City of Phoenix

Minutes

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

185932

City Council Formal Meeting

Wednesday, May 19, 2021 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, May 19, 2021 at 2:36 p.m. in the Council Chambers.

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

The Mayor and Councilmembers attended the meeting virtually.

Councilwoman Pastor connected to the meeting and joined the voting body during discussion on Item 46. Councilman DiCiccio disconnected from the meeting after the vote on Item 90.

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

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6849 through G-6854, S-47541 through S-47589, and Resolution 21924 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

MINUTES OF MEETINGS

1 **For Approval or Correction, the Minutes of the Formal Meeting on Feb. 19, 2020**

Summary

This item transmits the minutes of the Formal Meeting of Feb. 19, 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: 8 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

No: 0

Absent: 1 - Councilwoman Pastor

2 **For Approval or Correction, the Minutes of the Formal Meeting on March 4, 2020**

Summary

This item transmits the minutes of the Formal Meeting of March 4, 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 Councilman DiCiccio, seconded by Councilwoman Stark, that this item be approved. The motion carried by the following voice vote:

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

No: 0

Absent: 1 - Councilwoman Pastor

BOARDS AND COMMISSIONS

3 Mayor and Council Appointments to Boards and Commissions

Summary

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

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

Audit Committee

Appoint Ann O'Brien, replacing former Councilwoman Thelda Williams, for a term to expire July 1, 2022 as recommended by Mayor Gallego.
Appoint Amber Williamson, replacing Assistance City Manager Jeff Barton, as a ex-officio member of the committee as recommended by Mayor Gallego.
Reappoint Kathryn Baker, serving a fourth term to expire Dec. 14, 2022 as recommended by Mayor Gallego.
Reappoint Kerwin Brown, serving a third term to expire July 1, 2022 as recommended by Mayor Gallego.
Reappoint Jim Waring, serving a fourth term to expire Dec. 14, 2022 as recommended by Mayor Gallego.

Judicial Selection Advisory Board

Appoint Javier Torres, replacing Joseph Kanesfield as the State Bar Association representative, for a term to expire Nov. 19, 2023 as recommended by Mayor Gallego.
Reappoint David Cunanan, serving a third term to expire Nov. 19, 2022 as recommended by Mayor Gallego.

Note: Five electronic comments were submitted on Item 3, with one indicating no position and four indicating a neutral position.

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

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

No: 0

Absent: 1 - Councilwoman Pastor

4 **Request for Reconsideration of a Portion of Item 3 from the May 5, 2021 City Council Formal Meeting**

Request for reconsideration for a portion of Item 3 from the May 5, 2021 City Council Formal Meeting pertaining to the Ethics Commission appointments.

Summary

At the May 5, 2021 Formal City Council meeting, the City Council adopted a portion of Item 3 - Mayor and Council Appointments to Boards and Commissions. However, the vote of the City Council on Ethics Commission appointments was 5-3, with Councilmembers DiCiccio, Guardado and Stark dissenting. Therefore, the motion relating to Ethics Commission appointments failed to pass because pursuant to City Code 2-53(C), seven affirmative votes were required to appoint members to the Ethics Commission.

Pursuant to the Rules of Council Proceedings Rule 7(I), the portion of Item 3 from the May 5, 2021 Formal Council Meeting regarding Ethics Commission appointments is being placed on the May 19, 2021 agenda in accordance with a written request from Councilwoman Debra Stark filed with the City Clerk on May 5, 2021 **(Attachment A)**.

If this request is approved, the City Council will reconsider the Ethics Commission appointments. If this request is not approved, the City Council will not reconsider the item and the original action on the item will stand.

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

Yes: 7 - Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

No: 1 - Councilman DiCiccio

Absent: 1 - Councilwoman Pastor

5 Reconsideration of Ethics Commission Appointments from Item 3 on the May 5, 2021 Formal Council Meeting - Mayor and Council Appointments to Boards and Commissions

Summary

This item transmits recommendations from the Mayor and Council for appointment or reappointment to the Ethics Commission.

Discussion

Councilwoman Stark made a motion to approve Item 5.

Councilwoman O'Brien seconded the motion.

Prior to her vote, Councilwoman Guardado stated she did not think the foundation for this commission was where it needed to be. She mentioned most of the councilmembers voting today were not present for the first conversations during the formation of this ordinance, and added this would set up the members for failure because of structural issues. She stated an independent process was important, and said it would be an issue for the body having the final say over ethics complaints against it's own members. She commented City Manager Ed Zuercher had great ideas on how members of the commission are selected and vetted, and concluded she would be voting no but was willing to work with staff on these recommendations to get assurance on having an independent process.

Prior to his vote, Vice Mayor Garcia mentioned he was not on the Council when this started. He stated he would like to look at this in the future, and said he would be voting yes.

After the vote, Mayor Gallego thanked the selection advisory board who worked hard to produce these nominations, and thanked the interview committee and everyone who applied and participated in this process. She asked City Attorney Cris Meyer to introduce public comment and the importance of civil discourse at Council meetings.

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

A motion was made by Councilwoman Stark, seconded by Councilwoman O'Brien, that this item be approved. The motion failed to receive the required 7 affirmative votes by the following vote:

Yes: 6 - Councilwoman Ansari, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

No: 2 - Councilman DiCiccio and Councilwoman Guardado

Absent: 1 - Councilwoman Pastor

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 Garcia, seconded by Councilwoman Stark, that Items 6-9 be recommended for approval. The motion carried by the following voice vote:

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

No: 0

Absent: 1 - Councilwoman Pastor

6 Liquor License - Stop N Shop Market

Request for a liquor license. Arizona State License Application 143261.

Summary

Applicant
Himaja Jampani, Agent

License Type
Series 10 - Beer and Wine Store

Location
3441 W. Cactus Road
Zoning Classification: C-1
Council District: 1

This request is for a new liquor license for a convenience store that does not sell gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is May 21, 2021.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am assured to uphold the laws and regulations about liquor license. I have never been involved in any criminal activity, no record of getting in trouble with law and authorities."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “This store will provide a safe and secure place for the neighborhood to buy alcohol. The location will be convenient for the people in neighborhood who may not have access to transportation. Adding the long time experience of the working in liqour store while upholding all the laws and regulations, the store will be a safe, secure and convenience place for the customers to purchase quality liquor.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Stop N Shop Market
Liquor License Map - Stop N Shop Market

This item was recommended for approval.

7 Liquor License - A 1 Food Store

Request for a liquor license. Arizona State License Application 138465.

Summary

Applicant
Samir Shiha, Agent

License Type
Series 10 - Beer and Wine Store

Location
13641 N. 32nd St.
Zoning Classification: C-2
Council District: 3

This request is for a new liquor license for a convenience store that does not sell 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 was April 12, 2021. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona

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

Crown Beer Wine & Food Store (Series 10)
6320 N. 12th St., Phoenix
Calls for police service: 3
Liquor license violations: In September 2011, a fine of $1000 was paid for an employee consuming alcohol while on duty, allowing a customer to bring alcohol onto the licensed premise and having liquors other than authorized by license on premises. In October 2013, a violation letter was issued for delinquent taxes. In November 2015, a violation letter was issued for delinquent taxes.

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 assured to uphold the laws and regulations about liquor license. I have never been involved in any criminal activity, no record of getting in trouble with law and authorities.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“This store will provide a safe and secure place for the neighborhood to buy alcohol. The location will be convenient for the people in the neighborhood who may not have access to transportation. Adding the long time experience of the working in liquor store while upholding all the laws and regulations, the store will be a safe, secure and convenience place for the customers to purchase quality liquor.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - A 1 Food Store
Liquor License Map - A 1 Food Store

This item was recommended for approval.

8 Liquor License - Special Event - Hermandad del Senor de los Milagros (Mesa, AZ)

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

Summary

Applicant
Sofia Vasquez Diaz

Location
7610 W. Indian School Road

Council District: 5

Function
Cultural Celebration

Date(s) - Time(s) / Expected Attendance
July 9, 2021 - 7 p.m. to 1:30 a.m. / 150 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - Fuddruckers

Request for a liquor license. Arizona State License Application 135370.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
8941 N. Black Canyon Hwy.
Zoning Classification: C-2
Council District: 5

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 May 22, 2021.

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

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

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

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

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Known for the 'World's Greatest Hamburger' using the finest ingredients, on -site bakery, and fresh produce, Fuddruckers has been a family-friendly neighborhood restaurant since 1980. Applicant would like to continue to offer guests 21 and over the opportunity to order alcoholic beverages as an incident to the meals they enjoy."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Fuddruckers
Liquor License Map - Fuddruckers

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.

Note: One electronic comment was submitted for Item 58 indicating no position.

A motion was made by Vice Mayor Garcia, seconded by Councilwoman O'Brien, that Items 10-90 be approved or adopted except Items 26-27, 45-46, 52, 61-62, 65, 67, 70 and 89-90; noting Items 53 and 88 are requested to be continued to the June 2, 2021 City Council Formal Meeting; and Item 48 includes additional information. The motion carried by the following vote:

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

Items 10-25, Ordinance S-47541 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.

10 Lafayette Instrument Company

For $32,000.00 in payment authority to purchase six LXG Model LX-6 Polygraph Systems for the Police Department. The Lafayette polygraph equipment records, stores, and analyzes physiological changes during a polygraph examination. The polygraph instruments are utilized by the Police Department's Employment Services Bureau (ESB) to verify statements of criminal suspects under investigation and prospective

Police Department employees. The ESB currently uses an outdated Lafayette polygraph model that is 18 years old. Polygraph equipment requires software updates to keep pace with industry standards, and ESB's current equipment is outdated and no longer compatible with new software updates. If the old equipment breaks down, there is no way to fix it. Lafayette Instrument Company is offering a trade-in credit for the six units of existing polygraph equipment, which will offset the final cost by $10,980.00. The trade-in value is incorporated into the final payment authority amount request.

This item was adopted.

11 Stock Enterprises LLC

For $10,991.00 in payment authority to purchase Grappler bumpers for the Airport Bureau for the Police Department. The Grappler system is a vehicle bumper mounted device designed to stop vehicles unwilling or unable to stop with less danger to the public. The equipment is helpful in preventing vehicles from entering critical restricted areas of the airport. The Grappler system is currently utilized by other units within the department with great success. The equipment is necessary for the department to provide life and safety efforts.

This item was adopted.

12 AHS Rescue LLC

For $12,000.00 in payment authority to purchase Rock Exotica Omni Block pulleys for the Fire Department. The equipment is utilized in the Special Operations Division and is needed for rappelling down mountains and canyons to reach people who are injured, or those unable to get to safety without assistance. Usually, a pulley is connected to a swivel by a carabiner; the Omni Block pulley does not require a carabiner. This reduces the weight and length of the rigging system for the pulleys and allows the users to haul loads more efficiently.

This item was adopted.

13 AHS Rescue LLC - Contract 148164

For $55,000.00 in additional payment authority for Contract 148164 for water rescue dry suits, socks, and liners for the Fire Department's first responders to perform water rescues in extremely cold temperatures. The suits keep them dry and prevent any cold from affecting the body,

enabling execution of successful rescue missions. The additional funds are needed to purchase products and to remain in compliance with the Federal Emergency Management Agency requirements.

This item was adopted.

14 Settlement of Claim(s) Johnson v. City of Phoenix

To make payment of up to $43,000.00 in settlement of claim(s) in *Johnson v.City of Phoenix*, 20-0354-001, GL, PD, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement for a Property Damage claim arising from a water main break on Oct. 1, 2020.

This item was adopted.

15 Gabriel, Roeder, Smith & Company

For $80,000.00 in additional payment authority on Contract 144725-02 for actuarial services for the Finance Department. The services are required to determine asset and liabilities for Other Post-Employment Benefits and Compensated Absences as required by Governmental Accounting Standards 16, 74 and 75 and other special studies as needed.

This item was adopted.

16 Navigate360, LLC doing business as Alice Training

For $17,000.00 in payment authority to purchase a two-day Violent Intruder Response Training Course for local Instructor Certification through the Fire Department. The 2016 Complex Coordinated Terrorist Attack (CCTA) Grant program was awarded to the City of Phoenix to develop, train, and exercise a local and regional response for a CCTA within the Phoenix region. The Federal Emergency Management Agency and the CCTA Grant Program Office has approved the training to be delivered to Phoenix regional public safety partners, private organizations, and corporate partners. The training will create local ALICE Certified Instructors who will serve as Violent Intruder Response subject matter domain person(s) for emergency responders, non-governmental organizations, and strategic partners throughout the region. The instructors will have the ability to conduct hands-on training that complement and enhance the response options, strategies, and concepts to teach and train our local civilian population to deal with active

shooter situations.

This item was adopted.

17 United Phoenix Firefighters Association

For $300,000.00 for annual payment authority for the employee wellness and assistance program for Fiscal Year 2021-22 for the Phoenix Fire Department. The program provides employee assistance professional services to firefighter employees and their family members and is part of the 2021-23 Memorandum of Understanding.

This item was adopted.

18 Public Safety Personnel Retirement System

For $85,000.00 for annual payment authority to purchase the Fiscal Year 2021-22 employer cost of the Firefighter and Peace Officer Cancer Insurance Policy Program for the Phoenix Fire Department.

This item was adopted.

19 ProctorU Inc.

For $88,500.00 in payment authority for a new contract, entered on or about May 19, 2021 for a one-year term for the Human Resources Department. The contract will provide the Human Resources Department with online written exam test proctoring services for the Firefighter Recruit application process in response to COVID-19 social distancing guidelines. Proctoring services include ensuring test security by remotely connecting to the applicants' computers and recording the test session.

This item was adopted.

20 Statista Inc.

For $28,800.00 in payment authority to purchase the promotional rights to market the City of Phoenix as one of Forbes Magazine's America's Best Large Employers in 2021 for the Human Resources Department. The City of Phoenix earned the distinction of being the only municipality to be ranked in the top 500 in the large employer category in the Forbes Magazine survey. The purchase will provide the City with promotional rights, including the use of the 2021 Forbes logo on city media and documents which will be used to attract and retain highly qualified applicants.

This item was adopted.

21 **Cybergear Inc.**

For $18,050.00 in payment authority to purchase 25 Epson TM TH 2000 check printers for the Phoenix Municipal Court Department. The printers will replace current hardware that has been in service for 20 years and is well past end of life. The printers will be used to imprint the Court's payment information on the back of checks that were issued for payment to the Court, thereby ensuring funds are routed to the correct account.

This item was adopted.

22 **City of Glendale - Intergovernmental Agreement 123273**

For $21,000.00 annual payment authority for Intergovernmental Agreement 123273 to provide water treatment services to the Camelback Ranch area located within the boundaries of the City of Phoenix but outside the City's water distribution system, for the Water Services Department.

This item was adopted.

23 **City of Glendale - Intergovernmental Agreements 114154 and 114155**

For $72,000.00 in payment authority for Intergovernmental Agreements 114154 and 114155 pertaining to treated sewer service and treated water service to an area located in Phoenix. The contracts provide sewer and water service to the area of Arizona State Route 101 and 51st Avenue. located within the boundaries of the City of Phoenix but outside the City's system, for the Water Services Department.

This item was adopted.

24 **City of Scottsdale**

For $52,000.00 in payment authority for Contract 69310 with the City of Scottsdale, pursuant to the Memorandum of Understanding of Overlapping Retail Sewer Services for the Water Services Department. The City of Scottsdale provides sewer services at a wholesale rate to Phoenix customers for sewer areas within Phoenix boundaries but outside the Water Services Department's distribution and wastewater collection area.

This item was adopted.

25 **EPCOR Water USA, Inc.**

For $75,000.00 in additional annual payment authority for Contract 93040 to provide water and wastewater treatment services for the West Anthem service area for the Water Services Department. The funds are needed due to an unusually high water transport and consumption fiscal year. The total payment authority for FY2020-21 should not exceed $1,292,863.00.

This item was adopted.

28 Proposed 19th Avenue and Parsons Road Annexation - Authorization to File

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

Summary

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

Location

The proposed annexation area includes parcels 210-10-020C, 210-10-020D, 210-10-031A, 210-10-027A and 210-10-010 located at 19th Avenue and Parsons Road
(**Attachment A**). The annexation area is approximately 15.73 acres (0.0239 sq. mi.) and the population estimate is zero individuals.
Council District: 1

This item was approved.

29 Proposed 11th Avenue and Jomax Road Annexation (Ordinance S-47558)

Request City Council authorization to extend and increase the corporate limits of the City of Phoenix, Arizona, by annexing an area not within the present limits of the City of Phoenix, designated as the 11th Avenue and

Jomax Road Annexation. Further request to authorize current Maricopa County zoning to continue in effect until municipal zoning is applied to the annexed territory.

Summary
This annexation was requested by James Colceri and Elizabeth Allard 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. The City Clerk Department has received signed petitions representing 100 percent of the assessed value and 100 percent of the owners, excluding utilities, within the proposed annexation area.

Public Outreach
A public hearing was conducted on Dec. 16, 2020, to allow the City Council to gather community comment regarding the annexation proposal. Notification of the public hearing was published in the *Arizona Business Gazette* newspaper, and posted in at least three conspicuous places in the territory proposed to be annexed. Also, notice by first-class mail was sent to each property owner in the area proposed to be annexed.

Location
The proposed annexation area includes Maricopa County parcel 210-12-019R located at 26506 N. 11th Ave. (**Attachment A**). The annexation area is approximately 0.91 acres (0.00131 sq. mi.) and the population estimate is three individuals.
Council District: 2

This item was adopted.

30 Proposed Central Avenue and Jomax Road Annexation (Ordinance S-47559)

Request City Council authorization to extend and increase the corporate limits of the City of Phoenix, Arizona, by annexing an area not within the present limits of the City of Phoenix, designated as the Central Avenue and Jomax Road Annexation. Further request to authorize current Maricopa County zoning to continue in effect until municipal zoning is

applied to the annexed territory.

Summary

This annexation was requested by Jeremy Macliver, 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. The City Clerk Department has received signed petitions representing 100 percent of the assessed value and 100 percent of the owners, excluding utilities, within the proposed annexation area.

Public Outreach

A public hearing was conducted on Dec. 16, 2020, to allow the City Council to gather community comment regarding the annexation proposal. Notification of the public hearing was published in the *Arizona Business Gazette* newspaper, and posted in at least three conspicuous places in the territory proposed to be annexed. Also, notice by first-class mail was sent to each property owner in the area proposed to be annexed.

Location

The proposed annexation area includes Maricopa County Assessor parcel 210-13-001G located at 26238 N. Central Ave. (**Attachment A**). The annexation area is approximately 0.49 acres (0.00077 sq. mi.) and the population estimate is three individuals.
Council District: 2

This item was adopted.

31 Acceptance and Dedication of Deeds and Easements for Public Utility, Roadway, Multi Use Trail and Sidewalk Purposes (Ordinance S-47557)

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

Summary

Accepting the property interests below will meet the Planning and

Development Department's Single Instrument Dedication Process requirement prior to releasing any permits to applicants.

Easement (a)
Applicant: Calderon Family Trust, under Trust Agreement dated April 29, 2019, its successor and assigns
Purpose: Public Utility
Location: 4708 N. 35th Place
File: FN 210018
Council District: 6

Easement (b)
Applicant: Wendy Tuch, its successor and assigns
Purpose: Public Utility
Location: 4709 N. 35th St.
File: FN 210018
Council District: 6

Deed (c)
Applicant: PTH Properties, LLC, its successor and assigns
Purpose: Roadway
Location: East of 89th Drive and Illini Street
File: FN 200636
Council District: 7

Easement (d)
Applicant: Aldi (Arizona) LLC, its successor and assigns
Purpose: Multi Use Trail
Location: 5775 W. Baseline Road
File: FN 210015
Council District: 7

Deed (e)
Applicant: Innovation Communities at Meridian Hills, LLC and Monarch Investors, LLC, its successor and assigns
Purpose: Roadway
Location: East 13th Street between Piedmont and Carson roads

File: FN 210017
Council District: 8

Easement (f)
Applicant: Sustainable D, LLC, its successor and assigns
Purpose: Sidewalk
Location: 510 N. 23rd St.
File: FN 210019
Council District: 8

This item was adopted.

32 Authorization to Accept Easements for Traffic Control Purposes near 43rd Avenue and Thomas Road and the Southwest Corner of 32nd and Oak Streets (Ordinance S-47545)

Request to authorize the City Manager, or his designee, to accept easements for traffic control purposes for the installation of a High-Intensity Activated Cross Walk signal along 43rd Avenue north of Thomas Road, and traffic signal modifications at the intersection of 32nd and Oak streets.

Summary
Isaac School District No. 5 and Taylor's Payson LLC, its successor and assigns, have agreed to donate easements for the installation of a High-Intensity Activated Cross Walk (HAWK) signal and ADA pedestrian ramps at 43rd Avenue north of Thomas Road, and traffic signal modifications and ADA pedestrian ramps on the southwest corner of 32nd and Oak streets to provide pedestrians safe crossings at both locations, respectively.

The parcels affected by this project and included in this request are identified by Maricopa County Assessor's parcel number (APN) 107-38-127H located at 2941 N. 43rd Ave. and APN 120-21-018A located at 3139 E. Oak St.

Location
Near 43rd Avenue and Thomas Road, and at the southwest corner of 32nd and Oak streets.
Council Districts: 4 and 8

This item was adopted.

33 Portland Cement (Bulk) - Requirements Contract IFB 21-056 (Ordinance S-47556)

Request to authorize the City Manager, or his designee, to enter into an agreement with Phoenix Cement Company to purchase Portland Cement (Bulk) for the Street Transportation Department. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate agreement value will not exceed $225,000.

Summary

The purpose of this contract is to provide the Street Transportation Department with Portland Cement (Bulk) for a variety of projects that require building, repairing, and maintaining concrete infrastructure throughout the City of Phoenix. This concrete infrastructure includes curbing, sidewalks, aprons, driveways, valley gutters, wheelchair ramps, storm drain inlets, catch basins, and various other infrastructure through special or emergency project requests.

Procurement Information

IFB 21-056 was conducted in accordance with Administrative Regulation 3.10. There were two offers received by the Finance Department Procurement Division on March 26, 2021, which were evaluated on price, responsiveness to specifications, and responsibility to provide the required goods and services. The bid notification was sent to 96 suppliers and was publicly posted and available for download from the City's website.

The Deputy Finance Director recommends the offer from Phoenix Cement Company be accepted as the lowest-priced, responsive and responsible offer.

Contract Term

The five-year agreement term will begin on or about June 1, 2021.

Financial Impact

The total agreement value will not exceed $225,000. Funding is available in the Street Transportation Department’s budget.

This item was adopted.

34 Small Equipment Repair Services - Requirements Contract - IFB 21-061 (Ordinance S-47562)

Request to authorize the City Manager, or his designee, to enter into contracts with Source Parts and Equipment LLC and Superior Cleaning Equipment Inc., to purchase small equipment repair services for citywide use. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $1,600,000.

Summary

These contracts will be used citywide to purchase small equipment repair services on an as-needed basis to repair various small equipment, including powered weeding machines, paint sprayers, water heated pressure washers, welding equipment, portable generators, power blowers, band saws, and cordless and other miscellaneous small equipment. These equipment repair contracts repair vital equipment that supports a variety of services, including services provided by the First Responders, Solid Waste Collection Services, and Facilities and Fleet mechanic staff. In addition, the contracts repair tools that are used for the Neighborhood Services Department's (NSD) Tool Lending Program which provides tools for residents and large-scale neighborhood cleanups, and repairs to paint sprayers and pressure washers which are utilized by the NSD's Graffiti Busters team throughout the City.

Procurement Information

IFB 21-061 was conducted in accordance with Administrative Regulation 3.10. There were two offers received by the Procurement Division on March 19, 2021 which were evaluated on price, responsiveness to specifications, and responsibility to provide the required goods and services. The bid was sent to 140 suppliers and was publicly posted and available for download from the City's website.

The Deputy Finance Director recommends that the offers from Source Parts and Equipment LLC and Superior Cleaning Equipment Inc. be accepted as the lowest priced, responsive and responsible offers.

Multiple awards are recommended to ensure the overall lowest cost to the City.

Contract Term
The five-year contract term will begin on or about June 1, 2021.

Financial Impact
The aggregate contract value will not exceed $1,600,000. Funds are available in various departments' budgets.

This item was adopted.

35 SAP System Modernization - Requirements Contract RFP 21-074 (Ordinance S-47563)

Request to authorize the City Manager, or his designee, to enter into a contract with LSI Consulting, Inc. to provide a comprehensive Infrastructure as a Service package for SAP. This service package will include licensing, cloud hosting and a database upgrade implementation of the existing SAP infrastructure and database platforms for the Finance Department, in an amount not to exceed $40,000,000. Further request authorization to use existing excise tax bond proceeds to fund the costs of acquiring and improving intellectual property for the enterprise-wide financial system and for City Controller to disburse all funds related to this item. Further request an exception to the assumption of liability provision of Phoenix City Code section 42-18(B) to limit the liability of LSI Consulting, Inc. to $10 million.

Summary
The City currently utilizes the SAP system for critical financial accounting and reporting processes, procurement, inventory management, and overall financial reporting and analytics. SAP has more than 3,000 users across all City departments and interfaces with numerous other citywide systems and applications. The SAP system is over 20 years old and requires significant upgrades necessary to support evolving work processes, advanced analytics and to interface with citywide functions. Additionally, the hardware for the system was installed in November 2013 and is currently at the end of life with extended support expiring in 2021.

This contract will upgrade the existing SAP infrastructure and database platforms in order to modernize and allow for full optimization of SAP's incremental enhancements, technology improvements and solutions.

This service package will include licensing, cloud hosting and database upgrade implementation of SAP. The migration to a cloud-based system mitigates the risk of aging hardware and provides an ongoing secure and stable financial environment. Upgrading the software will result in improvements in the areas of system speed, user experience and data analytics.

Maintenance and hardware on the existing system over a 10-year period could amount to an estimated $28 million. Alternatively, the proposed upgrade including the cloud solution is $40 million. The incremental amount of $12 million or $1.2 million annually over 10 years allows staff to extend and enhance the life of the city's existing city-wide financial and procurement systems. This enhancement alleviates the need for a full system replacement and would not require staff to purchase, maintain and support new hardware and other infrastructure.

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

Procurement Information
Request for Proposal (RFP) 21-074 was conducted in accordance with Administrative Regulation 3.10. There were three offers received by the Finance Department's Procurement Division on March 26, 2021. The proposals were scored by an evaluation panel based on the following evaluation criteria: Qualifications and Experience (300 Points); References (150 Points); Approach to Scope of Work (250 Points); and Price (300 Points). The offeror scores are as follows:

LSI Consulting, Inc.: 936 Points
Accenture: 674 Points
IBM Corporation: 642 Points

The Deputy Finance Director recommends that the offer from LSI Consulting, Inc. be accepted as the highest-scored, responsive, and responsible offer that is most advantageous to the City.

Contract Term
The ten-year contract term shall begin on or about June 21, 2021.

Provisions of the contract include an option to extend the term up to five additional years, which may be exercised by the City Manager or designee.

Financial Impact

The aggregate value of the contract will not exceed $40,000,000. Funds are available from existing excise tax bond proceeds and from the Finance Department's operating budget.

Concurrence/Previous Council Action

City Council approved the issuance of RFP 21-074 on December 16, 2020.

This item was adopted.

36 Fitness Equipment Maintenance and Repairs - Requirements Contract - IFB 20-028(A) (Ordinance S-47565)

Request to authorize the City Manager, or his designee, to allow additional expenditures and to add the Parks and Recreation Department as an authorized user under Contract 151956 with Above and Beyond Fitness Repair LLC, for the purchase of preventative maintenance services, repairs, labor and parts on fitness equipment for the Parks and Recreation Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $140,000.

Summary

This contract was originally established to provide preventative maintenance and repairs for commercial grade fitness and equipment for the Fire Department. Preventive maintenance and repairs will help to keep equipment in top condition, decrease downtime and prevent major equipment failures. General fitness equipment includes treadmills, recumbent and stationary bikes, elliptical, step mills, rowers, cable crossovers, lat pull downs and squat racks.

Contract Term

The contract term is April 15, 2020 through April 14, 2025.

Financial Impact

Upon approval of $140,000 in additional funds, the revised aggregate amount of the contract will not exceed $365,000. Funds are available in the Parks and Recreation Department's budget.

Concurrence/Previous Council Action
This contract was originally approved by City Council on April 1, 2020.

This item was adopted.

37 One-time Purchase of Two Motorcycles (Ordinance S-47547)

Request to authorize the City Manager, or his designee, to enter into an agreement with LZ Delta, LLC, dba GO AZ Motorcycles for purchase of two BMW motorcycles for the Police Department. Further request to authorize the City Controller to disburse all funds related to this item. This item will have an aggregate amount of up to $55,000.

Summary
The Public Works Department is responsible for purchasing all of the City's fleet vehicles. This request supports the one-time purchase of two motorcycles for the Police Department, to replace two motorcycles with mileage averaging 104,000 miles, in excess of the seven-year/60,000 mile estimated life.

Procurement Information
Request for Quote (RFQ) 21-FSD-043 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department sent out notifications to 86 vendors for the RFQ opportunity and received one bid from GO AZ Motorcycles. They are being recommended for award based on the following cost of two motorcycles.

LZ Delta, LLC, dba GO AZ Motorcycles: $50,898.02 (excluding tax)

Contract Term
This agreement will be for the one-time purchase of two BMW motorcycles that will begin on or about Council approval on May 5, 2021.

Financial Impact
This item will have a one-time expenditure of $55,000 for the purchase of two BMW motorcycles. Funding is available in the Police Department's

budget.

This item was adopted.

38 Motorcycles and Off-Highway Vehicles - ADSPO 18-00007908 (Ordinance S-47573)

Request to authorize the City Manager, or his designee, to execute amendments to agreements: 149453 with LZ Delta, LLC; and 149452 with C & W Motors, Inc. dba Ridenow Powersports Chandler, to authorize additional expenditures for purchase of motorcycles and off-highway vehicles for the Public Works Department on behalf of other City departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $1,520,000.

Summary

The Public Works Department is responsible for the purchase of all the City's fleet vehicles, including Police vehicles. A minimum of 10 motorcycles are anticipated to be replaced each fiscal year. The contract will allow the Public Works Department the ability to purchase motorcycles on behalf of the Police Department as well as other small off-highway vehicles that may be purchased by various City departments. The motorcycles will allow the officers to safely perform their job duties and respond to emergency situations and other residents' needs. The small off-highway vehicles will also allow City employees to perform their job duties in a safe and efficient manner.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contracts were awarded through a competitive process consistent with the City's procurement processes, as set forth in the Phoenix City Code, Chapter 43. Use of cooperative agreements allows the City to benefit from national government pricing and volume discounts.

Contract Term

The contract term is March 1, 2019 through Feb. 29, 2024.

Financial Impact

The initial authorization for Motorcycles and Off-Highway Vehicles agreements were for an expenditure not-to-exceed $1 million. This amendment will increase the authorization for the agreement by an additional $1,520,000, for a new total not-to-exceed agreements value of $2,520,000. The additional expenditures will support future end-of-life motorcycle and off-highway vehicle replacements for each fiscal year through the end of the contract term.

Funding is available in the Police and Public Works departments' budgets and includes funding from the Arizona Governor's Office of Highway Safety Proposition 207 Grant for motorcycle replacements for the Police Department.

Concurrence/Previous Council Action

The City Council approved Agreements 149452 and 149453 (Ordinance S-45401) on Feb. 20, 2019.

This item was adopted.

39 Network Equipment and Services - State of Arizona ADSPO 16-00005819(A) - Requirements Contract (Ordinance S-47580)

Request to authorize the City Manager, or his designee, to allow additional expenditures and to extend Contracts 143861, 143862, 143857, 143931, 143859, 143858, and 143860 with World Wide Technology Inc., Insight Public Sector Inc., Enterprise Networks Solutions, Inc., Trace3 Inc., CDW Government LLC, Custom Storage, Inc., and Altura Communication Solutions, LLC for the purchase of network equipment and continued services for Citywide use. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $17,200,450.

Summary

These contracts allow the City of Phoenix the ability to purchase a wide variety of technology for ongoing replacement of network equipment, such as routers, servers, switches, and controllers along with maintenance, training and services. The additional funds will also be used to support ongoing Information Technology Service Capital Improvement Projects (CIP) including data center replacement and firewall security that will need to be completed prior to the fiscal year end.

The City is working on a new procurement process; an extension is necessary in order to ensure the City services are not interrupted during the new procurement process.

Contract Term
Upon approval, the contract term will be extended through June 30, 2022.

Financial Impact
Upon approval of $17,200,450 in additional funds, the revised aggregate value of the contracts will not exceed $37,700,450. Funds are available in various departments' budget.

Concurrence/Previous Council Action
These contracts were originally approved by City Council on Oct. 5, 2016.

This item was adopted.

40 Additional Expenditures for Equipment, Parts and Services - Requirements Contract - RFA 18-315A (Ordinance S-47582)

Request to authorize the City Manager, or his designee to allow additional expenditures under Contract 149248 with Extrication Concepts, LLC to provide Holmatro equipment, parts and services to the Fire Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $1,600,000.

Summary
The contract is necessary to continue to purchase patient extrication equipment, parts, and services on an as-needed basis. The Fire Department uses Holmatro rescue equipment to extricate victims of motor vehicle accidents and building collapses. The equipment has the capability to lift, spread, cut and breach vehicles and building walls. The additional funds are due to an increase in annual maintenance services which are needed to ensure the tools and equipment are in proper working condition upon arrival of the scene of the accident or emergency. The additional funds will allow the Fire Department to continue purchasing

large extrication tools and equipment and continued ongoing replacement of out dated equipment. The Fire Department currently owns and utilizes the equipment on every ladder truck and ladder tender in the City. This equipment is a critical part of the Fire Department's efforts to provide life safety services to the public.

Contract Term
The contract term is Feb. 1, 2019 through Jan. 31, 2024.

Financial Impact
Upon approval of $1,600,000 in additional funds, the revised aggregate value of the contract will not exceed $2,400,000. Funds are available in the Fire Department's budget.

Concurrence/Previous Council Action
The contract was originally approved by City Council on Jan. 9, 2019.

This item was adopted.

41 Pharmacy Benefits Management Consulting Services (Ordinance S-47568)

Request to authorize the City Manager, or his designee, to enter into a contract with Foster & Foster Consulting Actuaries, Inc. to provide pharmacy benefits management consulting services in an amount not to exceed $600,000 for a five-year period. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
The pharmacy benefits management consulting services agreement is needed to provide expert guidance to the Health Care Benefits Trust Board, Task Force and Human Resources management on the City’s employee and retiree pharmacy benefits provided in conjunction with the medical plans. Deliverables include but are not limited to: developing comprehensive cost-sharing strategies to attract and retain employees while utilizing cost containment measures without significantly impacting the integrity of the plans; evaluating the performance on the pharmacy carrier; reviewing pharmacy spend and utilization of coverage; recommending pharmacy plan changes; ensuring program compliance with legal requirements; and, participating in the employee and retiree

plans pharmacy provider Request for Proposal processes.

Procurement Information
RFP HR 20-124 was conducted in accordance with Administrative Regulation 3.10. The Human Resources Department received six responsive and responsible offers.

The Notice of Solicitation was emailed to 394 vendors registered in ProcurePHX.

The offers were scored on the following criteria: Qualifications and Experience (300 points), Method of Approach (400 points) and Price (300 points). Evaluation occurred by a five-person panel. The evaluation committee determined that two offers were within the competitive range, and those offerors were invited to participate in presentations. One of the two offerors in the competitive range was deemed non-responsive due to their inability to meet the solicitation terms. The remaining competitive offeror submitted a Best and Final Offer (BAFO). After reviewing the BAFO responses, it was the consensus of the evaluation committee to recommended awarding the contract to Foster & Foster Consulting Actuaries, Inc.

The scores were as follows:
Foster & Foster Consulting Actuaries, Inc. 885.75
Buck Global, Inc 842.50
Milliman Inc. 746.25
Gallagher Benefit Services, Inc. 615.00
CBIZ Benefits & Insurance Services, Inc. 580.00
USI Insurance Services, LLC 398.75

The Human Resources Director recommends the offer from Foster & Foster Consulting Actuaries, Inc. be accepted as the highest scored, responsive, and responsible offeror.

Contract Term
The five-year contract shall begin on or about May 19, 2021.

Financial Impact

The aggregate five-year contract value for these services shall not exceed $600,000. Funds are available in the Health Care Benefits Trust Fund.

This item was adopted.

42 Occupational Physical Therapy Services (Ordinance S-47583)

Request to authorize the City Manager, or his designee, to enter into a contract with PTPN of Arizona to provide a physical therapy network for employees who were injured on the job in an amount not to exceed $8,500,000 for a five-year period. Of this amount, $50,000 in aggregate is from the general fund and $8,450,000 in aggregate is from Workers Compensation funds. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The occupational physical therapy services agreement is needed to provide a physical therapy network for City of Phoenix employees who were injured on the job in conjunction with the occupational medical services contractor. Deliverables include: providing an extensive network of physical therapy clinics throughout the metropolitan Phoenix area with extended service hours; ensuring all therapists are properly licensed; scheduling initial evaluation for referrals within one business day; monitoring the necessity of services through independent utilization review; auditing to ensure the contracted percentage of savings is received; and, communicating the employee status.

Procurement Information

RFP HR 20-127 was conducted in accordance with Administrative Regulation 3.10. The Human Resources Department received six proposals; five were deemed responsive.

The Notice of Solicitation was emailed to 112 vendors registered in ProcurePHX. The offers were scored on the following criteria: Qualifications and Experience (350 points), Method of Approach (300 points) and Price (350 points). Evaluation occurred by a four-person panel. The evaluation committee determined that one proposal was within the competitive range. After the BAFO process, it was the consensus of the evaluation committee to recommended awarding the contract to PTPN of Arizona.

The scores were as follows:

PTPN of Arizona	810.83
TherapyCare Network of Arizona, Inc.	675.00
STI PT & Rehabilitation	625.56
One Call	515.00
Concentra Medical Centers	510.56

The Human Resources Director recommends the offer from PTPN of Arizona be accepted as the highest scored, responsive, and responsible offeror.

Contract Term

The five-year contract shall begin on or about July 1, 2021.

Financial Impact

The aggregate five-year contract value for these services shall not exceed $8,500,000. Of this amount, $50,000 in aggregate is from the General Fund and $8,450,000 in aggregate is from Workers Compensation funds.

This item was adopted.

43 Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-47555)

Request to authorize the City Manager, or his designee, to transfer retirement funds for Tyler Vache in the amount of $4,488.73 to the Arizona State Retirement System, and further request authorization for the City Controller to disburse funds.

Summary

Pursuant to Arizona Revised Statutes, sections 38-730 and 38-922, retirement service credits for former members of the City of Phoenix Employees' Retirement System (COPERS) may be transferred to the Arizona State Retirement System (ASRS) upon approval by the Council. The following former City of Phoenix employee has requested transfer of the balance of their credited service:

Vache, Tyler: $4,488.73

Concurrence/Previous Council Action
This item was approved by the COPERS Board at its May 5, 2021 meeting.

This item was adopted.

44 Decontamination Services - Requirements Contract IFB 18-058A (Ordinance S-47542)

Request to authorize the City Manager, or his designee, to amend and pay for COVID-19 decontamination costs incurred, and allow additional expenditures under Contracts 147546 Clean Scene Az, LLC., 147553 Emergency Restoration Experts, LLC., 147552 Kary Environmental Services, Inc., for decontamination services for citywide use. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $6,500,000.

Summary
This contract is primarily utilized by the Police Department on an as-needed basis to provide decontamination services of police vehicles, drying rooms, holding cells, interview rooms, crime scenes, city parks, street clean ups, city-owned properties, as well as private properties. Additional departments use the contracts on an as-needed basis when bio-hazardous materials are illegally dumped, such as human waste, syringes and bodily fluids and for other decontamination services.

The scope of services is being modified to allow the inclusion of COVID-related decontamination services and pricing. Several departments have identified the need for COVID-related decontamination services. The departments with the greatest need for these services include Human Resources, Street Transportation, Police, and the Phoenix Convention Center. Additionally, seven other departments identified the need of COVID decontamination services on a minimal basis. COVID-related decontamination services will be performed in accordance with Centers for Disease Control (CDC) and Occupational Safety and Health Administration (OSHA) guidelines.

Contract Term
The contract term is April 1, 2018 through March 31, 2023.

Financial Impact

The aggregate contract value shall not exceed $7,680,415. Funds are available in the various department budgets.

Concurrence/Previous Council Action

This contract was originally approved by City Council on March 21, 2018.

This item was adopted.

47 Authorization to Amend Contract with Midwest Language Banc, Inc., dba The Language Banc, Inc. (Ordinance S-47574)

Request authorization for the City Manager, or his designee, to amend Contract 142704 with Midwest Language Banc, Inc. dba The Language Banc, Inc. to extend the term of the contract until Dec. 31, 2021. The extension will provide translation services for Head Start Birth to Five program families. The contract total will not exceed $90,185. Further request authorization for the City Controller to disburse all funds related to this item. Funds are available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. There is no impact to the General Fund.

Summary

This contract provides translation services for families enrolled in the City of Phoenix Head Start Birth to Five program who speak languages other than English and Spanish. Participants of the program are required to participate in weekly 90-minute home visits, attend biweekly socialization events and monthly parent education opportunities. Services are currently delivered virtually but will return to in-person in the participants' homes when safe to do so. The extension of the contract will allow families who speak languages other than English to remain engaged in the program while the contract is being re-solicited.

There are approximately 11 languages other than English and Spanish spoken by enrolled families. Translation services are needed to communicate effectively to ensure families understand the social services offered and receive the maximum benefit of the educational component.

Contract Term

The original contract term was for three years beginning July 1, 2016 - June 30, 2019, with one two-year renewal option to be exercised by the City Manager. The City exercised the two-year renewal option on March 6, 2019 with a contract end date of June 30, 2021. Approval of this request would extend the term to Dec. 31, 2021.

Financial Impact

The aggregate contract value remains the same. Funds are available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. There is no impact to the General Fund.

Concurrence/Previous Council Action

The contract was originally approved by City Council on April 4, 2016 by Ordinance S-42448. City Council approved a two-year contract extension on March 6, 2019 by Ordinance S-45416.

This item was adopted.

48 2020-24 Consolidated Plan and 2020-21 and 2021-22 Annual Action Plans Lead Safe Phoenix Program Amendment (Ordinance S-47589)

Request City Council approval of an Amendment to the 2020-24 Consolidated Plan and 2020-21 and 2021-22 Annual Action Plans to expand the boundaries of the Lead Safe Phoenix program to include a broader range of targeted geographic areas.

Summary

The 2020-24 Consolidated Plan defines how the City's Community Development Block Grant (CDBG), Home Investment Partnership (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) funds will be used to address housing and community development priorities and needs over a five-year period. The Annual Action Plan further explains the specific goals and objectives the City will achieve in the that year of the Consolidated Plan. In both plans, the Lead Safe Phoenix program is identified as a tool to continue to advance the City's housing rehabilitation strategy, particularly the reduction of lead-based paint hazards in targeted high-risk areas of the city.

The Lead Safe Phoenix program, which is funded by the U.S.

Department of Housing and Urban Development (HUD) and administered by the Neighborhood Services Department (NSD), provides grants to homeowners and tenants to protect children and their families from the dangers of lead-based paint. The Lead Safe Phoenix program is available to low- and moderate-income residents who live in homes built prior to 1978, with a pregnant woman or child under the age of six.

The current Lead Safe Phoenix grant is limited to specific Phoenix zip codes, and expires January 2022. Staff anticipates the next HUD lead and health homes grant application to become available in the summer of 2021. The requested plan amendments would allow the application for the next grant to include expanded accessibility of the Lead Safe Phoenix program, better positioning the City to submit a more competitive grant application and serve more Phoenix residents.

Financial Impact

These activities are funded by the U.S. Department of Housing and Urban Development; there is no impact to the General Fund.

Concurrence/Previous Council Action

The 2020-24 Consolidated Plan and 2020-21 Annual Action Plan was approved by City Council on June 3, 2020. The 2021-22 Annual Action Plan was approved by City Council on May 5, 2021.

This item was adopted.

49 Reallocate Funds from Calendar Year 2020 to Calendar Year 2021 for Services in the Downtown Enhanced Municipal Services District (Ordinance S-47550)

Request to amend Ordinances S-47103 and S-46134 to allow additional expenditures of $97,066 by Downtown Phoenix, Inc. (DPI) through the Phoenix Downtown Enhanced Municipal Services District (EMSD) Agreement. The revised calendar year (CY) 2021 budget will increase to a total not to exceed $3,759,771. Further request authorization for the City Controller to disburse all funds related to this item. There is no additional expense impact as a result of this action.

Summary

City Council authorized formation of the Downtown EMSD in 1990 to

provide enhanced public services, above and beyond the level of services provided in the remainder of the City. The City contracts directly with DPI to implement the work program of the Downtown EMSD, including the Ambassadors program, streetscape improvements and maintenance, the Clean Team program, marketing, event promotion, business assistance and transportation services. Pursuant to State law, each year a budget must be approved for the Downtown EMSD.

DPI is requesting to reallocate CY 2020 unspent funds into their CY 2021 budget. Pursuant to City Contract No. 153585, which began on Jan. 1, 2021 and will expire on Dec. 31, 2025, DPI is authorized to reallocate unspent funds from one budget year to the next with City Council approval. Funds requested are to reimburse DPI for services within the Downtown EMSD, such as public improvements in the right of way which include trees and concrete work for tree replacement. The Community and Economic Development Department works closely with DPI to manage the Downtown EMSD.

Financial Impact

Unspent funds in the amount of $97,066 from DPI's CY 2020 budget will be reallocated to their CY 2021 budget for a total not to exceed $3,759,771. There is no additional expense impact as a result of this action. Funds for this reallocation were approved as part of DPI's CY 2020 budget that was authorized by City Council on Nov. 6, 2019.

Concurrence/Previous Council Action

Ordinance S-47103 was approved by City Council on Nov. 18, 2020 which authorized DPI's CY 2021 budget. Ordinance S-46134 was approved by City Council on Nov. 6, 2019 which authorized DPI's CY 2020 budget under the previous City Contract No. 141594. In addition, the DPI Board of Directors recommended approval of this requested reallocation.

Location

The Downtown EMSD is generally bounded by Fillmore Street on the north, 7th Street on the east, 3rd Avenue on the west, and on the south by the railroad tracks south of Jackson Street.
Council Districts: 7 and 8

This item was adopted.

50 One-Stop Operator Services Request for Proposals Contract Award (Ordinance S-47571)

Request authorization for the City Manager, or his designee, to enter into a contract with Arbor E&T, LLC, dba Equus Workforce Solutions to provide one-stop operator (OSO) services. The term of the initial contract will be for approximately 13 months beginning on or about June 1, 2021 through June 30, 2022, with three, one-year options to extend beginning on July 1, 2022. The aggregate value of the contract shall not exceed $3,100,000. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund. Funding is available from the Workforce Innovation and Opportunity Act (WIOA) grant.

Summary

The City of Phoenix Community and Economic Development Department, on behalf of the Phoenix Business and Workforce Development Board, is responsible for procuring and managing OSO Services in compliance with WIOA.

The OSO is responsible for ensuring services provided at the City's three ARIZONA@WORK City of Phoenix comprehensive job center locations and throughout the One-Stop Network are easily accessible, customer-driven, personalized, and responsive to the community's workforce development needs. The ARIZONA@WORK City of Phoenix One-Stop Network offers comprehensive services and resources to job seekers while partnering with employers to help meet their workforce needs in the City of Phoenix.

The OSO will coordinate services throughout the ARIZONA@WORK City of Phoenix service network, convene ARIZONA@WORK City of Phoenix workforce system partners, provide the welcome function for customers at the comprehensive job centers, support and continuously implement Integrated Service Delivery, perform continuous internal improvement efforts, maintain a system for customer referrals among workforce system partners, and comply with all WIOA regulations.

Procurement Information
Solicitation RFP-CED20-OSO, One-Stop Operator Services, was issued on Nov. 30, 2020 and conducted in accordance with the City's Administrative Regulation for procurement. The City received five proposals, four of which were responsive to the RFP's requirements. An evaluation panel scored the responsive proposals based on the following criteria:

Proposer's Qualifications & Experience (0-300 points).
Assigned Staff's Qualifications and Experience (0-275 points).
Approach to Scope of Work (0-225 points).
Proposed Budget (0-200 points).

Staff recommends the proposal offered by Arbor E&T, LLC, dba Equus Workforce Solutions as the highest-scored, responsive and responsible proposal.

Contract Term
The initial term of the contract will be for 13 months starting on or about June 1, 2021, with three, one-year renewal options which may be exercised at the City's discretion. The purpose of the 13-month initial term is to align the contract with the City's fiscal year, which begins on July 1. Additionally, the City's current OSO contract with Goodwill of Central and Northern Arizona expires on June 30, 2021. The overlap in services allows for a transition and seamless services for customers.

Financial Impact
The aggregate value of the OSO Services to be provided through this contract shall not exceed $3,100,000. There is no impact to the General Fund. Funding is available from the City's allocation of federal WIOA funds.

Concurrence/Previous Council Action
This item was recommended for approval by the Workforce and Economic Development Subcommittee at the April 28, 2021 meeting by a vote of 3-0. Additionally, this item was approved at the Phoenix Business and Workforce Development Board Executive Leadership

Committee meeting on April 9, 2021.

This item was adopted.

51 Authorization to Enter into Three-Year Agreement with Phoenix Sister Cities, Inc. (Ordinance S-47575)

Request to authorize the City Manager, or his designee, to execute a new three-year agreement with Phoenix Sister Cities, Inc., beginning July 1, 2021 through June 30, 2024, to support program coordination in youth and education, municipal and technical cooperation, business, and arts and culture with Phoenix's 10 Sister Cities. Funding for the three-year contract will not exceed $220,000.

Summary

Phoenix Sister Cities, Inc. (PSC) is a 501(c)(3) nonprofit organization established in 1972. It is responsible for coordinating exchange programs in youth and education, municipal and technical cooperation, business, and arts and culture with Phoenix's 10 Sister Cities. Currently, the City of Phoenix has Sister Cities relationships with Calgary, Canada; Catania, Italy; Chengdu, China; Ennis, Ireland; Hermosillo, Mexico; Himeji, Japan; Grenoble, France; Prague, Czech Republic; Ramat-Gan, Israel; and Taipei, Taiwan.

PSC exists to create people-to-people relationships between the residents of Phoenix and its Sister Cities through commercial, educational, cultural and artistic exchange programs and events that create and sustain global, long-term, international partnerships and business opportunities for Phoenix. The City of Phoenix has contracted with PSC since the mid-1980s. The organization is administered by a Board of Directors composed of PSC Commission members, appointed by the Mayor and approved by the City Council, and the chairpersons of the 10 Sister Cities committees and the Disability Awareness Committee. Currently, four other community members serve as at-large Board members.

During the last contract period, July 1, 2018 through June 30, 2021, PSC coordinated:

A 41-member delegation of Phoenix elected officials, business leaders and residents to Taipei, Taiwan, in recognition of the 40th anniversary of our Sister Cities relationship. Led by Mayor Gallego, the delegation itinerary included more than a dozen meetings with Taiwanese businesses representing the biotech, robotics, high tech, semiconductor and airline industries. Officials also participated in tours of Taipei's state-of-the-art Emergency Management Operations Center, a business incubator, and the Jianking Public Housing Development. Officials met with Taipei's "Go Smart" Smart Cities initiative staff, resulting in a continuing partnership around Smart Cities projects between the two cities.

An exchange of youth ambassadors with nine Sister Cities in Fiscal Year 2019. During June, 26 Phoenix sophomores and juniors were home-hosted by families in Phoenix's Sister Cities to experience everyday life in that city. In July, these youth returned to Phoenix with their international counterparts to learn about Phoenix efforts around public safety, Arizona government, and daily life in our community. They also examined the role of the media in society, including touring Arizona State University's Walter Cronkite School of Journalism and Mass Communication and participating in a Zine Workshop.

A virtual exchange of youth ambassadors with ten Sister Cities in Fiscal Year 2020. Due to the COVID-19 pandemic, 26 Phoenix sophomores and juniors engaged international counterparts through a Facebook group and online meetings, sharing perspectives on the pandemic, sharing their homes and neighborhoods via photos and videos, and talking about books, movies, and, being teens - favorite foods.

A process to identify potential new Sister Cities relationships. PSC Board of Directors and community volunteers are exploring potential relationships with up to four possible sister cities, including Suwon, South Korea, which approached PSC about a Sister Cities affiliation.

A Trilateral Trade Conference in April 2021 that brought together business and community leaders from Phoenix, Calgary and Hermosillo to explore opportunities presented by the United States-Mexico-Canada Agreement (USMCA) trade agreement for small to medium-sized enterprises. More than 30 panelists explored topics including emerging technology and supply chain management, financing, the "nuts and bolts" of Trilateral Trade, cross border trade and climate action, and changing labor markets. Breakout sessions

addressed topics including e-commerce, biotech, commercial real estate, "physical" and cybersecurity, building a digital strategy, and COVID travel disruptions and visas.

These activities are accomplished by outsourcing the coordination of events and exchanges through a great number of PSC volunteers, totaling more than 100,000 hours and valued at more than $2.5 million over the last three years.

In March of 2020, Council approved an International Trade Strategy to advance the City's economic development activities with multiple partners internationally. Described in the plan, amongst its many components, is the expansion of international inbound and outbound delegations to grow new international activity as well as partnerships with Phoenix hospitals to create a Destination Medicine/Healthcare Tourism program.

Beginning in FY 2021, PSC would like to expand its scope beyond its traditional role and provide support to the City's International Trade Strategy. In order to meet this expanded role, funding for PSC will support:

Youth and Education activities around Sister Schools (a project originally undertaken with Council Districts 1 and 3) and additional funding for Youth Ambassador scholarships to increase opportunities for youth/families unable to afford program costs (e.g., airfare, hosting);
Staff support for the adoption of up to four new Sister Cities in the three-year contract period: Suwon, South Korea; one in India at the Mayor's suggestion; Cape Town, South Africa; and Santiago, Chile (contingent upon City Council approval);
Staff support for Business Development programs - Destination Medicine, Business to Business activities in sister cities in support of new business locates and increased foreign direct investment; and
Support for programming associated with the 50th anniversary of PSC in calendar year 2022 (overlapping two fiscal years).

The PSC program has been recognized by Sister Cities International for its excellence, receiving the award for Best Overall Program in the United States (for a city with a population over 500,001) nine times in the last 24

years. Most recently, PSC received the Best Overall Program and Innovation in Youth and Education awards in 2015.

Contract Term
If approved, the term of this new three-year contract will be July 1, 2021 through June 30, 2024.

Financial Impact
City funds pay for staff salaries and benefits. All PSC exchanges, events and travel are privately funded. The budget for the current three-year contract, ending June 30, 2021, totals $142,500. Funding for the new three-year contract period ending June 30, 2024 will not exceed $220,000.

Over the term of this contract PSC will take a phased approach to expand the program to meet the needs proposed in this report as well as other priorities of Council. Each year of the contract will utilize the currently approved base budget of $50,000 from the General Fund. In addition to the base budget, staff will utilize $70,000 from the Downtown Community Reinvestment Fund to initiate the expansion of the program in year one. If approved, staff will utilize the supplemental budget request process for additional funding for years two and three of the program.

Concurrence/Previous Council Action
This item was recommended for approval by the Workforce and Economic Development Subcommittee at the April 28, 2021 meeting by a vote of 3-0.

This item was adopted.

53 Amendment to Phoenix Fire Code and Modification of Fire Prevention Fee Schedule (Ordinance G-6854)

Request City Council authorization to adopt an ordinance making amendments to the Phoenix Fire Code and modifications to the Phoenix Fire Prevention Fee Schedule, Phoenix City Code, Chapter 15, Appendix A.

Summary
The 2018 International Fire Code with Phoenix amendments was

adopted by the Phoenix City Council on March 4, 2020 and codified on April 4, 2020. As with any large code that is actively utilized by the community, clarifications, adjustments and amendments are often implemented to ensure the code language is clear, understandable, concise, and provides consistent outcomes for renewable energy contractors, fire protection contractors, construction contractors, radio communications, the high-rise community, developers, and other industry groups. The clarifications, adjustments, and amendments that have been identified in the Phoenix Fire Prevention Fee Schedule are intended to provide clarified language to meet our residents, businesses, and development community's needs in order to provide consistent outcomes of fire code interpretation. This action will ensure the City of Phoenix is utilizing a progressive code that reflects the current evolution of building materials, technologies, and industry practice to provide safety and reduce the cost of construction and compliance.

The Fire Safety Advisory Board (FSAB) has reviewed the attached amendments to the Phoenix Fire Code and modifications to the Phoenix Fire Prevention Fee Schedule and has approved the changes in a public meeting.

The full details of the proposed amendments to the Fire Code are provided in the attachment, "Proposed Clarifications, Adjustment, and Amendments to the City of Phoenix 2018 Fire Prevention Code" and proposed modifications to the Fee Schedule are provided in the attachment, "Proposed Adjustment to the City of Phoenix Fire Prevention Fee Schedule."
On March 16, 2021, pursuant to Arizona Revised Statutes section 9-499.15, the City of Phoenix provided notice to the public of proposed adoptions of, or changes to, municipal taxes or fees. Specifically, the Phoenix Fire Department posted notice of its intent to standardize and alter fees charged for Fire Prevention permits and associated activities. These fees cover administrative, educational, investigative and inspection-related costs related to enforcement of the Phoenix Fire Code, Chapter 15 Revision on March 4, 2020 by Ordinance G-6677, effective April 4, 2020. The Fee Schedule can be viewed at <https://www.phoenix.gov/fire/prevention/fire-code>.
The effective date of the Phoenix Fire Prevention Fee Schedule,

Appendix A, if adopted by Council, would be approximately 30 days following City Council Formal approval.

Public Outreach

On March 16, 2021, pursuant to Arizona Revised Statutes section 9-499.15, the City of Phoenix provided notice to the public of proposed adoptions of, or changes to, municipal taxes or fees.

This item was continued to the June 2, 2021 City Council Formal Meeting.

54 Arizona Criminal Justice Commission Crime Reduction Pilot Project Grant (Ordinance S-47579)

Request retroactive authorization for the City Manager, or his designee, to allow the Police Department to apply for, accept, and enter into an agreement with the Arizona Criminal Justice Commission for the Crime Reduction Pilot Project grant. Funding provided under this grant will not exceed $15,000. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The purpose of this grant is to provide funding to promote the objectives of the Restructuring Area Dynamic and Relationships (RADAR) program. This program concentrates on the social network theory and mismanaged properties to reduce calls for service and crime rates instead of arrests and prosecutions, seizure of contraband and serving of search warrants. The objective is to identify high crime areas and related properties attracting high calls for service and work with the property owners to combat property damage and crime.

Contract Term

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

Financial Impact

The amount of funding available is $15,000. No matching funds are required.

This item was adopted.

55 Environmental Sensor Parts Replacement (Ordinance S-47544)

Request to authorize the City Manager, or his designee, to enter into a contract with IAC/Instrumentation and Controls LLC to supply Mine Safety

Appliance brand environmental sensor parts to monitor harmful combustible gases occupied in confined spaces, on an as-needed basis at Phoenix Sky Harbor International, Deer Valley and Goodyear airports. Further request to authorize the City Controller to disburse all funds related to this item. The agreement value will not to exceed $100,000.

Summary

The Aviation Department utilizes environmental sensors to monitor air quality in the terminals, baggage handling areas, fleet maintenance areas, confined spaces, and other locations at all City-owned airports. These environmental sensors ensure safe air quality for employees and the traveling public, and require replacement after two years of use.

The Aviation Department requests to continue to use the Mine Safety Appliance (MSA) environmental sensor parts to ensure standardization, compatibility, durability, and cost efficiency. Data monitoring panels are integrated with the MSA environmental sensor parts for collecting required air quality information. The standardization of environmental sensor parts will ensure compatibility with the existing data monitoring panels and will ensure efficient and compatible connectivity in the testing and calibration process. Additionally, the MSA environmental sensors come with enclosed steel cases which are less likely to receive potential and unintended damage in high traffic areas.

The Occupational Safety and Health Administration (OSHA) and the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) regulations require that these sensors remain in continuous operation while monitoring the air quality in the facilities for passenger safety and comfort. The MSA environmental sensors will allow the City’s airports to achieve cost efficiencies in the scheduled replacement process.

Procurement Information

In accordance with Administrative Regulation 3.10, a Special Circumstances Determination Memo was approved to contract with IAC/Instrumentation and Controls LLC. IAC/Instrumentation and Controls LLC is the authorized manufacturer representative for MSA environmental sensor components and spare parts, and is authorized to service MSA parts and provide necessary coordination for the required MSA warranty

claims directly.

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

Financial Impact
The contract value will not exceed $100,000. Funding is available in the Aviation Department's budget.

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

This item was adopted.

56 Cyclone Equipment, Parts, Accessories and Repair Services - Agreement Recommendation (Ordinance S-47553)

Request to authorize the City Manager, or his designee, to enter into an agreement with Cyclone Technology LLC to provided equipment, equipment upgrades, parts and repair services on the Aviation Department existing runway rubber and paint remover and four hard surface cleaners at Phoenix Sky Harbor International Airport on an as-needed basis. Further request to authorize the City Controller to disburse all funds related to this item. The agreement value will not exceed $700,000.

Summary
The Aviation Department’s existing rubber and paint remover and four hard surface cleaners (collectively referred as Airfield Maintenance Equipment) and components are proprietary and only manufactured by Cyclone Technology LLC (Cyclone). Cyclone owns all intellectual property rights for this Airfield Maintenance Equipment which includes patent pending, trademarks, and copyrights for the proprietary technology in the manufacturing and application of Cyclone products and original equipment manufacturer parts and service.

The Airfield Maintenance Equipment is essential to the Phoenix Sky

Harbor International Airport (PHX) maintenance activities for complying with Federal Aviation Administration part 139 regulations. PHX utilizes this equipment for runway rubber removal, paint removal, regular cleaning to all airport gate areas, baggage makeup areas, common use receiving docks, waste collection sites, and various other airport owned properties. Contracting with Cyclone will ensure the equipment is maintained in good working condition and will reduce the equipment downtime for the taxiway and runway.

Procurement Information
In accordance with Administrative Regulation 3.10, a Special Circumstances Determination Memo was approved to contract with Cyclone.

The Cyclone runway rubber and paint removal machine and the hard surface cleaners are proprietary to Cyclone. The equipment repair and maintenance services, replacement parts and upgrade of the existing equipment are to be fulfilled by Cyclone as they do not sell the equipment, equipment parts, components or services through dealers, distributors, contractors or subcontractors but only through Cyclone.

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

Financial Impact
The agreement value will not exceed $700,000. Funding is available in the Aviation Department’s budget.

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

This item was adopted.

57 Trilogy and Electronic Lock Preventative Maintenance and Services Agreement (Ordinance S-47560)

Request to authorize the City Manager, or his designee, to enter into an agreement with Bird and Bug Ventures, LLC, dba Anderson Lock & Safe,

to provide preventative maintenance and required service on Trilogy and electronic locks. Further request to authorize the City Controller to disburse all funds related to this item. The agreement value will not exceed $575,000.

Summary

The contractor will provide monthly preventative maintenance and services for approximately 1,510 Trilogy and electric locks throughout Phoenix Sky Harbor International Airport, Phoenix Goodyear Airport and Phoenix Deer Valley Airport.

Procurement Information

An Invitation for Bid (IFB) 20-015 was conducted in accordance with Administrative Regulation 3.10. One bid was received on March 9, 2021 from Anderson Lock & Safe. The offer was evaluated based on the minimum qualifications, price, responsible and responsive to provide the required services. The offer from Anderson Lock & Safe is deemed to be fair and reasonable based on the market and compliable agreement pricing.

Contract Term

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

Financial Impact

The agreement value will not exceed $575,000. Funding is available in the Aviation Department’s budget.

Location

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

This item was adopted.

58 Substitute Ground Lease with American Greyhound Racing - Amendment 1 (Ordinance S-47567)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 154016 with American Greyhound Racing, Inc

to allow Greyhound Racing, Inc to implement a Fire Watch and secure a company to remove Fire Load from the Grandstand Building located at 3801 E. Washington St. in exchange for rent credits. Further request to authorize the City Controller to disburse all funds related to this item. Rent credits allowed in exchange would not to exceed $336,000.

Summary

The Grandstand Building (Grandstand) is located on land owned by the City at 3801 E. Washington St. In the past year, the Grandstand has been targeted by copper thieves who illegally removed copper wire and pipes from the fire alarm and fire suppression systems rendering the systems inoperable. A subsequent inspection by the Fire Department led to the issuance of a Notice of Non-Compliance due to the inoperable condition of the systems. The Aviation Department appealed the Notice of Non-Compliance and the Fire Department approved the appeal with stipulations that a Fire Watch be implemented, which requires the Grandstand to be monitored 24/7 and internally inspected every hour. The Fire Department also required that all non-affixed flammable items, referred to as Fire Load, be removed from the building. The Fire Department requires these stipulations remain in effect until the Grandstand is demolished. The Aviation Department has initiated the demolition process which is estimated to take up to 11 months.

Financial Impact

Expenses for implementing the Fire Department's requirements are estimated to be $16,000 per month for the Fire Watch and $160,000 for removal of the Fire Load. Greyhound has agreed to provide the Fire Watch in exchange for a monthly rent credit of up to $16,000 and will secure a company to remove the Fire Load in exchange for additional rent credits of up to $160,000. The total expenditures paid through rent credits will not exceed $336,000 over the estimated 11-month Fire Watch period.

Concurrence/Previous Council Action

The City Council approved Substitute Ground Lease Agreement 154016 (Ordinance S-47363) on March 3, 2021.

Location

3801 E. Washington St.

Council District: 8

This item was adopted.

59 Billboard Concession Lease Agreement at Phoenix Sky Harbor International Airport (Ordinance S-47569)

Request to authorize the City Manager, or his designee, to enter into a Billboard Concession Lease Agreement with Becker Boards Small, LLC at Phoenix Sky Harbor International Airport for 10 years with one 10-year renewal option.

Summary

There are currently five revenue generating billboards located on Aviation Department property, including two static billboards located along Interstate 10 and three others at various locations. The two existing static billboard contracts along Interstate 10 have expired and have been operating month-to-month. In an effort to procure new revenue sources, the Aviation Department has identified underutilized, non-aeronautical land along State Route 143 that is suitable for the installation of three new billboards.

On Sept. 16, 2020, the Phoenix City Council authorized the Aviation Department to issue a Revenue Contract Solicitation for the upgrading of two existing static billboards along Interstate 10 to digital billboards (Package 1), and the installation of three new digital billboards along State Route 143 (Package 2).

The goals of the Revenue Contract Solicitation (RCS) were to select a Respondent with extensive experience operating outdoor billboards and advertising.

Procurement Information

On Sept. 28, 2020, the Aviation Department issued RCS 21-004 and responses were due Dec. 4, 2020 by 10 a.m. (local AZ time). Three responses were received on Dec. 4, 2020. Two Respondents were issued a Determination of Non-Responsiveness due to the firms' failure to comply with the Solicitation requirements. One Respondent was deemed responsive.

On Feb. 8, 2021, the evaluation panel met and evaluated the responsive

Respondent based on the published evaluation criteria:
Proposed Minimum Annual Guarantee (MAG) (400 points);
Business and marketing plan (350 points); and
Qualifications and experience (250 points).

The Panel recommendation was reached by consensus of the panel in consideration of these criteria.

After a local and national outreach effort and a competitive solicitation, Becker Boards Small, LLC is recommended for award of the Billboard Concessions Lease for both Packages 1 and 2, with 810 out of 1,000 points for both packages.

The City Transparency Policy is in effect until the contract resulting from this RCS is awarded by City Council.

Public Outreach
A Business Information Meeting was held on Sept. 1, 2020. A Pre-Proposal Meeting was held on Oct. 7, 2020.

Contract Term
The term will be 10 years, with one 10-year renewal option, which shall be exercised at the sole discretion of the Director of Aviation Services.

Financial Impact
First year annual revenue will be approximately $685,000 (MAG) or 60 percent of gross sales, whichever is greater. For every year thereafter, MAG shall be adjusted to 75 percent of the prior years' annual rent payment or 100 percent of the previous year's MAG, whichever is greater.

Concurrence/Previous Council Action
The Phoenix Aviation Advisory Board recommended approval of this item on April 15, 2021, by a vote of 8-1.

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

This item was adopted.

60 Parking Management Services Agreement at Phoenix Sky Harbor International Airport (Ordinance S-47576)

Request to authorize the City Manager, or his designee, to enter into an agreement with Ace Parking Management, Inc. to provide parking management services for the Aviation Department. Further request to authorize the City Controller to disburse all funds related to this item. The agreement value will not exceed $110 million.

Summary

Parking is the largest non-aeronautical revenue source at Phoenix Sky Harbor International Airport; therefore, the successful Proposer must have extensive experience operating a large airport-owned parking portfolio with results in delivering innovative strategies to improve customer service, increase market penetration, and revenue growth. Parking at Phoenix Sky Harbor International Airport is comprised of over 26,000 spaces that operate 24 hours-per-day and 365 days-per-year. This Parking Management Services agreement requires the successful Proposer to manage, administer, staff, and operate parking facilities; operate the Airport's Parking Access and Revenue Control System (PARCS); maintain and operate circulatory vehicles; provide and operate an online booking system; coordinate the revenue management program; and direct the marketing campaign. The Aviation Department is currently contracted with the recommended Proposer to provide parking management services on a month-to-month basis, but that agreement will terminate on Dec. 31, 2021.

Procurement Information

Request for Proposal (RFP) 21-001 - Parking Management Services was conducted in accordance with Administrative Regulation 3.10. Four proposals were received and deemed responsive and responsible.

The proposals were evaluated by an evaluation panel and scored by consensus based on the following criteria, with a point range of 0-1,000 points:
Financial Impact Including Revenue and Earnings: 0-250 points.
Qualifications and Experience: 0-150 points.
Operations - Customer Service and Staffing Plan: 0-150 points.

Marketing Plan: 0-150 points.
Revenue Management: 0-150 points.
Customer Experience: 0-150 points.

The evaluation panel recommends Ace Parking Management, Inc. for agreement award as the best value to the City based on the following consensus scores:
Ace Parking Management, Inc. - 894.
SP Plus Corporation - 842.
ABM Aviation, Inc. - 688.
LAZ Parking - 664.

Contract Term
The agreement will begin on or about July 1, 2021 for an initial seven-year term with one three-year option to extend for a 10-year aggregate agreement term.

Financial Impact
The agreement value will not exceed $110 million for the 10-year aggregate agreement term. Funding is available in the Aviation Department’s budget.

Concurrence/Previous Council Action
The Phoenix Aviation Advisory Board recommended approval of this item on April 15, 2021, by a vote of 9-0.

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

This item was adopted.

63 Jurisdictional Bus Service Revenue Agreements - Amendments (Ordinance S-47584)

Request to authorize the City Manager, or his designee, to execute amendments to agreements: 147281 with the Gila River Indian Community; 150473 with the City of Glendale; 146019 with the City of Peoria; and 150638 with the Regional Public Transportation Authority, for the purchase of Phoenix's fixed-route bus services by these agencies

and the funding of Phoenix's Dial-a-Ride services with regional funds managed by Regional Public Transportation Authority for Fiscal Year 2021-22. Estimated costs for the year include credits resulting from the region’s receipt of Coronavirus Response and Relief Supplemental Appropriations Act funds and American Rescue Plan Act of 2021 funds.

Summary

Phoenix's Public Transit Department has existing agreements with these agencies for the provision of fixed route bus services as provided by Phoenix on the following routes:

Gila River Indian Community (GRIC) - Route 51;

City of Glendale - Routes 51, 59, 60, 67, 80, 83, 90, 138, 170 and 186;

City of Peoria - Route 83; and

Regional Public Transportation Authority (RPTA) - Routes 3, 17, 29, 41, 50, 59, 67, 70, 80, 106, 138, 154 and 170.

These amendments establish the Fiscal Year 2021-22 cost estimates for the fixed route bus service provided to these agencies by Phoenix, plus Phoenix's Dial-A-Ride services funded by regional funds.

Financial Impact

There is no cost to Phoenix. Each agency will pay Phoenix for these services. Below are the projected costs for each respective agency in Fiscal Year 2021-22:

GRIC

Gross Cost of Service: $1,030,910

Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Funding Credit to GRIC: $237,338

American Rescue Plan Act of 2021 (ARPA) Funding Credit to GRIC: $578,885

Farebox Revenue: $28,810

Net GRIC Cost (Revenue to Phoenix): $185,877

City of Glendale

Gross Cost of Service: $5,283,822

CRRSAA Funding Credit to Glendale: $1,181,323

ARPA Funding Credit to Glendale: $2,881,334

Farebox Revenue: $285,328

Net Glendale Cost (Revenue to Phoenix): $935,837

City of Peoria
Gross Cost of Service: $1,582,857
CRRSAA Funding Credit to Peoria: $364,408
ARPA Funding Credit to Peoria: $888,818
Farebox Revenue: $34,439
Net Peoria Cost (Revenue to Phoenix): $295,192

RPTA
Gross Cost of Fixed Route Bus Service: $14,146,077
CRRSAA Funding Credit to RPTA: $4,403,702
ARPA Funding Credit to RPTA: $6,654,297
Farebox Revenue: $663,835
Net Fixed Route Bus Service Cost: $2,424,243
Net Dial-a-Ride Cost (Revenue to Phoenix): $2,548,902
Net Combined RPTA Cost (Revenue to Phoenix): $4,973,145

This item was adopted.

64 Agreement Amendment with Regional Public Transportation Authority for Purchase of Fixed Route Transit Service for Fiscal Year 2022 (Ordinance S-47585)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 143071 with the Regional Public Transportation Authority to provide additional funding to pay for bus transit service operated within Phoenix. Further request to authorize the City Controller to disburse all funds related to this item. The additional funding for Fiscal Year 2022 will not exceed $7,750,546.

Summary
Transit services are customarily purchased and sold between regional transit agencies where adding service or continuing an existing bus route is most economical. Each Fiscal Year, the City determines the level of service to be operated within its boundaries and executes an amendment to its Service Agreement with Regional Public Transportation Authority (RPTA) to authorize funding for that year's service. In Fiscal Year 2022, RPTA will provide the following fixed route bus service within Phoenix: Routes 30 (University Drive); 45 (Broadway Road); 56 (Priest Drive); 61 (Southern Avenue); 77 (Baseline Road); 108 (Elliot Road/48th Street);

140 (Ray Road); and 156 (Chandler Boulevard). The City also sells service to RPTA on various routes.

At the end of each fiscal year, the City and RPTA assess the actual miles operated, gross costs incurred, federal funds credited (for preventative maintenance), and fare revenues collected. The City and RPTA then reconcile the difference between the original estimates and actual costs through a credit memo or billing, as applicable.

Financial Impact

The anticipated number of annual fixed-route miles for Fiscal Year 2022 is 1,457,190 miles at an estimated cost of $10,756,109. The total estimated farebox revenue is $372,932 and the total estimated preventive maintenance credit is $794,985. In addition, the City is estimated to receive a $1,837,646 Coronavirus Response and Relief Supplemental Appropriations Act (CRRSSA) funding credit for services RPTA provides within Phoenix. The total estimated net cost for RPTA's billing to the City is $7,750,546.

Funding is available in the Public Transit Department operating budget using Transportation 2050 funds.

Concurrence/Previous Council Action

The City Council approved Service Agreement 143071 with RPTA (Ordinance S-42474) on April 20, 2016.

This item was adopted.

66 Dial-A-Ride Service Web Portal Software License and Passenger Notification License/Services Agreement - Amendment (Ordinance S-47587)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 148851 with Trapeze Software Group, Inc. to provide additional software licensing for continued web portal trip planning for Phoenix Dial-a-Ride users and add passenger notification capabilities. Further request to authorize the City Controller to disburse all funds related to this item. The additional funding will not exceed $446,457.

Summary

To currently request a Phoenix Dial-a-Ride (DAR) trip, eligible users can either call the City's contracted service provider directly or use an account-based web portal. Once a trip has been requested, the service provider utilizes the City's provided software developed by Trapeze Software Group, Inc. (Trapeze) for scheduling and dispatch.

The current web portal service is a separate Trapeze software product provided by the City’s contracted service provider. But to ensure there is no lapse in customer service or trip scheduling capabilities with any change in service provider under future agreements, the Public Transit Department (PTD) intends to bring this functionality in-house for the City to provide and maintain the software directly.

In addition, PTD seeks to add a software feature known as "passenger notification services," which allows passengers to receive trip reminders and real-time ride status updates by text message or email. That feature also allows passengers to perform an assortment of automated phone functions. The existing phone scheduling system would remain in place for passengers who prefer that method for trip scheduling.

An amendment to Trapeze's agreement would supplement the existing scope to provide for these new software products' licenses, implementation services, long term support services, and SMS (text)/virtual phone services. This item has been reviewed and approved by the Information Technology Services Department.

Financial Impact

The amendment includes the cost of software licensing and implementation of passenger notification services, as well as maintenance and support services through expiration of the City’s agreement with Trapeze on Nov. 30, 2023. Maintenance services include monthly charges for Twilio service, which is a cloud-based service for the text messages and phone calls necessary to implement these new passenger features.

The initial authorization for Maintenance of Software and Licensing Services Agreement 148551 was for an expenditure not-to-exceed $568,328. This amendment will increase the authorization for the

agreement by an additional $446,457, for a new total not-to-exceed agreement value of $1,014,782.

Funding is available in the Public Transit Department's Capital and Operating budgets using Transportation 2050 funds.

Concurrence/Previous Council Action
The City Council approved Maintenance of Software and Licensing Services Agreement 148851 (Ordinance S-45099) on Nov. 7, 2018.

This item was adopted.

68 Authorization to Enter into Land Lease and Operating Agreement with Renew Phoenix at City of Phoenix Resource Innovation Campus (Ordinance S-47549)

Request to authorize the City Manager, or his designee, to enter into a lease and operating agreement with Renew Phoenix at the City of Phoenix's Resource Innovation Campus located at 27th Avenue and Lower Buckeye Road for one year, with a one-year option to extend. Further request to authorize the City Treasurer to accept all funds related to this item. Revenue from the land lease is $2,800 per year.

Summary
Ordinance S-45501 authorized an agreement for processing plastics and a land lease with Renew Phoenix. As part of the program, Renew Phoenix will lease approximately 30,000 square feet at the Resource Innovation Campus (RIC) for 10 years at $8,400 per year.

The Public Works Department and Renew Phoenix have agreed to a smaller-scale pilot program prior to entering into the 10-year contract. The leased site for the pilot program will be 10,000 square feet for a one-year term with a one-year option to extend. The lease rate will be $2,800 per year, plus applicable taxes, which is within the range of market rents as determined by the Finance Department Real Estate Division. The term of operating agreement will be one year and run concurrently with the lease. All other terms and conditions will remain the same as approved in the original Request for Proposal.

Contract Term
The lease term and operating agreement for the pilot program will be one

year beginning on or about July 1, 2021, with a one-year option to extend.

Financial Impact

Revenue from the land lease is $2,800 per year. There is no negative financial impact to the City.

Concurrence/Previous Council Action

The Water, Wastewater, Infrastructure and Sustainability Subcommittee recommended approval of a 10-year agreement for processing plastics and land lease on March 6, 2019, by a vote of 3-0.

The City Council approved entering into a 10-year agreement for processing plastics and land lease (Ordinance S-45501) on April 3, 2019.

Location

27th Avenue Transfer Station - 3060 S. 27th Ave.
Council District: 7

This item was adopted.

69 Recommendation for Specialty Vehicles and Equipment Maintenance and Repair Agreements (Ordinance S-47554)

Request to authorize the City Manager, or his designee, to enter into separate agreements with Arizona Machinery, LLC dba Stotz Equipment; BTE Body Company, Inc.; CliffCo, LLC; Environmental Equipment, LLC; Southern California Fleet Services, Inc. dba Fleet-Line Truck & Fire Equipment Repair; LZ Delta, LLC dba GO AZ Motorcycles; Musgrove Enterprises, LLC dba SealMaster Arizona; Short Equipment, Inc.; Simpson Norton Corporation; Superior Supply, Inc.; and Utility Crane & Equipment, Inc. for specialty vehicles and equipment maintenance and repair. Further request to authorize the City Controller to disburse all funds related to this item. The total aggregate amount is $3,575,000 over the life of the agreements.

Summary

The Public Works Department is responsible for managing a diverse fleet of over 7,300 vehicles and equipment that are repaired and maintained at service centers and police substations. The equipment includes all-terrain vehicles, trailers, forklifts, various off-road vehicles and equipment, and street repair apparatus that require ongoing maintenance

and repairs to keep them in good operating condition. These agreements will allow Public Works and Aviation departments to maintain City-owned specialty equipment and will ensure the equipment is in operating condition and available for service.

Procurement Information
Invitation for Bid 22-FSD-003 was conducted in accordance with Administrative Regulation 3.10. Twelve offers were received by the Public Works Department Procurement Services on March 10, 2021. The offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. One offer was deemed non-responsive. The offers submitted by Arizona Machinery, LLC dba Stotz Equipment; BTE Body Company, Inc.; CliffCo, LLC; Environmental Equipment, LLC; Southern California Fleet Services, Inc. dba Fleet-Line Truck & Fire Equipment Repair; LZ Delta, LLC dba GO AZ Motorcycles; Musgrove Enterprises, LLC dba SealMaster Arizona; Short Equipment, Inc.; Simpson Norton Corporation; Superior Supply, Inc.; and Utility Crane & Equipment, Inc. were deemed fair and reasonable.

The awards recommendation can be found in **Attachment A**.

Contract Term
The one-year term of the agreements will begin on or about July 1, 2021. The agreements will contain four one-year options to extend the term, for a total agreement term of up to five years if all options are exercised.

Financial Impact
The aggregate value of the agreements, including all option years, is $3,575,000, including all applicable taxes, with an estimated annual expenditure of $715,000. Funding is available in the Public Works and Aviation departments' budgets.

This item was adopted.

71 Citywide General Construction Job Order Contract Services - Amendment - 4108JOC178 (Ordinance S-47546)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 149740 with DL Norton General Contracting,

Inc. (DL Norton) to provide $4 million in additional General Construction Job Order Contracting Services, and to authorize the execution of a Job Order Agreement in an amount up to $6 million for the Phoenix City Hall Replace Sanitary Sewer Lines and Repair Roof Drain System project. Further request to authorize execution of amendments to Master Agreement 149740 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 $4 million.

Summary

The purpose of this project is to replace the sanitary waste and vent piping and provide re-sloping of storm drain piping at Phoenix City Hall (City Hall).

In 2018, a consultant was hired to perform an assessment which resulted in the recommendation of a full system replacement to avoid a potential widespread system failure. In 2019, the same consultant was hired to complete design through its Engineering On-Call contract. In August 2020, staff pursued the specialized design and construction expertise of DL Norton Construction under an existing Job Order Contract (JOC), to provide pre-construction services which included working with the design consultant to prepare final construction drawings, prepare a construction schedule which projected a timeline of 12 months for completion, and a cost estimate for construction.

Due to the complexity of the project, impact and coordination required to work with multiple departments residing in City Hall, as well as security requirements and logistical requirements of working within City Hall, it is imperative that the City use a contractor that can meet these requirements. DL Norton has assembled a specialized team of subcontractors, all of which have a vast knowledge and familiarity with the existing conditions.

Use of a JOC construction services contract allows the City to address the timeline requirements and specialized aspects of the project. DL Norton currently has $2.2 million in remaining contract capacity on JOC Master Agreement 149740. To ensure the contract has sufficient capacity for replacement of the sanitary sewer line and repair roof drain

project, staff recommends increasing the JOC contract capacity and spending authority of DL Norton's current JOC by an additional $4 million to complete this project. This amendment will allow for the issuance of a job order agreement to DL Norton for an amount not to exceed $6 million for the City Hall replacement of sanitary sewer lines and repair of the roof drain system.

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

Contract Term

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

Financial Impact

The initial master agreement for Job Order Contracting Services was executed for a fee not-to-exceed $10 million, including all subcontractor and reimbursable costs.

This Amendment will increase the master agreement by an additional $4 million, for a new total not-to-exceed master agreement value of $14 million, including all subcontractor and reimbursable costs.

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 approved Job Order Contracting Services Master Agreement 149740 (Ordinance S-45604) on May 1, 2019.

This item was adopted.

72 Palm Lane Storm Drain: 28th Place to 32nd Street -

Design-Bid-Build Services - ST83140081 (Ordinance S-47548)

Request to authorize the City Manager, or his designee, to accept Degan Construction, LLC, as the lowest-priced, responsive and responsible bidder and to enter into an agreement with Degan Construction, LLC for Design-Bid-Build Services for the Palm Lane Storm Drain: 28th Place to 32nd Street project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $2,361,325.24.

Summary

The purpose of this project is to install storm drain pipe and modify the existing sanitary sewer line along Palm Lane from 28th Place to 32nd Street.

Degan Construction, LLC's services include, but are not limited to: installing storm drain pipe, catch basins, manholes, and inlet structures, including water lines abandonment, vertical realignment, removal and replacement of asphalt-concrete pavement, valley gutters, driveway entrances, sidewalk, curb and gutter, Americans with Disabilities Act curb ramps, and speed hump reconstruction, and other miscellaneous work items as required to complete the project.

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

Procurement Information

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Three bids were received on April 13, 2021. The Equal Opportunity Department has determined that Small Business Enterprise and Disadvantaged Business Enterprise program requirements do not apply to this contract.

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

Engineer's Estimate: $3,404,768

Degan Construction, LLC: $2,361,325.24
FPS Civil, LLC: $2,824,360.00
Action Direct, LLC dba Redpoint Contracting: $5,500,204.00

The bid award amount is within the total budget for this project.

The Engineer of Record evaluated the contractors' bids received by the City compared to the Opinion of Probable Cost and did not find any severe variations of unit prices that would cause concern to prevent the City from moving forward with awarding this project to Degan Construction, LLC.

Contract Term
The term of the agreement is 210 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for Degan Construction, LLC will not exceed $2,361,325.24, including all subcontractor and reimbursable costs.

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

Location
Council District: 8

This item was adopted.

73 Intergovernmental Agreement with Arizona Department of Transportation to Fund City of Phoenix Staffing Resources for Interstate 10 Broadway Curve Improvement Project (Ordinance S-47561)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement with the Arizona Department of Transportation for the Arizona Department of Transportation to fund City staffing resources in the Street Transportation Department related to the reconstruction of the Interstate 10 Broadway Curve Improvement Project. 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 to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The purpose of this Agreement is for the Arizona Department of Transportation (ADOT) to fund Street Transportation Department staff coordinating with City departments on the Interstate 10 (I-10) Broadway Curve Improvement Project (Broadway Curve) in an amount not to exceed $350,000 per year. City staff will be assigned to the project to coordinate and perform plan reviews, process permits, and provide traffic operations coordination and outreach support during the freeway detours and closures. It is critical to the success of this freeway project for City staff to work closely with ADOT and the development team throughout design and construction.

The I-10 Broadway Curve project is planned to improve a segment of I-10 between the I-10/Interstate 17 (I-17) Split Traffic Interchange and the Congressman Ed Pastor Freeway (Loop 202-South Mountain Freeway).

Contract Term

The term of the agreement is two years from the date of execution on or about May 15, 2021, with two one-year extension options.

Financial Impact

The City will be reimbursed in an amount not to exceed $350,000 per year.

Location

Interstate 10, from the I-10/I-17 Split Traffic Interchange and the

Congressman Ed Pastor Freeway (Loop 202-South Mountain Freeway). Council Districts: 6 and 8

This item was adopted.

74 Water Main Replacement: Stanford to McDonald Drives and 40th to 44th Streets - Construction Manager at Risk Preconstruction Services - WS85509050 (Ordinance S-47566)

Request to authorize the City Manager, or his designee, to enter into an agreement with TALIS Construction Corporation to provide Construction Manager at Risk Preconstruction Services for the Water Main Replacement: Stanford to McDonald drives and 40th to 44th streets project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $15,000.

Summary

The purpose of this project is to replace approximately 26,471 linear feet of water main, 46 fire hydrants, 287 service connections, and 18 cut and plugs.

TALIS Construction Corporation (TALIS) will begin in an agency support role for Construction Manager at Risk Preconstruction Services.TALIS will assume the risk of delivering the project through a Guaranteed Maximum Price agreement.

TALIS' services include, but are not limited to: providing a detailed cost estimate and knowledge of marketplace conditions, provide project planning and scheduling, provide for construction phasing and scheduling that will minimize interruption and to City operations and to provide alternate systems evaluation and constructability studies. A Small Business Enterprise goal will be established for this project upon substantial completion of Preconstruction Services and prior to the start of construction.

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

Procurement Information

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

Selected Firm
Rank 1: TALIS Construction Corporation

Additional Proposers
Rank 2: B&F Contracting, Inc.
Rank 3: Hunter Construction Co.
Rank 4: Haydon Building Corporation

Contract Term
The term of the agreement is 260 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for TALIS will not exceed $15,000, including all subcontractor and reimbursable costs.

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

Location
Quarter section 20-37 bordered by Stanford to McDonald drives and 40th to 44th streets
Council District: 6

This item was adopted.

75 Northwest Valley Transportation - Construction Manager at Risk Construction Services - ST85100449 (Ordinance S-47570)

Request to authorize the City Manager, or his designee, to enter into an agreement with Hunter Contracting Co. to provide Construction Manager at Risk Construction Services for the Northwest Valley Transportation project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $50 million.

Summary

The purpose of this project is to construct approximately three miles of arterial streets, including street lighting and landscaping, in support of the Taiwan Semiconductor Manufacturing Company (TSMC) facility. One traffic signal located at the intersection of Dove Valley Road and 43rd Avenue and another at a driveway entrance into the TSMC site at 43rd Avenue will also be included in this project.

Hunter Contracting Co.'s initial services will include preparation of a Guaranteed Maximum Price proposal for the Construction Services provided under the agreement and participating with the City in a process to establish a Small Business Enterprise (SBE) goal for the project. Hunter Contracting Co. will be responsible for construction means and methods related to the project and fulfilling the SBE program requirements. Hunter Contracting Co. will be required to solicit bids from pre-qualified subcontractors and to perform the work using the City's subcontractor selection process. Hunter Contracting Co. may also compete to self-perform limited amounts of work.

Hunter Contracting Co.'s services include, but are not limited to: attending project meetings; developing and analyzing project schedule; creating construction management plans; performing plan and constructability reviews; cost estimating; construction of the arterial streets; and installation of lighting and landscaping.

Procurement Information

The selection was made using a qualifications-based selection process

set forth in section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the CMAR Preconstruction Services selection process.

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

Financial Impact
The agreement value for Hunter Contracting Co. will not exceed $50 million, including all subcontractor and reimbursable costs.

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

Concurrence/Previous Council Action
The City Council approved Construction Manager at Risk Preconstruction Services Agreement 154122 (Ordinance S-47495) on April 21, 2021.

Public Outreach
A pre-recorded public meeting is planned for the project.

Location
The site is bounded by I-17 Freeway to the east, the Loop 303 Freeway to the south, the Deadman Wash to the west and State Route 74 to the north.
Council District: 1

This item was adopted.

76 U.S. Department of Transportation Emergency Relief Funds for 7th Street and Salt River Bridge Repair (Ordinance S-47577)

Request to authorize the City Manager, or his designee, to apply for, accept, and if awarded, enter into agreements for disbursement of federal transportation funding for the U.S. Department of Transportation's Emergency Relief Program not to exceed $12 million, for the 7th Street and Salt River Bridge Repair project. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item, if awarded.

Summary

Congress authorized in Title 23, United States Code, Section 125, a special program from the Highway Trust Fund to repair damaged roads and bridges, or reconstruct federal-aid highways and roads on federal lands which have suffered damage as a result of natural disasters or catastrophic failures from an external cause. On Feb. 28, 2021, the 7th Street Bridge over the Salt River experienced a catastrophic fire which was caused by a ten-inch high pressure natural gas line running under the bridge. Since 7th Street is part of the National Highway System, and because the fire that occurred was a catastrophic failure from an external cause, the City of Phoenix Street Transportation Department (Streets) was informed by representatives of the Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA) that this project may be eligible for the Emergency Relief (ER) Program.

Critical damage occurred to the north end of the bridge structure as a direct result of the catastrophic fire, requiring the removal and replacement of the northern two spans of the five-span bridge along with the northern most pier and abutment. Streets is actively pursuing repair and rehabilitation of the 7th Street and Salt River Bridge, which has remained closed since the fire occurred. The bridge is anticipated to reopen in September 2021 when replacement of the north two spans, pier and abutment is complete.

Streets is collaborating with federal and state agencies to process the City's intent to apply for and use ER funds. A formal request has been made through ADOT, which will be requesting an Emergency Declaration by the Governor's office on the City's behalf to formally initiate the approval request through the Arizona Division of FHWA.

Financial Impact

One hundred percent of the total project cost is eligible for federal reimbursement up to 180 days from the date of approval. After 180 days, the City's local match would be a maximum of 5.7 percent of the total project cost, or up to $684,000.

If funding is approved, the City's local match requirement will not exceed $684,000 to leverage repair costs up to $12 million in federal funds. The local match is available in Streets' Capital Improvement Program budget.

Location
7th Street, south of University Drive
Council District: 8

This item was adopted.

77 Support for Formation of Rancho Ventura Irrigation Water Delivery District (Resolution 21924)

Request to adopt a resolution to support formation of the Rancho Ventura Irrigation Water Delivery District through Maricopa County. The proposed Irrigation Water Delivery District includes the single-family residential properties bounded by Oak Street to the south, Cambridge Avenue to the north, 40th Street to the west and 44th Street to the east. This action has no financial impact to the City of Phoenix.

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

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

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

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

Public Outreach
On June 7, 2019, the City received a formal written request from City of Phoenix resident Jeff Bloker, representative for the Rancho Ventura neighborhood, to pursue City Council approval to form an IWDD with Maricopa County (**Attachment B**).

Location
The proposed IWDD includes the single-family residential properties bounded by Oak Street to the south, Cambridge Avenue to the north, 40th Street to the west, and 44th Street to the east.
Council District: 8

This item was adopted.

78 Air Compressors, Dryers, Parts and Services Agreement - Request for Award (Ordinance S-47543)

Request to authorize the City Manager, or his designee, to enter into an agreement with Rocha LLC., for the purpose of purchasing new equipment, parts, maintenance and services for air compressors for the Water Services Department. Further request to authorize the City Controller to disburse all funds related to this item. The agreement amount will not exceed $1.5 million.

Summary
The purpose of this agreement is to provide air compressors, dryers, parts and services on an as-needed basis to maintain and replace existing air compressor and dryer equipment at various facilities within the Water Services Department.

Rocha LLC's services include, but are not limited to the purchase of: new stationary air compressors, stationary air dryers, consumables, parts, and other ancillary equipment associated with the compressors and dryers. This agreement is also for repair and maintenance of the air

compressors and air dryers which may include: installation, repair, diagnostics, assessment, troubleshooting, required maintenance, warranty work, and emergency repairs.

Procurement Information

The recommendation was made using an Invitation for Bids procurement process in accordance with City of Phoenix Administrative Regulation 3.10. Three vendors submitted bids and are listed below and all bids were found to be responsive and responsible.

Selected Bidder
Rocha LLC.

Other Bidders
Ingersoll Rand Compression Technologies & Services
Pioneer Equipment, Inc.

Contract Term

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

Financial Impact

The agreement value for Rocha LLC. will not exceed $1.5 million. Funding is available in the Water Services Department's budget.

This item was adopted.

79 Wireless Radios Maintenance and Service Agreement - Request for Award (Ordinance S-47551)

Request to authorize the City Manager, or his designee, to enter into an agreement with Southwest Lan Connections, LLC, to provide Supervisory Control and Data Acquisition wireless radio system on-site maintenance and service for the purpose of maintaining and monitoring a highly automated communication system for the Water Services Department. Further request to authorize the City Controller to disburse all funds related to this item. The agreement amount will not to exceed $990,000.

Summary

The purpose of this agreement is to provide continued support of ongoing Supervisory Control and Data Acquisition (SCADA) wireless

radio system projects and ensure warranty coverage of services performed and projects remaining to be completed. SCADA wireless radio systems control and monitor over 200 critical Water Services Department sites where in-ground/-land wiring is not available.

This direct selection is necessary because of warranty requirements for existing SCADA wireless communications projects continuing past the existing contract term, providing warranty coverage.

Southwest LAN Connection’s services include, but are not limited to: On-site labor, software upgrade services, replacement and repair of wireless system components for licensed and license-exempt GE MDS, Exalt, Redline, Radwin and 4RF wireless communication systems.

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

Procurement Information

An exception to the procurement process was determined to select the Contractor set forth in City of Phoenix Administrative Regulation 3.10. A direct selection was made because there exists a lack of qualified/available contractors/consultants which makes a competitive selection process impracticable, unnecessary, or contrary to the public interest.

Contract Term

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

Financial Impact

The agreement value for Southwest LAN Connections, LLC will not exceed $990,000.

Funding is available in the Water Services and Information Technology Services departments' Operating budgets.

This item was adopted.

80 Valves - Request for Award (Ordinance S-47552)

Request to authorize the City Manager, or his designee, to enter into separate agreements with four vendors to provide valves for the purpose of purchasing a supply of commodities related to valves including parts, accessories and services on an as-needed basis. Further request to authorize the City Controller to disburse all funds related to this item. The agreement amount will not exceed $9 million.

Summary

The purpose of this agreement is to purchase valves on an as-needed basis to maintain the infrastructure of various facilities within the Water Services Department.

Ferguson Waterworks, Fortiline Waterworks, Inc., Geo S. Thomson Company, Inc., and MISCOwater's services include but are not limited to the supply of various new valves, valve parts and accessories, and valve maintenance and repair services.

Procurement Information

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

Seven vendors submitted bids and are listed below and all bids except for one were found to be responsive and responsible.

Selected Bidders
Ferguson Waterworks
Fortiline Waterworks, Inc.
Geo S. Thomson Company, Inc.
MISCOwater

Other Bidders
Alb Piping Products & Services, LLC.
Core & Main, LP
Dana Kepner Company LLC.

Contract Term

The agreements will begin on or about June 1, 2021, for a five-year

aggregate term with no options to extend.

Financial Impact
The aggregate value for the agreements with Ferguson Waterworks, Fortiline Waterworks, Inc., Geo S. Thomson Company, Inc., and MISCOwater will not exceed $9 million.

Funding is available in the Water Services Department's budget.

This item was adopted.

81 Security Guard Services Agreement - Request for Award (Ordinance S-47564)

Request to authorize the City Manager, or his designee, to enter into an agreement with IPSA Security Services, to provide security guard services at multiple Water Services Department facilities. Further request to authorize the City Controller to disburse all funds related to this item. The agreement will not exceed $4.5 million.

Summary
The purpose of this agreement is to provide experienced, licensed, unarmed, uniformed security guards who will be responsible for the physical security of all Water Services Department (WSD) Water Production facilities, Wastewater facilities and Remote facilities.

IPSA Security Services' services include, but are not limited to: monitoring closed-circuit television (CCTV) systems and other equipment at guardhouses, perform basic operations of the City's PC-based access control/intrusion detection systems, conduct security inspection and patrol of each facility, respond to alarms, monitor the public and watch for potential disturbances, identify and report security and safety violations, assist WSD in emergency situations, and prepare daily reports.

Procurement Information
The recommendation was made using a Request for Proposal procurement process in accordance with City of Phoenix Administrative Regulation 3.10.

Twenty vendors submitted proposals and are listed in **Attachment A** and all proposals were found to be responsive and responsible. The

evaluation panel recommendation was reached by consensus in consideration of published selection criteria with total points ranging from 0 - 1,000:

Company History, Experience and Qualification - 350 points
Company Resources - 250 points
Method of Approach - 200 points
Attachment C - Cost of Services - 200 points

The following Offeror is selected for award:

Selected Vendor
IPSA Security Services

Contract Term
The agreement term is five years and will begin on or about July 1, 2021.

Financial Impact
The agreement value for IPSA Security Services will not exceed $4.5 million.

Funding is available in the Water Services Department's Operating budget.

This item was adopted.

82 Final Plat - BB Living at Union Park - PLAT 200563 - Northwest Corner of 19th Avenue and Happy Valley Road

Plat: 200563
Project: 15-3108
Name of Plat: BB Living at Union Park
Owner: US Relp Norterra East I, LLC
Engineer: EPS Group, Inc.
Request: A 1 Lot Commercial Plat
Reviewed by Staff: April 9, 2021
Final Plat requires Formal Action Only

Summary
Staff requests that the above plat be approved by the City Council and

certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment 200549.

Location
Generally located at the northwest corner of 19th Avenue and Happy Valley Road.
Council District: 1

This item was approved.

83 Final Plat - Sunset Farms - PLAT 200594 - Northeast Corner of 103rd Avenue and Broadway Road

Plat: 200594
Project: 02-2183
Name of Plat: Sunset Farms
Owner: VTLG Sunset Farms Land Co., LLC
Engineer: Douglas B. Toney, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: April 19, 2021
Final Plat requires Formal Action Only

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

Location
Generally located at the northeast corner of 103rd Avenue and Broadway Road.
Council District: 7

This item was approved.

84 Final Plat - Liberty 1B - PLAT 200596 - Northeast Corner of 27th and Southern Avenues

Plat: 200596
Project: 17-430
Name of Plat: Liberty 1B
Owners: Lennar Arizona, Inc. and KB Home Phoenix, Inc.
Engineer: Thomas E. Granillo, RLS

Request: A 254 Lot Residential Plat
Reviewed by Staff: April 5, 2021
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the northeast corner of 27th and Southern avenues.
Council District: 8

This item was approved.

85 Amend City Code - Official Supplementary Zoning Map 1217 (Ordinance G-6850)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1217. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-SP-7-04 and the entitlements are fully vested.

Summary

To rezone a parcel located on the southeast corner of 3rd Avenue and Indian School Road.
Application No.: Z-SP-7-04
Zoning: C-2 SP TOD-1 DNS/WVR
Owner: FSC Colby Creek Apartments LLC
Acreage: 8.93

Location

The southeast corner of 3rd Avenue and Indian School Road.
Address: 3993 N. 3rd Ave.
Council District: 4

This item was adopted.

86 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-47-07-1- Approximately 775 Feet North of the Northwest Corner of I-17 and Old West Trail (Ordinance G-6852)

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 April 21, 2021.

Summary

Application: PHO-1-21--Z-47-07-1
Existing Zoning: C-2
Acreage: 18.04

Applicant: Brennan Ray, Burch & Cracchiolo PA
Owner: Transwestern Investments LLC
Representative: Brennan Ray, Burch & Cracchiolo PA

Proposal:
Review of conceptual site plan and elevations by the Planning Hearing Officer per Stipulation 1.
Modification of Stipulation 2 regarding approval of a comprehensive sign plan.

Concurrence/Previous Council Action

Village Planning Committee Recommendation: The Rio Vista Village Planning Committee heard this case on April 13, 2021 and recommended denial, by a vote of 4-2.
PHO Action: The Planning Hearing Officer heard this case on April 21, 2021 and recommended approval with a modification and additional stipulations. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location

Approximately 775 feet north of the northwest corner of I-17 and Old West Trail
Council District: 1
Parcel Address: N/A

This item was adopted.

87 Modification of Stipulation Request for Ratification of April 21, 2021 Planning Hearing Officer Action - PHO-2-21--Z-62-05-7 - Northeast Corner of 59th Avenue and Watkins Street

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

Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on April 21, 2021. This ratification requires formal action only.

Summary

Application: PHO-2-21--Z-62-05-7
Existing Zoning: A-1
Acreage: 13.4

Applicant: Cindy Olsen, VTRE Development LLC
Owner: Buckeye 59 LLC
Representative: Toby Rogers, Butler Design Group

Proposal:
Submittal of site plan and elevations for review by the Planning Hearing Officer per Stipulation 4.
Technical corrections to Stipulations 1, 2, 3, 5 and 9.

Concurrence/Previous Council Action

Village Planning Committee Recommendation: The Estrella Village Planning Committee opted not to hear this case.
PHO Action: The Planning Hearing Officer heard this case on April 21, 2021 and recommended approval with additional stipulations. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location

Northeast corner of 59th Avenue and Watkins Street
Council District: 7
Parcel Address: N/A

This item was approved.

88 Public Hearing and Ordinance Adoption - Amend City Code - Rezoning Application Z-56-20-4 - Southeast Corner of 3rd Avenue and Coolidge Street (Ordinance G-6853)

Request to hold a public hearing on a proposal to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-56-20-4 and rezone the site from R-3 (Multifamily Residence District) and R-5 (Multifamily Residence

District) to PUD (Planned Unit Development) for multifamily residential.

Summary

Current Zoning: R-3 (Multifamily Residence District) (0.18-acres) and R-5 (Multifamily Residence District) (3.11 acres)
Proposed Zoning: PUD
Acreage: 3.29 acres
Proposed Use: A Planned Unit Development to allow multifamily residential

Owner: Donor Network of Arizona
Applicant: Trinsic Residential Group, Todd Gosselink
Representative: Withey Morris, PLC, Jason Morris

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Alhambra Village Planning Committee heard this case for WU Code zoning on Jan. 26, 2021 and recommended approval, per the staff recommendation, by a vote of 15-1.
PC Action: The Planning Commission heard this case for WU Code zoning on Feb. 4, 2021 and recommended approval, per the Alhambra Village Planning Committee recommendation with an additional stipulation, by a vote of 7-1.
The Planning Commission recommendation was appealed on Feb. 10, 2021 and a petition for a 3/4 vote was submitted on Feb. 11, 2021.
Council Action: Item was continued from March 3 and 17, 2021. On April 7, 2021 the City Council remanded the request back to the Planning Commission with direction to amend the request to a Planned Unit Development (PUD) zoning application.
PC Action: The Planning Commission heard this case for PUD zoning on May 6, 2021 and recommended approval per the Addendum A Staff Report, with a modified stipulation and additional stipulations, by a vote of 6-3.

Location

Southeast corner of 3rd Avenue and Coolidge Street
Council District: 4
Parcel Addresses: 201 W. Coolidge St.

This item was continued to the June 2, 2021 City Council Formal Meeting.

26 Reappointment of Municipal Court Judge and Chief Presiding Judge and Salary Consideration for Chief Presiding Judge

Request City Council to reappoint Judge Alex Navidad to a four-year term as Judge of the Phoenix Municipal Court, expiring July 12, 2025, and Judge B. Don Taylor III to an annual term as Chief Presiding Judge, expiring June 30, 2022. Further request City Council to set the annual base salary for the Chief Presiding Judge at $211,236.

Summary

On April 29, 2021, the Judicial Selection Advisory Board recommended reappointment of Judge Alex Navidad as a Judge of the Phoenix Municipal Court for a four-year term expiring July 12, 2025.

On April 29, 2021, the Judicial Selection Advisory Board also recommended reappointment of Judge B. Don Taylor III as Chief Presiding of the Phoenix Municipal Court for an annual term expiring June 30, 2022.

Concurrence/Previous Council Action

The City Council approved:

Appointment of Alex Navidad as Judge of the Phoenix Municipal Court for a term expiring July 12, 2021, on April 1, 2020; and

Reappointment of Judge B. Don Taylor III as Judge of the Phoenix Municipal Court for a term expiring Feb. 9, 2025, and reappointment as Chief Presiding Judge for a term expiring June 30, 2021, on June 3, 2020.

Discussion

Mayor Gallego introduced City Manager Ed Zuercher to present on Item 26.

Mr. Zuercher explained this was an opportunity to reappoint and set the salary of the Chief Presiding Judge, and noted there was one correction in the agenda. He said the number given for the Chief Presiding Judge salary should be $211,224 instead of $211,236.

Vice Mayor Garcia made a motion that the reappointments of Judge Alex Navidad as Judge of the Phoenix Municipal Court and Judge B. Don Taylor III as Chief Presiding Judge of the Phoenix Municipal Court be

approved.

Councilwoman Stark seconded the motion.

Mayor Gallego said she appreciated the Municipal Court being partners in trying to administer justice and making life better for the people the City served. She commented the Chief Presiding Judge had been innovative and worked on programs including the compliance assistance program.

After the vote, Mayor Gallego congratulated Chief Presiding Judge Don B. Taylor III and Judge Alex Navidad who had served the City with distinction and pushed for a better city.

A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that the reappointments of Judge Alex Navidad as Judge of the Phoenix Municipal Court and Judge B. Don Taylor III as Chief Presiding Judge of the Phoenix Municipal Court be approved. The motion carried by the following vote:

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

A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that this item be approved as amended to set the annual base salary for the Chief Presiding Judge from $211,236 to $211,224. The motion carried by the following vote:

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

27 Proposed 51st Avenue and Baseline Road Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes section 9-471,

on the proposed 51st Avenue and Baseline Road 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

This annexation was requested by Ernie and Miya Linsenmeyer for the purposed 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 parcels 104-89-007J, 104-89-007B, 104-89-007G and 104-89-007F and is located at 51st Avenue and Baseline Road
(**Attachment B**). The annexation area is approximately 6.55 acres (0.0103 sq. mi.) and the population estimate is zero individuals.
Council District: 7

Discussion

Mayor Gallego declared the public hearing open.

Bob Frank spoke in support, and mentioned he was planning on doing a multi-family project behind the hospital near the retail center.

Mark Rodriguez spoke in support.

Mayor Gallego declared the public hearing closed.

The hearing was held.

45 Aquatics Season Extension - Weekends in September

This report is in response to the request made at the Formal Council meeting on May 5, 2021, to evaluate and bring back information regarding the extension of the 2021 pool season to include all weekends in September, ending the pool season on Sept. 26, 2021.

Summary

The 2021 pool season is currently scheduled to begin on May 29, 2021, and end on Labor Day, Sept. 7, 2021. Twelve pools will be open for this year's pool season: Cortez, Deer Valley, Encanto, El Prado, Falcon, Maryvale, Paradise Valley, Pecos, Perry, Starlight, Sunnyslope and University.

At the request of City Council, staff researched the feasibility to extend the pool season beyond the traditional budgeted end date. Based on the department's preliminary evaluation, staff has identified the six pools listed below as potential locations to be open on weekends through September.

Encanto - 15th Ave. & Encanto Blvd.	(Staff Availability Confirmed)
Starlight - 78th Ave. & Osborn Road	(Staff Availability Confirmed)
Sunnyslope - 3rd St. & Dunlap Ave.	(Staff Availability Confirmed)
El Prado - 19th Ave. & Alta Vista Road	(Pending Confirmation)
Maryvale - 51st Ave. & Campbell Ave.	(Pending Confirmation)
Paradise Valley - 40th St. & Bell Road	(Pending Confirmation)

Below are factors that have been taken into consideration during the evaluation:

Staff Availability - Aquatics staff are part-time/seasonal employees. Most staff are schoolteachers and high school/college students who return to work/school in mid-August. An extended season through September is dependent on their availability to continue working.

Staff Transportation - Many staff do not have their own transportation and typically work at pool sites that are close to home; and they have limited, to no, availability to travel to work at other pools sites. This was a factor when identifying the six proposed September extended season sites.

Additional factors when considering the feasibility of extending the pool season through September includes staff absenteeism and participant attendance. With limited staffing available in September, there is potential that on any given day there may not be sufficient staffing levels to meet County Code Requirements, as such this could affect a pool's ability to open. Also, historically, attendance at City pools declines in August due to schools and fall sports resuming. It is anticipated that attendance would further decrease in September, as pool water temperatures cool.

The Parks and Recreation Department will continue to verify staff availability for El Prado, Maryvale and Paradise Valley pools. Based upon staff availability and whether they have transportation available to travel to other pool sites, it is possible that these sites could change. Also, if there is an increase in staff availability, additional pools could be identified.

Financial Impact

The cost to operate six pools for an additional six days is approximately $100,000 that would come from savings that occurred by only opening 12 of 29 pools for summer.

Discussion

Brent Kleinman spoke in support, and talked about how excited he was to have the City pools open a couple extra weeks. He suggested this should be something to consider on a permanent basis, and asked for pool hours to be extended by opening earlier and staying open later.

Councilwoman Guardado expressed appreciation for those who worked at the pools, and thanked the lifeguards and the Parks and Recreation Department for making this happen. She talked about how the last year was hard for the youth, and said everyone was committed to figuring out if this could be the new normal for the community. She said there would be free swimming lessons this year as well.

Vice Mayor Garcia thanked Councilwoman Guardado for bringing this item up, and mentioned other cities would be providing free swimming lessons now as well. He thanked Parks and Recreation Director Cynthia Aguilar for making this plan and making the extension possible. He asked Ms. Aguilar if it was possible to have shuttles between pools.

Ms. Aguilar explained in the past the City had done some shuttling efforts, and noted this year was unique. She mentioned the City had the ability to explore that option, and added there was one challenge with the rule that individuals needed to be 16 years of age or older in the pool. She said the City would need to work through that rule to look at providing shuttling services.

Vice Mayor Garcia stated the extension was great with the pools being open and free swim lessons provided, and asked for the City to explore the possibility of shuttle service.

Councilman DiCiccio thanked Councilwoman Guardado for her work on this with free swimming lessons. He asked for the City to keep pools open a few more weeks into early October because of the warm weather, and mentioned there were kids that did not have other facilities they could go to.

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

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

46 Intergovernmental Agreement with Arizona State University Global Institute of Sustainability for Greenhouse Gas Emissions Inventories (Ordinance S-47588)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement with the Arizona State University Global Institute of Sustainability to conduct Greenhouse Gas Emissions Inventories for City operations and community-wide for the year 2020 and to conduct other services related to operations of the Office of Environmental Programs. Further request to authorize the City Controller to disburse all funds related to this item. The agreement value will not exceed $95,000.

Summary

The Office of Environmental Programs (OEP) is proposing to enter into an Intergovernmental Agreement (IGA) with the Arizona State University (ASU) Global Institute of Sustainability (GIOS) for consultant services to calculate 2020 Greenhouse Gas (GHG) emissions based on most recent available data. ASU GIOS has conducted GHG inventories for City operations and community-wide since 2012. ASU reviews the data provided by the City and measures emission reductions to track the City's progress on meeting its reduction goals. OEP plans to conduct GHG inventories every two years.

OEP, in coordination with City departments, is preparing a Climate Action Plan (CAP) to be presented to City Council for approval in Fall 2021. It is expected that additional studies, research or evaluation may be needed in a number of sectors included within the CAP, in addition to the potential need for assistance in other environmental and sustainability areas that are under the purview of OEP. Therefore, OEP has expanded the scope of this IGA to include the following additional services: conduct research, evaluation, studies, and develop plans for environmental and sustainability efforts, including stormwater (including green infrastructure), wildlife, food systems, air quality, climate action planning, resilience, sustainable purchasing, hazardous waste management, hazardous materials, brownfields redevelopment and remediation. By executing this IGA, OEP will have the capability to engage ASU GIOS as needed and feasible, provided funding is available.

Contract Term

The term of the IGA will begin on or about June 1, 2021 through Dec. 31, 2023. The IGA may be extended based on continuous need and available funding, which may be exercised by the City Manager or designee.

Financial Impact

The agreement value will not exceed $95,000 with funding available in the Office of Environmental Programs' Water Fund. There is no impact to the General Fund.

Discussion

Councilwoman Ansari said she was excited to see this item on the agenda, and talked about how an accurate count of the city's greenhouse

gas emissions would help guide strategic policy to combat dangerous air pollution in the city. She mentioned this partnership was with Arizona State University's (ASU) Global Institute of Sustainability, and added the last time the City had conducted a study like this was in 2018. She commented this would be very helpful as the City continues to work on a climate action plan to be rolled out at the end of the year.

Vice Mayor Garcia made a motion to adopt Item 46.

Councilwoman Ansari seconded the motion.

Mayor Gallego stated she was also excited to partner with ASU, and added this partnership helped the City be recognized in this area. She said the City inventory was among the most accurate, and mentioned ASU had been working with the City for almost a decade. She commented this partnership would be expanded to look at areas including sustainable purchasing, brown field redevelopment, hazardous materials and other areas.

Note: Councilwoman Pastor connected to the meeting and joined the voting body.

Prior to his vote, Councilman DiCiccio mentioned he would be voting no and talked about the City taking an inventory of electrical use among citizens. He expressed concern with government being involved in private businesses, and commented he would normally be supportive of this if not for his concerns over taking inventories of individuals.

After the vote, Mayor Gallego clarified ASU had partnered with the City on a community-wide inventory and inventory of City operations.

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

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

52 Development Agreement with Laveen Baseline LLC for Installation of Public Infrastructure Improvements (Ordinance S-47581)

Request to authorize the City Manager, or his designee, to negotiate and enter into a development agreement, and any other agreements as necessary, with Laveen Baseline LLC, or its City-approved designee, for the installation of public infrastructure improvements located along 59th Avenue from Baseline Road to north of the South Mountain Avenue alignment. Further request authorization for the City Controller to disburse funds under the terms of the Agreements. Funding is available in the Strategic Economic Development Fund.

Summary

Laveen Baseline LLC (Developer), owns an approximately 65-acre site located at the southeast corner of the Loop 202 South Mountain Freeway and Baseline Road. In Fall 2019, the Developer finished construction on 150,000 square feet in the first phase of the Laveen Park Place project, which includes a grocery store, two major anchor retailers, restaurants and accompanying shops. The Developer proposes to construct a 50,000+ square foot highly desired lifestyle center to include new destination retail, a new movie theater/entertainment complex, as well as accompanying restaurants and shops (Project). The Project is expected to be an amenity-rich center that will serve residents and employees living and working in and around the South Mountain Technology Corridor and the community at large. The Project is the second phase of the Laveen Park Place Lifestyle Center.

This area of Phoenix continues to be a high demand and high growth area for both new residential and employment. The Project will add to this growth, as it is expected to add several hundred new jobs to the area in the next five years. To accommodate this growth, additional traffic, and the creation of the Project, additional public infrastructure improvements are required. Through a development agreement (DA), the Developer will construct the required public infrastructure improvements, and the City will reimburse the Developer up to $2.5 million upon completion of construction, the City's acceptance of the improvements and the dedication of the public improvements to the City, for the required public infrastructure improvements as follows:

Half street construction of 59th Avenue from Baseline Road to north of the South Mountain Avenue alignment, including excavation, site work, surveying, engineering design, permitting, bonding, and construction of all public facilities (including hardscape and landscape) relating to the public infrastructure improvements.

Developer will privately finance and construct the public infrastructure improvements.

Developer must comply with Title 34 of the Arizona Revised Statutes in constructing the public infrastructure improvements to qualify for reimbursement, and the specifics and cost of the public infrastructure improvements must be pre-approved by the City in order to qualify for reimbursement.

Developer is required to construct the Project and required public infrastructure improvements within 10 years of entering into the DA with the City.

The maximum reimbursement amount for the public infrastructure improvements, as they relate to the Project, will not exceed $2,500,000 and annual reimbursement will not exceed $250,000.

Reimbursement shall not exceed actual verifiable costs for the approved public infrastructure improvements.

Reimbursement will not begin until after the Developer completes the public infrastructure improvements, and the City accepted those improvements.

The DA, and any other agreements as necessary, will include other terms and conditions as deemed necessary by the City.

The Project is an important economic development opportunity for the Laveen area that will create several hundred new jobs over time for the community, and will yield significant financial and public benefits for the City of Phoenix.

Contract Term

If approved, the term will be for 10 years from the completion of construction of the public infrastructure improvements.

Financial Impact

The maximum reimbursement amount will be $2.5 million with annual

reimbursements not to exceed $250,000. Funding is available in the Strategic Economic Development Fund beginning in Fiscal Year 2022-2023.

Concurrence/Previous Council Action
This item was recommended for approval by the Workforce and Economic Development Subcommittee at the April 28, 2021 meeting by a vote of 3-0.

Location
Southeast corner of the Loop 202 South Mountain Freeway and Baseline Road.
Council Districts: 7 and 8

Discussion
Vice Mayor Garcia made a motion to adopt Item 52.

Councilwoman Guardado seconded the motion.

Mayor Gallego explained this was a development agreement in a complex area from an infrastructure perspective. She mentioned this item included Baseline Road and some roads that are misaligned in the Laveen Conveyance Channel. She stated this development was in an amenity-rich destination that included retail, restaurants, shops, as well as a theater and entertainment complex that the community had asked for.

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

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

No: 0

A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that Items 61-62 and 65 be adopted. The motion carried by the

following vote:

Yes: 7 - Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego

No: 2 - Councilman DiCiccio and Councilman Waring

61 Enter into Agreement with Valley Metro Rail for Operational Costs for Light Rail Services (Ordinance S-47572)

Request to authorize the City Manager, or his designee, to enter into an agreement with Valley Metro Rail, Inc. to pay Phoenix's share of Light Rail and agency operating costs for Fiscal Year 2021-22. Further request to authorize the City Controller to disburse all funds related to this item. The agreement value will not exceed $28,744,000.

Summary

The Valley Metro Rail, Inc. (VMR) operations and maintenance budget includes costs for: transportation contractors; propulsion power; vehicle maintenance; systems/facilities maintenance, materials, and supplies; VMR staff; safety; consultants; regional customer services; utilities; liability insurance; and general and administrative expenses.

Financial Impact

For Fiscal Year 2021-22, the City's total estimated shares of VMR's costs are $39,380,000, broken down as follows:
Agency costs - $1,048,000; and
Operating costs for Light Rail service - $38,332,000.

The City's share of operating costs will be offset with $10,636,000 of federal funds received by VMR through the Federal Transit Administration under the Coronavirus Response and Relief Supplemental Appropriations Acts, for a remainder of $28,744,000.

Funding is available in the Public Transit Department's Operating budget using Transportation 2050 funds.

This item was adopted.

62 Request Authorization to Submit Federal Transit Administrations Grants for American Recovery Plan Applications (Ordinance S-47578)

Request to authorize the City Manager, or his designee, to apply for, accept, and distribute American Recovery Plan grants from the Federal Transit Administration and to enter into agreements necessary to receive and distribute those federal funds. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all grant funds in accordance with the terms of such grants and agreements. These grants are anticipated to be an amount not to exceed $290,363,035.

Summary

The City of Phoenix is the designated recipient of Federal Transit Administration (FTA) grant funds for the Phoenix-Mesa Urbanized Area (UZA) and the direct recipient of FTA grant funds for the Avondale-Goodyear UZA. Phoenix submits FTA grant applications on behalf of all local governments and agencies in the region. On March 11, 2021, the American Recovery Plan (ARP) Act was approved with funding provided through existing FTA formula programs at 100 percent share, with no local match required. Such funding is available to support capital, operating, and other expenses to prevent, prepare for, and respond to the COVID-19 pandemic.

The Maricopa Association of Governments (MAG), as the Metropolitan Planning Organization for the Phoenix metropolitan area, is responsible for programming FTA funds for the region. MAG has allocated the ARP funding for the region to support transit operations. Phoenix is expected to receive $105,730,795 for itself from this allocation.

Financial Impact

The total of all grant funds in the application is $290,363,035. The applications and total federal amounts by fund type are:

$207,994,687 - FTA Section 5307 UZA Formula funding apportioned to the Phoenix-Mesa UZA;

$477,745 - FTA Section 5307 UZA Formula funding apportioned to the Avondale-Goodyear UZA;

$595,661 - FTA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities funding apportioned to the Phoenix-Mesa UZA; and

$81,294,942 - FTA Capital Investment Grants apportioned to the South-Central Phoenix Extension/Downtown Hub.

This item was adopted.

65 Request to Submit Annual Federal Transit Administration Grant Applications and Enter into Grant Agreements (Ordinance S-47586)

Request to authorize the City Manager or his designee to: submit applications to the Federal Transit Administration for grant assistance; enter into agreements with the Federal Transit Administration for the purpose of accepting any grants awarded; and enter into agreements with any local governments and agencies receiving a pass-through share of the awarded grant funds. Further request to authorize the City Treasurer to receive, and the City Controller to disburse, all funds related to this item in accordance with the terms of the aforementioned grants and agreements. The total of all grant funds in the application is $259,875,851.

Summary

The City of Phoenix is the designated recipient of Federal Transit Administration (FTA) grant funds for the Phoenix-Mesa Urbanized Area (UZA) and the direct recipient of FTA grant funds for the Avondale-Goodyear UZA. As such, Phoenix submits FTA grant applications on behalf of all local governments and agencies in the region. All projects are in the MAG-approved Transportation Improvement Plan (TIP) and the ADOT-approved State Transportation Improvement Plan (STIP). Projects included for Phoenix are:
40 replacement 40-foot buses;
25 replacement Dial-A-Ride vans;
Three replacement neighborhood circulator vehicles;
Design of a future park-and-ride facility;
Construction of a future park-and-ride facility;
Acquisition of a fare collection system;
Preventive maintenance;
Program administration; and
Support services.

Financial Impact

All grant funds in the applications total $259,875,851. Phoenix's direct allocation would total $44,024,640, for which the matching funds of $9,273,418 are available from Transportation 2050 sales taxes and the

Proposition 400 Public Transportation Fund in Public Transit's 2021-22 operating budget and five-year 2022-27 Capital Improvement Program. The applications and total federal amounts by fund type are:

FTA Section 5307 Phoenix-Mesa UZA Formula funding for capital, planning, and operating assistance projects benefiting the entire Phoenix-Mesa region: $58,753,674;

FTA Section 5307 Avondale-Goodyear UZA Formula funding apportioned to Avondale-Goodyear UZA: $5,325,790;

Federal Congestion Mitigation and Air Quality Improvements (CMAQ) and Surface Transportation Block Grant Program (STBGP) funding transferred from the Federal Highway Administration (FHWA) to FTA for capital projects: $27,672,602 and $3,782,710;

FTA Section 5339 Bus and Bus Facilities Formula funding to include capital projects benefiting the entire Phoenix-Mesa UZA: $6,162,346;

FTA Section 5337 State of Good Repair - High Intensity Motorbus Program funding to include capital projects benefiting the Avondale-Goodyear UZA: $73,755;

FTA Section 5337 State of Good Repair - High Intensity Motorbus Program funding to include capital projects benefiting the Phoenix-Mesa UZA: $3,818,518;

FTA Section 5337 State of Good Repair - Fixed Guideway Program funding to include capital projects benefiting the Phoenix-Mesa UZA: $3,624,386;

FTA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities funding to include capital projects benefiting the Phoenix-Mesa UZA: $3,551,103;

FTA Section 5309 Capital Investment Grant for New Starts Projects - Northwest Extension Light Rail Phase II: $49,400,000; and

FTA Section 5309 Capital Investment Grant for New Starts Projects - South Central Extension/Downtown Hub: $97,710,967.

This item was adopted.

67 Adoption of Solid Waste Ordinance Amendment to Chapter 27 of Phoenix City Code (Ordinance G-6849)

Request City Council authorization to adopt the proposed changes to the City's Solid Waste Ordinance included in Chapter 27 of the Phoenix City Code.

Summary

Currently, Phoenix City Code sec. 27-21 states the City does not provide solid waste collection service to commercial or industrial establishments. There are a number of properties in the City that were previously zoned as residential and converted into office space as an adaptive reuse. Many of these properties are small single-family units and do not have surface space to be properly serviced by a private contractor or by special collection, such as with a front load container. Additionally, these units do not produce sufficient waste to merit such a large container. In the past, the City has been contacted by owners to provide service, such as a 90-gallon curbside container but, per current City Code, the Public Works Department has had to deny service.

The recommended language is to allow the City to provide solid waste collection service to commercial establishments that were previously residential dwelling units at the Director's discretion. This will allow Public Works the ability to provide services when requested by said establishments at the residential rate.

Concurrence/Previous Council Action

The City Council approved text amendments to Chapter 27 of the Phoenix City Code (G-5920) on May 28, 2014, which reflected solid waste program changes to increase the city's diversion rate.

Discussion

City Clerk Denise Archibald read the title of Ordinance G-6849.

Vice Mayor Garcia made a motion to adopt Item 67.

Councilwoman Stark seconded the motion.

Councilwoman Pastor commented her understanding was that solid waste collection could be collected on commercial establishments that were previously residential dwelling units.

Deputy City Manager Karen Peters explained this would allow for collection at buildings that were previously residences, but through adaptive reuse they have become commercial establishments.

Prior to his vote, Councilman DiCiccio stated he would be voting no

because he believed there should a uniform policy from the City.

Prior to her vote, Councilwoman Pastor asked for clarification that commercial trucks would not be able to fit in these areas.

Ms. Peters replied that was correct, commercial trucks had difficulty serving businesses of this type because it is too tight to get in and out of the area. She clarified this applied to any commercial business that is similarly situated.

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

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

No: 1 - Councilman DiCiccio

70 Parking Meter Equipment and Services Request for Proposals

Request to authorize the City Manager, or his designee, to issue a Request for Proposals for a new professional services agreement for parking meter equipment and services.

Summary

The City's Parking Meter Program provides an important source of revenue to the City but also provides a benefit to the downtown businesses, restaurants, and events by managing access and use of on-street parking in the downtown and midtown areas of Phoenix. The Street Transportation Department (Streets) manages the program and continuously works to improve the parking meter system to meet the needs of the public.

Streets currently operates a mix of 1,700 "smart" parking meters and 540 older coin-only parking meters for a total of 2,240 parking meters. The coin-only parking meters operate in areas of low parking demand. The smart meters operate on a proprietary financial software that utilizes wireless technology for two-way communications with the parking meters to accept and monitor payments, monitor their status and use, provide

remote diagnostics, and allow for settings to be changed remotely. The "smart" meters were purchased and installed through current Agreement 135354 with IPS Group, Inc. (IPS) in 2013 and have a ten-year life. IPS provides wireless communications and monitoring services for the "smart" meters under this agreement. The current agreement with IPS is set to expire on Jan. 27, 2022, so it is necessary for Streets to procure a new parking meter services agreement through the issuance of a Request for Proposals (RFP).

There have been significant changes in parking meter preferences and technology since the current agreement was executed in 2013. Increasingly, parking meter customers prefer to pay for meter fees using their smart phones. To meet customers' expectations, Streets entered into a separate agreement with ParkMobile in December 2017 to support parking transactions using a third-party mobile phone application. Revenues collected through the ParkMobile app average $40,000 per month. A new RFP will allow Streets to further promote these capabilities and enhance customer experience using our meters. Additionally, wireless communication technology has advanced considerably, and a new agreement will allow the City to meet new technical specifications not currently supported by the existing meters.

Despite an increasing preference to pay by phone, payments by coin still account for approximately 30 percent of parking meter revenue, and meters will be required to continue to accept coins under the new agreement. Additional capabilities anticipated with the new agreement include enhanced enforcement tools, compatibility with sensor equipment, and improved web interfacing for program management.

Streets is coordinating with the Information Technology Services Department to ensure technical compliance with the RFP and subsequent agreement.

Procurement Information

Streets will solicit for a new parking meter equipment and services agreement utilizing the RFP procurement process. Staff has revised the previous scope of work for the RFP with a goal to provide a parking meter system that meets the current and future needs of the City.

Responsive and responsible proposals will be evaluated according to the following criteria:
Technical Specifications;
Pricing;
Method of Approach;
Telecommunications and Reporting; and
Value-Added Services.

The highest-ranked proposal will be recommended for award of the agreement.

Contract Term
The term of the new agreement will be five years beginning on Jan. 28, 2022, and will include five one-year extension options.

Financial Impact
Depending on the need to replace the existing parking meter inventory, the estimated cost of the agreement will be between $5 and $10 million. Funding for the agreement is in the Street Transportation Department's budget utilizing Arizona Highway User Revenue Funds.

The City is expecting to generate approximately $2.1 million in parking meter revenues for Fiscal Year (FY) 2021, which is a decrease from previous years due to the onset of the COVID-19 pandemic in March 2020. Prior to 2020, parking meter program revenues had been steadily increasing and reached approximately $3.9 million in FY 2019. Revenues have begun to trend upward; therefore, the parking meter revenues are anticipated to exceed $21 million over the life of the ten-year agreement.

In the event a new parking meter vendor is awarded the agreement, the RFP agreement structure does include lease and financing options that will provide flexibility to absorb the required capital investment.

Concurrence/Previous Council Action
The City Council approved:
Installation of New Parking Meter Technology Agreement 135354 (Ordinance S- 39393) with IPS on Nov. 28, 2012;
Additional payment authority (Ordinance S-43895) to expand the parking

meter program on Sept. 6, 2017;
Parking Meter Technology Agreement 135354 - Amendment (Ordinance S-44122) on Dec. 13, 2017; and
Parking Meter Technology Agreement 135354 - Amendment (Ordinance S-46975) on Oct. 7, 2020.

The Transportation, Infrastructure and Innovation Subcommittee: Recommended City Council approval to issue an RFP on April 7, 2021.

Location
Council Districts: 4, 7 and 8

Discussion
Vice Mayor Garcia made a motion to approve Item 70.

Councilwoman Guardado seconded the motion.

Councilman Waring mentioned he had talked about the issues regarding parking meters before, and talked about the issues with reading the screens on the meters with sun glare on them. He mentioned these issues affected paying for the amount of hours requested on the meters, and noted there were some meters that did not function. He asked if he could have assurance these problems would not happen no matter who was handling the parking meters.

Deputy City Manager Mario Paniagua said he agreed it was not acceptable for those meters to be in those conditions, and mentioned Street and Transportation Department Director Kini Knudsen was working with the current vendor to make sure they are repaired.

Mr. Knudsen stated there were 1,700 smart meters that were capable of taking credit cards, with 670 of those having been refurbished or getting refurbished for new screens. He said there were 220 more parking meters that were in the process of getting refurbished, and added this was an important source of revenue for the City and an important aspect to downtown businesses and visitors. He commented the City would make sure the quality of the experience for visitors and people coming downtown was not what Councilman Waring experienced over the last year.

Councilman Waring inquired how long can the City expect the parking meter screens to last and be functional.

Mr. Knudsen mentioned the last time this was brought up was in December during a Formal Meeting, and added there was a report brought to the Transportation, Infrastructure and Innovation Subcommittee earlier in the year. He stated there was a warranty for the parking meters, and the City would first proceed with warranty issues. He mentioned there was a deal with the manufacturer to get refurbishments done at a lower cost, saving about $300 per meter. He commented the durability depended on the wear, and added increased staff would be about to check on parking meter status to make sure the City would be on top of quality and performance issues faster.

Councilman Waring expressed appreciation for getting more people on these issues, and said he hoped there would be a better product for contracts going forward.

Mayor Gallego commented she also had issues with parking meters in the downtown area.

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

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

No: 0

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

89 Adoption of Ordinance Adding New Chapter 20 to Phoenix City Code Establishing Office of Accountability and Transparency (Ordinance G-6851)

Request approval of the Ordinance adding Chapter 20 to the Phoenix City Code creating the Office of Accountability and Transparency. This item was requested by Mayor Kate Gallego and Vice Mayor Carlos

Garcia according to the Council Rules of Proceedings 2(c) **(Attachment A)**.

Summary

Adoption of this Ordinance will establish the Office of Accountability and Transparency (OAT) in the City Manager's Office. The OAT will monitor or participate in investigations that are brought forth against members of the Phoenix Police Department. It also will provide recommendations for training, policy, hiring practices, disciplinary actions and other oversight of the Police Department on behalf of the community. This item and draft Ordinance were discussed at a City Council Work Study Session on Sept. 8, 2020, City Council Policy Session on Oct. 13, 2020 and the City Council Formal Meeting on Nov. 18, 2020. The draft Ordinance from Nov. 18, 2020, which defines the role of the OAT Director and outlines the scope and duties of the Director and OAT office is attached **(Attachment B).**

Concurrence/Previous Council Action

City Council approved an item for creation of the OAT on Feb. 25, 2020 by a vote of 5-4. Further Council action has been taken authorizing the first year's budget allocation and creating the staff positions for the OAT. A motion to adopt the Ordinance on Nov. 18, 2020 failed by a vote of 5-4.

Discussion

City Clerk Denise Archibald read the title of Ordinance G-6851.

Gail Knight spoke in support, and mentioned she participated in various Phoenix police community relations subcommittees over 20 years. She stated this was a groundbreaking step in the right direction to ensure citizen protection, improved police community relations and trust. She said this ordinance would ensure all complaints about use of force, custody deaths, and other matters would be fairly and objectively resolved through an independent, transparent and professional process.

Dr. Warren Stewart, Sr. spoke in support, and talked about how after decades-long advocacy, the Council approved establishing the Office of Accountability and Transparency (OAT). He discussed the respectful,

productive and amicable relationship the African-American clergy had with the Police Department, and added they had a working relationship with every Police Chief for the City. He commented he envisioned OAT would be a significant and strategic step toward enhancing the relationship between the Police Department and the community, especially communities of color.

Katie Baeza spoke in support, and mentioned the City settled in the wrongful death of her brother Ryan Whitaker. She talked about the process of trying to receive information regarding the internal investigation, and said the Police Department was not being transparent. She stated this was why independent investigations and oversight of internal investigations were needed.

Vice Mayor Garcia thanked Ms. Baeza for advocating for her family and working with other families. He asked Ms. Baeza to speak more on what her experience had been like during the investigation and how her family was impacted.

Ms. Baeza replied what she was told at the beginning was not what was witnessed on the body camera footage. She stated her family was not kept up to date on the investigation, and talked about reaching out by emailing or calling with no answer. She mentioned she received an email message that the investigation was complete and had been turned over to the Maricopa County Attorney's Office, and that a video would be released 20 minutes after.

Vice Mayor Garcia inquired what things Ms. Baeza wished would have been done differently in the process.

Ms. Baeza stated she hoped there would be some sort of advocate that would reach out to families and communicate to them where to go and what to do.

Vice Mayor Garcia thanked Ms. Baeza, and stated he hoped in the future the City would be able to engage families like her family in a better way.

Murphy Bannerman spoke in support, and said there needed to be some

sort of oversight of the Police Department and the City. She commented it was disappointing that OAT would not allow for independent investigations, and added this would limit the ability for the program to be the most effective.

Kat Blue spoke in support, and talked about how OAT was needed and must have the power to conduct independent investigations. She stated OAT was a small piece of the solution, and advocated for investing in the community.

Sandra Castro Solis spoke in support, and mentioned she was representing the Puente Movement. She said her organization started in 2007, and added her organization fully supported OAT. She talked about holding the Police Department accountable regarding racial profiling, and stated OAT was needed to hold police officers accountable and bring justice to the community.

Katie Gipson McLean spoke in support, and noted she was on the City's Ad Hoc Review and Implementation Committee. She mentioned she helped develop the proposal for OAT and was a public defender for Maricopa County. She discussed a protest case she was assigned to, and talked about how OAT needed to be implemented.

Jeremy Helfgot spoke in support, and said he served on the Human Relations Commission and previously the Community Police Trust Initiative Task Force. He talked about how relationships had been built between the community and the Police Department over the past seven years, and added there was an interest in working with everyone, but trust and accountability had to be mutual to be effective. He stated it was time to create the accountability and transparency the community asked for.

Anna Hernandez spoke in support, and talked about her personal experiences with her family and losing a loved one to police violence. She discussed the difficulty of trying to obtain reports and information on what happened.

Vice Mayor Garcia asked Ms. Hernandez how long it took for her to receive police reports, body camera footage, medical exams or the

belongings of her brother.

Ms. Hernandez replied it took three months to obtain a public records request for the police report, and added it had been two years and she still did not have the medical examiner's report.

Vice Mayor Garcia inquired if Ms. Hernandez was able to get her brother's belongings.

Ms. Hernandez responded she did not have them, and discussed how it was difficult to get communication back to her.

Vice Mayor Garcia asked if Ms. Hernandez was able to receive updates during the investigation.

Ms. Hernandez explained she found out the day the incident happened through the media, and added other than that she did not receive other communication. She stated two detectives spoke to her the day of the incident, and told her she would hear back from them in three days, and noted it had been over two years and no one reached out. She talked about how her family had tried to find out answers through the Maricopa County Attorney's Office website, and said the website showed his case was cleared.

Vice Mayor Garcia questioned what some of the barriers were for Ms. Hernandez in regards to the funeral service.

Ms. Hernandez described the difficulty of trying to plan funeral services without knowing where her brother was, and said she was able to get everything done.

Vice Mayor Garcia asked how Ms. Hernandez felt she was treated by the Police Department, and if she felt her experience was similar to others.

Ms. Hernandez answered her family was not treated well. She discussed how the reports submitted were not accurate, and how her family was kept out of the loop in regards to the investigation.

Vice Mayor Garcia inquired if there were other things the City should add to this process, or other ways Ms. Hernandez wished it would have been different for herself and her family.

Ms. Hernandez replied there were so many ways this process could have been different, and talked about the need to build better communities. She stated a revised proposal was needed to allow independent investigations for OAT, and said had something been in place like OAT previously, her family would have more answers on what happened and how it could have been avoided.

Michael Kelly spoke in support, and mentioned he was the recipient of a City of Phoenix Excellence Award for Community-Based Policing. He talked about his experience with law enforcement, and thanked Mayor Gallego for putting together an ad hoc committee in 2019 to implement police reforms. He discussed how the City has taken steps towards police reform, and thanked Vice Mayor Garcia and other supportive councilmembers for their leadership on this action.

Michael Ochoa spoke in support, and commented even though this was a small step, it was a right step to make sure police officers are properly trained and educated before they go out into the community.

Muktar Sheikh spoke in support, and said he was a community advocate that worked with the refugee and immigrant community. He stated OAT was needed to build better community policing, and added this office needed to be independent and separate from the Police Department.

Whitney Walker spoke in support, and noted she was the Vice President of Public Policy Advocacy and Organizing with Planned Parenthood of Arizona, and was the Executive Director of the Political and Social arm of Planned Parenthood Advocates of Arizona. She mentioned the harmful impact of over-criminalization and policing of communities, and talked about the resources her organization provided. She stated it was beyond time to enact his ordinance, and thanked the councilmembers who were taking time to address the trauma in the city and taking action to look for accountability.

Reginald Walton spoke in support, and mentioned he was a Pastor at Phillips Memorial Church. He talked about speaking to Council previously on policing issues, and thanked Mayor Gallego, Vice Mayor Garcia, and other councilmembers for voting for the people. He clarified this was not an attack on policing, but was a tool to allow the Police Department and community to build trust.

Brett Aldieri spoke in opposition, and stated the Police Department was one of the best police departments in the country. He talked about how the community always turned out to support the Police Department, and noted while not every organization was perfect, he believe spending $3 million on OAT was a waste of money. He suggested these funds could be better spent on hiring more police officers and for enhanced training.

Marcia Florian spoke in opposition, and commented she lived in Phoenix because of the safe community. She suggested the support for the Police Department on Council had diminished, and stated other larger cities have enacted these external programs and had not been successful. She asked Council to listen to the majority of people in the city, and said the majority of electronic comments were submitted in opposition of Item 89.

Barbara Jennings spoke in opposition, and took issue with persecuting police officers. She suggested Council should hire more police officers, especially in the poorer communities. She stated a group of people did not need to look over the Police Department and analyze their every move, and commented implementing this would drive away good police officers from the Police Department.

Christa Leong spoke in opposition, and mentioned she sympathized with those who had bad experiences with law enforcement. She questioned if OAT would be impartial and fair to both citizens and the Police Department to provide due process, and said law enforcement was needed to protect communities.

Justin McKay spoke in opposition, and stated the idea for OAT was underdeveloped and lacked standards. He took issue with excluding people who have connections to law enforcement from serving in OAT,

and commented there were no standards to determine if this office would be successful or not.

Janine Rodriguez spoke in opposition, and talked about how the ordinance included language that would disallow family members of current or former law enforcement from serving in OAT. She suggested the drafters of this ordinance did not want members of diverse backgrounds, and discussed the training required for her degree.

Jane Seybold spoke in opposition, and said she was against Item 89 because it undermined the Police Department. She stated this was not a solution, and added this was more like targeting.

Janelle Wood spoke in support, and noted she was the President of the Black Mothers Forum. She stated those who spoke in opposition have not had the experiences of trauma that members of the community have experienced. She said those particular officers that behaved in that way need to have their records reviewed and investigated for their misconduct, and added OAT would be the mechanism to do that to create greater trust in the community.

Viridiana Hernandez indicated she was neutral on the item, and commented OAT would not stop the Police Department. She said everything currently set up would protect the Police Department, and suggested the department was overfunded over the past 10 years while other City departments have been defunded.

Vice Mayor Garcia made a motion to adopt Item 89 as amended per the May 17, 2021 revised ordinance.

Councilwoman Guardado seconded the motion. She requested City Manager Ed Zuercher ensure a family advocate is promptly hired after the OAT Director is in place. She talked about how family advocates should take a caseworker approach by supporting families throughout the aftermath of critical incidents, and these advocates should have counseling experience. She noted these advocates should act as the main point of contact and facilitate communication between the Police Department and families involved in critical incidents.

Councilwoman Ansari thanked the community members who spoke, and talked about how many of them worked on this for decades. She thanked the councilmembers who lead this effort for the past year, and added she was proud this was one of the first votes she would make while serving on the Council. She stated Phoenix was one of the only major cities in the country without civilian oversight of the Police Department, and added this vote showed the city believed in transparency and accountability. She mentioned other cities have been successful with similar offices, and said Council would make sure everyone in the city felt safe. She stated this was a small step in the right direction in addition to the $15 million investment in the Crisis Assistance Program, and thanked the two individuals who spoke from impacted families for sharing their experiences with the current system. She asked Mr. Zuercher when implementing a steering committee, if it could include directly impacted people to oversee the implementation of OAT.

Vice Mayor Garcia thanked Councilwoman Guardado and Councilwoman Ansari for those additions, and mentioned this office may not stop families from going though what some families have experienced, but this could be responsive to them at the minimum. He mentioned those who spoke today were involved in this process and through other policies, and talked about looking into a civilian review board in the future. He stated OAT will have independent investigation, and would be the key to create trust with the community.

Councilman DiCiccio asked for clarification that the motion dealt with the red line changes provided on Monday in the ordinance.

Mr. Zuercher replied yes, that's correct.

Mayor Gallego asked Vice Mayor Garcia if he put out a press release that shared these changes.

Vice Mayor Garcia replied his office shared these changes with all of the Council offices and with the media on Monday.

Mayor Gallego announced changes would be available to the public, and

would not request to have these changes be read.

Councilwoman Stark requested clarification she thought a new bill signed by the Governor would require a Civilian Review Board to be comprised of two-thirds police officers.

Mr. Zuercher replied it was important to note this was about the staff function of OAT, and not to be confused with what would be in the future which was a Civilian Review Board to be appointed. He clarified OAT would be actual employees of the City.

Councilwoman O'Brien asked for clarification related to the speaker not receiving copies of reports of an investigation, and if it was an investigation by OAT or the Professional Standards Bureau (PSB). She questioned if the City would provide copies of investigations of employees to people outside the City.

Assistant City Attorney Julie Kriegh clarified PSB reports could be available once the investigations were completed. She noted the City did not supply reports if the City was in the middle of an investigation or if there was a criminal investigation until completed.

Councilwoman O'Brien asked if an investigation done by OAT, once completed, would be available to someone who filed a complaint.

Ms. Kriegh replied yes, once the entire case was completed the reports would be made available.

Councilwoman O'Brien mentioned her office received over 100 phone call and emails from Council District 1 residents who were opposed to OAT over the past 24 hours, and suggested those opposed felt this was part of the defund the police narrative. She stated Council District 1 supported the Police and Fire departments, and added she supported transparency and accountability for everyone and not just police and other public safety personnel. She commented if OAT meant trust would be built, then she hoped OAT would achieve that, and noted this ordinance the way it was written did not meet a balance. She asked how a department could be designed to provide accountability and transparency

without institutional knowledge. She concluded she was in support of increasing accountability and transparency, but added OAT would create a system with alot of checks and not enough balances.

Councilwoman Pastor stated the vote today finally moved the work done by the community for decades, and discussed what had happened in 2016 with the community and the Community Police Trust Initiative with their recommendations. She clarified that OAT was not anti-police and would not be defunding the Police Department. She stated this office could be an incredible resource for the community, City and the Police Department because the goal was that OAT protected civil rights and supported effective policing to increase confidence in the police. She mentioned she was hopeful this would be a first step in moving forward, and noted she would be supporting OAT because of the work that has been done over many years to get there.

Mayor Gallego thanked community leaders for their decades of work, and she said she looked forward to supporting the motion. She noted this ordinance included many items such as programs that should improve the relationship between police officers and community members and a significant youth outreach program. She mentioned OAT had a mediation component, and talked about recent situations involving the community and police officers where both side were able to move forward together because of conversations they had. She talked about how the City of Tucson had civilian oversight, and discussed how through their process they were able to identify the origins of choke hold policy in their training and address it. She mentioned residents would now have a non-police location to go if they have a complaint and did not feel confident bringing it to the Police Department, and listed important steps the City has made in terms of public safety.

Prior to his vote, Councilman Waring said he did not think this would accomplish what the advocates thought would be accomplished. He stated not using this money to hire more police officers was a mistake.

After the vote, Mayor Gallego thanked everyone who worked on this item. She commented Phoenix was the largest city in the country without civilian oversight, and this vote changed that.

Note: 119 electronic comments were submitted on Item 89, with 27 in support, 85 in opposition, six indicating no position, and one indicating a neutral position.

A motion was made by Vice Mayor Garcia, seconded by Councilwoman Guardado, that this item be adopted as amended per the May 17, 2021 revised ordinance. The motion carried by the following vote:

Yes: 5 - Councilwoman Ansari, Councilwoman Guardado, Councilwoman Pastor, Vice Mayor Garcia and Mayor Gallego

No: 4 - Councilman DiCiccio, Councilwoman O'Brien, Councilwoman Stark and Councilman Waring

90 Amend Prior City Council Declaration Regarding Face Coverings

Request to revise the Phoenix City Council June 18, 2020, Declaration Regarding Face Coverings to follow newly published guidance from the Centers for Disease Control and Prevention regarding the wearing of face coverings for fully vaccinated persons.

Summary

On May 13, 2021 and May 16, 2021, the CDC issued guidance recommending that fully vaccinated persons do not have to wear face coverings, except under certain circumstances, such as in health care settings, traveling, detention facilities, on public transportation, or at a homeless shelter. The guidance also states that persons must comply with business rules and any other federal, state or local regulations. The guidelines recommend vaccination, and that those who are have weakened immunity, or take certain medications, should consult with their doctors.

The City desires to follow CDC guidelines issued on May 16, 2021, and for the City’s Declaration to automatically follow any subsequent CDC guidance regarding face coverings. The guidance allows local rules, and the City Manager will continue to have authority to establish rules and procedures for City buildings and employees. The City will also continue to follow federal travel restrictions for buses, light rail, airlines and other public transportation from the Federal Aviation Administration and U.S. Department of Transportation.

Concurrence/Previous Council Action

The City Council approved the Declaration Regarding Face Coverings on June 18, 2020, which relates to emergency action in response to the COVID-19 pandemic.

Discussion

Vice Mayor Garcia made a motion to approve Item 90.

Councilwoman Pastor seconded the motion.

Brent Kleinman indicated he was neutral on Item 90, and inquired if this item would precipitate a return to in-person meetings along with the changes in mask wearing.

Mayor Gallego commented she would be supporting the motion, and mentioned the City was following the advice of health experts. She stated this vote would update the City mask requirements to follow the Centers for Disease Control (CDC) guidelines, and that meant for people who were vaccinated they could go without a mask at most outdoor places. She noted people would still be required to wear a mask in the highest risk places including air travel, City buses and light rail. She announced for those looking to get vaccinated, the City looked forward to partnering with those and helping more people get vaccinated.

Councilwoman Guardado said she could not express enough the importance of getting vaccinated, and encouraged everyone to get the vaccine. She stated businesses were still free to ask customers to wear a mask, and added she was hopeful with this vote that more people would want to get the vaccine to be able to get back to some form of normalcy.

Vice Mayor Garcia stated from the beginning it was important for the City to continue to make decisions informed by public health officials like the CDC, and said everyone who can and was willing needed to get their vaccination. He thanked the City departments and other organizations that were helping out with vaccinations, and added he was excited the City was moving in the right direction.

Councilman DiCiccio commented the city was finally getting back to

normal, and said this was a good signal to the public that Phoenix had common rules among other municipalities.

Vice Mayor Garcia asked City Attorney Cris Meyer if businesses still had the right to ask for masks in their businesses.

Mr. Meyer replied yes, there was a specific provision in the order that gave businesses the right to set their mask policies and could continue to do that.

Vice Mayor Garcia requested those watching the meeting to continue to respect each other because some people may not feel comfortable with taking off their masks in public.

Mayor Gallego said that was an important point, and mentioned many people in the community have not yet been vaccinated. She stated the City received recognition from the Federal government for the City's mask policies, and added this was an important policy and tool to help the community fight COVID-19. She commented the fight was not over, and the community needed to be careful to slow the spread of COVID-19.

Prior to her vote, Councilwoman Pastor said she appreciated the City following CDC guidelines, and commented people needed to respect those still wearing masks especially the front-line essential workers. She stated she wanted to make sure those needed to go to work were honored because they would probably need to continue wearing masks.

After the vote, Mayor Gallego announced the City updated mask guidelines to follow CDC updated guidelines.

Note: After the vote, Councilman DiCiccio disconnected from the meeting.

Note: 11 electronic comments were submitted on Item 90, with five in support, four in opposition and two indicating no position.

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

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

No: 0

000 CITIZEN COMMENTS

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

James Deibler talked about volunteer numbers increasing for the efforts to clean up streets in Phoenix, and mentioned the Friends of James Deibler Adopt a Street Clean Up upcoming event located at St. Jerome's Roman Catholic Church.

Sheri Slocum suggested mandates were not laws and were unconstitutional. She said there were not enough police officers for the growing population, and asked for the mask mandates to be banned.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 5:08 p.m.

MAYOR

ATTEST:

CITY CLERK

TS

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 19th day of May, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of March, 2024.

CITY CLERK