan for approval by the City. Individual sign permit applications within the designated Major Events Area as shown in **Attachment B** would then be permitted consistent with the approved plan.

Staff recommends approval of the proposed amendment to the City Code Chapter 3, section 3-10 related to Temporary Signage for City Major Events.

Discussion

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

A motion was made and seconded to approve this item.

Mayor Gallego expressed this was an exciting item related to events that had more than $30 million in economic impact along with national importance. She conveyed this item allowed the City to establish temporary signage rights as well as comply with legal guidance. She said she looked forward to showcasing Phoenix to sports fans.

Prior to her vote, Councilwoman O'Brien requested clarification that the vote was for Item 39.

City Clerk Denise Archibald replied yes.

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

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

42 Authorization to Execute Agreements with Downtown Phoenix, Inc., and Grand Canyon University for the Community Assistance

Program (Ordinance S-50191)

Request to authorize the City Manager, or his designee, to execute agreements with Downtown Phoenix, Inc., and Grand Canyon University for office space to support two separate satellite locations of the Community Assistance Program. Further request authorization for the City Controller to disburse all funds related to this item.

Additionally, request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the agreements of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18 for this specific use.

Summary

The City's Community Assistance Program (CAP) was allocated $15 million in Fiscal Year 2021-22 for the expansion of CAP to enhance accountability, responsiveness, transparency, and public trust in responding to mental and behavioral health calls for service. In expanding outreach, the multidisciplinary team identified an alternative model to delivering crisis services through partnerships with community-based organizations to improve service and response times. Fire has identified two sites for placement of a Behavioral Health Unit and supervisory staff within the community to allow for quicker response times and increased community engagement.

The first space, in partnership with Downtown Phoenix, Inc., (DPI) will be near the corner of Central Avenue and Washington Street. DPI is establishing a community resource hub at Cityscape which will include the following community partners: Valley Metro, Community Bridges, Inc., and Downtown Phoenix Ambassadors. The space will be provided at no cost and will include parking for the crisis van.

The second space, in partnership with Grand Canyon University (GCU), will be located in the 27th Avenue Corridor. GCU will lease approximately 2,500 square feet of office space to support CAP and the 27th Avenue Corridor Community Safety Plan. Annual base rent for a gross lease is $30 per square foot, plus applicable taxes, which is within the range of market rents as determined by the Real Estate Division. Additional fees for replacement access keys, if needed, will apply.

Each agreement is subject to cancellation pursuant to Arizona Revised Statutes (A.R.S.) 38-511. Each agreement may contain insurance and indemnification acceptable to the City's Risk Management Division and the Law Department, and may contain other terms and conditions deemed necessary by the City.

Contract Term
The initial term for each agreement is two years, beginning on or about Oct. 1, 2023, through Sept. 30, 2025, and will continue on a month-to-month basis thereafter with a provision to terminate upon 30-day written notification.

Financial Impact
There is no financial impact for the DPI agreement.

The initial two-year agreement with GCU will not exceed $151,000, plus applicable taxes, which includes rent and variable costs related to use.

Location
Near North Central Avenue and West Washington Street
Council District: 7

2657 W. Camelback Road
Council District: 4

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

Vice Mayor Ansari said she was supportive of this agreement, but wanted to know if there were specific boundaries CAP specialists would serve.

Deputy City Manager Ginger Spencer replied this item authorized to enter into lease agreements with two organizations, noting one was Downtown Phoenix, Inc. to add either a crisis response or behavioral health unit in the District 7 area. She stated the other organization was Grand Canyon University (GCU) which added a crisis response or behavioral health unit in District 4. She pointed out neither district had these units, so this action would make it citywide.

Vice Mayor Ansari asked how these organizations would coordinate with CAP personnel to ensure every situation was responded to appropriately.

Ms. Spencer responded staff had spoken with the organizations that were excited about bringing a unit to downtown Phoenix.

Community Assistance Program (CAP) Administrator Dolores Ernst added she was having conversations about how to communicate services in the downtown area and developing a plan to support those in need.

Vice Mayor Ansari questioned where the downtown and GCU areas fell in terms of data showing the highest need for mental or behavioral health services.

Ms. Ernst answered the data was being gathered on calls for service and would be provided to Council when it was available.

Vice Mayor Ansari expressed her gratitude for the work being done as there were mental and behavioral health calls the Police Department might not be equipped to handle. She said she appreciated this targeted approach with CAP presence in strategic areas. She thanked Downtown Phoenix, Inc. for bringing forward the right solutions and she hoped to find more partnerships.

Dianne Barker stated she supported this item, but was concerned about the homeless situation at Hance Park as well as insurance and work use for these units.

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

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

50 Public Transit Financial Advisory Services Contract PTD23-003 - Request for Award (Ordinance S-50183)

Request to authorize the City Manager, or his designee, to enter into a contract with PFM Financial Advisors LLC to provide financial advisory services 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 $260,000 over the 10-year life of the contract.

Summary

This contract will provide financial advisory services to periodically update the Transportation 2050 Plan (T2050) financial planning model used by City staff to monitor the financial results of plan activities and forecasting future revenues, expenditures, and fund balances to reflect current financial conditions. The financial planning model is critical to the delivery of T2050 improvements, considering upcoming changes to regional transportation funding. The firm also provides expertise in federal transportation loan and grant programs, as well as advisory services for financing solutions.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on Special Circumstances Without Competition.

Contract Term

The contract will begin on or about Oct. 1, 2023 for a 10-year term.

Financial Impact

The contract value will not exceed $260,000. Funding is available in the T2050 fund.

Discussion

A motion was made and seconded to approve this item.

Carol Stines spoke in opposition of spending money on advisory services for public transit, noting car companies had made changes in gas fueled cars which was a positive impact on air quality. She suggested this money be spent on advisory services for road expansions and

repairs.

Jeff Caldwell expressed concern about this contract and the restrictions on traffic lanes to implement more bus transit and expand the light rail. He encouraged Council to look over the proposals to prohibit additional restraints on regular car travel.

Lezley Shepherd provided testimony unrelated to this item.

Councilwoman Pastor inquired about the process when people spoke off topic.

Chief Counsel Deryck Lavelle advised the public can only comment on agendized items, noting someone could speak on non-agendized items during Citizen Comments.

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

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

74 Amendment to the 2018 International Building Code Section 310.4.1 - Care Facilities Within a Dwelling (Ordinance G-7162)

Request to authorize the City Manager to amend the 2018 International Building Code (IBC) section 310.4.1 - Care facilities within a dwelling.

Summary

The Phoenix Building Construction Code provides minimum health and safety standards for construction of buildings in Phoenix. This proposed amendment will amend the 2018 IBC section 310.4.1 - Care facilities within a dwelling. The proposed amendment will align with the Arizona Revised Statutes, title 9, chapter 7, article 1, section 9-807. This statute states "A municipality shall not adopt a code or ordinance or part of a uniform code or ordinance that prohibits a person or entity from choosing to install or equip or not install or equip fire sprinklers in a single family

detached residence or any residential building that contains not more than two dwelling units. A municipality shall not impose any fine, penalty or other requirement on any person or entity for choosing to install or equip or not install or equip fire sprinklers in such a residence. This section does not apply to any code or ordinance that requires fire sprinklers in a residence and that was adopted before December 31, 2009."

Concurrence/Previous Council Action

The Development Advisory Board (DAB) Technical Subcommittee recommended approval of this amendment on Feb. 21, 2023.

The DAB recommended approval of this amendment on March 16, 2023, and ratified the results on March 29, 2023.

The Transportation, Infrastructure and Planning Subcommittee approved this item on May 17, 2023.

Discussion

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

A motion was made and seconded to approve this item.

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

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

No: 0

76 Public Hearing and Ordinance Adoption - Rezoning Application Z-SP-5-23-7 - Southwest Corner of 15th Avenue and Jackson Street (Ordinance G-7167)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-5-23-7 and rezone the site from A-1 CMOD (Light Industrial District, Capitol Mall Overlay District) to A-1 SP CMOD (Light Industrial District, Special Permit, Capitol Mall Overlay District) to allow a safe outdoor space / structured campground

(homeless shelter).

Summary

Current Zoning: A-1 CMOD
Proposed Zoning: A-1 SP CMOD
Acreage: 5.50 acres
Proposal: Safe outdoor space / structured campground (homeless shelter)

Owner: State of Arizona
Applicant: City of Phoenix, Office of Homeless Solutions
Representative: City of Phoenix, Office of Homeless Solutions

Staff Recommendation: Approval, subject to stipulations.
PC Action: The Planning Commission heard this case on Aug. 3, 2023, and recommended a continuance to the Sept. 7, 2023, meeting, by a 7-0 vote. The Planning Commission heard this case on Sept. 7, 2023, and recommended approval, per the staff recommendation with a modification and additional stipulations, by a 4-1 vote.

Location

Southwest corner of 15th Avenue and Jackson Street
Council District: 7
Parcel Address: 312 S. 15th Ave.; 1501 and 1537 W. Jackson St.

Discussion

Planning and Development Director Joshua Bednarek stated this was a request to rezone a 5.5-acre site from A-1 Capitol Mall Overlay to A-1 SP Capitol Mall Overlay to permit a safe outdoor space/structured campground at the southwest corner of 15th Avenue and Jackson Street. He noted the subject site was zoned A-1 light industrial which falls within the Capitol Mall Overlay. He conveyed the proposed site plan included restrooms with showers, indoor space for heat and cold relief with no walk-up services on site. He displayed pictures of the exterior of the building and canopy structure. He advised the Planning Commission recommended approval with a modification and additional stipulations by a vote of 4-1. He pointed out staff coordinated with District 7 and 8 offices as well as community members which resulted in the following modifications to stipulations:

added restrictions regarding a maximum of 300 individuals on site;
creation of a seven-member advisory committee; and
requirement for a quarterly email or letter out to the community.

Mr. Bednarek remarked these modifications were addressed in the Sept. 18, 2023 memo from the Planning and Development Director. He stated staff recommended approval per the memo from the director and adoption of the related ordinance.

Councilwoman Pastor noted Bill Morlan sent an email requesting the following two things:

include a deed restriction and purchase documents that guaranteed the property could not be used for camping or a shelter without the support of a group of neighbors named in the deed, or
make a public commitment to not support the future renewal of a special permit without clear support of surrounding neighborhoods from I-10 on the north, I-17 on the west and south, and 7th Avenue on the east.

She asked if Mr. Morlan's requests were possible.

Deputy City Manager Alan Stephenson replied that language was possible to do, but staff did not recommend inclusion of a deed restriction at this time. He pointed out the zoning case as stipulated has language requiring that within three years the special permit would be revoked which allowed the outdoor camping use or Council could extend it at that time. He explained a deed restriction was a private form of governance that was typically placed on properties that had a homeowners association or other entities trying to regulate by a deed restriction. He stated in this case Council was required to have a public hearing and decide what would happen to this parcel in the future or the special permit would be revoked per the existing stipulation.

Councilwoman Pastor questioned if Council or staff had to make a public commitment to not support the future renewal.

Mr. Stephenson answered the commitment would be from Council as it

was their decision whether or not to extend the special permit. He noted staff had communicated a desire to move this use in three years while working hard to address issues.

Mayor Gallego interjected Vice Mayor Ansari had been working on this case which lead to today's recommendation.

Vice Mayor Ansari said she understood the concerns about deed restrictions, but she wanted to know if there would be an opportunity to look at that as a possibility in the future or after the permit expired.

Mr. Stephenson responded the deed restriction option was a function of the city owning the property, not a function of the zoning case. He advised in the future Council could consider a deed restriction any time the city owned the property.

Vice Mayor Ansari stressed even though it was not part of today's conversation that it could be considered in the future.

Mr. Stephenson affirmed that was correct.

Vice Mayor Ansari asked, after this permit was approved, what the time line was when the safe outdoor spaces would be offered to engaged individuals.

Deputy City Manager Gina Montes replied staff was working hard to get the safe outdoor space open as soon as possible, noting improvements were needed to make sure amenities were in place. She said staff was looking at early fall since the property would be acquired in October and then move quickly to open it.

Vice Mayor Ansari expressed this was not the first choice for how the city responds to the homeless crisis though indoor shelter was prioritized. She thanked staff for working diligently to bring 600 beds online last year and 800 more slated for this year despite competing lawsuits, noting there needed to be consistent improvement around The Zone. She suggested staff look at other municipalities that had this safe outdoor space to look at what did and did not work. She stressed unsheltered

people needed to be moved off of public rights-of-way into more secure shelter, noting this space would have wrap-around services on site. She stated she did not agree with the location of this safe outdoor space as downtown and the surrounding neighborhoods had taken the brunt of responsibility for the homeless crisis. She encouraged staff to immediately start looking at all options across the city so that other areas could assist with solutions.

Vice Mayor Ansari said she wished to highlight some stipulations her office and neighbors added to this case to ensure transparency and accountability over the next three years. First, she said the space would be limited to no more than 300 individuals and a total of 200 safe outdoor spaces. Secondly, she remarked a seven-member advisory board was being created that would report back to staff solutions or recommend operation changes if necessary as well as report quarterly to the public. She added a phase-out plan was made and worked on while the space was being operated and reaching its last year of permitted use. She mentioned every safe outdoor space would be shaded, plus 24-hour security on site and open lines of communication with neighbors. She expressed she looked forward to working with staff on enhanced engagements, noting the impressive 80 percent acceptance rate among unsheltered residents in The Zone. She commented this safe open space was for the 20 percent who were not ready to accept assistance. She suggested, in the future, this would be a good lot for a cooling center or storage facility, but hoped the city and other parties could propose a long-term vision for this site. She thanked staff for working with her on this case to make sure neighbors were not further impacted.

Mayor Gallego thanked Vice Mayor Ansari for her continued work on this item.

Councilwoman Hodge Washington stated the safe outdoor space was a necessary part of the solution to address the unsheltered population. She agreed one neighborhood should not bear the brunt of this problem and she wanted there to be an active advisory role for the neighborhood as well as a phase-out plan. She emphasized these services should be offered throughout the city so residents did not have to travel to obtain them. She said she supported the proposal and the changes made as it

provided accountability to residents that it did not go beyond the stipulated time frame.

Mayor Gallego urged every level of government to step up and come up with solutions, noting the Maricopa Association of Governments collected data since the pandemic on shelter beds that showed 78 percent were in Phoenix which was not proportional to the city's population. She declared the public hearing open.

William Link spoke in opposition as area residents peaceful enjoyment would be impacted by the numerous issues homeless individuals would bring to the neighborhood. He claimed this proposal endorsed negative behavior by providing free amenities that would not motivate people to help themselves.

Laurel Langmade spoke in opposition as she recalled Council's actions with similar cases in the past where stipulations were put in place and not met, yet the special permits were not revoked. She encouraged Council to get staff's definition of service acceptance as it might not mean shelter but obtaining a post office box.

Bill Morlan, a business owner near the Human Services Campus, thanked Councilwoman Pastor and Vice Mayor Ansari for working with him on this case. He agreed with the previous speakers this was not the right location for this proposal though this seemed to be the only site for it. He said he requested a deed restriction to put legal framework in place to ensure this proposal ended in three years since stipulations could change during that time frame. He urged Council's commitment to not support renewal of this permit when it came back in three years as staff already indicated it should not go beyond that time frame. He also recommended the advisory board include residents from surrounding neighborhoods.

Noting there was no one else wishing to speak, Mayor Gallego declared the public hearing closed.

Councilwoman Pastor requested staff respond to the concerns raised about past stipulations.

Ms. Montes stated the stipulations mentioned earlier related to the Human Services Campus, noting the last case requested an increase in the number of beds. She conveyed the city would operate the safe outdoor space and committed to comply with the stipulations. She remarked this would be a positive impact to the community as it was a tool to get people off the street and into a safe place.

Mr. Stephenson added the special permit case around the Human Services Campus was currently under review by the hearing officer based on a stipulation for a two-year review of operations. He pointed out the other stipulations were substantially met, including clean-ups around the campus versus further away as proposed by the campus outreach team.

Councilwoman Pastor said she wanted to expand the geographic area for the neighborhood advisory board.

Ms. Montes responded staff went with the general distance required in zoning cases which was one mile, noting that took it to I-17 on the west and south to Central Avenue on the east and almost up to I-10 on the north. She indicated staff was agreeable to revise it to one-and-a-half miles which took it further south of I-10, 27th Avenue on the west, McDowell on the north and almost to 7th Street on the east. She suggested one-and-a-half miles as that captured more neighborhoods.

Councilwoman Pastor agreed it would capture more neighborhoods, but it also stipulated half-a-mile for property owners. She said she traveled along Van Buren from 15th to 19th avenues and saw that area was affected and reiterated she wanted to expand it.

Ms. Montes replied staff was amenable to include neighborhood associations and property owners in the one-and-a-half mile radius.

Vice Mayor Ansari stated the main purpose of the advisory board was to be productive which was the reason only neighborhoods and residents directly affected by this space were included on the board. She agreed to one-and-a-half miles, but wanted to make sure board productivity was maintained.

A motion was made and seconded to approve this item.

Mr. Stephenson confirmed the motion was to approve per the Sept. 18, 2023 memo and adopt the related ordinance, noting Stipulation 14.e was revised to include notice sent to all property owners and residential neighborhood associations within one-and-a-half miles of the site.

Vice Mayor Ansari restated her motion to approve this item per the Sept. 18, 2023 memo from the Planning and Development Director and adopt the related ordinance.

Councilwoman Stark seconded the motion.

Councilwoman O'Brien questioned Stipulation 3.h and wanted to know more about the code of conduct and who would enforce it.

Office of Homeless Solutions Director Rachel Milne responded her office was currently drafting the code of conduct using other entities code of conduct that had safe outdoor spaces, noting as the operator her office would be enforcing it. She added there would be partners and private security on site to assist with enforcement.

Councilwoman O'Brien asked what Maricopa County had in its code of conduct and when the city's would be finalized.

Ms. Milne replied some examples in the county's code of conduct was no drugs or alcohol allowed on the property, no visitors permitted on the property, along with the consequences of violating the rules. She indicated the code of conduct was part of the operational plan and would be finalized before doors opened.

Councilwoman O'Brien inquired if people entering the space would be required to read and sign it.

Ms. Milne answered the code of conduct would be posted and people would be given a copy of it. She advised staff had not determined if signing it would be a requirement, but would be an expectation of

someone staying in the safe outdoor space would need to follow the rules.

Councilwoman O'Brien recommended that during the check-in process require everyone read and sign the code of conduct as acknowledgement of the rules. She understood shelter was needed in The Zone, but she was concerned about rule limitations based on previous dialogue. She suggested the advisory board looked at the definition for accepting service which should include obtaining help, plus the recidivism rate. She requested staff brief the Council once the code of conduct was finalized.

Councilwoman Pastor asked if this was considered a low barrier site.

Ms. Milne replied it was, but it was not a low barrier shelter since it was not a shelter; however, there would be expectations if clients wanted to stay in the space, such as following the code of conduct as well as participating in services offered on site.

Councilwoman Pastor questioned if someone chose not to participate or follow the code of conduct who was in charge of enforcement.

Ms. Milne answered the city was responsible for enforcing the code of conduct along with its partners, though the city could delegate that responsibility to its partners since staff was not present 24 hours a day. She added the city was also responsible for making sure clients knew the progressive discipline for violating the code of conduct.

Councilwoman Pastor expressed she was glad it was the city, but she wanted to know which department was responsible for enforcing the code of conduct as well as the steps of enforcement.

Ms. Montes replied the Office of Homeless Solutions would ultimately be responsible, but there would be security and the police department as needed. She emphasized the city and providers had experience with similar situations regarding indoor facilities.

Ms. Milne reiterated her office was responsible for enforcement, noting

she and Deputy Director Scott Hall were drafting and posting the code of conduct and making sure partners delegated enforcement followed it. She conveyed security would be on site and the police department was a partner in any criminal activity that would not be tolerated at this site.

Councilwoman Pastor expressed she did not want what was happening on Valley Metro related to criminal activity and enforcement to occur on this site.

Mayor Gallego said she visited a safe outdoor space in another community and saw their successful investments. She remarked progress had been made in designing spaces that worked for communities and neighbors which helped people move out of homelessness.

Prior to her vote, Councilwoman O'Brien stated she supported this item due to the court mandate, but expressed her concerns that people get help and were held accountable. She
stressed she wanted a definition for success so the city could track data and determine what worked and what needed improvement. She said she did not want lax rules as research in other places showed that was their downfall. She conveyed she looked forward to continuing the monthly meetings with the Office of Homeless Solutions and reiterated she was voting yes with caution.

Prior to his vote, Councilman Waring said he was voting yes on this item as there was no alternative though he understood the neighbors concerns. He remarked he had called police several times on the same individual who walks in the street with cars near 7th Avenue and Jefferson Street, noting this person had not moved from this corner which is right outside police headquarters. He stated he also questioned what accepting service meant as he had called police on another individual at a bus stop who accepted service on Friday, but was back on the street Monday and was arrested. He expressed he did not know if the city had enough staff to police this effort, but he was going to vote yes and hoped this helped people who wanted assistance.

Prior to her vote, Vice Mayor Ansari stated she was supporting this item,

noting she was the only no vote when this originally came to Council because her district has taken on more responsibility than the other districts. She acknowledged Mr. Morlan for working with staff since the first vote as well as his service on the task force. She emphasized these stipulations and phase out plan were important and thanked staff for committing to the three year time frame. She expressed her appreciation to the neighbors, residents and business owners who had stepped up to address homelessness and hoped this solution would benefit the area. She said she looked forward to continue working with the Office of Homeless Solutions to look for the best outcome.

The hearing was held. A motion was made by Vice Mayor Ansari, seconded by Councilwoman Stark, that this item be approved per the Sept. 18, 2023 memo from the Planning and Development Director with modification to Stipulation 14 under e. as follows: Notification for each meeting shall be sent to all property owners and all registered neighborhood associations within one and a half miles of the site, and adoption of the related ordinance. The motion carried by the following vote:

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

No: 0

77 (CONTINUED FROM SEPT. 6, 2023) - Public Hearing - Amend Phoenix City Code - Ordinance Adoption - Chapter 10, Article XVI - Short-Term Vacation Rental (Ordinance G-7156)

Request to hold a public hearing on a proposed amendment to the City Code sections 10-193 through 10-197 and adding sections 10-198 through 206 to Chapter 10, Article XVI related to Short-Term Vacation Rentals to incorporate Arizona Revised Statute (A.R.S.) 9-500.39 requirements for obtaining a Short-Term Rental (STR) Permit.

Summary

In 2016, the Arizona Legislature removed the ability of local jurisdictions to regulate short-term rental units and required that the use be treated the same as any long-term residential use of a property. Due to significant negative impacts based upon the experience of residents living around

these short-term rental uses, the Arizona Legislature enacted A.R.S. 9-500.39 authorizing municipalities to create provisions for registrations of short-term vacation rentals. The City of Phoenix adopted Short-Term Vacation Rental Ordinance (G-6653) to implement the requirement for STR owners, or designees, to register each STR rental property with the City of Phoenix, so that responsible party contact information was available if there were problems resulting from a particular short-term rental unit.

In 2022, the Arizona Legislature approved Senate Bill 1168 (SB1168) amending A.R.S. 9-500.39, which authorized cities and towns to create a very limited permit/license process to help gather better data regarding short-term rentals with minimal modifications to the ability to regulate these types of uses. The proposed amendment establishes a STR permit application process and owners/designees are required to comply with the new application process. Under the new enhanced penalty structure, any owner who operates a STR without a permit is subject to a civil sanction of up to $1,000 per month. As part of SB1168, STR owners/designees must also meet specific operating requirements outlined in the proposed ordinance (**Attachment A**) prior to the issuance of a permit/license as a condition for operating a short-term rental property. SB1168 limits the permit fees that can be charged to cover staff administrative costs to review permits, administer the program and for enforcement. It also requires that the City approve or deny a permit (based on state established criteria) within seven (7) days or the permit is deemed approved.

Summary of Short-Term Rental Requirements

Owner/Designees of short-term rentals must meet to the following requirements:

Apply for a STR permit/license.

Meet all permit/license operating requirements.

Register for a Transaction Privilege License and register with Maricopa County Assessor's Office for taxing purposes.

Provide the name, address, telephone number and email address of the owner, emergency contact and designee (if applicable).

Provide notice to neighbors of intent to operate a STR.

Maintain $500,000 liability insurance.

Conduct background checks on renters.
Owner's/Operator's may appeal a denial, non-renewal or suspension of a permit/license.

City is subject to the following:
Permit/license must be approved or denied within seven days.
Charge a permit/license fee and renewal fee up to $250.
Impose civil penalties.
May suspend a permit/license if an owner is found guilty of three minor violations or one significant violation within one year related to the operation of the STR.

Staff recommends approval of the proposed amendment to the City Code sections 10-193 through 10-197 and adding sections 10-198 through 206 to Chapter 10, Article XVI related to Short-Term Vacation Rentals to incorporate Arizona Revised Statute (A.R.S.) 9-500.39 requirements for obtaining a STR Permit.

Concurrence/Previous Council Action
The Transportation, Infrastructure and Planning Subcommittee heard this item on June 21, 2023, and recommended approval by a vote of 4-0.

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

Deputy City Manager Alan Stephenson introduced staff from Planning and Development, Neighborhood Services and Police departments, noting Marc Thornton was the project manager for the short-term vacation rental ordinance. Mr. Stephenson indicated this was a proposed city code change to allow additional regulations through a permit process for short-term rentals. He explained the State permitted additional regulations on a limited permit process as the city could not establish parameters of the permit, noting the permit had to be approved within seven days. He said staff created this ordinance to ensure the city could balance the impact of short-term rentals in neighborhoods pursuant to Council's direction while complying with state statute.

Principal Planner Marc Thornton conveyed the state legislature updated the short-term rental law last year that required municipalities to move

from a short-term rental registration to a short-term permit process. He advised that process required the city to approve or deny an application within seven business days. He explained the new state law permitted the city to charge a maximum of $250 per permit as part of the short-term rental application submittal process, plus an annual renewal requirement. He added a short-term rental operator had to acquire a TPT license, register with the Maricopa County Assessor's Office, send notification to adjacent neighbors of their intent to operate a short-term rental and attest to not being a convicted felon or sex offender. He stated the operator was also required to display their permit number on each advertisement and maintain a minimum $500,000 certificate of liability insurance.

Mr. Thornton continued this ordinance required background checks for short-term rental operators or their designee. He stated the operator must have an emergency contact who can respond in-person to calls for service within 30 minutes. He added the ordinance allowed the city to fine an operator $1,000 for every 30 days of operation without a permit. He remarked operators must comply with all applicable laws and city regulations, noting civil penalties ranged from $500 for a first offense or one night's rental fee up to $3,500 for a third offense or three night's rental fee whichever is greater. He conveyed an owner could have their permit suspended if they have three court-adjudicated offenses within a 12-month time frame.

Mr. Thornton emphasized state law prohibited municipalities from addressing some of the following items:
spacing requirements;
restricting the number of days a short-term rental can be used; and
cannot limit corporate ownership of these properties.

He reiterated the city can charge $250 for each permit and only suspend a permit if the property owner has three court-adjudicated offenses within a 12-month time frame or if a felony or serious crime occurred on site.

Mr. Thornton stated the inter-departmental team had been meeting to outline administration of the short-term rental process as well as enforcement. He advised the Planning and Development Department would manage the submittals, approvals and denials, the appeal process

and permit status. He continued the Neighborhood Services Department would manage permit enforcement related to investigating unpermitted properties and verifying violations. He remarked the Police Department would identify calls for service at short-term rentals and share that information with the departments. He conveyed per the Sept. 19, 2023 memo provided to Council staff asked for clarifications and modifications to sections of the ordinance as noted by the Prosecutor's Office.

Mr. Thornton stated staff was reaching out to approximately 3,900 current registrants on file, noting the SHAPEPHX permit portal would open October 26. He noted the effective date of the ordinance was Nov. 6, 2023 with enforcement starting on January 15, 2024. He indicated staff recommended approval of this item per the Sept. 19, 2023 memo from the Planning and Development Director with specific section modifications.

Councilwoman Stark acknowledged the state provided the city with additional authority; however, neighborhoods in her district wanted more authority. She thanked staff for their work on this ordinance, but wanted staff to work with the legislature to address short-term rentals because the city faced an affordable housing crisis. She expressed there had to be a balance with more regulations as she was not opposed to short-term rentals. She pointed out staff worked closely with the Arizona Neighborhood Alliance which worked with neighborhoods throughout Arizona and personally thanked co-founder Kate Bauer for her work on this important issue.

Councilwoman Stark made a motion to approve this item per the Sept. 19, 2023 memo from the Planning and Development Director with modified and additional stipulations.

During the motion, Mr. Stephenson advised the modified stipulations were technical corrections to language.

During the motion, Councilwoman Stark emphasized other states were requiring compliance before advertising. Following the motion, she noted many homeowners associations had CC&Rs that precluded short-term rentals and she wanted them to be part of the notification process.

Councilwoman Pastor seconded the motion and asked if the motion included neighborhood associations.

Mr. Stephenson replied staff could include neighborhood and homeowners associations that were registered with the city to ensure applicants obtained that information. He clarified the section related to that additional stipulation.

Councilwoman Stark agreed with the friendly amendment.

Councilman Waring said he understood the city regulated businesses in neighborhoods and questioned why this could not be regulated similar to a business.

Mr. Stephenson answered state law preempted the city's regulation based on state-wide concern that short-term rentals be permitted in every residential zoning district throughout the state.

Councilman Waring asked if the city could prohibit short-term rental uses in neighborhoods.

Mr. Stephenson replied no.

Councilman Waring inquired if the city adopt special requirements to treat a short-term rental use different than typical residential uses in neighborhoods.

Mr. Stephenson responded no.

Councilman Waring questioned if the city could revoke permits for breaking the law.

Mr. Stephenson answered the city could not do that in a direct manner, noting the statute required three verified violations or one major offense of guilt through court before the city could suspend a permit for one year.

Councilman Waring emphasized the city could not take immediate action,

such as shooting off a gun which happened in his district.

Mr. Stephenson affirmed that was correct, noting it took about four to six months for one violation to get through the courts. He pointed out the statute required three violations in a 12-month period which made it difficult for the city to suspend these permits.

Councilman Waring asked if the city could prevent a concentration of short-term rentals in a neighborhood.

Mr. Stephenson replied no as state law preempted the city's regulation.

Councilman Waring remarked given the city's staffing situation and enforcement he wondered if this ordinance would resolve the current issue with short-term rentals in Phoenix.

Mr. Stephenson responded no due to the constraints put on the permit process, noting it would not resolve the complaints received from residents on short-term rentals.

Councilman Waring asked if this vote today was the best the city could legally do.

Mr. Stephenson replied staff believed the city was doing everything it could do legally and still enforce without setting expectations for residents of what could not practically be done.

Councilman Waring said he received a request from residents about verified listings and inquired if that was included in the motion.

Mr. Stephenson responded the motion made by Councilwoman Stark included that provision.

Councilman Waring stated he wanted people to understand this action would not solve every problem, but the city was doing everything it could legally do.

Councilwoman O'Brien remarked Section 10-197 required proof of

insurance at time of the application and asked who would enforce the operator maintained insurance.

Mr. Stephenson replied as part of the application the property owner would attest they meet the insurance liability provision and maintain it as a condition of the permit.

Councilwoman O'Brien questioned if there was a way the city could ensure a property owner still had insurance.

Mr. Stephenson answered staff would investigate it through the Neighborhood Services Department if there were complaints or concerns. He conveyed if staff verified there was no insurance it would be a violation of their permit staff could charge that offense and it would go through the system and be found guilty. He said the property owner would likely purchase insurance at that point to avoid the charge.

City Manager Jeffrey Barton asked if staff could have a requirement that the property owner list the city as an interested third party so if their insurance lapsed the city was notified.

Mr. Stephenson replied staff could add that as a provision requirement.

Councilwoman O'Brien inquired if that could be included in the motion.

Mr. Barton requested staff look into it as a possible option.

Councilwoman O'Brien expressed she thought it was an excellent proactive option that meant less work for staff. She inquired if the Neighborhood Services Department would handle all complaints.

Mr. Stephenson responded they would handle most of the complaints related to short-term rental permits and whether property owners were meeting those requirements. He stated the Police Department would be the principal responding entity if there were complaints about drunk and disorderly conduct, loud noises and other things that department commonly enforced. He added the Neighborhood Services Department would follow-up if there were short-term rental violations, such as not

displaying the permit.

Councilwoman O'Brien said she understood the Police Department responded to criminal activity, but she wanted to know if it still took three violations and the court system to suspend a permit as it did not appear the city could revoke it permanently.

Mr. Stephenson replied it would take a felony conviction to suspend a permit one time; otherwise, anything that was not a felony would take three violations going through the courts.

Councilwoman O'Brien thanked staff for their work and requiring short-term rentals to conduct sex offender background checks on guests and maintain those records which was important to communities.

Mr. Stephenson added state law excludes common complaints, such as parking violations and aesthetic concerns like weeds did not count towards the three verified violations. He pointed out the state legislature established specific violations to short-term rental uses and not on poor managed properties.

Councilwoman O'Brien said she appreciated the clarification as it was good information for communities. She suggested the city do a public information campaign so residents understand the city's limitations based on state law.

Councilwoman Pastor remarked it took time to bring up information on calls for service and asked if staff could mark an area in the database when an incident happened at a short-term rental as it was done in other cities.

Mr. Stephenson introduced Mr. Cooper, noting the Police Department had been working to implement that request.

Assistant Police Director Jesse Cooper stated the departments worked with IT staff and on a monthly basis would run every call for service against the short-term rental database and share that information among the three departments. He advised the Police Department was

implementing a process where officers would notate on a call for service if it was related to a short-term rental. He reiterated calls for service would be run at the end of the month against every address registered as a short-term rental, noting officers would report if an address was not registered.

Councilwoman Pastor inquired if the system could be setup so when someone registered their property as a short-term rental it was marked in the database as a short-term rental.

Mr. Cooper replied staff checked with their vendor and were unable to incorporate the 4,000 addresses, but communication operators had the ability to look up short-term rentals and alert the responding officer. He added responding officers could ask the communication operator if a property is a short-term rental and obtain the emergency contact information to initiate the 30-minute response time. He reiterated the department was not able to merge the addresses into their system, but developed a process where staff could access the short-term rental database.

Councilwoman Pastor requested confirmation the databases could not be synced.

Mr. Cooper affirmed the databases could not communicate with each other though staff came up with processes to mitigate that issue.

Councilwoman Pastor mentioned she had been advocating for that for the past several years and was glad to get confirmation.

Mr. Cooper interjected community action officers were flagging locations with repeated problems so officers and dispatchers would see the flag on those addresses.

Councilwoman Pastor said she received a letter about maximum capacity per room and wondered if the city was able to enforce it.

Mr. Stephenson replied the city did not have the ability to enforce occupancy; however, the city had occupancy requirements related to

emergency access.

Councilwoman Pastor inquired if the ordinance defined short-term rental.

Mr. Stephenson affirmed that was correct, noting it was anything less than 30 days.

Councilwoman Pastor stressed enforcement responsibility was important to her and thanked Susan Edwards, president of Arizona Neighborhood Alliance, who advocated change at the state legislature. Councilwoman Pastor said she understood there was a collective of departments on this issue and wanted to know who was responsible for enforcement.

Mr. Stephenson responded the Planning and Development Department was the lead in this effort and issued the permits, so under state statute was responsible for permit suspensions. He emphasized enforcement was done by the Police or Neighborhood Services departments depending on the issue. He added the Planning and Development Department would work closely with the departments to ensure information was up-to-date as well as monitor violations to track whether a short-term rental has three violations or one felony within a year.

Councilwoman Pastor requested confirmation that the Planning and Development Department was the first point of contact.

Mr. Stephenson replied yes, noting information, such as the permitting process would be on the Planning and Development Department's website. He advised staff would determine which department to refer someone to for enforcement.

Councilwoman Pastor emphasized the city should be proactive and come up with a system, especially with insurance and suggested property owners come back in six months with proof of insurance. She said she wanted more dialogue on what that looked like with short-term rentals.

Mr. Stephenson added the city was working on a process with a third-party vendor to assist with enforcement by reviewing advertisements and staff would verify permit status. He advised the Neighborhood

Services Department would send notices to property owners without permits to come into compliance. He noted the platforms would assist staff in contacting property owners who were not compliant instead of relying on complaints.

Councilwoman Pastor thanked staff for bringing this forward quickly per Council's direction. She also thanked Councilwoman Stark for coming up with the language regarding registry as well as Councilwoman O'Brien for adding language related to neighborhood associations. Additionally, Councilwoman Pastor thanked the community who had been advocating for this change.

Mayor Gallego requested staff clarify the motion.

Mr. Stephenson said he wished to include additional language regarding the notice for registered neighborhood and homeowners associations to send notice to any neighborhood or homeowners associations within 600 feet of the boundaries of a proposed short-term rental. He pointed out that was consistent with the city's use permit and variance process relative to these applications.

Councilwoman Stark agreed it was wise to have consistency with city processes.

Mr. Stephenson affirmed it would also help staff in alerting neighborhoods this would be there by right versus notice of a hearing where residents could voice their concerns.

Mayor Gallego declared the public hearing open.

Kate Bauer said she understood the state's preemption on this issue put the city in a bind, but knew other cities in the state had already passed some requirements and were having difficulty with enforcement. She expressed she was pleased Council considered the verified listing as it would make a difference, noting she had been advocating for it at the state level as it did not interfere with state law. She asked if there would be fines if platforms were listing properties that were not compliant.

Mr. Thornton replied the fine would be $2,500.

Ms. Bauer stressed this was a huge project for the city and agreed a third-party vendor was needed to help monitor the platforms. She mentioned there were 4,000 registered short-term rentals but there were actually 12,000 in Phoenix and she hoped this forced all short-term rentals to become compliant.

Neal Haddad, speaking on behalf of the Neighborhood Coalition of Greater Phoenix, said he appreciated the things covered, especially the number of days determining a short-term rental and notifying registered neighborhood associations which was helpful. He pointed out weekend enforcement remained an issue as the Neighborhood Services Department was not available, so residents called the Police Department. He thanked staff and Council, plus the Arizona Neighborhood Alliance as a lot of progress was made in this area.

Larry Whitesell concurred with Mr. Haddad's comments and thanked everyone for their work on helping neighborhoods with possible solutions to the short-term rental issues.

Brent Kleinman said he supported the motion with the changes made and thanked everyone for their hard work.

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

Mayor Gallego declared the public hearing closed.

Following the vote, Mayor Gallego thanked everyone who worked on this item and would continue to work on this issue.

The hearing was held. A motion was made by Councilwoman Stark, seconded by Councilwoman Pastor, that this item be approved per the Sept. 19, 2023 memo from the Planning and Development Director with the following modified stipulations: 10-193.H-remove question marks after "residential," 10-204.A.4-add the words "knowingly" or "intentionally" before the word "housing," 10-206.D-add the word "provision" before the word "of" and 10-206.E-add the word "civil

violation" before the word "of," and the following additional stipulations: additional provision to require all online short-term rental advertising platforms to verify that each short-term rental listing located within the city of Phoenix has complied with the short-term rental ordinance requirement of obtaining a permit before advertising on their platforms, 10-201.C-all online lodging operators must require that any short-term rental properties listed or advertised must have a current and unsuspended permit issued under Section 10-197 and must include the current and unsuspended permit number on the advertisement; for a violation under this subsection the maximum fine each violation each day shall not exceed $2,500 and 10-199.C.4-notice to be sent to all registered neighborhood associations or homeowners associations within 600 feet of the boundaries of a proposed short-term rental, and adoption of the related ordinance. The motion carried by the following vote:

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

No: 0

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 CITIZEN COMMENTS

NOTE: Councilwoman Pastor temporarily left the voting body.

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

NOTE: Councilman Robinson disconnected from the meeting.

Vicki Anderson suggested the city establish a low-cost or no cost streamlined permit process for curb cutting in the right-of-way. She recalled in 2010 the city's shade goal with tree coverage was 25 percent by 2030, noting she did the

first curb cutting and tree planting right-of-way project in Phoenix that same year with grant funds. She said she received grant funds again in 2022 and noticed the city still did not have a process for residents who wanted to do curb cutting projects. She remarked she had been working with staff the past year to streamline the process so residents could improve their community.

Mayor Gallego conveyed the city had started an active stakeholder process on this matter and requested staff provide Ms. Anderson information on it.

Ms. Anderson interjected she had been working with staff on this issue, but there were obstacles related to cost.

Mayor Gallego reiterated the city was looking at the process.

NOTE: Councilwoman Stark temporarily left the voting body.

Eric Nielsen read a poem he wrote about the council members and City Manager Jeffrey Barton.

NOTE: Councilwoman Stark returned to the voting body.

Roger Pickerill expressed concern about government changing the nature of food products.

NOTE: Councilwoman Pastor returned to the voting body virtually.

Elizabeth Venable said she submitted a citizen petition this morning to the City Manager's Office and council members requesting creation of an evaluation program to determine the outcomes for people moved from The Zone. She remarked the program would also look at the length of stay in shelters and outdoor spaces as well as the reasons for exit and types of facilities used. She expressed these were important as it would better outline the success of the program instead of just acceptance of service.

Michael Norton spoke on behalf of Rogers Ranch II homeowners association board and its management group as well as the Rogers Ranch community about the dormancy of the Rogers Ranch Park. He conveyed an engaged expert identified one-third of the property set aside for the park as a location for

permanent preservation of burrowing owls, noting residents supported the idea. He pointed out this would reduce the capital cost of building a park and annual maintenance costs by one-third. He urged Council to consider moving the Rogers Ranch Park and proposed burrowing owl preserve forward on the five-year capital improvement program plan and add this park to the 2024-25 General Fund budget. He also asked Council to engage the community with private organizations interested in supporting this idea as it was beneficial to the Laveen community.

Bryan McCarty expressed concern about the increased number of training flights and the noise it produced at Goodyear Airport from 5:30 a.m. to past midnight seven days a week and most holidays. He conveyed he and his neighbors supported the airport, but the rapid growth and extended hours of flying negatively impacted their quality of life. He said the neighborhood had proposed several solutions to numerous entities, but nothing had been done. He requested Council support the community with the following:

- implement a Monday through Saturday schedule only with reduced hours;
- implement a policy for pilots approach to remain south of Interstate 10;
- publish noise sensitive areas; and
- conduct a noise impact study on communities surrounding the Goodyear Airport.

Beatrice Johnson spoke about the death of her sister and another individual, noting the person who committed the crime had not been charged.

Lezley Shepherd expressed concern about Phoenix being part of The World Economic Forum. She also thanked Council for explaining their votes and asking questions as it was important for everyone to have that information. She requested a meeting with Mayor Gallego to discuss her involvement with the Forum.

Jeff Caldwell claimed some council members were not present as they were attending the Climate Ambition Summit in New York. He pointed out recent articles and websites talked about getting back on track with climate change. He expressed concern about the city's partnership with Arizona State University on the sustainable food system and its policies to reduce meat consumption.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 4:57 p.m.

MAYOR

ATTEST:

CITY CLERK

SM

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 20th day of September, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of July, 2024.

CITY CLERK