City of Phoenix

Minutes

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

186737

City Council Formal Meeting

Wednesday, February 21, 2024 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, February 21, 2024, at 2:38 p.m. in the Council Chambers.

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

Councilwoman Pastor temporarily left the voting body after Item 20 and returned following the omnibus motion for ordinances and resolutions.

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

An affidavit was presented to the Council by the City Clerk stating copies of the titles of Ordinances G-7233 and S-50576 through S-50615 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

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

MINUTES OF MEETINGS

1 **For Approval or Correction, the Minutes of the Formal Meeting on April 21, 2021**

Summary

This item transmits the minutes of the Formal Meeting of April 21, 2021, for review, correction and/or approval by the City Council.

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

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

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

BOARDS AND COMMISSIONS

2 **Mayor and Council Appointments to Boards and Commissions**

Summary

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

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

Alhambra Village Planning Committee

Appoint Marshall Pimentel to fill a vacancy, for a term to expire November 19, 2024, as recommended by Councilwoman Pastor.

Civil Service Board

Appoint Elsa De La Vara to serve a second term, to expire February 21, 2027, as recommended by Mayor Gallego.

Encanto Village Planning Committee

Appoint Erin Garcia to fill a vacancy, for a term to expire November 19, 2025, as recommended by Councilwoman Pastor.

Appoint Robert Warnicke to fill a vacancy, for a term to expire November 19, 2025, as recommended by Councilwoman Pastor.
Appoint Samantha Weiss to fill a vacancy, for a term to expire November 19, 2025, as recommended by Councilwoman Pastor.

Maryvale Village Planning Committee
Appoint Cindy Alonzo to fill a vacancy, for a term to expire November 19, 2024, as recommended by Councilwoman Pastor.

Phoenix Business & Workforce Development Board
Appoint Pearl Esau to replace Scott Holman, for a term to expire June 30, 2024, as recommended by Mayor Gallego.

Planning Commission
Appoint Joshua Matthews to replace Shannon Simon, for a term to expire February 21, 2026, as recommended by Mayor Gallego.

Sister Cities Commission
Appoint Melissa Werner for a term to expire February 21, 2027, as recommended by Mayor Gallego.

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

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

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

Marshall Pimentel - Alhambra Village Planning Committee;
Erin Garcia - Encanto Village Planning Committee;
Robert Warnicke - Encanto Village Planning Committee;
Cindy Alonzo - Maryvale Village Planning Committee; and
Joshua Matthews - Planning Commission.

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

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

Mayor Gallego requested a motion on liquor license and off-track betting license items. A motion was made as appears below.

Note: Councilwoman Pastor temporarily left the voting body after the vote on liquor licenses.

A motion was made by Vice Mayor Stark, seconded by Councilwoman O'Brien, that items 3-20 be recommended for approval. The motion carried by the following voice vote:

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

3 Liquor License - Sonny's Sip Snack & Smoke

Request for a liquor license. Arizona State License Application 267031.

Summary

Applicant
David Evans, Agent

License Type
Series 10 - Beer and Wine Store

Location
8925 N. 43rd Ave., Ste. 1
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 not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to

allow package liquor sales.

The 60-day limit for processing this application is March 8, 2024.

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:
"Born and raised in retro Phoenix and owner of multiple retail businesses over the last 10 plus years. Friend to community, attended ASU West. Extensive experience in client management and customer service"

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Allow local consumers to have variety of venues to purchase goods

from an experienced vendor with close ties to the community."

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

Attachments
Attachment - Sonny's Sip Snack & Smoke - Data
Attachment - Sonny's Sip Snack & Smoke - Map

This item was recommended for approval.

4 Liquor License - Mommas Soul Fish & Chicken

Request for a liquor license. Arizona State License Application 273762.

Summary

Applicant
Keith Turner, Agent

License Type
Series 12 - Restaurant

Location
15414 N. 19th Ave., Ste. H
Zoning Classification: C-2
Council District: 3

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

The 60-day limit for processing this application is Feb. 27, 2024.

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:
"Our prior experience and training in addition to successfully completing basic and management Title 4 training, we have hired a former DLLC Detective Keith Turner to assist us in our application process and he will be working with us as our agent, for continued success."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"There was a prior business in this location which was of the same license type, in another suite. Our business will operate professionally and the owner will be working daily to better facilitate the highest quality of service."

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

Attachments
Attachment - Mommas Soul Fish & Chicken - Data
Attachment - Mommas Soul Fish & Chicken - Map

This item was recommended for approval.

5 Liquor License - Special Event - Brophy College Preparatory

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

Summary

Applicant
Julie Peterson

Location
4701 N. Central Ave.
Council District: 4

Function
Dinner

Date(s) - Time(s) / Expected Attendance
March 9, 2024 - 5 p.m. to 9 p.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

6 Liquor License - Special Event - Knights of Columbus Cathedral Council 12708

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

Summary

Applicant
Richard Garrison

Location

6351 N. 27th Ave.
Council District: 5

Function
Dinner and Dance

Date(s) - Time(s) / Expected Attendance
April 20, 2024 - 6 p.m. to 10 p.m. / 280 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

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

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

Summary

Applicant
Andrea Pettyjohn

Location
4700 E. Warner Road
Council District: 6

Function
Chili Cook Off

Date(s) - Time(s) / Expected Attendance
March 9, 2024 - 11 a.m. to 5 p.m. / 100 attendees
March 10, 2024 - 10:30 a.m. to 4 p.m. / 100 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

8 Liquor License - Pho 32 Vietnamese Kitchen

Request for a liquor license. Arizona State License Application 270185.

Summary

Applicant
Camila Alarcon, Agent

License Type
Series 12 - Restaurant

Location
3170 E. Indian School Road
Zoning Classification: C-2
Council District: 6

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

The 60-day limit for processing this application is March 9, 2024.

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 has operated restaurants in both Arizona and California since 2018. At this location, managers and staff will receive applicable and regular Title 4 liquor law training."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Pho 32 Vietnamese Kitchen has served its neighborhood since 2019. Providing the option for the purchase of beer, wine, and distilled spirits will enhance the dining experience for those customers."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Pho 32 Vietnamese Kitchen - Data
Attachment - Pho 32 Vietnamese Kitchen - Map

This item was recommended for approval.

9 Liquor License - Z' Greek

Request for a liquor license. Arizona State License Application 270369.

Summary

Applicant
Zaia Makou, Agent

License Type
Series 12 - Restaurant

Location

4029 E. Indian School Road
Zoning Classification: C-2
Council District: 6

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

The 60-day limit for processing this application is March 4, 2024.

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:
"When I had my first business in 1999 I had a #12 License back then.

We bought Z'Greek 2006 at that time we didn't think getting #12. We have so many inquires for me out clint tthat they like to have a beer with their meals our hours are short and not a bar."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "We like increase our sales and make our customers happy instead of going accros the seet wher is more convinec. Allso Greek beer ad wine is best with our food. Today economy very bad and that will help us and improve our business. Thank you."

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

Attachments
Attachment - Z' Greek - Data
Attachment - Z' Greek - Map

This item was recommended for approval.

10 Liquor License - Special Event - Phoenix Children's Hospital Foundation

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

Summary

Applicant
Jillian Absalom

Location
380 N. 1st Ave.
Council District: 7

Function
Fashion Show

Date(s) - Time(s) / Expected Attendance

April 24, 2024 - 5 p.m. to 8:30 p.m. / 200 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

11 Liquor License - Diablo From the Rooftop

Request for a liquor license. Arizona State License Application 275157.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
222 E. Portland St., Rooftop
Zoning Classification: DTC - Evans Churchill West
Council District: 7

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales with a Series 11 - Hotel/Motel liquor license and may currently operate with an interim permit.

The 60-day limit for processing this application is March 8, 2024.

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:
"Owner will ensure employees handing alcohol will attend the Title 4 liquor law training course with ALIC. I have owned and operated a business for the past couple years with no issues."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location has been operational for several years. We would like to continue to service the surrounding neighbors and visitors with a place to enjoy a great meal and an adult beverage if they choose."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Diablo From the Rooftop - Data
Attachment - Diablo From the Rooftop - Map

This item was recommended for approval.

12 Liquor License - Diablo PHX

Request for a liquor license. Arizona State License Application 275159.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
222 E. Portland St., Fl. 1
Zoning Classification: DTC- Evans Churchill West
Council District: 7

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales with a Series 11 - Hotel/Motel liquor license and may currently operate with an interim permit.

The 60-day limit for processing this application is March 9, 2024.

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:
“Owner will ensure employees handling alcohol will attend the Title 4 liquor law training course with ALIC. I have owned and operated a business for the past couple years with no issues.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“This location has been operational for several years. We would like to continue to service the surrounding neighbors and visitors with a place to enjoy a great meal and an adule beverage if they choose.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Diablo PHX - Data
Attachment - Diablo PHX - Map

This item was recommended for approval.

13 Liquor License - Throne Brewing & Pizza Kitchen

Request for a liquor license. Arizona State License Application 273493.

Summary

Applicant
Doajo Hicks, Agent

License Type
Series 12 - Restaurant

Location
1326 N. Central Ave., Unit 101
Zoning Classification: DTC-Downtown Gateway
Council District: 7

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

The 60-day limit for processing this application is Feb. 26, 2024.

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.

Coronado Vineyards (Series 19)
515 Main St., Jerome
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Coronado Vineyards Inc. (Series 13)
2909 E. Country Club Drive, Willcox
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have taken and recieved all of the Arizona State Liquor training/certificates, and I am the owner of Throne Brewing Company (Microbrewery and I am the owner of Coronado Vineyards (farm winery). Both of the aforementioned entities are Arizona alcohol producers and I have complied with all of Arizona's liquor laws and policies. Therefore, I believe that I am capable of maintaining a liquor license."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I will provide the community with an experience of Arizona produced wine, beer, and food that will show the community that Arizona is able to produce quality wine, beer, spiritous alcohol and food."

Staff Recommendation

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

Attachments

Attachment - Throne Brewing & Pizza Kitchen - Data
Attachment - Throne Brewing & Pizza Kitchen - Map

This item was recommended for approval.

14 Liquor License - Special Event - Alwun House Foundation

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

Summary

Applicant
Dana Johnson

Location
1204 E. Roosevelt St.
Council District: 8

Function
Art Exhibit

Date(s) - Time(s) / Expected Attendance
March 8, 2024 - 7 p.m. to 1 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - Special Event - Down Syndrome Network, Inc.

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

Summary

Applicant
Jennifer O'Connell

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

Function
Dance

Date(s) - Time(s) / Expected Attendance
April 12, 2024 - 6:30 p.m. to 11 p.m. / 230 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

16 Liquor License - Special Event - Laveen Community Council

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

Summary

Applicant
Stephanie Hurd

Location
8440 S. 35th Ave.
Council District: 8

Function
Community Celebration

Date(s) - Time(s) / Expected Attendance
Feb. 24, 2024 - 11 a.m. to 4 p.m. / 4,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

17 Liquor License - Special Event - Saint Sava Serbian Orthodox

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

Summary

Applicant
George Momich

Location
4436 E. McKinley St.
Council District: 8

Function
Golf Tournament

Date(s) - Time(s) / Expected Attendance
March 6, 2024 - 6 p.m. to 12:30 a.m. / 200 attendees
March 7, 2024 - 6 p.m. to 12:30 a.m. / 200 attendees
March 8, 2024 - 6 p.m. to 1:30 a.m. / 250 attendees
March 9, 2024 - 5 p.m. to 1:30 a.m. / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

18 Liquor License - Special Event - Southwest Kids' Cancer Foundation, Inc.

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

Summary

Applicant
Shannon L. Collins

Location
435 S. 3rd Ave.
Council District: 8

Function
Festival

Date(s) - Time(s) / Expected Attendance
March 23, 2024 - 6:30 p.m. to 10 p.m. / 150 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

19 Liquor License - Special Event - Valiant College Preparatory

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

Summary

Applicant
Michael Douglas

Location
1601 E. Jackson St.
Council District: 8

Function
Festival

Date(s) - Time(s) / Expected Attendance
April 6, 2024 - 4 p.m. to Midnight / 2,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

20 Off-Track Pari-Mutuel Wagering Permit - Ole Brass Rail

Request for an Off-track Pari-Mutuel Wagering Permit for a business that has a Series 6 liquor license.

Summary
State law requires City Council approval before a State Off-track Pari-Mutuel Wagering Permit can be issued. This request is for a permit for off-track betting on horse races conducted at Turf Paradise.

Applicant
David Johnson, Agent for TP Racing L.L.L.P.

Location
3738 E. Thomas Road
Zoning Classification: C-2
Council District: 6

Public Opinion
Public notice was posted at the proposed location and special notice letters were mailed to residents within a 1/8 mile radius of the proposed location. The comment period expired Feb. 2, 2024. No protest or support letters were received within the 20-day public comment period.

Staff Recommendation
Staff recommends approval of this application.

Attachments
Attachment - Ole Brass Rail - Data
Attachment - Ole Brass Rail - Map

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 bellow.

A motion was made by Vice Mayor Stark, seconded by Councilwoman O'Brien, that items 21-81 be approved or adopted, except items 28, 30, 45, 49, 58, 63-64, 78-80; noting Item 81 is an Add-on. The motion carried by the following vote:

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

Items 21-27, Ordinance S-50576 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.

21 Sprint Solutions, Inc., a wholly-owned subsidiary of T-Mobile USA, Inc.

For $50,000 in payment authority for a new contract, entered on or about Dec. 26, 2023, for a term of 14 months for Internet of Things (IoT) Data Services. The Information Technology Services Department is obtaining

IoT Data Services that provide real-time data in support of the Police Department's Real-Time Operations Center and the reliability for their cameras.

This item was adopted.

22 Arizona Humanities Council, Inc., dba Arizona Humanities

For $57,500 in payment authority for reimbursement of a portion of utility payments to the Arizona Humanities Council, per Lease 123292-0, at the Ellis-Shackelford House. The payment authority is for Calendar Years 2024 through 2028, for the Parks and Recreation Department.

This item was adopted.

23 Aquatic Consulting & Testing, Inc.

For $175,000 in payment authority to enter into a contract for lake and waterway management services, for a three-year period starting Calendar Year 2024 through 2026. This contract will provide the Parks and Recreation Department with urban lake and waterway maintenance services as needed to maintain the proper ecology. The vendor will monitor/test the pH, hardness, alkalinity, temperature, dissolved oxygen, unionized ammonia and golden algae, as well as perform tests for all metals. These services will improve the community with greater water quality, enhance the fish habitats, decrease mosquito activity and remove any foul odors from urban lakes and waterways.

This item was adopted.

24 Knock Software Inc., dba Ride Report

For $37,500 in payment authority for a new contract, entered into on or about Feb. 7, 2024, for a term of two years, with three one-year options to extend for a Micromobility Data Management Platform for the Street Transportation Department. In January 2023, the Street Transportation Department launched the Shared Micromobility Program as a means of providing residents and visitors with another option to move thru the City via bicycle, electric scooter, electric pedal-assist bike, and similar adaptive vehicles in certain key areas of the City. Staff established program regulations to promote safety for both riders and non-riders, including proper parking within designated areas, response times, fleet caps, and distribution requirements. In order to ensure compliance from the micromobility operators, staff will utilize this online dashboard

platform to track performance metrics.

This item was adopted.

25 Salt River Valley Water Users' Association dba Salt River Project

For $38,740 in additional payment authority for Contract 100353 for the water delivery and use agreement with the Salt River Valley Water Users' Association (Association) to provide wholesale water for resale by the Water Services Department within the Salt River Reservoir District, for Fiscal Year 2023-24. The water delivered to the City by the Association from the Salt and Verde rivers represents approximately 60 percent of the City's water supply.

This item was adopted.

26 Settlement of Claim(s) Armendariz v. City of Phoenix

To make payment of up to $400,000 in settlement of claim(s) in *Armendariz v. City of Phoenix*, CV2022-009774, 21-0691-001, GL, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Street Transportation Department that occurred on Aug. 2, 2021.

This item was adopted.

27 Settlement of Claim(s) Finley v. City of Phoenix

To make payment of up to $50,000 in settlement of claim(s) in *Finley v. City of Phoenix*, CV2022-004769, 21-0336-001, GL, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Street Transportation Department that occurred on April 20, 2021.

This item was adopted.

29 Grant of Electrical Easement to Arizona Public Service Company Across City-owned Property Located Along Litchfield Road Between Olive and Peoria Avenues (Ordinance S-50577)

Request authorization for the City Manager, or his designee, to grant an electrical easement to Arizona Public Service Company (APS) across City-owned property located along Litchfield Road between Olive and Peoria avenues, at market value. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The property, to be encumbered by the easement, includes four Maricopa County Assessor Parcel numbers (APNs) totaling approximately 443.57 acres. The easement is requested by APS to upgrade the existing electrical transmission and distribution lines in the area. The easement, a total of approximately 26.79 acres, is located along the western and northern boundary of the properties, reducing the net site size of the parcels by six percent and leaving a total of 416.78 net acres. APS will compensate the City for the easement based on market value as determined by an appraisal or other valuation method accepted by the Finance Department's Real Estate Division.

City Council authorized selling the City-owned properties on the open market through a City-contracted broker on May 3, 2023. The City will be fully compensated for any loss of use to the land caused by the easement encumbrance with the remainder of the property still marketable as originally intended.

The properties to be encumbered by the easement are identified by address or location and APN include:
Northeast Corner of Olive Avenue and Litchfeld Road, 501-43-012C
Southeast corner of Peoria Avenue and Litchfield Road, 501-43-013C
Along the east side of Litchfield Road between Olive and Peoria avenues, 501-43-013D
9816 N. Litchfield Road, 501-43-023A

Financial Impact
Revenue will be reflective of the market value of the easement.

Concurrence/Previous Council Action
City Council adopted Ordinance S-49641 on May 3, 2023.

Location
Along Litchfield Road between Olive and Peoria avenues.
Council District: Outside of the City

This item was adopted.

31 Acceptance and Dedication of a Deed and Easement for Roadway and Public Utility Purposes (Ordinance S-50590)

Request for the City Council to accept and dedicate a deed and easement for roadway and public utility purposes; further ordering the ordinance recorded.

Summary

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

Deed (a)
Applicant: Build a Better Phoenix, LLC, its successor and assigns
Purpose: Roadway
Location: 6733 N. 26th Ave. (6737 N. 26th Ave.)
File: FN 230110
Council District: 5

Easement (b)
Applicant: Build a Better Phoenix, LLC, its successor and assigns
Purpose: Public Utility
Location: 6733 N. 26th Ave. (6737 N. 26th Ave.)
File: FN 230110
Council District: 5

This item was adopted.

32 Custodial Services - IFB 19-076 - Amendment (Ordinance S-50591)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 149369 with Commercial Custodial Services and Contract 149368 with Janco FS2, LLC dba Velociti Services to extend the contract terms and add additional expenditures. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $2,030,000.

Summary

These contracts provide custodial services and general cleaning for facilities in the Police and Library departments. The contract will include labor and supervision. If necessary, the contract will also include cleaning supplies, materials, equipment and tools to perform complete custodial services to maintain acceptable levels of cleanliness at various facilities.

Contract Term

With approval, the contracts will be extended through April 30, 2025 with options to extend through April 30, 2026.

Financial Impact

Upon approval of $2,030,000 in additional funds, the revised aggregate value of the contracts will not exceed $10,537,418. Funds are available in the Police and Library departments' budgets.

Concurrence/Previous Council Action

Custodial Services contracts 149368 and 149369 Ordinance S-45406 on Feb. 20, 2019

Custodial Services Contract 149368 Ordinance S-47806 on July 12, 2021

Custodial Services Contract 149368 Ordinance S-48761 on June 15, 2022

Custodial Services Contract 149368 Ordinance S-49324 on Jan. 25, 2023

This item was adopted.

33 LUCAS Devices Contract - RFA-24-0003 - Request for Award (Ordinance S-50596)

Request to authorize the City Manager, or his designee, to enter into a contract with Howmedica Osteonics Corp dba Stryker Sales, LLC to provide Lund University Cardiopulmonary Assist System (LUCAS) compression devices for the City of Phoenix Fire Department (PFD). Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $1,250,000.

Summary

This contract will provide LUCAS compression devices and annual onsite preventative maintenance inspection and unlimited repairs. The City of Phoenix Fire Department (PFD) uses this chest compression device in the treatment of patients in cardiac arrest. The PFD has used these devices since 2016, and they have shown to administer consistent and high-quality chest compressions, ultimately resulting in better patient outcomes. The LUCAS devices are an essential tool in the PFD's mission to provide emergency Advanced Life Support (ALS) to the community.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. The City of Phoenix Fire Department (PFD) requests a contract with Howmedica Osteonics Corp dba Stryker Sales, LLC for purchase of new, and annual onsite preventative maintenance inspection and unlimited repairs of LUCAS devices. The City of Phoenix currently owns 64 LUCAS devices and retaining Howmedica Osteonics Corp dba Stryker Sales, LLC as its vendor will provide cost savings from continuity of maintenance, ease of use, training, and eliminating the need for replacing the current devices with different equipment.

Contract Term

The contract will begin on or about March 1, 2024, for a five-year term with two one-year options to extend.

Financial Impact

The aggregate contract value will not exceed $1,250,000 for the seven-year aggregate term.

Funding is available in the City of Phoenix Fire Department's budget.

This item was adopted.

34 Dedication of an Alley Across City-owned Property Along the North Side of 1730 E. Monroe St. (Ordinance S-50602)

Request for the City Council to dedicate to public use an alley across City-owned property along the north side of 1730 E. Monroe St., for the Sidney P. Osborn 1 housing project; further ordering the ordinance recorded.

Summary

Expansion of the alley across City-owned property controlled by the Housing Department is a required stipulation by the Planning and Development Department through Dedication Application Number DEDI 230113. The dedication of five feet along the north side of 1730 E. Monroe St., between N. 17th and N. 18th streets, will increase the alley width to meet the minimum 20-foot requirement for development of the

Sidney P. Osborn 1 housing project.

Location
Along the north side of 1730 E. Monroe St., identified by Maricopa County Assessor's parcel number 115-04-148.
Council District: 8

This item was adopted.

35 Information Technology Research, Advisory and Consulting Services Qualified Vendor List - Amendment (Ordinance S-50588)

Request to authorize the City Manager, or his designee, to extend the term of the existing qualified vendor list for professional Information Technology (IT) research, advisory, and consulting services; authorize contracts or contract extensions with the current list of vendors; and authorize additional expenditures on an as-needed basis for the Information Technology Services Department in support of multiple City departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $9,620,000. Remaining funds previously authorized by the City Council will be applied to the extended term.

Summary
The IT Research, Advisory and Consulting Services Qualified Vendor List (QVL) allows the City to engage with the qualified firms to provide the most current industry research, develop strategy, perform fit-gap and similar analysis, recommend process improvements, assist with industry-driven requirement, an perform pre-project planning and quality assurance.

Recent advisory and consulting services have provided critical support to IT projects and initiatives Citywide, including Police Records Management System Assurance, Case Management System Support, and Enterprise Customer Relationship Management Assessment. Authorizing the extension and additional funds would also allow the Planning and Development Department to continue to utilize services to provide project oversight, quality assurance support services, and project management support related to ShapePHX.

The qualified firms are:

Qualified for Small Engagements:
• Cadenza, LLC;
• CISOSHARE;
• Dimension Systems, Inc.;
• Education, Leadership and Analytics, LLC;
• Gaea Global Technologies, Inc.;
• ISOutsource;
• Mission Critical Partners;
• OZ Engineering;
• Paradigm Solutions, LLC;
• Paramount Software Solutions, Inc.;
• Rishaank, LLC;
• Securance LLC;
• SeNet International Corporation;
• Sensei Project Solutions, Inc.;
• ServiceTec International, Inc.; and
• The Evolvers Group, L. P.

Qualified for Any Engagement:
• Arcadis U.S., Inc.;
• Ernst & Young;
• Gartner, Inc.;
• IDC Research, Inc.;
• Public Consulting Group, Inc.;
• Slalom Inc. ;
• Timmons Group, Inc.; and
• Zolon Tech, Inc.

Contract Term
Upon approval the contract will be extended through Dec. 31, 2026, with a one-year option to extend through Dec. 31, 2027.

Financial Impact
Upon approval of $9,620,000 in additional funds, the revised aggregate value of the contracts will not exceed $22,120,000. Funds are available in the various department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

• IT Research, Advisory and Consulting Services QVL award S-44256 on Feb. 7, 2018

• IT Research, Advisory and Consulting Services QVL extension S-48977 on Sept. 7, 2022

This item was adopted.

36 Authorization to Amend Contract with United Methodist Outreach Ministries (UMOM) New Day Centers, Inc. (Ordinance S-50600)

Request to authorize the City Manager, or his designee, to amend Contract 145546 with United Methodist Outreach Ministries (UMOM) New Day Centers, Inc. to add $455,000 for continued emergency shelter services for families with children and single women experiencing homelessness. The new total contract amount is not to exceed $8,771,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item for the life of the contract.

Summary

In July 2017, the Human Services Department executed a contract with UMOM New Day Centers as a result of a competitive process to serve 16 families with children and 130 single women experiencing homelessness each night at shelter facilities owned and operated by UMOM New Day Centers. These services had previously been provided by a contractor at the City-owned Watkins facility. The purpose of the change was to improve services and relieve the City of the costly repairs and maintenance for the Watkins building.

The Watkins facility was closed in July 2017 following the transfer of services to UMOM New Day Centers facilities.

Contract Term

The term of the contract is seven years, which began on July 1, 2017, and will end on June 30, 2024.

Financial Impact

General and grant funds to support this increase are available in the Human Services Department budget.

Concurrence/Previous Council Action

City Council approved Contract 145546 on May 10, 2017, with Ordinance S-43482;

City Council approved a funding increase on Nov. 1, 2017, with Ordinance S-44028; and

City Council approved a funding increase on June 20, 2018, with Ordinance S-44822.

This item was adopted.

37 Retroactive Authorization to Apply for, Accept and Disburse Arizona Department of Housing Grant Funding (Ordinance S-50603)

Request retroactive authorization for the City Manager, or his designee, to apply for Arizona Department of Housing (ADOH) grant funding in an amount not to exceed $500,000. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item for the life of the grant.

Summary

ADOH provides funds for housing and housing related services, with current available funding designated for extreme weather and shelter response. The available grant funding will be used to expand existing emergency response to severe weather conditions (i.e. heat) for individuals and/or families experiencing unsheltered homelessness. Allowable activities to expand response to extreme weather include, but are not limited to: opening of indoor spaces, community notification, transportation, and site operations. If awarded, funding will be used to support summer heat relief efforts by providing overnight cooling and navigation centers throughout Phoenix to offer safe, indoor spaces for unsheltered individuals in the summer months. This request is retroactive because there was a short window to apply, and there was not adequate time to request authority prior to the grant submission due date.

Contract Term

If awarded, the grant term will begin on or about May 1, 2024, and end on or about June 30, 2025.

Financial Impact

Funding in an amount up to $500,000 will be provided by ADOH. No matching funds are required. There is no impact to the General Fund.

This item was adopted.

38 Authorization to Amend Contract with Community Bridges, Inc. for Operation and Maintenance of the Central City Addiction Recovery Center (Ordinance S-50608)

Request to authorize the City Manager, or his designee, to amend Contract 147736 with Community Bridges, Inc. (CBI) to a) extend the term of the contract through Dec. 31, 2031, and b) add an additional $290,000 annually, upon annual budget approval, for a new contract total not to exceed $4.06 million. Further request authorization for the City Controller to disburse all funds related to this item for the life of the contract.

Summary

The City had an Intergovernmental Agreement (IGA) with Arizona Department of Health Services (ADHS) for the construction, operation and maintenance of the Central City Addiction Recovery Center (CCARC) (formerly known as Local Alcohol Reception Center or LARC) on the grounds of the Arizona State Hospital. The IGA expired Dec. 31, 2017. The City constructed the facility that houses CCARC.

CCARC serves the community of Phoenix and combines medical and behavioral interventions to address a patient's psychiatric and substance abuse issues. CCARC provides methadone detox services and substance abuse treatment, which includes day treatment, partial hospitalization, inpatient detox and hospital inpatient treatment services.

In 2015, Mercy Maricopa Integrated Care (MMIC) was competitively selected and entered into a contract with State of Arizona for the delivery of mental health services in Maricopa County. The contract includes the provision of local alcoholism reception center services as described in Arizona Revised Statutes title 36, chapter 18, article 2. As a result, MMIC is the sole source for the Regional Behavioral Health Authority and has contracted with CBI to be its service provider; no other entities can be solicited for proposals for this service.

Since Jan. 1, 2018, the City has contracted with CBI for CCARC

operations and maintenance. CBI was recently awarded federal grant funding to renovate the CCARC, with a condition that Contract 147736 with CBI be extended through at least Dec. 31, 2031, to satisfy federal minimum period of use requirements.

Contract Term
The initial term of Contract 147736 with CBI began on Jan. 1, 2018, through Dec. 31, 2022, with one, five-year option to extend. In December 2022, the City extended Contract 147736 through Dec. 31, 2027. This item, if approved will authorize the City to extend the contract through Dec. 31, 2031.

Financial Impact
The revised total value of this contract shall not exceed $4.06 million. Additional funding is available in the Human Services Department General Funds, upon annual budget approval.

Concurrence/Previous Council Action
The City Council approved Contract 147736 and IGA 159842 with Ordinance S-44380 on March 21, 2018.

Location
2770 E Van Buren St.
Council District: 8

This item was adopted.

39 Authorization to Enter Contract with Human Services Campus, Inc. dba Keys to Change (Ordinance S-50614)

Request authorization for the City Manager, or his designee, to enter into a contract with Human Services Campus, Inc. dba Keys to Change to provide essential services for individuals experiencing homelessness. The Brian Garcia Welcome Center located on the Key Campus is open 365 days per year, 7 days per week, and 24 hours per day, including holidays. Funding will be used for expenses related to operations, security, janitorial, and maintenance of the Key Campus. This includes operation of a storage program that enables clients to keep and access their belongings while accessing shelter services. The Key Campus services include engaging with people immediately outside the Welcome

Center and Key Campus. In addition, the Welcome Center provides 24-hour access to restrooms and in the summer provides access to water for those in need. The term of the contract will begin on or about March 1, 2024 and run through June 30, 2025. The aggregate amount will not exceed $2,125,000. Further request authorization for the City Controller to disburse all funds related to this item for the life of the contract. Funds are available from the City's allocation of the American Rescue Plan Act (ARPA) funds.

Summary

Keys to Change is a service hub that provides essential services to individuals experiencing homelessness. Directly and through its 16 partners, the Key Campus provides shelter, food, navigation, case management, postal services, workforce development and housing, among other services. There is a growing need for these services targeting individuals experiencing homelessness in the community. Maricopa Association of Governments 2022 Point in Time Count numbers showed a 34 percent increase in unsheltered homelessness over the last two years. These services will have a significant impact on overall health and safety of the Phoenix community. The agency's programs include services for the homeless that serve thousands each day and provide general assistance for individuals in need.

Keys to Change recognizes the urgent need for providing essential services to individuals experiencing homelessness and is committed to providing services aligned with the City of Phoenix's Strategies to Address Homelessness. The Key Campus provides a safe haven for individuals in need of help and provides a myriad of services that have assisted thousands of individuals end their homelessness.

Contract Term

The term of the contract will begin on or about March 1, 2024 and run through June 30, 2025.

Financial Impact

The total value of this contract shall not exceed $2,125,000. There is no impact to General Fund. Funding is available through the City's ARPA allocation.

Location
220 S. 12th Avenue
Phoenix, Az 85007
District: 7

This item was adopted.

40 Request Authorization to Increase Funding for Contract 159075 with Central Arizona Shelter Services, Inc. (Ordinance S-50615)

Request authorization for the City Manager, or his designee, to increase funding for Central Arizona Shelter Services, Inc. (CASS) in an amount of up to $1.5 million to provide gap funding for emergency shelter services. The revised total contract value will not exceed $6,735,990. Further request authorization for the City Controller to disburse all funds related to this item for the life of the contract.

Summary
The City has contracted with CASS to provide emergency shelter services since July 1, 2007. The facility currently serves up to 600 single adult men and women. The shelter is located on the Key Campus, formerly known as the Human Services Campus, a coordinated entry access point which is run out of the Brian Garcia Welcome Center. This coordination is critical to serving the homeless population in this area and to regional efforts to end homelessness. CASS is a provider of shelter services for single adults and families in Phoenix and Maricopa County and is the only facility that has the capacity to serve this large number of homeless individuals.

The additional gap funding is essential for the continuation of shelter services for the agency's single adult shelter and family shelter. In addition, enhanced reporting requirements will be implemented to ensure CASS is aligned with regional standards for emergency shelter services.

Contract Term
The term of the contract will remain unchanged, beginning on or about July 1, 2023, with four one-year options to extend, which may be exercised by the City Manager or his designee.

Financial Impact
The contract will have an annual budget of up to $1,347,198 subject to

annual budget approval. The total contract value shall not exceed $6,735,990. General Purpose funding is available in the Office of Homeless Solutions' budget, subject to annual budget approval, and within the City's American Rescue Plan Act allocation.

Concurrence/Previous Council Action
On June 14, 2023, the City Council approved Contract 159075 with Ordinance S-49849.
On Feb. 7, 2024, the City Council approved an increase in funding under Contract 159075 with Ordinance S-50555.

Location
230 S. 12th Avenue
Phoenix, AZ 85007
Council District: 7

This item was adopted.

41 Insurance Eligibility and Electronic Claims Processing Service Contract - RFA 24-0013 - Request for Award (Ordinance S-50607)

Request to authorize the City Manager, or his designee, to enter into a contract with Zoll Data Systems, Inc. to provide insurance eligibility and electronic claims for the Fire Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $1,354,050.

Summary
This contract will provide billing solutions for insurance eligibility and electronic claims for the Fire Department's Emergency Transportation Services (ETS). Services provided by Zoll Data Systems, Inc. will allow ETS to verify insurance eligibility and have the ability for electronic claims submissions. The functionality of the services will allow ETS to reduce the time it takes to verify insurance eligibility and provide electronic claims to insurance providers that require electronic claims forms.

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

Procurement Information
In accordance with Administrative Regulation 3.10, standard competition

was waived as a result of an approved Determination Memo based on the following reasons: Special Circumstances Without Competition. Zoll Data Systems, Inc., is the only vendor that integrates with the ETS accounts receivable software and provides both insurance eligibility and electronic claims. A Request for Proposal was issued for the same services and was unsuccessful as no offers were received.

Contract Term

The contract will begin on or about Feb. 21, 2024, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed $1,354,050 for the five-year aggregate term. Funding is available in the Fire Department's budget.

This item was adopted.

42 Accept Supplemental Funding for FEMA Urban Search & Rescue Response System Cooperative Agreement Awards (Ordinance S-50610)

Request to authorize the City Manager, or his designee, to retroactively accept and disburse Federal Emergency Management Agency (FEMA) National Urban Search & Rescue (US&R) Response System Readiness supplemental funds awarded for Fiscal Years (FY) 2022, 2021, and 2020 totaling $387,745. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The Department of Homeland Security and FEMA provide support and funding for the maintenance and readiness of the US&R Response System. The purpose of this funding is to support the continued development and maintenance of a national US&R capability. As the sponsoring agency of Arizona Task Force One (AZ-TF1), one of the 28 national US&R teams, the Phoenix Fire Department receives yearly cooperative agreement awards to maintain this capability.

Due to rising expenses associated with maintaining US&R teams, FEMA has begun providing additional financial support beyond what is already funded through their annual cooperative agreements. These additional funds are distributed as part of the ongoing awards and are available

throughout the term of the current award agreements.

Contract Term
The period of performance to utilize the supplemental funding will run through Aug. 31, 2026.

Financial Impact
The Fire Department will receive supplemental funding not to exceed $387,745 from FEMA for the FY 2022, 2021 and 2020 US&R Response System Readiness Cooperative Agreements.

Concurrence/Previous Council Action
Council has previously passed Ordinance S-48942, Ordinance S-47955, and Ordinance S-46869 authorizing acceptance of the FEMA US&R Cooperative Agreement awards for fiscal years FY2022, 2021 and 2020.

This item was adopted.

43 Fixed Wing Pilot Training- IFB 19-016-Amendment (Ordinance S-50599)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 149441 with Bird Acquisition, LLC, dba Aeroguard Flight Training Center, to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-45431.

Summary
This contract will provide training to new pilots, as in-house pilot training is no longer feasible. This contract will streamline the training process for new pilots and reduce the length of time it takes to achieve the pilot certificates. It will also provide the Air Support Unit with oversight from a Federal Aviation Administration (FAA) certified flight instructor school.

Contract Term
Upon approval the contract will be extended through March 14, 2025, with an option to extend to March 14, 2026.

Financial Impact
The aggregate value of the contract will not exceed $285,000 and no

additional funds are needed.

Concurrence/Previous Council Action

The City Council previously reviewed this request:
Fixed Wing Pilot Training Contract 149441 (Ordinance S-45431) on March 6, 2019.

This item was adopted.

44 General Police Towing Services - RFP 13-006 - Amendment (Ordinance S-50583)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 135125 with DV Towing, LLC to amend contract to assign all rights, interests, and obligations to a new vendor, DVT Enterprises, LLC. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-39460.

Summary

The Police Department requires general towing services to remove vehicles for citizens involved in vehicle crashes, and tow abandoned vehicles, vehicles left in the roadways, illegally parked vehicles and other law enforcement impoundments. Towing services are essential to the Police Department and mandated by the Arizona Revised Statutes, Phoenix City Codes and Police Department policies. DV Towing, LLC seeks to assign its assets, payables, and receivables, including its rights and obligations under Contract 135125, to DVT Enterprises, LLC. Approval is requested to amend this contract accordingly and continue receiving services from DVT Enterprises, LLC.

Contract Term

The contract term remains unchanged, ending on Dec. 31, 2026.

Financial Impact

The aggregate value of the contract will not exceed $1,329,832 and no additional funds are needed.

Concurrence/Previous Council Action

The City Council previously reviewed this request:
General Police Towing Services - contracts 135124, 135125, 135126

and 135191 (Ordinance S-39460) on Dec. 19, 2012
General Police Towing Services - contracts 135124, 135125, 135126 and 135191 (Ordinance S-44209) on Jan. 24, 2018
General Police Towing Services - contracts 135124, 135125, 135126 and 135191 (Ordinance S-44333) on March 21, 2018
General Police Towing Services - contracts 135124, 135125, 135126 and 135191 (Ordinance S-45345) on Feb. 6, 2019
General Police Towing Services - contracts 135124, 135125, 135126 and 135191 (Ordinance S-45759) on June 5, 2019
General Police Towing Services - contracts 135124, 135125, 135126 and 135191 (Ordinance S-47246) on Jan. 20, 2021

This item was adopted.

46 Request Authorization for Sale of Canine Zadie (Ordinance S-50612)

Request to authorize the City Manager, or his designee, to approve the sale of canine Zadie to Detective Elizabeth Poole for $1.00. Det. Poole and canine Zadie are assigned to the Drug Enforcement Bureau in the Commercial Narcotic Interdiction Unit. Det. Poole has requested to purchase and retire her assigned canine Zadie in accordance with Administrative Regulation 4.21.

Summary

Canine Zadie is 10 years old and has served the Commercial Narcotic Interdiction Unit detecting narcotics and human remains for eight years. Canine Zadie has met the Bureau's standard of service and allowing her to retire will lessen the strain on her body and increase her life expectancy. Det. Poole has already been assigned another canine, and has been working with both since October 2021.

This request is for the authorization of the sale of canine Zadie for $1.00. The purchase of canine Zadie is being made by Detective Elizabeth Poole, who agrees to accept full responsibility and liability for canine Zadie and to care for her for the remainder of her life.

This item was adopted.

47 High-Rise and Single-Story Building Window Cleaning Services IFB 24-FMD-021 - Request for Award (Ordinance S-50579)

Request to authorize the City Manager, or his designee, to enter into

contracts with Viewmaker, LLC dba Squeegee Squad and Prestige Window Cleaning, Inc. dba Professional Window Cleaning to provide window cleaning services for high-rise and single-story buildings Citywide. Further request authorization for the City Controller to disburse all funds related to this item. The total aggregate amount of contracts will not exceed $1,103,160.

Summary

The high-rise and single-story building window cleaning services are used for interior and exterior window washing, high dusting, and stainless steel polishing on an as-needed basis.

Procurement Information

Invitation for Bid 24-FMD-021 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department, Procurement Section, received two offers. All groups received a bid and both offers were deemed to be responsive to the posted specifications, and responsible to provide the required services. The evaluation was based on the price for each group.

Viewmaker, LLC Group 1 - Fire Department Locations: $4,950

Viewmaker, LLC Group 2 - Human Services Department Locations: $3,600

Viewmaker, LLC Group 3 - Library Services Department Locations: $7,605

Viewmaker, LLC Group 4 - Police Department Locations: $7,200

Viewmaker, LLC Group 5 - Public Works Department Locations: $8,950

Prestige Window Cleaning, Inc. Group 6 - Water Services Department Locations: $12,209

Viewmaker, LLC Group 7 - High-Rise Locations: $111,400

Contract Term

The initial one-year contract term shall begin on or about March 1, 2024, with four options to extend in increments of up to one year, for a total contract term of five years.

Financial Impact

The contracts will have a combined estimated annual expenditure of $220,632, with a total aggregate amount of $1,103,160 over the life of the contracts. Funds are available in the Fire, Human Services, Library

Services, Police, Public Works, and Water Services departments' budgets.

This item was adopted.

48 Purchase of Light and Medium Duty Vehicles Contract - IFB 24-FSD-030 Request for Award (Ordinance S-50580)

Request to authorize the City Manager, or his designee, to enter into separate contracts with Courtesy Chevrolet Corp., Don Sanderson Ford, Inc., SanTan Auto Partners LLC, doing business as San Tan Ford, and PFVT Motors, LLC, doing business as Peoria Ford for purchase of light and medium duty vehicles for various City departments. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $200,000,000.

Summary

The Public Works Department is responsible for purchasing light and medium duty vehicles on behalf of all City departments. Every year, Public Works prepares a list of City equipment due for replacement based on age or miles, or a combination thereof. This contract will allow Public Works to purchase replacement vehicles that have exceeded the useful life and add new vehicles to the fleet as needed for operations. The vehicles that will be purchased will include, but are not limited to: sedans, sport utility vehicles, trucks, vans, patrol-rated police cruisers and medium duty vehicles that are essential to City services. These vehicles will be used by various City departments including Police, Fire, Water Services, and Street Transportation.

Procurement Information

An Invitation for Bid was processed in accordance with City of Phoenix Administrative Regulation 3.10. The Public Works Department, Procurement Section, received four bids with all four being recommended for award based on base model pricing of vehicles. Due to the extensive lists provided by the bidders for possible vehicle purchases, the following recommended vendors are divided by manufacturer.

Chevrolet:
Courtesy Chevrolet Corp.

Ford:
Don Sanderson Ford, Inc.
PFVT Motors LLC dba Peoria Ford
San Tan Auto Partners, LLC dba San Tan Ford

Contract Term
The contracts will begin on or about April 1, 2024 for a three-year term with two one-year options to extend.

Financial Impact
The value of the contracts will not exceed $200,000,000.

Funding is available in various departments' budgets.

This item was adopted.

50 Medium Diameter Transmission Mains - Job Order Contracting Services - 4108JOC225 (Ordinance S-50578)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with two contractors listed below, to provide Medium Diameter Transmission Mains Job Order Contracting services for the Water Services Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for all services will not exceed $54,405,000.

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

Summary

The Job Order Contracting (JOC) contractors' services will be used on an as-needed basis to provide Medium Diameter Transmission Mains Job Order Contract services for the installation, rehabilitation, or relocation of water transmission mains, and structures in the waterline right-of-way and other critical assets citywide. Additionally, the JOC contractors will be responsible for fulfilling Small Business Enterprise program requirements.

Procurement Information

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

Selected Firms

Rank 1: B & F Contracting, Inc.
Rank 2: Talis Construction Corporation

Additional Proposers

Rank 3: Kinkaid Civil Construction LLC
Rank 4: FPS Civil, LLC
Rank 5: Arrowmark Underground LLC dba Local Underground Construction

Contract Term

The term of each master agreement is for up to five years, or up to $27,202,500, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact

The master agreement value for each of the JOC contractors will not exceed $27,202,500, including all subcontractor and reimbursable costs.

The total fee for all services will not exceed $54,405,000.

Request to authorize the City Manager, or his designee, to execute job order agreements performed under these master agreements for up to $4 million each. In no event will any job order agreement exceed this limit without Council approval to increase the limit.

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

This item was adopted.

51 91st Avenue Wastewater Treatment Plant Solids Rehabilitation Phase I - Construction Manager at Risk Construction Services Amendment - WS90100111 (Ordinance S-50581)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 153445 with PCL Construction, Inc. to provide additional Construction Manager at Risk Construction Services for the 91st Avenue Wastewater Treatment Plant, Solids Rehabilitation Phase I project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed $26.2 million.

Summary

The purpose of this project is to rehabilitate, replace, and make improvements to the solids thickening, solids digestion, and solids dewatering equipment, piping, instrumentation, and processes at the 91st Avenue Wastewater Treatment Plant (WWTP).

This amendment is necessary to provide additional funds to the agreement.

The 91st Avenue WWTP is owned by the Sub-Regional Operating Group (SROG) and operated by the City of Phoenix.

Contract Term

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

Financial Impact

The initial agreement for Construction Manager at Risk (CMAR) Construction Services was approved for an amount not to exceed $45,351,000, including all subcontractor and reimbursable costs.

This amendment will increase the agreement by an additional $26,200,000, for a new total amount not to exceed $71,551,000, including all subcontractor and reimbursable costs.

Funding for this amendment is available in the Water Services Department's Capital Improvement Program budget utilizing SROG funds.

Concurrence/Previous Council Action

The SROG advisors authorized the project on June 10, 2020.

The City Council approved:

Engineering Services Agreement 152491 (Ordinance S-46821) on July 1, 2020;

CMAR Preconstruction Services Agreement 152492 (Ordinance S-46823) on July 1, 2020;

CMAR Construction Services Agreement 153445 (Ordinance S-47146) on Dec. 2, 2020; and

CMAR Construction Services Agreement Amendment 153445 (Ordinance S-49302) on Jan. 4, 2023.

Location

91st Avenue WWTP

Council District: 7

This item was adopted.

52 **Cast Iron Water Transmission Main Replacement - Engineering Services - WS85508004 (Ordinance S-50585)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Entellus, Inc. to provide Engineering Services that include design and possible construction administration and inspection for the Cast Iron Water Transmission Main Replacement project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $760,000.

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

Summary

The purpose of this project is to replace cast iron transmission mains in the central Phoenix area, including approximately 4,000 linear feet of 20-inch diameter transmission main along 9th Avenue between Roosevelt Street and Washington Street, approximately 1,600 linear feet of 14-inch transmission main along 44th Street from Van Buren Street to McKinley Street, and other cast iron replacements as identified within the design phase.

Entellus,Inc.'s services include but are not limited to: reviewing as-builts and providing recommendations for the alignment of the 20-inch water transmission main and the new parallel water distribution main, developing construction documents for 4,000 linear feet of transmission main along 9th Avenue between Roosevelt and Washington Streets,

approximately 1,600 linear feet of water distribution main along 9th Avenue between Roosevelt Street and Taylor Street, developing construction documents for other areas requiring replacement of cast iron transmission mains as identified in the design phase, conducting geotechincal evaluation as necessary, and provide survey services as needed to support the field investigation and design at each location. Entellus,Inc. will also identify all utility locations vertically and horizontally along the pipeline route, coordinate with the City potholing contractor as necessary to establish utility locations, prepare opinion of probable cost for construction, obtain all applicable permits, assist with developing detailed shutdown plans, provide data reflection changes to the asset registry in the City's computer maintenance management systems and GIS, and assist with the development of scope documents for Job Order Contract support agreements.

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: Entellus,Inc.

Additional Proposers

Rank 2: Sunrise Engineering, Inc.
Rank 3: Stantec Consulting Services Inc.
Rank 4: Burgess & Niple, Inc.

Contract Term

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

Financial Impact

The agreement value for Entellus, Inc., will not exceed $760,000, including all subconsultant 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

General Location: 9th Avenue between Roosevelt Street and Washington Street and 44th Street from Van Buren Street to McKinley Street
Council Districts: 7 and 8

This item was adopted.

53 Instrumentation And Control System Inspection And Testing Services For Water Remote Facilities - Engineering Services - WS85400011 (Ordinance S-50586)

Request to authorize the City Manager, or his designee, to enter into an agreement with Stephen C. Clements dba Clements Inspection Services to provide Engineering Services that include design review, construction administration and inspection, and commissioning testing of all projects associated with instrumentation and control systems for the Water Services Department's Water Remote Facilities. 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 $1.6 million.

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

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

Summary

This project aims to improve the functionality, efficiency, and maintenance of the instrumentation and control systems. The City has incorporated instrumentation and control system inspection and testing services to assist the engineer and contractor during upgrades or expansions of the water distribution systems. The City has developed instrumentation and control standards for the entire Water Services Department, which provide consistency in the control systems, and will be enforcing these standards on all projects. The work areas are in the design phase, construction installation inspections, and commissioning testing and calibrations of the instrumentation and control systems. Operations and maintenance support may be required when staff are performing tests on new and existing equipment.

Stephen C. Clements dba Clements Inspection Services' services include, but are not limited to: attending design meetings and project engineer demonstrations, supporting the engineer with research of existing conditions, conducting 30 percent, 60 percent, 90 percent, and 100 percent reviews of the project plans and specifications, supporting the engineering consultant with the understanding of the Water Services Department's standards for instrumentation and control systems, and is required to maintain and update the standards if revisions or acceptable changes have occurred during the design review process. Also, coordinate design reviews and construction and commissioning inspections and other requirements with the firm selected for Electrical and Arc Flash support services. Construction support services will include submittal review, conducting reviews on the equipment installation, providing field observation reports, participating in factory testing, reviewing the completeness of required equipment testing documentation, and witnessing the instrumentation calibrations and loop checks. Commissioning support services will include providing assistance on computer control strategy checkout, tuning of control loops, performing loop tests, troubleshooting for the computer control

system programmers, maintaining designated instruments through final acceptance, educating the plant staff on the systems, supporting the maintenance staff on developing maintenance procedures for designated equipment, and reviewing the accuracy of the as-built documentation for electrical drawings, and the process and instrumentation diagrams.

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. Two firms submitted proposals and are listed below**.**

Selected Firm
Stephen C. Clements dba Clements Inspection Services

Additional Proposer
Partners in Controls, Inc. dba Enterprise Automation

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

Financial Impact
The total fee for all services will not exceed $1.6 million, including all subconsultant 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.

This item was adopted.

54 **Utility Service Meter Cabinets - IFB 18-317 - Amendment (Ordinance S-50587)**

Request to authorize the City Manager, or his designee, to execute amendment to Contract 148407 with JTB Supply Co., Inc. to modify the scope of work to include additional Utility Service Meter Cabinet Type A. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $600,000.

Summary

This contract will provide the Street Transportation Department use of these utility service meter cabinets at intersections throughout the City to provide power to traffic signals. In the event of a power outage, these cabinets will operate the traffic signals on battery power for up to eight hours. If the power outage is longer than eight hours, the City can plug in a generator to provide power, which will recharge the batteries and continue operating the traffic signal system.

Contract Term

The contract term remains unchanged, ending on Sept. 5, 2024, with an option to extend through Sept. 5, 2025.

Financial Impact

Upon approval of $600,000 in additional funds, the revised aggregate value of the contract will not exceed $2,500,000. Funds are available in the Street Transportation Department's budget.

Concurrence/Previous Council Action

The City Council previously approved:

Utility Service Meter Cabinets Contract 148407 (Ordinance S-44970) on Sept. 5, 2018;

Utility Service Meter Cabinets Contract 148407 Amendment (Ordinance S-48918) on Aug. 31, 2022; and

Utility Service Meter Cabinets Contract 148407 Amendment (Ordinance S-50094) on Aug. 28, 2023.

This item was adopted.

55 **Fire Station 15 Architectural Services - FD57100031 (Ordinance**

S-50589)

Request to authorize the City Manager, or his designee, to enter into an agreement with Perlman Architects of Arizona, Inc. to provide Architectural Services that include: design and possible construction administration and observation services for the new Fire Station 15 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 $500,000.

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

Summary

The purpose of this project is to build a new one-story fire station with four apparatus bays and 16 dorms to enable Phoenix Fire Department staff to support the surrounding community and create quicker response time to calls.

Perlman Architects of Arizona’s services include, but are not limited to: general project administration, complete design drawings and specifications, commissioning, cost analysis, possible construction administration and observation services, materials testing coordination, and other work as required for a complete project.

Procurement Information

Perlman Architects of Arizona, Inc. was chosen for this project using a Direct Select process set forth in section 34-103 of the Arizona Revised

Statutes (A.R.S.). The Direct Select process will reduce the time to procure architectural services as opposed to an advertised selection process, meeting the project deadline and ensuring continuity and the most efficient use of staff and funding resources. Perlman Architects of Arizona, Inc is the designer of record for Fire Station 62. These plans will be site adapted to construction of Fire Station 15.

Contract Term

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

Financial Impact

The agreement value for Perlman Architects of Arizona, Inc. will not exceed $500,000, including all subconsultant and reimbursable costs.

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

Public Outreach

Planned activities during design include: provide presentation boards and renderings to support community meetings or outreach materials as needed during design.

Location

45th Avenue and Camelback Road
Council District: 5

This item was adopted.

56 Cave Creek and Lone Mountain Waterline Connection - Construction Manager at Risk Construction Services - Amendment - WS85100032, WS85500451 and WS85400007 (Ordinance S-50592)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 155550 with Garney Companies, Inc. to provide Construction Manager at Risk Construction Services for the Cave Creek and Lone Mountain Waterline Connection 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 $4,850,000.

Summary

The purpose of this project is to construct approximately one mile of new waterline to connect between existing infrastructure south of Carefree Highway and the new 10A-B1 Booster Pump Station (BPS). Approximately one mile of new waterline will also be constructed along Lone Mountain Road for system resiliency when the BPS is operational.

This amendment is necessary because of the change in cost due to market escalation and additional time due to unanticipated construction issues. This amendment will provide additional funds and time to the agreement.

Contract Term

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

Financial Impact

The initial agreement for Construction Manager at Risk Construction Services was approved for an amount not to exceed $14,050,000, including all subcontractor and reimbursable costs. This amendment will increase the agreement by an additional $4,850,000, for a new total amount not to exceed $18.9 million, including all subcontractor and reimbursable costs.

Funding for this amendment is available in the Water Services Department's Capital Improvement Program budget. The Budget and

Research Department will separately review and approve funding availability prior to 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 153443 (Ordinance S-47136) on Dec. 2, 2020; and

Construction Manager at Risk Construction Services Agreement 155550 (Ordinance S-48093) on Nov. 17, 2021.

Location

Cave Creek Road from Apache Rain Road to Carefree Highway; and Lone Mountain Road from Cave Creek Road to 56th Street

Council District: 2

This item was adopted.

57 Thomas Road and Indian School Road Traffic Signal Upgrades - Design-Bid-Build Services - ST89340584 (Ordinance S-50594)

Request to authorize the City Manager, or his designee, to accept AJP Electric, Inc. as the lowest-priced, responsive and responsible bidder and to enter into an agreement with AJP Electric, Inc. for Design-Bid-Build Services for the Thomas Road and Indian School Road Traffic Signal Upgrades project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $4,928,213.50.

Summary

The purpose of this project is for safety by increasing visibility of the traffic signal and pedestrian crosswalk for four traffic signals along Thomas Road and Indian School Road located at Thomas Road and 71st Avenue, Thomas Road and 75th Avenue, Indian School Road and 51st Avenue, and Indian School Road and 67th Avenue.

AJP Electric, Inc.’s services include, but are not limited to: rebuild of the signals, add signal heads and flashing yellow left turn arrows, install crosswalk illumination and modify ramps per the American with Disabilities Act (ADA) requirements, and other work as required for a

complete project.

Procurement Information
The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Two bids were received on Dec. 12, 2023, and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Disadvantaged Business Enterprise (DBE) program requirements.

The Opinion of Probable Cost and the two lowest responsive, responsible bidders are listed below:
Opinion on Probable Cost: $4,096,746
AJP Electric, Inc.: $4,928,213.50
Combs Construction Company, Inc.: $7,351,165.50

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

Contract Term
The term of the agreement is 270 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 AJP Electric, Inc. will not exceed $4,928,213.50, including all subcontractor and reimbursable costs.

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations Part 26 and the U.S. Department of Transportation DBE program. Funding is available in the Street Transportation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may

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

Location
Thomas Road and Indian School Road
Council Districts: 4, 5 and 7

This item was adopted.

59 Independent Construction Cost Evaluation On-Call Services (Ordinance S-50601)

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

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

Summary
The On-Call consultants will be responsible for providing On-Call Independent Construction Cost Evaluation services that include, but are not limited to: preparing programming/design concept review level estimates; preparing detailed construction estimates; performing detailed quantity take-offs and providing quantity verifications; evaluating contractor proposals and providing support during negotiations for Construction Manager at Risk and Job Order Contract projects;

conducting confidential market inquiries; evaluating Value Engineering proposals and alternatives; evaluating claims and providing support during settlement process; reviewing impact and estimation of non-City utilities or other agency coordination; preparing constructability review estimates; comparing site conditions and design plans to ensure actual field conditions are accurately depicted on the plans; recommending construction phasing and the relative costs associated with phasing options; and checking project measurements and payment sections; and adequately address the scope of each bid item to ensure quantity take-off of major work items are valid.

Procurement Information

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

Selected Firms

Rank 1: Rider Levett Bucknall, LTD.
Rank 2: Marc Taylor, Inc.
Rank 3: Kitchell/CEM, Inc.

Additional Proposers

Rank 4: Hill International, Inc.
Rank 5: Dynamic Preconstruction Services, LLC
Rank 6: Capo Projects Group
Rank 7: Titanium Engineering

Contract Term

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

Financial Impact

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

Funding is available in the Citywide Capital Improvement Program and Operating budgets. The Budget and Research Department will review and approve funding availability prior to issuance of any On-Call task order of $100,000 or more. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

This item was adopted.

60 Water Main Replacement - Area Bounded By: Indian Bend Road to Mockingbird Lane and 60th Street to Scottsdale Road - Construction Manager at Risk Construction Services Change Order 2 - WS85509054 (Ordinance S-50604)

Request to authorize the City Manager, or his designee, to execute a change order to Agreement 154200 with B & F Contracting, Inc. to provide additional Construction Manager at Risk Construction Services for the Water Main Replacement Area Bounded By: Indian Bend Road to Mockingbird Lane and 60th Street to Scottsdale Road project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this change order will not exceed $1.5 million.

Summary

The purpose of this project is to construct approximately 50,000 linear feet of new four-inch to eight-inch water mains throughout the area bounded by Indian Bend Road to Mockingbird Lane and 60th Street to Scottsdale Road. Also included is installation of approximately 27 new fire hydrants and 225 water services connections throughout the area.

This change order is necessary because of increased scope of work due to unforeseen conditions, material escalation, and additional modifications to complete the water main replacement project. This change order will provide additional funds to the agreement.

Contract Term

The contract term remains unchanged.

Financial Impact

The initial agreement for Construction Services was approved for an amount not to exceed $10,862,382, including all subcontractor and reimbursable costs.

Change Order 2 will increase the agreement by an additional $1,500,000 for a new total amount not to exceed $12,362,382.

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

Concurrence/Previous Council Action

The City Council approved:

CMAR Preconstruction Services Agreement 149800 (Ordinance S-45638) on May 15, 2019; and

CMAR Construction Services Agreement 154200 (Ordinance S-47509) on May 5, 2021.

Location

Area bounded by Indian Bend Road to Mockingbird Lane and 60th Street to Scottsdale Road

Council District: Out of City

This item was adopted.

61 48th Street: South Pointe Parkway to Baseline Road - Design-Build Services Amendment - ST85100355 (Ordinance S-50605)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 137514 with FNF Construction, Inc. to provide additional Design-Build Construction Services for the 48th Street: South Pointe Parkway to Baseline Road project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the

City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed $3 million.

Summary

The purpose of this project is to improve the segment of 48th Street from the roundabout on South Pointe Parkway to Baseline Road to change the classification from a private local road to a standard section C-M major arterial and classify it as a pubic street with a 110-foot right-of-way.

This amendment is necessary because of changes to Salt River Project contracts, installation of additional electrical conduits and asphalt pavement, unforeseen utility conflicts, and various miscellaneous work required to complete the project. This amendment will provide additional funds and time to the agreement.

Contract Term

The term of the agreement amendment is 153 calendar days from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The initial agreement for Design-Build Services was approved for an amount not to exceed $50,000, including all subcontractor and reimbursable costs.

Amendment 1 increased the agreement value by an additional $418,546.99, for a new total amount not to exceed $418,596.99, including all subcontractor and reimbursable costs.

Amendment 2 increased the agreement value by an additional $5,825,000, for a new total amount not to exceed $6,243,596.99, including all subcontractor and reimbursable costs.

Amendment 3 increased the agreement value by an additional $1,700,380, for a new total amount not to exceed $7,943,976.99, including all subcontractor and reimbursable costs.

This amendment will increase the agreement by an additional $3,000,000, for a new total amount not to exceed $10,943,976.99, including all subcontractor and reimbursable costs.

Funding for this amendment 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 the execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The City Council approved:

Design-Build Agreement 137514 (Ordinance S-40491) on Dec. 18, 2013;

Design-Build Agreement 137514 Amendment (Ordinance S-43513) on May 10, 2017;

Design-Build Agreement 137514 Amendment (Ordinance S-45696) on June 5, 2019;

Design-Build Agreement 137514 Amendment (Ordinance S-47882) on Aug. 25, 2021: and

Design-Build Agreement 137514 Amendment (Ordinance S-48771) on June 15, 2022.

Location

48th Street from the roundabout on South Pointe Parkway to Baseline Road

Council District: 6

This item was adopted.

62 Request to Revoke Contract 154012-0 (Revocable Permit 2020101) (Ordinance S-50606)

Request to authorize the City Manager, or his designee, to revoke a permit, Contract 154012-0. Subject to City Code section 31-80(H), revocable permits authorized by the City Manager are subject to revocation at any time at the discretion of the Street Transportation Director with ratification by the City Council.

Summary

It was determined the existing revocable permit, approved through Contract 154012-0, did not accurately account for all nonstandard items in the right of way. As a result, a new revocable permit, Contract

159469-0, was issued for the same property and ownership at the southeast corner of Garfield Street and 6th Street for the use and maintenance of approximately 1,495 square feet of shade canopy, outdoor dining with tables and chairs, benches, planter pots, trash receptacles, bike racks and bike station, (2) Fire Department Connection (FDC) locations, raised steel edging at planters and gas meter with enclosure within the City public right-of-way. This request is made to remove duplication of contracts assigned to the property and the owner.

Financial Impact

There is no financial impact.

Location

815-821 N. 6th St (southeast corner of Garfield Street and 6th Street)
Council District: 8

This item was adopted.

65 Apply for U.S. Bureau of Reclamation Grant Opportunity for Federal Fiscal Years 2023 and 2024 - WaterSMART: Title XVI congressionally Authorized Water Reclamation and Reuse Projects (Ordinance S-50582)

Request to authorize the City Manager, or his designee, to retroactively apply for, and if awarded, accept, and enter into an agreement for disbursement of Federal funding from the U.S. Bureau of Reclamation, funding announcement number R23AS00463. If awarded, the funding will be used for the 91st Avenue Wastewater Treatment Plant (WWTP) Solids Improvements Phase 2 project. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The total grant funds applied for will not exceed $4 million, and the City's local match would not exceed $3 million.

Summary

The WaterSMART Program provides a framework for Federal leadership and assistance to stretch and secure water supplies for future generations in support of the Department's priorities. Through WaterSMART, the Bureau of Reclamation leverages Federal and non-Federal funding to support stakeholder efforts to stretch scarce water supplies and avoid conflicts over water. If grant funding is awarded, the 91st Avenue WWTP Solids Improvements Phase 2 project will

develop an engineering design that includes improved biological treatment of residuals from the WWTP to meet future regulations. The design will entail enhancements that will enable the plant to continue to treat residual solids reliably and successfully and thus improve overall quality of the plant effluent. These enhancements are a critical element in the development of the Advanced Water Purification program, since the WWTP's effluent will be used to produce reclaimed water.

If awarded, the City of Phoenix will use grant funds for design for the following:
digester mixing/Mixing pumps;
digester control buildings;
electrical power, controls and instrumentation;
and digester dome replacement.

The grant submittal deadline was Dec. 7, 2023.

Financial Impact
The estimated total cost for the project is approximately $4 million. The maximum federal participation rate is 25 percent with a minimum local match of 75 percent of the total eligible project cost. If awarded, the federal match would not exceed $1 million and the City’s costs would be approximately $3 million for the local match.

Funding for the local match on awarded grants will be incorporated into future Capital Improvement Program budgets, and is anticipated to utilize revenue funds. Potential grant funding received is available through the U.S. Bureau of Reclamation.

This item was adopted.

66 Polymers - IFB- 1718- 36 - Amendment (Ordinance S-50593)

Request to authorize the City Manager, or his designee, to execute amendment to Agreement 146988 with Polydyne, Inc. to provide additional time and funding to the agreement. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $48,000,000.

Summary
The purpose of the amendment is to extend the term of the agreement

for an additional four years and add incremental funds to continue the supply of potable polymers for water production and non-potable polymers for the treatment of wastewater for the Water Services Department. The additional time and funds will allow the Wastewater and Water Production Divisions to continue to provide quality water services to the City's water customers without interruption or adding significant cost to the department operations.

This agreement is used for supplying polymer products that are proprietary to Polydyne, Inc. which are compliant with the City's Water Production and Wastewater production systems. Polydyne, Inc. is one of the largest providers of proprietary polymers in the industry.

Contract Term
This amendment will extend the end date of the agreement term from Feb. 29, 2024 to Feb. 28, 2028.

Financial Impact
The initial authorization for Polymers was for an expenditure not-to-exceed $25,000,000. An amendment increased the authorization for the agreement by $16,862,000. This amendment will increase the authorization for the agreement by an additional $48,000,000, for a new total not-to-exceed agreement value of $89,862,000.

Concurrence/Previous Council Action
The City Council previously reviewed this request:
Polymers Contract 146988 (Ordinance S-44265) on Feb. 21, 2018.
Polymers Contract 146988 (Ordinance S-48863) on July 1, 2022.

This item was adopted.

67 Intergovernmental Agreement with Arizona Department of Transportation to Protect City of Phoenix Water Main at Interstate 17 and Greenway Road (Ordinance S-50595)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement with the Arizona Department of Transportation to protect an existing water main at Interstate 17 (I-17) and Greenway Road impacted during the I-17 Drainage Improvement 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 total value of this agreement will not exceed $45,000.

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

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

Summary

The I-17 Drainage Improvement Project upgraded cross street drainage facilities along I-17 from Greenway Road to the Arizona Canal Diversion Channel north of Dunlap Avenue. The Water Services Department owns a 48-inch water main crossing I-17 at Greenway Road. This water main was installed after I-17 was constructed. Therefore, the water main does not have prior rights and if in conflict, must be relocated at the expense of the City. Arizona Department of Transportation (ADOT) modified their design and construction to protect the existing 48-inch water main in place. The City will reimburse ADOT for the construction costs associated with the modifications.

Contract Term

The term of this agreement is one year from the effective date.

Financial Impact

The total value for this agreement will not exceed $45,000. Funding for this project is available in the Water Services Department's Capital Improvement Program Budget.

Location
I-17 at Greenway Road
Council Districts: 1 and 3

This item was adopted.

68 Final Plat - Meritum Sonoran Desert - PLAT 230015 - Northwest Corner of 29th Avenue and Sonoran Desert Drive

Plat: 230015
Project: 21-2303
Name of Plat: Meritum Sonoran Desert
Owner: Acero Sonoran Desert SPE, LLC, 4655 N. 56th Street, LLC, and Bloomquist Sonoran, LLC
Engineer: Kirk J. Pangus, RLS
Request: A Two-Lot Commercial Plat
Reviewed by Staff: Jan. 26, 2024
Final Plat requires Formal Action Only

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

Location
Generally located at the northwest corner of 29th Avenue and Sonoran Desert Drive
Council District: 2

This item was approved.

69 Final Plat - Verdin-Development Parcel A1 - PLAT 230032 - West of Cave Creek Road and South of Sonoran Desert Drive

Plat: 230032
Project: 18-2079
Name of Plat: Verdin-Development Parcel A1
Owner: Taylor Morrison
Engineer: Brian J. Benedict, RLS
Request: A 114-Lot Residential Subdivision Plat

Reviewed by Staff: Jan. 18, 2024
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 west of Cave Creek Road and south of Sonoran Desert Drive
Council District: 2

This item was approved.

70 Final Plat - Verdin-Development Parcel A2 - PLAT 230033 - West Cave Creek Road and South of Sonoran Desert Drive

Plat: 230033
Project: 18-2079
Name of Plat: Verdin-Development Parcel A2
Owner: Taylor Morrison
Engineer: Brian J. Benedict, RLS
Request: A 111-Lot Residential Subdivision Plat
Reviewed by Staff: Jan. 18, 2024
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 west of Cave Creek Road and south of Sonoran Desert Drive
Council District: 2

This item was approved.

71 Final Plat - Verdin-Development Parcel A3 - PLAT 230034 - West of Cave Creek Road and South of Sonoran Desert Drive

Plat: 230034
Project: 18-2079

Name of Plat: Verdin-Development Parcel A3
Owner: Taylor Morrison
Engineer: Brian J. Benedict, RLS
Request: A 40-Lot Residential Subdivision Plat
Reviewed by Staff: Jan. 18, 2024
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 west of Cave Creek Road and south of Sonoran Desert Drive
Council District: 2

This item was approved.

72 Final Plat - Verdin-Development Parcel A4 - PLAT 230031 - West of Cave Creek Road and South of Sonoran Desert Drive

Plat: 230031
Project: 18-2079
Name of Plat: Verdin-Development Parcel A4
Owner: Taylor Morrison
Engineer: Brian J. Benedict, RLS
Request: A 148-Lot Residential Subdivision Plat
Reviewed by Staff: Jan. 18, 2024
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 west of Cave Creek Road and South of Sonoran Desert Drive
Council District: 2

This item was approved.

73 Final Plat - Encantado Estates - PLAT 230101 - Northwest Corner of Encanto Boulevard and 79th Avenue

Plat: 230101
Project: 21-962
Name of Plat: Encantado Estates
Owner: FSB Encanto, LLC and Encanto Land QOZB, LLC
Engineer: Colin D. Harvey, RLS
Request: A One-Lot Residential Plat
Reviewed by Staff: Jan. 17, 2024
Final Plat requires Formal Action Only

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

Location
Generally located at the northwest corner of Encanto Boulevard and 79th Avenue
Council District: 5

This item was approved.

74 Final Plat - 134 E. Bethany Home Road - PLAT 230107 - Northwest Corner of Bethany Home Road and 2nd Street

Plat: 230107
Project: 99-39823
Name of Plat: 134 E. Bethany Home Road
Owner: DL Dalton, LLC
Engineer: Lance C. Dickson, RLS
Request: A Two-Lot Detached Single Family Subdivision Plat
Reviewed by Staff: Jan. 12, 2024
Final Plat requires Formal Action Only

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

Location

Generally located at the northwest corner of Bethany Home Road and 2nd Street
Council District: 6

This item was approved.

75 Final Plat - 56th Street & Camelback - PLAT 230097 - East of 56th Street and North of Camelback Road

Plat: 230097
Project: 19-1919
Name of Plat: 56th Street & Camelback
Owner: True Freedom Investments, LLC
Engineer: James A. Loftis, RLS
Request: A Four-Lot Residential Plat
Reviewed by Staff: Jan. 25, 2024
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 east of 56th Street and north of Camelback Road
Council District: 6

This item was approved.

76 Final Plat - Sunland Manor - PLAT 220087 - Northwest Corner of Sunland Avenue and 15th Avenue

Plat: 220087
Project: 21-3703
Name of Plat: Sunland Manor
Owner: PV-V Arcadia Sunland, LLC
Engineer: Robert J. Blake, RLS
Request: A 38-Lot Residential Subdivision Plat
Reviewed by Staff: Jan. 22, 2024
Final Plat requires Formal Action Only

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

easements as shown to the public.

Location
Generally located at the northwest corner of Sunland Avenue and 15th Avenue
Council District: 7

This item was approved.

77 Historic Preservation Exterior Rehabilitation Grants (Ordinance S-50598)

Request for approval of 14 Historic Preservation Exterior Rehabilitation Grants for Fiscal Year (FY) 2023-24 totaling $226,497. In exchange for receiving grant funds, the property owners agree to sell the City a 15- or 20-year conservation easement to protect the historic character of the property's exterior. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
Applications for the FY 2023-24 Exterior Rehabilitation grant program were due on Nov. 17, 2023. A total of 38 property owners submitted applications. Eleven of these were disqualified because they were incomplete or requested less than the $5,000 minimum grant amount. The remaining 27 applications were forwarded to the Exterior Rehabilitation grant panel for evaluation.

A panel consisting of staff, a member of the Historic Preservation Commission, and a past grant recipient met on Dec. 15, 2023, to review the applications. Scoring criteria included whether the application followed historic preservation standards; addressed the physical needs of the property; reflected a logical sequence or logical planning of an overall rehabilitation project; resulted in a positive visual impact on the historic appearance of the property and streetscape; addressed a critical maintenance issue; and returned a vacant building to productive use. Additional points were awarded for projects that were individually listed or in a priority historic district (Brentwood, East Evergreen, Garfield, Idylwilde Park, North Garfield, Oakland, Phoenix Homesteads, Roosevelt Park, Villa Verde, and Woodland), as well as for the significance and integrity of the property, the adequacy of the proposed bids and budget, and for the overall quality of the application.

The panel recommended the 14 grant applications listed below for a total of $226,497. Panel members agreed that the next highest application, which requested $20,000 and received a score of 33.7, as well as those that scored lower, should not be funded. Applicants who are not recommended for funding will be encouraged to meet with staff to improve their application and resubmit it during a future round.

Marc Bianco; 32 E. Hoover Ave.; Ashland Place - install new asphalt shingle roof. Score: 42.5. Amount: $5,400.

Cristi Pettibone; 520 W. Portland St.; Roosevelt - repair wood windows. Score: 42.4. Amount: $11,078.

Robert Madera; 1921 W. Palm Lane; Villa Verde - repair foundation. Score: 42.3. Amount: $19,968.86.

Jennifer and Michael Hauer; 325 W. Lewis Ave.; Willo - install new wood shingle roof. Score: 42.1. Amount: $14,184.

Zachariah Collins and Rebecca Cohen-Collins; 901 W. Lynwood St.; F Q Story - repair steel windows. Score: 41.7. Amount: $20,000.

Hue-Tam Jamme; 1104 E. Taylor St.; Garfield - install new asphalt shingle roof. Score: 41.5. Amount: $5,375.

Sarah Bingham and Brett Long; 2041 N. 11th St.; Coronado - repair foundation. Score: 40.7. Amount: $17,869.65.

Kevin and Allison McGinnis; 2213 N. Laurel Ave.; Fairview Place - repair foundation. Score: 40.3. Amount: $15,689.69.

Betty and Harvey Hartzler; 1702 W. Thomas Road; North Encanto - repair tile roof. Score: 40.1. Amount: $20,000.

Brian Poirier and Erin Finkelstein; 522 W. Monte Vista Road; Willo - repair foundation. Score: 39.9. Amount: $20,000.

Mary Parot; 34 E. Colter St.; Windsor Square - install new asphalt shingle roof, masonry repair. Score: 39.7. Amount: $20,000.

Wixom Family Trust; 1602 W. Encanto Blvd.; Del Norte Place - repair foundation. Score: 39.1. Amount: $20,000.

D.L.D. Living Trust; 303 E. Colter St.; Windsor Square - repair steel windows. Score: 38.9. Amount: $20,000.

The MT Trust; 1617 W. Virginia Ave.; Del Norte Place - repair steel windows. Score: 38.8. Amount: $16,932.

In exchange for the grant funds, the property owners agree to sell the City a conservation easement to protect the historic character of the

properties' exteriors. The term of the easement will be 15 years for grant amounts $10,000 or less or 20 years for grant amounts between $10,001 and $20,000. The conservation easement will be recorded on the property's title and will run with the land.

Financial Impact
The 14 grant awards total $226,497. Funds are available in the General Fund Historic Preservation operating budget.

Concurrence/Previous Council Action
The Historic Preservation Commission recommended approval of this item on Jan. 8, 2024, by an 8-0 vote.

The City Council Transportation Infrastructure and Planning Subcommittee heard this item on Jan. 31, 2024, and voted to approve the Historic Preservation Commission's recommendation and recommend City Council approval, by a 4 to 0 vote.

Location
Twelve of the residential property addresses above are located in District 4, one is in District 7, and one is in District 8
Council Districts: 4, 7 and 8

This item was adopted.

81 ***REQUEST TO ADD-ON (SEE ATTACHED MEMO)* Request for City Council to Call to Meet in Executive Session on Additional Dates in 2024 and Cancel the April 23 Executive Session**

Request for the City Council to call meetings for the purpose of holding an Executive Session pursuant to Arizona Revised Statute Section 38-431.03.A, on the following dates and times in the Central Conference Room, on the 12th Floor of Phoenix City Hall, located at 200 W. Washington St.:
March 5 at 1:30 p.m.
April 16 at 12:00 p.m.
April 23 - CANCELED
April 30 at 12:00 p.m.

Public Outreach

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

This item was approved.

28 American Rescue Plan Act February 2024 Reallocation

This report provides an update on American Rescue Plan Act (ARPA) spending to date and the reallocation of current unspent ARPA funds. The City is on track to meet all ARPA spending deadlines.

Summary

The federal government allocated $396 million to the City of Phoenix as part of ARPA. On June 8, 2021, and June 7, 2022, City Council approved the ARPA Strategic Plan and at several subsequent Council meetings, approved additional programs which included new programs in affordable housing and homelessness funded through the first large reallocation in December 2022. Additional homelessness programs were funded through the second reallocation in November 2023.

There are currently 70 programs across 19 City departments and as of Jan. 31, 2024, over $236 million (nearly 60 percent) has been spent.

Reallocation of Unused, Underspent, or Reprioritized ARPA Funds

During the June 7, 2022, City Council Formal meeting, staff indicated reallocation exercises would be performed throughout the remaining duration of the grant to analyze all programs with unused, underspent, or reprioritized funding that may be used for other ARPA eligible uses. The intent of the reallocation exercises is to ensure full utilization of all awarded ARPA funds. The ARPA covered period will end Dec. 31, 2024, and after this date, staff will be unable to reallocate funding to other programs and any unspent funds must be returned to the United States Treasury. To avoid this, staff plans to complete at least one additional reallocation exercise before June 2024 to ensure all funds are obligated and will be spent by the expenditure deadline of Dec. 31, 2026.

The first reallocation exercise resulted in the approval of $21.2 million, for three affordable housing and homelessness projects. The second reallocation exercise resulted in the approval of $19.6 million to fund various homelessness programs. The second reallocation included four programs that required additional funding which had not yet been

identified. This had been reduced to three programs and funding has been identified in this reallocation totaling $3.84 million. See further information in the Reallocation Programs section of this report.

The third reallocation exercise is seeking to approve approximately $15 million to various programs. The potential range of funding has been identified due to savings in contracts and program spending and include the following programs: Digital Divide, Financial Assistance for Phoenix Refugee and Asylee Communities, COVID-19 Health Care Expenses, Vacant Storefront program, and various administrative savings.

Reallocation Programs

As the City continues to work towards providing solutions for homelessness and increasing the supply of affordable housing units, staff, with the assistance of City Council and community feedback, has identified 11 programs for feedback which target these high-need areas. Funding has also been prioritized to provide resources to programs that would otherwise require General Fund resources to continue. Given the anticipated budget status, using ARPA funds to alleviate this pressure is a sound financial decision.

Continuing Partially Funded Programs - $3,840,000

Three programs required additional funding from the November 2023 reallocation: Temporary Lodging, Heat Response/Temporary Shelter - Washington Shelter, and CASS Haven Project. Due to limited funding in the last reallocation, these programs were only partially funded. Funding has now been identified to fully support these programs, several of which will end in June 2025.

Homelessness Projects - Rio Fresco - $3,000,000

This is an existing program and is a contract with Community Bridges, Inc., for the operation of the Rio Fresco shelter. Funding will cover operational costs until June 2025.

Library Technology, Capital and Staff Support - Outdoor LED Signage - $2,000,000

This is an existing project and includes installing outdoor LED signage at

all library locations. Capital costs have significantly increased since the start of the pandemic and additional funding will allow the project to install 18 signs across the library system. Signs are critical to provide information to the community on important messaging, such as summer heat respite information, public safety information, and more.

Homeless Services - General - $1,413,044
Many City projects have experienced increased costs of doing business due to the pandemic, inflation, etc. Due to these continued increases in costs, staff recommends allocating a portion of reallocation funds to be used on current ARPA homeless projects as needs arise this calendar year. This will also assist in staff meeting the ARPA obligation deadline.

Homeless Services - Central Arizona Shelter Services (CASS) - $1,068,000
This is a new program. Funding will assist CASS with a budget shortfall this fiscal year to support the Single Adult Shelter and the Vista Colina Family Shelter.

Keys to Change Contract - $911,870
The City currently has a contract with Keys to Change (formerly known as the Human Services Campus) and will be entering into a new contract to continue to provide homeless services. Funding will cover costs until June 2025.

Overnight Summer Heat Respite - $700,000
This program was part of the November 2023 reallocation and included an allocation of $1,800,000. Additional funding will cover heat-related costs until June 2025. Staff will be presenting a detailed report to Council on summer heat relief at the Feb. 27, 2024, Policy Session.

Temporary Lodging - $600,000
This project was part of the November 2023 reallocation and included an increase of $5,000,000 to the current Community Bridges, Inc., contract under the Homelessness Projects Program to provide temporary lodging to individuals experiencing homelessness. Additional funds are required due to an unforeseen increase in overall project costs.

Safe Outdoor Space - $570,000
This program increase was part of the November 2023 reallocation and included an increase of $3,000,000. Additional funding will cover program costs until June 2025.

Cooling Pavilion - $500,000
This is a new project with Steel and Spark and would be in partnership with the State of Arizona. A cooling pavilion is proposed to provide heat relief to individuals experiencing homelessness. Staff is working collaboratively with Steel and Spark to identify the ideal location.

Human Services Department Administrative Services - $80,000
This is a new administrative cost for ARPA and will cover the Human Services Department financial monitoring contract. Staff has experienced a sharp increase in contracts due to grant funding and need additional funding to cover the financial monitoring costs of the additional contracts. This funding will cover costs associated with the increase of ARPA contracts and assist with ensuring compliance with federal regulations.

Attachment A summarizes each proposed program and funding amounts.

Recommendation
Staff requests approval to reallocate approximately $15 million for the programs listed on **Attachment A** to support the City's efforts to assist residents experiencing homelessness. Approval will also provide departments adequate time to complete procurement processes and contract authorizations.

Discussion
Note: Councilwoman Pastor returned to the voting body.

A motion was made, and seconded, that this item be approved.

Mayor Gallego stated this was an important allocation focused on additional support services for those experiencing homelessness in our community.

Leslie Shepherd spoke on concerns with limited budget and raise in taxes for the continued funding of the proposed projects. She advocated for the placement of portable restrooms around the City for those experiencing homelessness.

Jeff Caldwell spoke about his opposition to the reallocation of the $15 million that would go towards COVID-19 health care funding. He referred to a recently published study of more than 99 million people that affirmed there were increased adverse health effects from the COVID-19 vaccine and advocated to preclude tax dollars from funding COVID-19 vaccinations. Mr. Caldwell urged Council to vote no on this item and expressed his concerns about these federal funds running out in 2026.

Councilman Waring asked Phoenix City Manager Jeffrey Barton and Assistant City Manager Lori Bays, what the City was planning to do in the future as this was an expanding problem and the program was not sustainable due to continued funding.

Mr. Barton stated Councilman Waring's question was a fair and valid question. Mr. Barton recalled conversations he had with Council members regarding this issue. He said resources were tight and the City was trying to be a good steward of the taxpayers dollars and that effort would be reflected in the trial budget to be presented to Council as well as in the forecast that staff was working on. He explained that over the last few years coming out of COVID-19 and the American Rescue Plan Act (ARPA) funding, the City was engaging with unsheltered individuals in an effort to clean up the area around the Human Services Campus. He stated rather than trying to move or transition these programs to the general fund, the City would use ARPA funds to provide a glide path in order to give more time to make decisions and the reallocated funding would supply that time, at least through June 2025. Mr. Barton added another reallocation of funds would be presented to the Council in the summer and next week staff would be presenting what the City budget would look like for the next three fiscal years. He stated the reality was that in addition to the City having a limited amount of funding, as well as having lost about $130 million to the state through residential rental tax and shared revenue, expenses were going up and in order to have a balanced budget every year, difficult decisions

were needed to be made during conversations with Council and the community as the City moved forward in the budget process for the next couple years.

Councilman Waring expressed this has been a difficult issue. He suggested that when tough decisions needed to be made, the desires of the majority needed to prevail. He stated the City should not let seven thousand people dictate the multi-billion dollar budget for 1.6 million people and they should have to start to adjust to the majority's desires. Councilman Waring spoke about issues, from a public safety standpoint, which happened around the City that affected residents and emphasized the seriousness of trespassing of homeless population in private and public property. He opined the City would need to adjust its policies as funding was limited. He stressed the Council needed to re-evaluate what was being done and make needed changes to policies. In addition, he expressed decisions needed to be made to provide solutions for individuals affected by homelessness and their need for action instead of accommodation.

Councilwoman Pastor thanked staff for making a conscious effort to ensure which program the remaining ARPA funding needed to go to, where the needs were and be able to at least continue to serve as there was a need. She opined it was okay to disagree on how to approach this issue but the bottom line was people need a safe environment, shelter and basic human needs. She stated her belief that people do not purposely say they want to be homeless or intentionally say this is the behavior they want to have. She said as a government, and as a rich country, there should not have homelessness but instead have all the amenities for those that are in need and if the City had the ability to at least assist she believed it was the Council's responsibility to make decisions and address the needs of those who needed them. She stated there would be a time where difficult discussions would need to be made as the existing funding will not be available. She said these discussions should not just be a City discussion but also a statewide and a national discussion on what needed to be done moving forward. She commended staff for trying to solve a bigger problem beyond the City. She asked for Council to come up with a plan on how to sustain elements

that are working for the future and what will need to be given up.

Councilwoman Hodge Washington stated staff did a great job in allocating the resources and the top priorities. She said each district would agree that the homeless population and how to address them was one of their top three issues, if not their number one issue. She opined that the extension would allow the City Council and staff time to come up with a process that would work for the mass majority as well as provide time to reach out to more regional partners and the state to address this issue. She said this was an issue that would require everyone's input. She asked Mr. Barton to clarify if these funds were not used they would not be available to the City and that these funds were earmarked for specific purposes.

Mr. Barton stated these were federal funds that were provided to the City as part of the allocation through the ARPA fund and the City had until December 2026 to have all the funding fully expended. He reported there were other key critical time points in the plan and the City needed to have them all allocated and obligated by the end of this fiscal year. He said the City's plan has been largely aggressive, just like it did with the COVID-19 relief funds, which was actually closed out a year ahead, the goal was to close the ARPA grant out a year ahead of 2026. In addition, he stated staff has worked diligently and at the Council's direction to do these six-month reallocations to ensure the City does not lose the money and have to return it back to the federal government.

Councilwoman Hodge Washington stated she would also like Mr. Barton to respond to the second question she had which was based on speaker comments. She presumed all of the City funded shelters or sites have restrooms available for the unsheltered population to use.

Mr. Barton confirmed that they did.

Councilwoman Hodge Washington asked Mr. Barton if restrooms were available even for those who choose not to enter into the City's actual facilities, and if safe outdoor space had appropriate sanitation, running water and showers. She said she wanted that to be stated because there are options for those individuals and the City has made options available,

however some people have chosen not to take advantage of those options.

Mr. Barton answered yes.

Councilwoman Hodge Washington asked if any funds were going towards the implementation or the administration of vaccines as part of this reallocation.

Mr. Barton answered no, there were none.

Councilwoman Guardado thanked staff, Ms. Bays and Mr. Barton. She stated really difficult conversations would need to be had and encouraged everyone to attend the Council meeting next week if they wanted to hear about the City's budget. She opined a regional conversation needed was needed as well as to reach out to and engage all partners. In addition, Councilwoman Guardado spoke about services the City and its partners have been able to create to assist the homeless population. She said as a City, there was a need the support all constituents and everyone throughout the City and to figure out how to maneuver through these challenging times that are forthcoming.

Councilwoman Ansari agreed the proposed allocations were excellent and there was no question that housing and homelessness continued to be the biggest issues facing the City. She stated in the past week, news coverage brought out concerns about funding and the lack of state support and financial resources for shelters in the Downtown Phoenix area. She expressed she was glad Phoenix was stepping up to continue to support these shelters and definitely not go backwards in all of the progress made in The Zone and across the City. She pressed on the need for regionalisation, as there were several shelters in District 7, 8, and 5 and she believed residents were still feeling like the City was concentrating shelters in certain districts. She stated the need to make sure the entire city and region stepped up regarding this issue. Councilwoman Ansari thanked staff for the work they do.

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

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

No: 0

30 Amend Ordinance S-50159 for Acquisition of Real Property for Roadway Improvements Along Alta Vista Road and Encinas Lane from 26th Avenue to 19th Street (Ordinance S-50584)

Request the City Council amend Ordinance S-50159 for authorization to acquire additional real property and related property interests required for roadway improvements along Alta Vista Road and Encinas Lane from 26th Avenue to 19th Street.

Summary

Ordinance S-50159 authorized the acquisition of real property for roadway improvements along Alta Vista Road and Encinas Lane, from 26th Avenue to 19th Street, to enhance roadway and sidewalk conditions for pedestrians, bicyclists, and vehicular traffic. Acquisition of property from five parcels not identified during preliminary design is necessary to accommodate project construction. All other conditions and stipulations stated in Ordinance S-50159 remain the same.

The additional parcels impacted by this project and included in this request are identified in **Attachment A.**

Financial Impact

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

Concurrence/Previous Action

Ordinance S-50159 was adopted Sept. 20, 2023.

Location

Along Alta Vista Road and Encinas Lane from 26th Avenue to 19th Street.

Council Districts: 7 and 8

Discussion

A motion was made, and seconded, that this item be approved.

Lezlie Shepherd stated her position on this item had shifted as she learned there were no road diets included.

Jeff Caldwell stated the information in the packet did not include specific details about the project. He asked Council recommend staff to include detailed information, like number of lanes before and after a project, so that the public could be more informed on what the project was going to be.

Councilman Waring stated the packet he had received contained location addresses but did not include information to specific improvements. He opined Mr. Caldwell's request was not unreasonable.

Phoenix City Manager Jeffrey Barton stated staff would work on adding the information requested moving forward.

Councilman Waring asked Mr. Barton to confirm that the project would not reduce lanes of traffic.

Mr. Barton confirmed the project would not be reducing lanes of traffic.

Mayor Gallego stated this was a nice project for districts 7 and 8.

Prior to his vote, Councilman Waring stated the added information would reduce the number of items pulled from meeting agendas.

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

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

45 Request Authorization to Apply for, Accept and Enter Into Agreements for Fiscal Year 2024-25 Governor's Office of Highway

Safety Grants (Ordinance S-50613)

Request to authorize the City Manager, or his designee, to allow staff to apply for, accept and enter into grant contracts for Fiscal Year 2024-25 with the Arizona Governor's Office of Highway Safety (GOHS). Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The GOHS announced the availability of funding in January 2024. Grant proposals are due by March 8, 2024. If awarded, these funds will be used to support new traffic safety programs and enhance existing programs in the City Prosecutor's Office, as well as the Fire, Street Transportation, and Police departments. The total Citywide request for funding is $1,929,000.

City Prosecutor's Office - Total Funding Request $300,000

If awarded, grant funds will be used to pay the salary, expenses, supplies and travel for an existing Traffic Safety Resource Prosecutor (TSRP), Attorney IV. Approximately half of the funding will be sought from the Oversight Council on Driving or Operating Under the Influence Abatement Council. The other half will be requested through a grant from GOHS. GOHS will administer all funds. The TSRP program has four primary objectives:

Provide training for prosecutors and law enforcement officers in the prosecution of traffic safety related crimes.

Act as a resource for questions about traffic laws and trial advocacy.

Improve communication between prosecutors, law enforcement officers, and members of the judiciary.

Act as a liaison for individuals and agencies committed to the enforcement and prosecution of traffic safety related crimes.

GOHS has funded the TSRP program since its inception in 2007. Though the grant project is administered by Phoenix, it also benefits citizens, law enforcement, and prosecutors across Arizona. The TSRP is a resource to both small and large jurisdictions for legal issues related to the enforcement of DUI and traffic laws. The TSRP also provides training to prosecutors, law enforcement officers, crime lab personnel, interns and community groups. It is anticipated that up to $45,000 of

employee-related expenses may need to be covered by City general funds.

Fire Department - Total Funding Request $445,000

Occupant protection and child car seat: Funding will be requested for training, overtime, related fringe benefits, materials, public education, and equipment related to child safety seats and seat belt usage. This funding will maintain current occupant protection efforts and increase the frequency for conducting child safety technician certification and recertification classes, increase the opportunities to educate residents at car seat check events, increase the number of locations of designated car seat check fitting stations to enhance geographical outreach, and to enhance outreach for occupant protection public education in K-12 schools ($360,000).

Youth Alcohol Awareness: Funding will be requested for overtime and related fringe benefits, materials, and equipment related to young drivers in high school and/or community college education campaigns including dramatic mock crashes and classroom education. The program informs young drivers of the danger of alcohol and other drug impairment while driving and how serious the consequences can lead to injury and death. Educating young drivers of the danger of impaired driving is an effective way to decrease preventable injuries and fatalities associated with alcohol and drug-impaired driving ($40,000).

Bicycle and Pedestrian Safety: Funding will be requested for overtime, related fringe benefits, materials, and equipment related to education campaigns to increase safety awareness, traffic awareness, and skills necessary for young pedestrians and bicyclists. This program provides bike rodeos for young cyclists, bike and pedestrian school safety assemblies, and public education opportunities at community safety fairs and events ($45,000).

Police Department - Total Funding Request $1,000,000

DUI Enforcement (Traffic Bureau): Funding will provide training, overtime, related fringe benefits and equipment to support and enhance DUI enforcement within the City of Phoenix and joint enforcement efforts throughout the valley.

Occupant Protection (Traffic Bureau): Funding will provide training, materials, supplies, overtime and related fringe benefits associated with "Click It or Ticket" enforcement activities, child passenger safety technician certification classes, car seat events, "Buckle Up, Baby" hotline and various seatbelt enforcement campaigns.

Pedestrian and Bicycle Safety (Traffic Bureau): Funding will provide training, materials, supplies, overtime and related fringe benefits associated with education and enforcement campaigns designed to increase safety awareness, traffic law knowledge, and skills among pedestrians and bicyclists.

Traffic Services (Traffic Bureau): Funding will provide training, materials, supplies, equipment (radar/laser speed detection devices), overtime and related fringe benefits associated with education and enforcement campaigns, such as Traffic Impact Programs, school zone enforcement, construction zone enforcement, Traffic Complaint Hotline enforcement, and selective traffic enforcement programs.

DUI Abatement Council (Traffic Bureau): Funding will be requested from the DUI Abatement Council for overtime and related fringe benefits associated with DUI enforcement and innovative "Know Your Limit" Programs.

Street Transportation Department - Total Funding Request $184,000
This funding will promote the advertising campaign and tools for school, bicycle, and pedestrian/driver safety. Requests for Pedestrian and Bicycle Safety ($184,000) include funds for: pedestrian safety vests, bicycle helmets, LED flashing STOP paddles, roll out signs, safety enhancement items, and advertising safety media campaigns.

Contract Term
One year beginning Oct. 1, 2024, through Sept. 30, 2025.

Financial Impact
Total funding request is $1,929,000. The cost to the City is personnel expenses and in-kind resources only.

Discussion

A motion was made, and seconded, that this item be approved

Note: Councilwoman Pastor declared a conflict and did not participate.

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

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

49 Vernell Myers Coleman Ceremonial Street Name Signage

Request City Council approval to install ceremonial street name signage recognizing Vernell Myers Coleman at the intersection of 7th Avenue and Buckeye Road.

Summary

Vernell Myers Coleman (Aug. 28, 1918 - March 27, 1990) first moved to Phoenix from Henderson, Texas, in 1938 and returned in 1944. Mrs. Coleman, along with her children, moved into the City's Matthew Henson Housing Project in 1945.

Mrs. Coleman made numerous contributions to the City of Phoenix and community. One of the most notable achievements of her historical influence was the revival of the Juneteenth Celebration in Phoenix. June 19, 1865, also known as Juneteenth, commemorates the day when black slaves in Texas first learned about the Emancipation Proclamation that Abraham Lincoln had signed two and a half years earlier. Phoenix's first Juneteenth occurred in 1911 after a visit by Booker T. Washington, with smaller celebrations held through the mid-1940s. In 1968, as head of the Matthew Henson Tenants' Council, Mrs. Coleman renewed the Juneteenth celebration in Phoenix. Held at Dunbar School, residents of the housing project cooked food, and the young people played a baseball game against the police team. She worked to make Juneteenth a multi-racial event for all to enjoy, while ensuring black people learned

their history. Juneteenth Tradition, Inc., a nonprofit corporation developed under Mrs. Coleman's guidance, raised scholarship money for underprivileged students. Mrs. Coleman served as the honorary chairperson of the organization until shortly before her death.

Mrs. Coleman became an advocate for her fellow tenants at the Matthew Henson Housing Project. She organized a tenants' council, which addressed substandard living conditions, and the surge of crime and violence in the community. During the late 1960s, as a member of the Matthew Henson Anti-Crime Committee, Mrs. Coleman was instrumental in toppling barriers between community and police, which led to improved police services and decreased crime in the area. In the 1970s, she organized a tenant strike; residents refused to pay rent without basic improvements, such as the installation of cabinet doors, linoleum tile, and ventilation ducts. The strike was a success and appropriate changes were made to residents' apartments. Mrs. Coleman served as president of the tenants' council for ten years, becoming known as the "Mayor of Projects."

Mrs. Coleman was active outside of the Matthew Henson area as well. She served as a commissioner of the Leadership and Education of the Advancement of Phoenix (LEAP) for three years during the 1960s. She was a member of the Board of Directors of the Phoenix Urban League and the City of Phoenix Housing Advisory Board. She also served as both the chairwoman and treasurer for the Phoenix Human Resources Council.

In the late 1970s, Mrs. Coleman began preparing healthy dinners for the elderly in her housing project. Mrs. Coleman was instrumental in helping to organize the St. Mary's Food Bank with Founder John Van Hengel, and she served on the board for several years. She also expanded her meal service and continued to cook every Wednesday for the program through 1982.

As a member of First Institutional Baptist Church, Mrs. Coleman was on the Pastor's Aide Committee where she continued to utilize her celebrated organizational, fundraising, and cooking skills. Alongside her long-time friend Hallie Anderson and other women on the committee,

Mrs. Coleman worked diligently to raise funds to pay off the church's deed. They did this by selling dinners from Mrs. Coleman's kitchen and holding rummage sales with quality merchandise that she solicited from department stores such as Goldwater's, JCPenney, Diamond's, etc. The church's Deed of Reconveyance was secured under the ministry of the late Robert N. Nesby.

For more than 40 years, Vernell Coleman diligently worked to improve the lives of the poor in Phoenix. She also campaigned for the Seventh Avenue Clinic, which provided free podiatry to the elderly and handicapped.

Despite being confined by her arthritis to crutches or a wheelchair, she stayed busy guiding various committees, talking with politicians, and working with her neighbors. She gave endlessly of herself, not for recognition, but out of a sincere desire to improve conditions in her community.

Vernell Coleman's many works did not go unnoticed. Between 1971 and 1988, she received numerous awards and honors from the State of Arizona, the City of Phoenix, businesses, and social organizations. In 1974, the Greyhound Corporation named her Phoenix Woman of the Year. The Spiritual Assembly of the Bahai's of Phoenix in 1979 presented her with the first Willie L. Robertson Memorial Human Rights award for her efforts in finding housing for the poor, while encouraging youth to continue their education. To honor her years of volunteer work, Luke's Men of St. Luke's Medical Center and KPNX-TV of Phoenix gave her the 10th Annual Hon Kachina award. The following year she was named Woman of Distinction by the Women of Achievement group, a coalition of the Junior League of Phoenix, Meyer Inc., and Soroptimist International of Phoenix. In 1988, Mrs. Coleman received the Spirit of Arizona award for serving her community in extraordinary ways. In 1990, she was inducted into the Arizona Women's Hall of Fame.

The Vernell Coleman Youth Recreation Center (830 W. Tonto St.) is named in honor of Mrs. Coleman.

The ceremonial street name signs will be mounted on the mast arms of

the northeast and southwest traffic signal poles at 7th Avenue and Buckeye Road. See **Attachment A** for an illustration of the proposed signs.

Financial Impact
The fabrication and installation costs of the ceremonial signs will be funded by the Mayor's Office and Council District 8.

Location
7th Avenue and Buckeye Road
Council District: 8

Discussion
A motion was made, and seconded, that this item be approved.

Councilwoman Hodge Washington stated this year marked 34 years since Vernell Myers Coleman passing but the impact of her legacy continued to live on throughout Phoenix. Councilwoman Hodge Washington spoke about Ms. Coleman's many contributions to the residents of the City of Phoenix as well as her accomplishments, which included being inducted into the Arizona Women Hall of Fame. Councilwoman Hodge Washington stated one of the ways the City had honored Ms. Coleman was by naming a youth recreation center in her name and now a ceremonial street name signage at the intersection of 7th Avenue and Buckeye Road would be named in her honor.

Mayor Gallego recognized the presence of Charlesetta Coleman-Miller, the daughter of Ms. Coleman, who was also a 23 year veteran of the City of Phoenix and thanked her for her years of service. Mayor Gallego also recognized Mr. Mike Radowski who was family to the Coleman family.

Mayor Gallego invited Ms. Coleman Miller to say a few words.

Ms. Coleman Miller stated she was very honored today and thankful to Mayor Gallego and the Council for this honor and the ceremonial street signage in her mother's name was indeed precious. She introduced her adopted brother, Mike Radowsky, whom Ms. Vernell Coleman adopted.

Mr. Radowsky stated he was honored to be a part of the contributions of

the amazing woman Ms. Coleman was that in so many ways came right from her heart. He said this ceremonial street signage would give the opportunity to share with people, especially young people, in the community the story of Ms. Coleman. He stated she started the first food bank in the world and numerous youth ambassadors from the world were amazed it stated in the projects in Phoenix. In addition, Mr. Radowsky stated Ms. Coleman led the way in so many things, including the Juneteenth.

Ms. Coleman Miller stated she was honored her mother was honored during the Black History month for her many contributions to the City and her community.

Mayor Gallego stated Ms. Coleman certainly made many contributions and helped in so many ways, from the historic food bank to leading many of Phoenix's boards, she stepped up and had about as many leadership roles as anyone has had and she was instrumental in various policies, whether it was fighting crime or trying to improve living conditions. She stated the City will think of her every year when Juneteenth is celebrated, which will give young people the opportunity to get to know about Ms. Vernell Coleman and her many contributions. Mayor Gallego also recognized Valerie Churchwell who was instrumental in bringing this forward as well as making sure this well deserved recognition happened. In addition, Mayor Gallego stated it will be very exciting to put up those street signs and have a chance to continue to celebrate the huge number of institutions Ms. Vernell Coleman was a part of.

After the vote, Mayor Gallego stated for those who doubt one person can make a difference, here was clear evidence of how much leadership matters.

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

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

No: 0

58 **Apply for U.S. Department of Transportation Saving Lives with Connectivity: Accelerating Vehicle to Everything Deployment Grant Opportunity for Federal Fiscal Year 2023-24 - Federal Bipartisan Infrastructure Law Funding (Ordinance S-50597)**

Request to retroactively authorize the City Manager, or his designee, to apply for, accept and, if awarded, enter into an agreement(s) for disbursement of Federal funding from the U.S. Department of Transportation (USDOT) through the Federal Fiscal Year (FFY) 2024 Saving Lives with Connectivity: Accelerating Vehicle to Everything (V2X) Deployment grant opportunity. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Funding for this grant opportunity is available through the Federal Bipartisan Infrastructure Law. The total grant funds applied for will not exceed $20 million, and the combination of City and private sector local match will not exceed $7 million.

Summary

The V2X grant is a new funding program under the Bipartisan Infrastructure Law, which was signed into law on Nov. 15, 2021. The V2X grant offers private, public, and academic partners an opportunity to accelerate and spur new deployments of vehicle-to-everything technologies. The initiative is focused on road safety, mobility, and efficiency through technology that enables vehicles and wireless devices to communicate with each other and with roadside infrastructure and provide warnings.

The proposed grant submittal will provide red-light running data, near miss data, signal detection, and vehicle to everything technology. The proposed goals will be to reduce vulnerable road user incidents and risk, reduce red-light running risk, and improve the efficiency of City emergency vehicles by deploying onboard units for preemption and priority. The deployment will focus on 300 signalized intersections within the City's identified high-injury network while also focusing on the underserved communities in the region.

There is $40 million available through this funding opportunity with a

required minimum local match of 20 percent. The USDOT issued a Notice of Funding Opportunity on Oct. 26, 2023, and it was determined to be viable on Jan. 4, 2024. The grant application submittal deadline was Jan. 17, 2024.

Financial Impact

The grant application includes a public private partnership. The City's participation would be a combination of in-kind services for the installation and a matching funds, while private sector partners will provide in-kind engineering services.

The estimated total cost for the project is approximately $27 million. The maximum federal participation rate is 80 percent, with a minimum local match of 20 percent of the total eligible project cost. If awarded, the federal participation would not exceed $20 million (74 percent), the City’s costs would be approximately $6 million (22 percent) and private sector partners would provide an in-kind match of $1 million (4 percent).

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

Discussion

A motion was made, and seconded, that this item be approved.

Lezlie Shepherd stated her opposition to this item. She opined this policy would control and monitor every single person who was driving their cars, would not prevent drivers from running red lights nor would it reduce car accidents and the end goal of this policy would be to implement the infrastructure to controls the cars. She urged the Council to not approve this item as it was against the Constitution and was setting drivers up to be controlled.

Jeff Caldwell stated his opposition to this item. He illustrated ways federal and state laws, like in California, were restricting freedom to move by requiring kill switches and requiring vehicles to be equipped with an intelligent speed limiter. He said these laws were currently existing or introduced. He urged the Council to vote against accepting these funds.

Mayor Gallego asked Phoenix City Manager Jeffrey Barton, if the City controlled vehicles.

Mr. Barton answered no, the City did not control vehicles and the City had no plans to control vehicles.

Councilman Waring spoke about the driverless vehicles roaming around Phoenix and the fact that he would not be surprised that in 20 years people would not be driving as the driverless cars would be. He stated he assumed the driverless cars did not run red lights, at least not on purpose, and there would not be traffic violations in 20 years because people would not actually be driving as there would be a computer driving. He asked if Mr. Barton had any intelligence on that.

Mr. Barton stated he probably would not be the right person to answer the question about projecting that far into the future on the technology of vehicles. He stated the City's intent and purpose with this grant was really to save lives and to not have fatalities in intersections across the City, and to track the data so that staff could make smart decisions as they plan the City moving forward. He opined it seemed there was a preponderance of electric and self-automated vehicles on the roads and their numbers would likely grow.

Councilman Waring stated newer cars are equipped with Global Positioning System (GPS), which are tracked.

Mr. Barton stated GPS was installed in everything, from your car to your watch to your phone.

Councilman Waring stated the pulling over of vehicles is a different issue, one that he had not considered.

Mr. Barton stated the City would not be pulling vehicles over and he could definitively state it was not part of this grant nor was it a part of the City's plans and operations.

Councilman Waring stated currently, the City did not have red light cameras as the majority of the Council voted to eliminate them more than five years ago. He opined the goal here was to have everything wired for the future, which is unknowable, but also to collect data about intersections

more efficiently than the way the City has already been collecting. He asked if there was any data that the City was not already collecting.

Mr. Barton stated he did not know if the City would be legally able to collect data beyond what it has already being collected. He said with this technology the City would be able to preempt traffic signals for first responders in order to reduce the number of accidents involving emergency vehicles.

Councilman Waring noted the City was already doing that in some intersections.

Mr. Barton stated yes, in some intersections but not all.

Councilman Waring stated residents asked him all the time, as he himself has asked, why traffic lights were not all timed out. He said Street Transportation Department staff explained to him there are different generations of lights and a traffic light installed last year has a much newer technology than one installed in 1985. He reiterated the City already has similar control at some stoplights but it was done in different ways.

Mr. Barton stated Councilman Waring's comments were correct.

Councilman Waring asked Mr. Barton if there was anything the City would be collecting or doing that the City had not been collecting before.

Mr. Barton asked Deputy City Manager Alan Stephenson and Street Transportation Department Director Joseph Brown to come to the table to answer Councilman Waring's questions.

Mr. Stephenson stated the City would not be collecting any new date other than the ones already being collected. He said the installation of new technology would allow the City to be a little more specific with the data already being collected. He spoke of the specific ways the new traffic cameras would collect data as well as what they would not be able to do. He emphasized the cameras would be able to collect better data but the same types of data the City was already collecting today.

Councilman Waring stated the proposed cameras would be placed in the same locations the City already has them but they would be better cameras with newer technology. He spoke about the different camera technologies throughout the last few decades and the quality of images produced.

Mr. Stephenson stated this would allow the City to install new technology to the City's intersections in order to improve the efficiency and safety of those intersections.

Councilman Waring asked if the Council was even capable of enacting laws, as a City, to pull cars over, in certain instances, or would that be a state responsibility.

Mr. Stephenson stated he would defer the answer to the Law Department.

City Attorney Julie Kriegh stated right now the City did not have the ability to pull somebody over based on that kind of technology.

Councilman Waring said that was not what he asked. He asked if that would be something the City could set up, for example stop lights have red, yellow and green lights and he believed the City could not randomly change those colors. He asked who decided that. He opined the speakers raised a valid point and if staff did not have an answer, staff needed to find out the answer before this item could move forward.

Ms. Kriegh stated the City would need to have the appropriate evidence in order to be able to do that. She said the City would have to have cameras that would take pictures of who was driving and the vehicle's license plate. She said she was not familiar enough with the technology or exactly what was is going to capture in order to answer the question if that would give the City the evidence that would be necessary to site somebody.

Councilman Waring asked Ms. Kriegh if the City wished to use this technology would it be able to make that decision, or was that a state or

federal responsibility.

Ms. Kriegh stated the City would have to follow a state statute that would allow the City to make that citation.

Councilman Waring opined that using this technology to pull vehicles over was a decision the City would not even be able to make. He said the technology was not even good enough now to do that. He stated the technology could and would be used in the way it was suggested in this item.

Mayor Gallego stated people still had due process rights.

Councilman Robinson asked if the information that was going to be gathered would allow the police to be more effective in understanding where driving may be erratic or unlawful and point to problem areas.

Mr. Barton stated his understanding was this technology would do that. He made it clear the technology would not capture individual specific information down to a user, and the City would not share the information with the Police Department either.

Councilman Robinson stated he wanted to make that point clear. He said based on his years of experience as a police officer, when the Police Department was aware of a location where driving and behaviors could be the causation of accidents and fatalities, it would allow them to deploy their resources to that location and deal with them in person and more effectively, which in turn would change the behavior, ultimately saving lives. He asked if his statement was a fair assessment of what the data collected would be used for.

Mr. Stephenson answered Councilman Robinson was correct as no individual data, just the assembled data, would be looked at, from a big picture perspective, to allow the Street Transportation and Police departments to look at how best to address any of those issues.

Councilman Robinson stated he wanted to make it clear for everyone to understand, because sometimes people have a tendency to hear

something and think we are going down a rabbit hole. He said the reality of it all was that the data gleaned from these locations a lot of times would save lives and that was what needed to be understood. He stressed the need to keep focus on the big picture.

Councilwoman Pastor stated during her years in the Council, there were discussions about the smart cities project and how the City wanted to became a smart city and how to prepare lighting and signals to be able to modernize when new technology would become available to compete and be able to do have safety across the City. She said discussions revolved around downtown as a testing ground. She opined she is not sure Phoenix is there yet. She asked if the smart city project has been completed or if it has even began.

Mr. Stephenson stated as it related to this particular item, if awarded this grant, the pilot program the City would be looking at would be leading edge technology and how that could be effective in the City's intersections to improve efficiency and safety, and after data was gathered the City would look at how to deploy the technology in an appropriate manner throughout the larger city context. He said as part of this effort, staff has been looking at how the City could be smarter with technology to be more efficient in making the City's roads safer, which has been implemented over time. Mr. Stephenson briefly spoke about the traffic light example given by Councilman Waring and the technological improvements since the 1980s. He reported the Street Transportation Department has been investing in new traffic lights that are helping the City be a smarter city; however, progress was incremental over time.

Councilwoman Pastor stated Mr. Stephenson's information did not answer her question.

Mr. Barton said to answer Councilwoman Pastor's question about whether or not the City has implemented smart city, he stated it was an ongoing process and not one the City has finished. He said the City has started implementing the smart city in many different fronts, streets being one, and has already implemented smart technology in many other areas. He emphasized this was a process and the City was not 100 percent at

the finish line.

Councilwoman Pastor stated the reason she asked questions was because, if she read the report correctly, the City identified 300 signalized intersections as high injury network while also focusing on underserved communities. She said her understanding of smart city was that the City would roll it out in downtown and then possibly roll it out throughout the City, and she believed the 300 signalized intersection were not in downtown and if the City was going to focus on underserved communities, she did not believe the traffic lights were modernized enough to implement this piece of technology. Councilwoman Pastor said she hoped the 300 signalized intersections would be modernized so that the City could use this grant and the technology where they needed to be used. She briefly spoke about the red light running program within the underserved communities and based on the data collected, the City shifted to areas where high red light running was the highest, and the red light cameras went away. She said since there were cameras with this grant, she wanted to understand exactly what the City would be doing and how it would use this technology with archaic street lights.

Assistant City Manager, Lori Bays assured there was no punitive aspect to the implementation of this grant, this was not to pull people over, write tickets, or anything of that nature. She said this was really to help the City better assess traffic flows and behavior at a particular intersection so that staff can intervene in better ways by analyzing the data gathered.

Mr. Stephenson stated the City's focus as to the grant, was to look at an area based upon the identified high injury network, where more crashes were occurring, as well as in some of the underserved communities where the technology was the oldest. He said the grant would allow the City to place this newer technology within the existing lights poles in order to upgrade those areas along with areas where data was already able to be gathered. Mr. Stephenson emphasized these upgrades were not punitive in nature but rather to try to make it safer for everyone who lives in a particular problematic area.

Mayor Gallego stated it was important to recognize the Maricopa Association of Governments has looked at the 100 most dangerous intersections and the majority of those were in

Phoenix and residents keep asking Council to do more. She spoke about a weekend news story regarding three accidents in one intersection. She said residents wanted safety improvements and this was a technology that has been piloted in a fairly wealthy area of District 6 and it seemed to help reduce red light fatalities and protect pedestrian lives. She opined it seamed fair that this technology not just be placed in the wealthiest area of the City but to really focus on those dangerous intersections.

Councilwoman O'Brien asked if a person drove an older vehicle without technology, that vehicle could not be tracked through this system.

Mr. Stephenson answered yes, the technology being installed today in newer cars was not available in older cars, and that technology is what allows for some of that communication. He stated vehicles built post 2019 would have the ability to receive navigation information, e.g. when there was an emergency vehicle coming and its direction, which helped drivers make safer driving decisions. He said dealers could turn off that technology at the request of the car buyer.

Councilwoman O'Brien stated you needed to have the technology in your vehicle, this was not punitive, the system was not specific enough to catch a specific license plate, and additionally, you had the option, if you had the technology in your vehicle, to turn it off. She spoke about the technology in her own car and how she had the option to not participate in submitting data to the car manufacturer.

Mr. Stephenson affirmed Councilwoman O'Brien was correct.

Councilwoman O'Brien illustrated a scenario where drivers with vehicles equipped with technology and were utilizing it, this new system would send data to that vehicle regarding emergency vehicles. She asked Mr. Stephenson if her scenario was a possibility.

Mr. Stephenson answered yes.

Councilwoman O'Brien stated based on the information provided today she supported this item as the technology was available for those citizens

who wished to participate. Additionally, she wanted to clarify that the 300 high injury network were in reality 300 intersections and that the City would work on the top 300 intersections.

Mr. Stephenson confirmed there would be 300 intersections but it would be deployed based upon the high injury network area. He stated for efficiency, some intersections that were not as high would also be included to see how traffic moved within that corridor.

Councilwoman O'Brien asked if those intersections would mean a 5 or 10 mile corridor where the lights would be timed in order to improve efficiency and timing.

Mr. Stephenson stated Councilwoman O'Brien was correct.

Councilman Waring asked if the Police Department already tracked, basically in real time, areas where a lot of crime was happening and deployed resources accordingly.

Ms. Bays answered yes.

Councilman Waring stated that kind of data tracking was not new and in his opinion was not much different than the one proposed today. He spoke about instances where District 2 residents contacted his office regarding intersections or speeding issues and what the Streets Transportation and Police departments do with that information. Councilman Waring restated the City would identify the worst intersections in the City, which might have the older street lights, as well as stretches to evaluate traffic flow. He opined these were issues residents have been raising since before he took office and a response, based on the gathered data, has been requested by residents for a long time. In addition, Councilman Waring provided a summary of what he heard during discussion of this item to address Ms. Shepherd and Mr. Caldwell's concerns. He addressed Ms. Shepherd and Mr. Caldwell and opined the technology to be installed would not be able to do what they feared the City could do and it would be installed with federal funding in 300 intersections of the approximately 1,200 intersections and 5,000 miles of streets. He said continued funding to maintain, replace and potentially install the technology in additional

intersections would be an ongoing issue as there was limited funding in the City's budget.

Councilman Waring asked if staff knew the City would be awarded the grant.

Mr. Stephenson stated staff had submitted for the grant and were waiting to hear a response.

Council Waring spoke about the time, money and personnel that took for new street lights and stop signs to be installed.

Mr. Stephenson stated Councilman Waring was correct. He added that as part of the grant, if the City was successful, this would be a public private partnership, where the private partner would help with the installation, the data collection and other items to ensure the project could be completed in a timely fashion.

Councilman Waring spoke about the installation of a tennis court at Sandpiper Park that experienced a significant increase in funding needs due to personnel challenges. He asked about the time frame in the installation of this technology. He said the time the federal government would take to evaluate the City's proposal and provided a response regarding the grant would need to be factored in as well.

Mr. Stephenson stated because it was a grant submittal, staff has not worked on that level of details to be able to provide a good estimate of what the timing would be.

Councilman Waring opined it would take about five years as the federal government, private contractors and funding were involved in this project. He stated by then, these cameras would be obsolete.

Councilwoman Guardado asked how would this technology support the plans for 27th and 19th avenues.

Ms. Bays stated 27th Avenue was one of the areas that would be addressed if the City was fortunate enough to be awarded the grant. She

said the technology would assist by improving traffic patterns along that corridor.

Councilwoman Guardado spoke about the issue of not having enough police officers and the hiring challenges, and how the 27th Avenue plan helped alleviate those challenges. She asked how this technology would help the gaps within the Police Department.

Ms. Bays stated it would allow the City to focus the officers on the most dangerous places, if that was needed, depending on the intervention that would be required based on the analysis. She said it would allow to have a better idea of where to focus attention, both by the Streets Transportation and Police departments in order to make the street safer.

Councilwoman Guardado stated it was very important to continue to think outside the box in terms of how to continue to support the Police Department and constituents. She spoke about a meeting she had yesterday with all the neighborhood leaders within her district. Councilwoman Guardado opined this program would be very helpful if everything that was said came to fruition and it was her hope that the City was awarded the grant. She expressed she supported this item and stated this program was needed and it was crucial that the City continued to think about technology and different ways to continue to keep residents safe.

Vice Mayor Stark expressed her belief that this item was about collecting data to help the City understand what was happening on Phoenix's streets. She stated there were not enough police officers to record what was going on the streets and this was a useful tool, which she was supportive of. Vice Mayor Stark hoped staff would bring suggestions on how to make the streets safer. She said she was tired of receiving communications from the Police Liaison communicating a fatality, whether it was a pedestrian or red light running, and emphasized the need to make the streets safer. Vice Mayor Stark said she personally supported red light cameras and spoke about a conversation she had

with the Mayor of Paradise Valley regarding the fact that Paradise Valley has had no fatalities on their streets since they implemented red light cameras and speed enforcement. Vice Mayor Stark stated this was a good tool to get the data needed in order to start looking at where improvements were needed to be made.

Councilwoman Pastor opined this technology would enhance the data the City already has, the 300 intersections have been identified, and staff knew what needed to be done. She reiterated her belief that this grant would enhance and maybe validate what was already known. Councilwoman Pastor stated she wanted to make it clear that currently, the City had the means to collect data. She said the City was applying for this grant and if awarded, staff would have the go-ahead to move forward and it was very important and critical to understand what staff would do with the grant if awarded. She recapped this would enhance and help the Streets Transportation and Police departments to understand patterns in addition to help modernize the City's streets. Councilwoman Pastor expressed she appreciated the dialogue but this was just another tool as Vice Mayor Stark stated.

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

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

Discussion

Mayor Gallego stated items 63 and 64 were both Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants and the Council would take action together.

Mayor Gallego stated Item 63 was to make safety upgrades to the Laveen Area Conveyance Channel and Item 64 was for streets infrastructure by the Mayo Clinic.

Councilman Waring asked if any of these items reduced lanes of traffic or were road diet issues.

Deputy City Manager Alan Stephenson stated these items were not road diet issues or reduced traffic lanes.

Diane Barker stated she had not decided if she was supportive of these items, but was glad she was able to speak. She spoke about the City being required, through Title VI, to ensure all contractors follow the rules and asked for an update if the adopted 2019 agreement had been updated.

Mayor Gallego stated these series also included Dobbins Road.

Lezlie Shepherd spoke about road diets and the questions and comments made by council members during discussion of these and previous items. In addition, she spoke about the run over death of two people in Paradise Valley on the January 7, 2024.

Vice Mayor stated the fatal run over was actually in the City of Phoenix. She said one of the victims was the former police chief of Paradise Valley, but sadly it was within District 3 boundaries.

A motion was made by Vice Mayor Stark, seconded by Councilwoman O'Brien, that items 63-64 be adopted. The motion carried by the following vote:

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

63 Apply for U.S. Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity Grant Opportunity for Federal Fiscal Year 2023-24 - Federal Bipartisan Infrastructure Law Funding (1 of 2) (Ordinance S-50611)

Request to authorize the City Manager, or his designee, to apply for, accept and, if awarded, enter into an agreement for disbursement of

Federal funding from the U.S. Department of Transportation (USDOT) through the Federal Fiscal Year (FFY) 2023-24 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant opportunity. If awarded, the funding will be used to evaluate and update the design of the Laveen Area Conveyance Channel. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Funding for this grant opportunity is available through the Federal Bipartisan Infrastructure Law. The total grant funds applied for will not exceed $5.2 million, and the City's local match would not exceed $1.3 million.

Summary

The Parks and Recreation and Street Transportation departments are collaborating on a planning grant submittal for the Laveen Area Conveyance Channel. The purpose of the planning grant is to evaluate and update the design of a dual-purpose amenity channel that extends 5.5 miles in the Laveen Village of Phoenix, serving to capture and convey local regional drainage while also serving the community as an active transportation corridor. The goal of the planning grant will be to evaluate and make recommendations that would best serve the existing transportation amenity, including but not limited to improvements to the existing channel design, and to design a 10-foot multi-use path on the north side, including landscaping, updated irrigation, turf improvements, exercise equipment, improved drainage system equipment, a booster pump and well, path lighting, and other transportation or green infrastructure appropriate for the surrounding corridor. This planning project will meet the grant criteria for competitiveness. The U.S. Department of Transportation issued a Notice of Funding Opportunity for the FFY 2023-24 RAISE grant program on Nov. 30, 2023. The deadline for application submittal is Feb. 28, 2024. RAISE grants are awarded on a competitive basis considering these evaluative criteria:

Improves safety,
Environmental justice and equity,
Sustainability,
Quality of life,
Mobility and community connectivity,
Economic competitiveness and opportunity,
State of good repair,
Partnership and collaboration,

Innovative,
Project readiness, and
Cost effective.

The FFY 2023-24 RAISE planning grant specifies no minimum award amount for urban projects and no greater than $25 million.

Financial Impact
The estimated total cost for the project is approximately $6.5 million. The maximum federal participation rate is 80 percent, with a minimum local match of 20 percent of the total eligible project cost. If awarded, the federal match would not exceed $5.2 million (80 percent) and the City's cost would be approximately $1.3 million (20 percent) for the local match.

Funding for the local match is available in the Parks and Recreation Department's Capital Improvement Program budget.

Location
Council Districts: 7 and 8

This item was adopted.

64 **Apply for U.S. Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity Grant Opportunity for Federal Fiscal Year 2023-24 - Federal Bipartisan Infrastructure Law Funding (2 of 2) (Ordinance S-50609)**

Request to authorize the City Manager, or his designee, to apply for, accept and, if awarded, enter into an agreement for disbursement of Federal funding from the U.S. Department of Transportation (USDOT) through the Federal Fiscal Year (FFY) 2023-24 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant opportunity. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Funding for this grant opportunity is available through the Federal Bipartisan Infrastructure Law. The total grant funds applied for will not exceed $5.2 million for the planning grant and $40 million for the capital construction grant, and the City's local match would not exceed $1.1 million and $11 million, respectively. Additionally request, if awarded, to enter into separate agreements with Arizona State University and Mayo Clinic regarding their

financial commitments.

Summary

The Street Transportation Department is submitting two separate grant applications for consideration under the FFY 2023-24 USDOT RAISE grant. The first grant submittal is a planning grant that would be used to engage with the community on the final design and environmental study for a multi-modal transportation improvement project along the scenic, historic Dobbins Road corridor between 27th and Central avenues. The project would include bicycle and pedestrian improvements; new curb, gutter, sidewalk, and streetlights; and Americans with Disabilities Act (ADA) and transit improvements.

The second grant submittal would be a capital construction grant to advance the detailed design of a new 1.2-mile multi-lane roadway on 64th Street from Bell Road to Mayo Boulevard. It would also provide the funding to construct the new roadway, including a new roadway bridge across the Central Arizona Project (CAP) Canal that would connect Phoenix residents south of the canal to a growing educational, medical, and commercial area north of the canal to Mayo Boulevard. In addition to the new roadway connection, the project would include multi-modal amenities, including bike lanes and pedestrian facilities, streetlights, traffic signals, and drainage improvements. The project will include a public-private partnership with both Arizona State University and Mayo Clinic, each with a financial commitment of up to $2 million.

The USDOT issued a Notice of Funding Opportunity for the FFY 2023-24 RAISE grant program on Nov. 30, 2023. The deadline for application submittal is Feb. 28, 2024. RAISE grants are awarded on a competitive basis considering these evaluative criteria:
Improves safety,
Environmental justice and equity,
Sustainability,
Quality of life,
Mobility and community connectivity,
Economic competitiveness and opportunity,
State of good repair,
Partnership and collaboration,
Innovative,

Project readiness, and
Cost effective.

The FFY 2023-24 RAISE grant specifies that the minimum award amount for urban projects must be at least $5 million and no greater than $25 million.

Financial Impact

The estimated total cost for each project is approximately $5.2 million for the planning grant and $40 million for the capital construction grant. The maximum federal participation rate is 80 percent, with a minimum local match of 20 percent of the total eligible project cost. If awarded, the federal planning grant would not exceed $4.1 million (79 percent), and the City's cost would be approximately $1.1 million (21 percent) for the local match. The federal capital construction grant would not exceed $25 million (69 percent), and the City's cost would be approximately $11 million (31 percent). A separate public-private partnership agreement with Arizona State University and Mayo Clinic would be required for their participation of up to $4 million toward the capital construction grant.

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

Location

Council Districts: 2 and 8

Discussion

Note: For discussion on item 64, refer to discussion on Item 63

This item was adopted.

78 Amendments to the Phoenix City Code Chapter 31, Chapter 32, and Appendix A.2 Related to Plat Approval Process (Ordinance G-7233)

Request to authorize the City Manager, or his designee, to approve an Ordinance to amend the Phoenix City Code in areas related to the plat approval process.

Summary

The State of Arizona Senate Bill 1103 approved on March 3, 2023,

allows the legislative body of a city to authorize personnel to review and approve preliminary plats, final plats and plat amendments without an administrative approval by the City Council. The proposed amendments to the city code will allow the Planning and Development Director or his designee to approve plats. The following sections of Phoenix City Code will be amended:
Section 31-102.f.2 Street Improvements - Assessment procedure
Section 32-3 Definitions
Division 3. Final Plat
Section 32-19.B Final Plat Submission
Section 32-20.C Final Plat Review
Section 32-21 Final Plat Approval
Section 32-36 Approval by the City Council
Appendix A.2 Glossary of Terms - Plat, Final

Amending the plat approval process to allow approval by the Planning and Development Director or his designee will reduce the amount of time for customers to receive final approval of their plats by approximately 30 days. This time savings will speed up the overall development process. The effective date of these amendments will be April 1, 2024.

Concurrence
The Development Advisory Board (DAB) recommended approval of these amendments at their Jan. 18, 2024, meeting.

Discussion
Mayor Gallego stated Item 78 was an amendment to City Code Chapters 31 and 32.

City Clerk Denise Archibald read the title of Ordinance G-7233.

Vice Mayor Stark made a motion to approve Item 78. Councilwoman O'Brien seconded the motion.

Vice Mayor Stark recalled that four decades ago the high Court in Arizona recognized that plats were merely an administrative approval of the Council and as long as the plat met all the requirements of the city and federal requirements, it could not be denied . She stated approximately two years ago, the Legislature approved a bill that allowed cities the ability to have

staff administratively approve plats. Vice Mayor Stark thanked Councilwoman O'Brien for testifying at the Legislature and supporting that bill. Vice Mayor Stark said by allowing staff to process plats the recording process would be faster, which would save time and ultimately money. She opined this process improvement would be another helpful tool for addressing affordable housing issues. Vice Mayor Stark communicated staff was currently in the midst of reviewing the permitting process in an effort to improve and expedite the process, which would also help with the affordability issues.

Councilwoman O'Brien spoke about the Phoenix City Council's commitment to solving the housing crisis and the proactive approach in amending existing City Code in an effort to increase the amount of housing options available to residents as well as reducing costs to multifamily project builders. In addition, Councilwoman O'Brien spoke about the work with legislative counterparts to craft legislation that helps increase the supply of housing options without harming cities and towns local control. She stated the City has and is working towards solutions to solve the housing shortage and this item was a step towards that. She stated the need to utilize multi-prong solutions, ie cutting red tape and reducing bureaucracy, to decrease the time it takes for developers to start construction. Councilwoman O'Brien stated if this item was adopted, nine items in today's agenda would no longer need to come before the Council, thus cutting the time needed to get residential units built. She thanked Vice Mayor Stark for advocating this code change and staff for working on these changes.

Councilwoman Guardado stated her support for this item. She thanked Deputy City Manager Alan Stephenson and staff for their work on this. She asked if the Planning and Development Department would still be providing the Council with a list of plats under review in their districts as part of their monthly report.

Planning and Development Department Director Joshua Bednarek stated the information would be included in the monthly reports.

Councilwoman Guardado opined the information would be very helpful not only to be in the know of what was happening but also to be able to

answer questions from the community. She stated she was very supportive of cutting red tape and moving projects along and asked Mr. Bednarek if that would continue to happen.

Mr. Bednarek answered yes.

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

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

No: 0

79 Public Hearing - Certificate of Economic Hardship (HP-229-23-ECH and HP-231-23-ECH) - Appeal of Historic Preservation Commission’s Decision - 333-337 N. 7th Ave. (332-334 N. 6th Ave.)

Request to hold a public hearing on Certificate of Economic Hardship Decisions (HP-229-23-ECH and HP-231-23-ECH) by the Historic Preservation (HP) Commission on Demolition Applications HP-217-23-DEM and HP-218-23-DEM for the property at 333-337 N. 7th Ave. (a.k.a. 332-334 N. 6th Ave.), Phoenix Laundry & Dry Cleaning (a.k.a. Milum Textile Services), for total demolition at the subject property. The property is zoned DTC-Van Buren (Downtown Code - Van Buren Character Area), although an application for HP overlay zoning (Z-117-23-8), initiated by the HP Commission, is pending and scheduled to come before City Council on May 1, 2024. Requested City Council action is to uphold the Historic Preservation Commission's denial of the Certificate of Economic Hardship as the standards set forth in the Ordinance have not been met.

Summary

Applications to demolish the subject property were filed in October 2023, with a 30-day demolition hold commencing on Oct. 13, 2023. During the 30-day period, HP staff researched the property and recommended it eligible for HP zoning, concurring with a previous recommendation of eligibility from the 1984 *Historic Phoenix Commercial Properties Survey*. The Phoenix Dry Cleaning & Laundry property qualifies for

historic designation. It is historically significant for its association with commercial development in early Phoenix and is architecturally significant for its Streamlined Moderne-style design and use of multiple lamella roofs. Despite some changes, the property retains a high degree of historic integrity, still resembling its 1935 appearance (**Appendix A**).

On Nov. 20, 2023, the HP Commission initiated HP zoning for the northern portion of the property, prior to the end of the 30-day hold (**Appendix B**). Once the HP zoning was initiated (Z-117-23-8), the HP Officer revisited the demolition requests under Section 806 of the Zoning Ordinance and denied them, since the property was deemed to have historic value. A hearing was then scheduled, per Section 806.E.3 of the Zoning Ordinance, to allow the applicant to dispute the historic eligibility of the property or to establish that an economic hardship exists. The HP Hearing Officer heard the case on Dec. 8, 2023, and denied the demolition requests, finding that the applicant had failed to establish that the property was ineligible or that an economic hardship existed. The owners appealed the decision of the HP Hearing Officer to the HP Commission. The HP Commission upheld the denial decision of the hearing officer at its Jan 1, 2024, meeting. The owner appealed the decision of the HP Commission on Jan. 9, 2024.

Standards for Granting Demolition Approval

Section 806.E.5 states that for properties under consideration for HP designation, a demolition permit shall only be granted if the applicant demonstrates one of the following:

A. That the building is of minimal historic significance because of its location, condition, modifications, or other factors, and its demolition shall be inconsequential to historic preservation needs of the area; or

B. If the building is determined to have historic or architectural significance, that the denial of the demolition permit will result in an economic hardship to the property owner. Such hardship shall be determined in accordance with Section 814.

Section 814 states that the basis to establish economic hardship for an income producing property shall be that a reasonable rate of return

cannot be obtained from the property in either its present condition or if its historic features or structures are rehabilitated. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:

1. Willful or negligent acts by the owner;
2. Purchase of the property for substantially more than market value;
3. Failure to perform normal maintenance and repairs;
4. Failure to diligently solicit and retain tenants; or
5. Failure to provide normal tenant improvements.

In this case, the applicant has not disputed the historic significance of the property, so the question at hand is whether an economic hardship exists. To establish whether a hardship exists, the applicant must submit required items on the Checklist for Requests for Certification of Economic Hardship (**Appendix C**). While some items on the checklist pertain only to specific cases, others are essential to establishing whether an economic hardship exists. In this case, #27 is essential; it reads, “For vacant, semi-vacant and under-utilized buildings, or buildings in need of rehabilitation, owner is required to submit a statement of potential return on investment based on existing or new uses, including costs of rehabilitation, and supplementary new construction, and using fair market value for the property, a reasonable rate of return on investment, and prevailing rehabilitation and rental rates in the area”.

To date, staff has received the following information (**Appendix D**):

1. Emails from the property owner stating they have calculated in excess of $100,000 spent to save the property, received a bill in June 2023 for $18,975.38 to insure the property but are now having difficulty obtaining insurance, and paid approximately $40,000 in property taxes.
2. Emails from the property owner with references to articles about lamella roof collapses/lack of structural integrity.
3. An email and letter from commercial real estate agents Justin Horwitz and Paul Borgesen documenting the challenges they’ve had selling the property with historic designation pending and the potential loss of value that may occur. They estimate that based on comparable sales, the property could be worth as much as $21

million, but is currently being marketed at $9.2 million, with no qualified parties pursuing at that price. They also note that they had a licensed general contractor walk the property who provided a rough estimate of $10 million to bring the building up to code. This figure is only to bring the building to code in a “vanilla shell” condition and does not include the cost to customize the interior layout for an end user.

4. Photos from property owner of existing conditions.

While the information provided by the applicant and the real estate agents is helpful, it does not meet the standard required for economic hardship applications. The $10 million verbal cost estimate for rehabilitation may be valid, but cost estimates should be itemized and provided directly by a licensed contractor (or other qualified professional), as required by the checklist. Furthermore, the applicant has not provided any information regarding what the investment return on any new uses would be. This potential return would be based on fair market value for the property and prevailing rental rates in the area. It should also consider the availability of grant funds and other preservation incentives from the City and other sources. Because no information regarding a return on investment has been provided, the test for economic hardship has not been met.

Staff recommends the City Council uphold the Historic Preservation Commission's decision to uphold the Historic Preservation Hearing Officer's denial of the Certificate of Economic Hardship, as the standards for granting demolition approval set forth in Section 806.E.5 have not been met.

Financial Impact

There is no financial impact to the city.

Concurrence/Previous Action

The HP Hearing Officer denied the Certificate of Economic Hardship on Dec. 8, 2023;

The Hearing Officer's decision was appealed on Dec. 8, 2023, by property owners Craig and Marilyn Milum;

The HP Commission voted 8-0 to uphold the hearing officer's decision on Jan. 8, 2024; and

The HP Commission's decision was appealed on Jan. 9, 2024, by property owners Craig and Marilyn Milum.

Location

333-337 N. 7th Ave. (a.k.a. 332-334 N. 6th Ave.)
Council District: 7

Discussion

Mayor Gallego stated this item was an appeal of the Historic Preservation Commission (HPC) decision for property located on 7th Avenue. She invited Planning and Development Department Director Joshua Bednarek to introduce the item.

Mr. Bednarek introduced Historic Preservation Officer Helana Ruter, who would provide a brief presentation.

Mayor Gallego declared the public hearing opened. She stated there were two presentations and each party would have five minutes followed by public comment.

Ms. Ruter provided a PowerPoint Presentation. She stated the property was determined eligible for historic designation in 1984 as part of the historic Phoenix commercial property survey and the property owner submitted a demolition request in October 2023. Ms. Ruter spoke regarding the HPC's historic preservation overlay and the review under the zoning ordinance, which required evaluation of whether or not a demolition permit could be issued, if the property lacked significance ,or if there was an economic hardship. She reported the property owner did not make an argument at that time that the property did not have historical significance. She said the basis to establish an economic hardship was that a reasonable rate of return could not be obtained from a property that either retained its historical features in its present condition or if the features or structures were rehabilitated. In addition, Ms. Ruter stated owners are provided with a checklist of items to be presented to substantiate a claim of economic hardship and to establish that a reasonable rate of return could not be obtained if the property was rehabilitated and a cost estimate can be performed by a licensed professional.

Ms. Ruter stated the owners provided photographs, an insurance statement, property tax estimates, a letter from a real estate broker regarding the difficulty in selling the property with the historic structures on the site, noted a verbal cost estimate from a general contractor who estimated the rehabilitation cost to be roughly $10 million, as well as articles regarding collapses of lamella roof structures in buildings across the country. In addition, Ms. Ruter stated the property owners did not provide information regarding return on investment in the case of rehabilitation which would require estimates from a licensed professional and because no information on investment was provided the Historic Preservation Hearing Officer (HPO) denied the certificate of hardship application for this particular property and the HPC upheld HPO's decision of denial of the certificate of hardship.

Furthermore, she stated the owners provided additional research regarding the structural integrity of lamella roofs, however, additional information has not been provided regarding potential return on investment. Ms. Ruter reported the applicant sent an email late yesterday requesting a continuance for additional preparation time. Additionally, Ms. Ruter presented the Council with motion options to consider, which included to continue this item to the May 1, 2024, Formal meeting, which would coincide with the companion rezoning case for the historic preservation zoning overlay, to uphold the HPC's decision and deny the certificate of economic hardship application, or to reverse the HPC's decision and approve a certificate of economic hardship application.

Councilwoman Pastor stated from what she heard from Ms. Ruter's presentation, on December 8, 2023, the HPO denied the certificate of hardship and the denial was because the property owners did not provide a return on investment. She asked Ms. Ruter to clarify what that meant.

Ms. Ruter stated at the time of the HPO meeting some information had been provided but not the information which demonstrated the economic component of a reasonable rate of return.

Councilwoman Pastor stated the HPO's denial decision was appealed and the request went to the HPC and the commission upheld the HPO's decision and denied a certificate of hardship because there was no evidence provided. She asked if her statement was accurate.

Ms. Ruter confirmed Councilwoman Pastor's statement was correct. Ms Ruter stated there was some additional information provided in terms of the real estate professional who provided a letter regarding the difficulty in selling the property and a general estimate of $10 million rehabilitation cost, but in terms of providing a more substantive analysis from a licensed professional was not provided.

Councilwoman Pastor asked Ms. Ruter to clarify the statement that it was difficult to sell the property.

Ms. Ruter stated the property owners did provide a letter from their real estate agents, which was included in the meeting packet, demonstrating they have been working to sell the property and the challenge has been that people were not interested in the property with the historic buildings there.

Councilwoman Pastor stated she has been following this case and it was her understanding that there was a buyer and they were willing to preserve the building and that buyer was denied.

Ms. Ruter stated initially there was a buyer who was interested in working with the property owners, however, the purchase did not go through. She said she was not familiar with the reasons why.

Councilwoman Pastor stated she would ask the question to the owners.

Councilwoman Hodge Washington stated it was her understanding that although the City had received some information from the property owners, the City had not received information that showed the total investment would not yield a return on what it would be expected to make from that property.

Ms. Ruter stated these kind of studies would analyze the cost associated with rehabilitation which could then be used to in comparison to what the return would be based on a rehabilitated building to establish if that cost was above and beyond what you could get in return for that investment.

Councilwoman Hodge Washington stated she presumed that the

rationale behind ensuring that a licensed professional provided documentation was so that you do have a neutral determination or evaluation of the actual property. She asked Ms. Ruter if there were any other purpose for this requirement.

Ms. Ruter stated it was helpful to have a third party assessment by a professional who understood what the actual cost to rehabilitate was. She said there were cases that demonstrate that the rehabilitation cost was above and beyond what someone could get in return. She reiterated that it was good to have a third party that had the experience and could provide the real financial cost estimate.

Mayor Gallego welcomed Marilyn Milum, applicant, for an up to five minutes presentation. Mayor Gallego explained the applicant could reserve time within that five minutes time frame to allocate to additional speakers and anyone who did not speak within the five minutes time frame would have two minutes to speak during public comment.

Ms. Milum stated they provided two licensed professionals as well as their brokers professional knowledge and they all assessed the rehabilitation would be in excess of $10 million. She said they believed that would be enough and after they were turned down they consulted attorneys who suggested a continuance. Ms. Milum said they were not developers and were not familiar with the whole process. She opined they have not been given a chance to get the materials they need, this was a property with excess of 50,000 square feet of buildings on 2.5 acres. Ms. Milum questioned the fact that the same questionnaire that is given to smaller properties was also given to her. She spoke regarding the lamella roof and the multiple articles she provided stating these roofs and ceilings collapse all over the country.

In addition, Ms. Milum spoke about the developer identified by the City who was interested in the property and the reasons why the purchase fell through and opined the buildings should be bladed. She questioned why the City wished to blade the American Legion Building that is around 100 years old and preserve an industrial laundry building with a dilapidated roof. Ms. Milum presented pictures of the property's lamella roof that showed its dilapidated conditions. She explained these roofs stopped been built in 1940 because they were falling down and collapsing.

She stated the buildings have been empty for approximately five years and no one has wanted to purchase them. She opined it was criminal not to just take the buildings down and redevelop the property into affordable housing and stop spending public funds in a reckless way. Ms. Milum further explained they have given the City multiple reports and have talked to countless engineers and no one really understands these roofs/ ceilings and how to fix them thus making these roofs not worth keeping.

Councilwoman Pastor asked Community and Economic Development Director Christine Mackay to come to the table as she had questions for her.

Councilwoman Pastor stated she has been following the situation for this property for quite some time. She asked Ms. Mackay what the economic development force around the property was and if there was a possibility to find a buyer for the property.

Ms. Mackay provided details of the history of the property that she was familiar with. She stated this property was one of the few remaining lamella roof buildings in Arizona and she had toured the building many times with both the property owners and with a potential buyer. She explained there was a potential interested buyer who entered into a contract with the Milums to purchase the property with the plan to preserve the buildings, provide public access, and add additional high density residential that would surround the buildings. Ms. Mackay stated there were questions about the environmental soundness of the property, as it had been an industrial laundry, and the buyer asked for a time extension in order to complete additional environmental work to satisfy their lender's requirements as well as obtain the certificate of cleanliness from the Environmental Protection Agency (EPA) or to receive information if additional testing was necessary to obtain that certificate. Ms. Mackay reported the Milums chose not to allow the interested buyer additional time to complete the additional environmental work which resulted in the offer being withdrawn. Ms. Mackay said since then, several potential buyers have come forward and one in particular toured the building on three occasions in past few weeks and was interested in acquiring the property for redevelopment but preserving the building.

Mayor Gallego reported Mr. and Ms. Milum would have up to two minutes for rebuttal.

Ms. Milum stated the developer kept them under contract for two years and she wished their agents were present at the meeting because they could testify on their behalf. She explained they did not approve the last additional time as the developer had repeatedly asked for time extensions and did miss payments, and that was when they requested a demolition permit. Ms. Milum reported they received a notice from the EPA stating no further action was needed and affirmed they have done everything they needed to do and said they tried to work with the City but it was not working out.

Vice Mayor Stark asked Ms. Milum what they would hope to achieve if the Council were to approve a continuance.

Ms. Milum stated it would give them time to provide the itemized assessment of what the actual rehabilitation cost would be, which in her opinion they had already provided, and it will give them time to consult with their attorneys as to next steps.

Vice Mayor Stark asked Ms. Ruter if she believed a compromise could be accomplished if the Council were to approve a continuance.

Ms. Ruter stated a compromise in terms of level of documentation to be provided would be a minimum of a structural analysis, structural and exterior rehabilitation costs. Ms. Ruter reported the photographs mentioned by Ms. Milum were included in today's meeting packet as attachments.

Vice Mayor Stark questioned if the parties would be willing to work together if a continuance would be granted and maybe Ms. Mackay could find a way to further help in this situation.

Dianne Barker stated she is familiar with the property and advocated in favor of the property owners and new sustainable redevelopment.

Julia Taggart advocated for the restoration of the property and spoke about the trend of renovating historic buildings and preserving the historical elements.

Craig Milum advocated for his private property rights without being encumbered in ways that go beyond the constitutional rights that every American citizen has.

Mayor Gallego declared the public hearing closed.

Councilwoman Ansari stated for the purpose of reiterating the process that has been ongoing, she asked staff to speak regarding how long this process has been going on and what information was provided to the Milum family about what they needed to do.

Ms. Ruter stated in November, the HPC initiated the designation that launched a dual track process of this economic hardship case as well as a companion rezoning case. She explained that under Section 806 of the zoning ordinance, staff provides a checklist for the economic hardship hearing, which was also included in today's meeting packet, listing the items to be completed. Ms. Ruter opined the crucial point in this case was the rate of return. She stated staff has worked with the Milums about getting information from their real estate professionals in terms of if they can get a reasonable rate of return based on what it was right now and they supplied a letter that provided that as well as additional information. Ms. Ruter said it was the second part, hiring a professionals to come in to evaluate and provide the necessary documentation, that owners have shown some hesitancy. She added that between the HPO and the HPC hearings, staff worked with the Milums and they have provided additional research about lamella roof construction.

Councilwoman Ansari asked Ms. Ruter if the property owners have repeatedly refused to provide the documentation she mentioned that was part of the typical process that every case like this go through.

Ms. Ruter stated the HPC did ask whether or not the Milums would be interested in a continuance in order to provide that additional information regarding the rate of return, and at that point they were not interested and

the HPC upheld the denial decision.

Councilwoman Ansari asked Ms. Ruter for the date the HPC upheld the denial decision.

Ms. Ruter stated at the January 8, 2024, hearing the HPC upheld the December HPO's decision.

Councilwoman Ansari asked Ms. Ruter to confirm that the appellant, at the time of the HPC hearing, refused wanting a continuance.

Ms. Ruter answered that was correct.

Councilwoman Ansari asked Ms. Ruter when was the current continuance request made.

Ms. Ruter answered staff received the continuance request yesterday at approximately 5 p.m.

Councilwoman Ansari expressed the appellant stated they have given countless reports. She asked Mr. Ruter to clarify what was provided by the appellant.

Ms. Ruter stated the appellant did provide different articles and academic information about lamella roofs in addition to the letter provided by the real estate professional who did note they had someone walk the property and gave an estimate of $10 million. She said staff has not seen any other documentation from a licensed professional actually having evaluated this property.

Councilman Waring stated the City should let them demolish the buildings and be done with it as the Council has spent considerable time discussing this issue than other important issues today. He questioned why the City wanted to preserve this property. He expressed he understood the reasons behind wanting to preserve old bank and grocery store buildings, but did not understand why preserve an old commercial laundry building with a battered roof.

Prior to her a motion, Councilwoman Ansari expressed her sympathy for Mr. and Mrs. Milum and said she completely disagreed with Councilman Waring as historic preservation has been a big priority for the City. She stated the need to remain consistent in these processes and the only evidence that has been supplied in this case has been anecdotal and that did not fit the criteria for overturning the HPO's or the HPC's rulings, and based on the responses from staff, the appellant has also been refusing to provide what was needed. She reiterated the City followed this process in every single case and if evidence had been supplied this may have been a different case and one that she could have supported the appeal. She said she truly believed these buildings were worth saving and would make an incredible space for the downtown community to gather in. Councilwoman Ansari expressed that while she would be denying the appeal, she was committed to working with the Economic Development Department to find a buyer who wanted to utilize these beautiful historic buildings as soon as possible so that Mr. and Mrs. Milum could move on from this property and enjoy their retirement.

The hearing was held. A motion was made by Councilwoman Ansari, seconded by Councilwoman Pastor, that this item be denied and to uphold the Historic Preservation Commission's decision to deny the Certificate of Economic Hardship. The motion carried by the following vote:

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

No: 1 - Councilman Waring

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

80 Consideration of Citizen Petition by Tristan Schaub

This report provides the City Council with information in response to the citizen petition submitted by Mr. Tristan Schaub at the Jan. 24, 2024, Formal Meeting.

Summary

The attached document (**Attachment A**) was submitted to the City

Council to request that Council act as follows:1) stop all Board of Adjustment (BOA) actions and decisions until immediate mandatory training on policies and procedures is provided to all BOA members; 2) institute a formal on-board training program for all new members to teach them about all BOA policies and procedures and assign a BOA staff mentor for the first six months; 3) institute mandatory annual refresher training for all existing BOA members and make it open to the public; 4) mandate that decisions by the BOA must address Section 307 of the Zoning Ordinance which includes the 4-tests for a variance and 2-factors for use permit criteria and that the decisions must be in the proper procedural form; and 5) when overturning a Zoning Hearing Officer's (ZHO) decision, the member presenting the motion must clearly state why (based on Section 307 criteria) the ZHO decided incorrectly.

After reviewing each request, staff recommends the following:

1) Although this request qualifies as a valid citizen petition under Chapter IV, Section 22 of the Phoenix City Charter, staff recommends that City Council take **no action on request 1** because halting all BOA proceedings pending further training may subject the City to legal exposure because of due process requirements for those applicants and appellants who anticipate having their cases heard expeditiously in the near term. The current Board is adequately trained and more than competent to hear all pending cases. Halting Board proceedings is unnecessary and imposes undue burdens on applicants and appellants.

2) Although this request qualifies as a valid citizen petition under Chapter IV, Section 22 of the Phoenix City Charter, staff recommends that the City Council take **no action on request 2** because the City already has a formal on-boarding process in place. Currently, the Zoning Administrator meets with all new board members for an hour to discuss their legal obligations vis-à-vis their service on the board. Moreover, there is no need to assign a staff mentor as Board members are routinely welcomed and encouraged to discuss when appropriate any pending cases or related issues with the Zoning Administrator or legal counsel if they have any questions.

3) Although this request qualifies as a valid citizen petition under Chapter

IV, Section 22 of the Phoenix City Charter, staff recommends that the City Council take **no action on request 3** because refresher training for all current BOA members will be conducted as part of the March 7, 2024, BOA hearing which is open to the public. The City staff will also be developing and implementing mandatory annual refresher training.

4) **The City Council cannot take any action on request 4** because it seeks to have City Council implement a mandate that goes beyond the scope of what is statutorily required by Arizona Revised Statute 9-462.06 in BOA decisions. The BOA is not legally required to make explicit findings in its cases, although they are strongly encouraged to do so. Currently, the BOA follows the “Board of Adjustment Hearing Process” when reviewing a use permit or variance appeal. The "Board of Adjustment Hearing Process" establishes the procedural requirements for submitting written evidence before the hearing, testifying during the Board meeting, and conducting other Board business. Failure to follow the required substantive and procedural requirements is a basis for the Superior Court to reverse or remand a BOA decision. There has never been a court finding that the BOA failed to follow its procedures in making a decision. In fact, a review of all cases dating back to 2012 involving the application of the use permit or variance test indicate that the court has never reversed or remanded a BOA’s use permit or variance decision for failure to follow its procedures.

5) **The City Council similarly cannot take any action on request 5** because it goes beyond the statutory requirements cited above of what should be included in board of adjustment decisions. Staff routinely encourages BOA members to clearly articulate the basis for any legal action and routinely stress to the Board the importance of making findings particularly when overturning a ZHO’s ruling or decision. Staff will continue to emphasize the importance of this point in the future mandatory annual refresher trainings.

Discussion

Mayor Gallego stated this item was a consideration of a citizen petition. She reported Mr. Tristan Schaub would speak.

Mr. Schaub thanked the Council for considering the petition he submitted

as the Vice President of the Arcadia Camelback Mountain Neighborhood Association. He spoke about the petition that requested Council action to mandate that all current and new members of the Board of Adjustment received mandatory training to include on-boarding, annual refresher, and procedural trainings.

This item was considered and no additional action was taken.

000 CITIZEN COMMENTS

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

Brian McCarty spoke about the air traffic and noise levels at the Phoenix Goodyear Airport which resulted in a unbearable nuisance and safety concerns for the residents living in the vicinity of the airport. He stated the situation has worsened dramatically since the biggest flight school in the world moved to the Phoenix Goodyear Airport. He advocated for the implementation of smart noise abatement and safety procedures that would reduce the noise and the risk of living near this airport.

Troy Wood spoke about contacting the Neighborhood Services Department after his property had been invaded twice. He expressed frustration regarding trying to contact the Mayor and Council and not receiving answers to his questions.

Mayor Gallego informed Mr. Wood that no dialogue was allowed during this time and that Councilwoman O'Brien would follow-up after the meeting.

Janet Gast stated she was the current president of the Cave Creek Women's Golf Association. She provided a brief history and goals of the association and spoke about the conditions of the golf course. She advocated for municipal golf in general, in particular the Cave Creek Golf Course, through investments to improve the golf course to ensure they meet the golfing demands of current and future generations of golfers and generating increased revenue for the City.

Mayor Gallego reported she had missed two speakers for Item 80 and they

would speak next.

Marvin Borsand stated he was the current president of the Arcadia Camelback Mountain Neighborhood Association and spoke about the need for better training for all members of the Board of Adjustment in order to mitigate possible errors and lawsuits.

Wally Graham stated he was a member of the Board of Adjustment and was speaking on behalf of himself and not for the members of the Board. Mr. Graham spoke about his own experiences as a Board member and the knowledge he has brought with him. In addition, he spoke about the training he received in terms of introduction to the Board of Adjustment, which in his opinion was not enough in order to make decisions as a Board member. He advocated for the City to consider ways to provide training, background information, and assimilation to all Board members.

Cameron Kerner spoke regarding municipal golf courses and advocated for the preservation and support of municipal golf.

Helen Mendizabal spoke in solidarity with the people of Gaza and advocated for an immediate ceasefire.

Dianne Barker spoke about the regional area road funding and the importance of securing these funds for future improvements. She advocated for public input and emphasized the need to follow public law by all involved.

Jeff Caldwell spoke about his concerns regarding the smart cities program and the vehicles to everything grant that encourages and accelerates the use of technology have vehicles and wireless devices communicate with each other all in the name of safety.

Timothy Coughlin spoke about the City's 30x30 plan, with the goal of having 30 percent women in the police recruit classes by 2030.

Jason Glad stated he was the president of the Cave Creek Men's Golf Association and spoke about the Cave Creek Golf Course. He advocated for investments and funding for the golf course in order to comply with the Arizona Department of Water Resources acreage limits.

Eric Nielsen spoke about an item not related to City business.

Julia Taggart spoke about the Wallace and Ladmo Show 70th anniversary on April 1, 2024. She advocated for a celebration in honor of the show.

Marilyn Milum spoke about the lamella ceilings and the zoning overlay of their property.

Elizabeth Venable spoke about the barriers individuals experiencing substance abuse suffer. She advocated for programs and solutions that address the needs of this population.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 5:27 p.m.

MAYOR

ATTEST:

CITY CLERK

MW

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 21st day of February, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of November, 2024.

CITY CLERK