City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, October 16, 2019 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, Oct. 16, 2019 at 2:34 p.m. in the Council Chambers.

Present: 9 - Councilman Sal DiCiccio, Councilmember Carlos Garcia, Councilwoman Betty Guardado, Councilman Michael Nowakowski, Councilwoman Laura Pastor, Councilwoman Debra Stark, Councilwoman Thelda Williams, Vice Mayor Jim Waring and Mayor Kate Gallego

Councilman Nowakowski entered the Chambers and joined the voting body during discussion on Item 46. He later left the Chambers and the voting body during Citizen Comments.

Councilwoman Guardado left the voting body during Citizen Comments, and later returned to the voting body during Citizen Comments.

Mayor Gallego left the Chambers and the voting body during Citizen Comments.

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

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6630 through G-6631, S-46083 through S-46118, and Resolutions 21787 through 21791 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

References to attachments in these minutes relate to documents that were

attached to the agenda.

MINUTES OF MEETINGS

1 **For Approval or Correction, the Minutes of the Formal Meeting on Feb. 20, 2019**

Summary
This item transmits the minutes of the Formal Meeting of Feb. 20, 2019, 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 Vice Mayor Waring, seconded by Councilwoman Williams, that this item be approved. The motion carried by the following voice vote:

Yes:	8 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego
No:	0	
Absent:	1 -	Councilman Nowakowski

2 **For Approval or Correction, the Minutes of the Formal Meeting on March 6, 2019**

Summary
This item transmits the minutes of the Formal Meeting of March 6, 2019, 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 Stark, seconded by Councilwoman Williams, that this item be approved. The motion carried by the following voice vote:

Yes:	8 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego
No:	0	
Absent:	1 -	Councilman Nowakowski

BOARDS AND COMMISSIONS

3 Mayor and Council Appointments to Boards and Commissions

Summary

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

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

Desert View Village Planning Committee

Appoint David Kollar, filling a vacancy on the committee, for a term to expire Nov. 19, 2020, as recommended by Vice Mayor Waring.

Environmental Quality and Sustainability Commission

Appoint Darren Chapman, filling a vacancy on the commission, for a term to expire Aug. 31, 2022, as recommended by Mayor Gallego.

Historic Preservation Commission and Heritage Commission

Appoint Tricia Amato, replacing Meghan Grabel on the commission, for a term to expire Dec. 14, 2019, as recommended by Mayor Gallego.

North Mountain Village Planning Committee

Appoint Paul Magallanez, replacing Kristen Shields on the committee, for a term to expire Nov. 19, 2019, as recommended by Councilwoman Stark.

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

Yes:	8 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego
No:	0	
Absent:	1 -	Councilman Nowakowski

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

David Kollar - Desert View Village Planning Committee;
Darren Chapman - Environmental Quality and Sustainability Commission;
Tricia Amato - Historic Preservation Commission and Heritage Commission; and
Paul Magallanez - North Mountain Village Planning Committee.

They were invited to approach the dais so Council could extend their appreciation.

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

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

Note: Comment cards were submitted in favor of the following items, with no one wishing to speak:

Shann Bernardi, Item 4
Johncie Thomson, Item 10
Wes Curl - Agent, Item 10
Isabel Miranda Navarrete - Agent, Item 14
Jose de Jesus Rico - Applicant, Item 17
Charles Stewart - Agent, Item 18

A motion was made by Vice Mayor Waring, seconded by Councilwoman Williams, that Items 4-27 be recommended for approval and noting Item 26 is continued to the Nov. 6, 2019 City Council Formal Meeting. The motion carried by the following voice vote:

Yes: 8 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego

No: 0

Absent: 1 - Councilman Nowakowski

4 (CONTINUED FROM OCT. 2, 2019) - Liquor License - Life Cafe and Bistro

Request for a liquor license. Arizona State License Application 71613.

Summary

Applicant
Sharon Kovar, Agent

License Type
Series 12 - Restaurant

Location
6850 E. Chauncey Lane
Zoning Classification: C-2
Council District: 2

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

The 60-day limit for processing this application was Oct. 1, 2019. However, the applicant submitted a written request for more time.

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

convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona
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:
"Life Time currently holds liquor licenses in 60 of its 140 nationwide clubs. All restaurant team members complete local alcohol server training in addition to Life Time's own internal alcohol training. Team members are trained to monitor sales and alcohol behaviors at all times as well as 24/7 surveillance cameras. A full menu of food entrees will be availbale during all hours alcoholic beverages are offered."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Life Time aims to offer a unique experience for its members through the service of alcohol in its newly built bar area, where members can meet after class to share a beverage or coffee. Members may also enjoy the poolside resort atmosphere by ordering a beverage from the outdoor poolside Bistro. Being an athletic club and not a sports bar, the tone and noise levels in the environment are kept moderate at all times."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Life Cafe and Bistro
Liquor License Map - Life Cafe and Bistro

This item was recommended for approval.

5 Liquor License - Tacos Tijuana

Request for a liquor license. Arizona State License Application 73791.

Summary

Applicant
Julia Torres, Agent

License Type
Series 12 - Restaurant

Location
4925 W. Bell Road, Ste. D1
Zoning Classification: PSCOD
Council District: 1

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

The 60-day limit for processing this application is Oct. 21, 2019.

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.

Tacos Calafia (Series 12)
8258 W. Thunderbird Road, #206, Peoria
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Tacos Calafia (Series 12)
17239 N. Litchfield Road, #68, Surprise
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Tacos Calafia (Series 12)
9897 W. McDowell Road, #755, Tolleson
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:
"We hold the highest of standards in running this business with the quality & professionalism in being compliant to all laws. All staff including myself will ensure that we operate to comply to all liquor laws and receive training in this area. I have several years responsibility of running this family

business with success and will continue to operate this business with integrity and hard work in staying compliant to all liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "Tacos Tijuana will provide a family friendly environment affordable menu prices at a great location. Our goal is that our customers have a great experience at Tacos Tijuana in having quality food and great customer service."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Tacos Tijuana
Liquor License Map - Tacos Tijuana

This item was recommended for approval.

6 Liquor License - Special Event - Cystic Fibrosis Foundation

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

Summary

Applicant
Charles Colmark

Location
1175 E. Lone Cactus Drive
Council District: 2

Function
Dinner/Dance

Date(s) - Time(s) / Expected Attendance
Nov. 22, 2019 - 5 p.m. to 11 p.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

7 Liquor License - Special Event - Horses Help Foundation

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

Summary

Applicant
Gregg Goodman

Location
2601 E. Rose Garden Lane
Council District: 2

Function
Community Event

Date(s) - Time(s) / Expected Attendance
Nov. 2, 2019 - 5 p.m. to 10 p.m. / 500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

8 Liquor License - Special Event - Southern Arizona Arts and Cultural Alliance

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

Summary

Applicant
Caitlin Huble

Location
15205 N. Kierland Blvd., Ste. 150

Council District: 2

Function
Festival

Date(s) - Time(s) / Expected Attendance
Nov. 16, 2019 - 11 a.m. to 8:30 p.m. / 5,000 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - Sushi on Tatum

Request for a liquor license. Arizona State License Application 73584.

Summary

Applicant
Mei Zhang, Agent

License Type
Series 12 - Restaurant

Location
20910 N. Tatum Blvd., # 150
Zoning Classification: C-2
Council District: 2

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

The 60-day limit for processing this application is Oct. 19, 2019.

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I'm experiene in restaurant business for over 12 years, and also wholey train with liense."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Great location, restaurant, be able provide good overal services to our customers."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Sushi on Tatum
Liquor License Map - Sushi on Tatum

This item was recommended for approval.

10 Liquor License - Thirsty Lion Gastropub & Grill

Request for a liquor license. Arizona State License Application 74030.

Summary

Applicant
Wesley Curl, Agent

License Type
Series 12 - Restaurant

Location
21001 N. Tatum Blvd., Ste. 6
Zoning Classification: 2
Council District: C-2

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in November 2019.

The 60-day limit for processing this application is Oct. 26, 2019.

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.

Thirsty Lion Gastropub & Grill (Series 12)
2212 E. Williams Field Road, Ste. 112, Gilbert
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Thirsty Lion Gastropub & Grill (Series 12)
7014 E. Camelback Road, Ste. 1423, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Thirsty Lion Gastropub & Grill (Series 12)
2000 E. Rio Salado Pkwy., #1041, Tempe
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Thirsty Lion Operating Company, LLC is a large restaurant organization with multiple locations across the country, including AZ. This location in Phoenix will be the 4th location in the state of Arizona. As a licensee, we take the sale, service and consumption of alcohol very seriously; our staff undergoes extensive in-house training, including state required training. At all times the restaurant is open, there will be a full menu available for patrons to order from. Alcohol is secondary to the sale and consumption

of food."

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 will serve the surrounding community and visiting public, and will be open 7 days a week. The public will find the restaurant desirable by the wide selection of the menu options, including salads, pulled pork sandwiches, traditional Scotch eggs and gourmet hamburgers. Full menus will be available during all business hours. The service of alcoholic beverages will be secondary, and complementary, to food service. Hours of operation will be comparable to similar restaurants. We will not create a problem for the community."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Thirsty Lion Gastropub & Grill
Liquor License Map - Thirsty Lion Gastropub & Grill

This item was recommended for approval.

11 Liquor License - Special Event - Kid in the Corner, Inc.

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

Summary

Applicant
Francine Sumner

Location
12406 N. Paradise Village Pkwy., E.
Council District: 3

Function
Artistic Performance

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

Dec. 28, 2019 - 4 p.m. to 9:30 p.m. / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

12 Liquor License - Elsiner Tacos and More

Request for a liquor license. Arizona State License Application 73453.

Summary

Applicant
Florina Morales, Agent

License Type
Series 12 - Restaurant

Location
2510 W. Thunderbird Road, #9
Zoning Classification: C-1
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. This location requires a Use Permit to allow alcohol consumption in a C-1 zoning district.

The 60-day limit for processing this application is Oct. 18, 2019.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The

presumption shall not apply once the licensed location has not been in use for more than 180 days.

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have taken all the training classes required to properly follow all the liquor laws of Arizona. I am willing and planning on hiring trained, skilled and knowledgeable staff to help me with my restaurant."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"A liquor license at our restaurant will allow us to prvide a safe family friendly restaurant where families and friends can eat togeter in a pleasant envornment. We wish to provide alcoholic beverages to our clients as a compliment to their meal."

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

Attachments
Liquor License Data - Elsiner Tacos and More
Liquor License Map - Elsiner Tacos and More

This item was recommended for approval.

13 Liquor License - Circle K Store #142

Request for a liquor license. Arizona State License Application 73850.

Summary

Applicant
Kim Kwiatkowski, Agent

License Type
Series 10 - Beer and Wine Store

Location
4601 N. 12th St.
Zoning Classification: C-2
Council District: 4

This request is for a new liquor license for a convenience store that does not sell gas. This location is currently licensed for liquor sales with a Series 9 - Liquor Store license. The applicant plans to relocate the Series 9 license upon issuance of the Series 10 - Beer and Wine Store license.

The 60-day limit for processing this application is Oct. 22, 2019.

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

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests

held by the applicant in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Circle K requires all store personnel to attend an in-house training program. This training is designed to provide a safe and positive customer service environment. As part of the Circle K training program, we provide an Alcohol Training Program that meets the requirements of the Arizona Department of Liquor License Control. Employees must pass a test on Techniques of Alcohol Management that becomes part of their employee file. Store managers are required to attend additional in-house manager training and obtain certification from the Arizona Department of Liquor License Control. This certification requires submission of fingerprints and includes a background investigation."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"It is Circle K's objective to provide a product, accessible in a convenient manner that meets the need of the surrounding community. Circle K's success depends on us being able to provide products that are in demand."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Circle K Store #142
Liquor License Map - Circle K Store #142

This item was recommended for approval.

14 Liquor License - Pit Stop

Request for a liquor license. Arizona State License Application 74125.

Summary

Applicant
Isabel Navarrete, Agent

License Type
Series 10 - Beer and Wine Store

Location
3345 N. 16th St.
Zoning Classification: C-2
Council District: 4

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

The 60-day limit for processing this application is Oct. 27, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I, Isabel and son Sergio have taken the required courses to handle the responsibilities and requirements to hold the liquor license for our business."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"I or\we will be good citizens by selling alcohol to adults over 21 years of age, with valid Id's... This is how we will protect 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
Liquor License Data - Pit Stop
Liquor License Map - Pit Stop

This item was recommended for approval.

15 Liquor License - Solo's Cafe

Request for a liquor license. Arizona State License Application 69983.

Summary

Applicant
Wilford Rhine, Agent

License Type

Series 12 - Restaurant

Location
5025 N. 7th Ave., #B
Zoning Classification: C-2 TOD-1
Council District: 4

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

The 60-day limit for processing this application was Sept. 10, 2019. However, the applicant submitted a written request for more time.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
“I have been in the business for over 18 yrs. With NO Problems I've had #6's + 12's before.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“The food is Southern and there is not one in the area.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Solo's Cafe
Liquor License Map - Solo's Cafe

This item was recommended for approval.

16 Liquor License - Big B's Market

Request for a liquor license. Arizona State License Application 010070004677.

Summary

Applicant
Vijaya Shetty, Agent

License Type
Series 10 - Beer and Wine

Location
4835 N. 37th Ave.
Zoning Classification:C-1
Council District: 5

This request is for an acquisition of control of an existing liquor license for a convenience store that does not sell gas. This location is currently licensed for liquor sales.

The 60-day limit for processing this application was Sept. 28, 2019. However, the applicant submitted a written request for more time.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am currently an owner of the business and will continue to own. Have brought on a new member to the business entity."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

17 Liquor License - Special Event - Arizona Center for Disability Law

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

Summary

Applicant
Jose De Jesus Rico

Location
5025 W. Washington St.

Council District: 6

Function
Dinner and Awards Presentation

Date(s) - Time(s) / Expected Attendance
Nov. 1, 2019 - 4:30 p.m. to 7:30 p.m. / 200 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

18 Liquor License - Biscuits Foothills

Request for a liquor license. Arizona State License Application 73497.

Summary

Applicant
Charles Stewart, Agent

License Type
Series 12 - Restaurant

Location
1241 E. Chandler Blvd., # 100 & 105
Zoning Classification: C-2 PCD
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 Oct. 18, 2019.

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am a responsible, reliable person dedicated to the well being and safety of others, as a father, husband, and grandfather I know to well the responsibilities and importants of maintaining a healthy and and positive energy for all."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"It will add a relaxed ambience atmosphere that already exist in 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

Liquor License Data - Biscuits Foothills
Liquor License Map - Biscuits Foothills

This item was recommended for approval.

19 Liquor License - Circle K Store #3744

Request for a liquor license. Arizona State License Application 09070159.

Summary

Applicant
Kim Kwiatkowski, Agent

License Type
Series 9 - Liquor Store

Location
630 E. Missouri Ave.
Zoning Classification: C-2
Council District: 6

This request is for a location transfer of a liquor license for a convenience store that sells gas. This location is currently licensed for liquor sales with a Series 10 - Beer and Wine Store license.

The 60-day limit for processing this application is Oct. 22, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Circle K requires all store personnel to attend an in-house training program. This training is designed to provide a safe and positive customer service environment. As part of the Circle K training program, we provide an Alcohol Training Program that meets the requirements of the Arizona Department of Liquor License Control. Employees must pass a test on Techniques of Alcohol Management that becomes part of their employee file. Store managers are required to attend additional in-house manager training and obtain certification from the Arizona Department of Liquor License Control. This certification requires submission of fingerprints and includes a background investigation."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"It is Circle K's objective to provide a product, accessible in a convenient manner that meets the need of the surrounding community. Circle K's success depends on us being able to provide products that are in demand."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Circle K Store #3744

Liquor License Map - Circle K Store #3744

This item was recommended for approval.

20 Liquor License - Cold Beers & Cheeseburgers

Request for a liquor license. Arizona State License Application 74812.

Summary

Applicant
Amy Nations, Agent

License Type
Series 12 - Restaurant

Location
5005 E. Chandler Blvd.
Zoning Classification: C-2 M-R
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 Nov. 3, 2019.

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

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests

held by the applicant in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The management team for Cold Beers & Cheeseburgers has over 100 years combined experience operating restaurants and bars with liquor licenses. Our employees go through title 4 law training regularly and are held to the highest standards in our strict liquor service policies."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Cold Beers & Cheeseburgers has become the city's hottest place to be. We are committed to excellence in our standards and strive to maintain an unrivaled consistency in the quality of our products. We will ensure great service, amazing food, a high energy atmosphere, and a neighborhood sports bar feel. Our restaurant has something for everyone and our customers will enjoy a memorable experience. Cold Beers & Cheeseburgers will be a great addition to the neighborhood."

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

Attachments
Liquor License Data - Cold Beers & Cheeseburgers
Liquor License Map - Cold Beers & Cheeseburgers

This item was recommended for approval.

21 Liquor License - Uncle Bears Grill & Tap

Request for a liquor license. Arizona State License Application 73315.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
4921 E. Ray Road #B3
Zoning Classification: C-2
Council District: 6

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 was Oct. 15, 2019. However, the applicant has submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona
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:
"We will ensure our employees attend the title 4 liquor law class. We will abide by Arizona liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We would like to continue to offer our patrons a variety of drinks to chose from if they decide to have an adult beverage."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Uncle Bears Grill & Tap
Liquor License Map - Uncle Bears Grill & Tap

This item was recommended for approval.

22 Liquor License - Special Event - Be Causal

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

Summary

Applicant
Julie Jennings

Location

734 W. Polk St.
Council District: 7

Function
Community Event

Date(s) - Time(s) / Expected Attendance
Oct. 26, 2019 - 4 p.m. to 2 a.m. / 500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

23 Liquor License - Special Event - Arizona Parks and Recreation Association

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

Summary

Applicant
Samantha Coffman

Location
10919 S. Central Ave.
Council District: 8

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Nov. 16, 2019 - 12:30 p.m. to 6:30 p.m. / 1,200 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

24 Liquor License - Special Event - Sun Devil Gymnastics

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

Summary

Applicant
Scott Barclay

Location
1520 E. Washington St.
Council District: 8

Function
Community Event

Date(s) - Time(s) / Expected Attendance
Dec. 31, 2019 - 4:30 p.m. to 12:30 a.m. / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

25 Liquor License - Huichos Market

Request for a liquor license. Arizona State License Application 74722.

Summary

Applicant
Theresa Morse, Agent

License Type
Series 10 - Beer and Wine Store

Location
1042 N. 26th St.
Zoning Classification: R-3
Council District: 8

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

The 60-day limit for processing this application is Nov. 2, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been working in the off sale liquor industry for over five years. Throughout this time I have learned how to determine if a customer is intoxicated or under the legal drinking age. I am aware of young customers asking older persons to purchase alcohol and have refused the sale. I will be attending alcohol training Basic and Management on

9/27/19."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "A convenience store has been at this location for many years. Due to some research there also was a Series 10 Beer & Wine license at this location. I want to be involved with the surrounding neighborhood to assist in keeping the neighborhood safe and clean. I have a family of my own and know how important it is to live in a safe community and also offer the convenience of shopping close by."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Huichos Market
Liquor License Map - Huichos Market

This item was recommended for approval.

26 Liquor License - MOD Pizza

Request for a liquor license. Arizona State License Application 73524.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
7620 S. 59th Ave., Ste. 101
Zoning Classification: S-1 (Approved C-2)
Council District: 8

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in December 2019.

The 60-day limit for processing this application is Oct. 19, 2019.

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

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

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

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

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

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"MOD Pizza offers a wide variety of options for customized pizzas,

salads and more. Applicant would like to offer alcoholic beverages to its guests 21 and over as an incident to the delicious meals served."

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

Attachments
Liquor License Data - MOD Pizza
Liquor License Map - MOD Pizza

This item was continued to the Nov. 6, 2019 City Council Formal Meeting.

27 Bingo License - BBrave

Request for a Class B Bingo License. Staff recommends approval of this application.

Summary
State law requires City Council approval before a State Bingo License can be issued.

Bingo License Types
Class A - gross receipts shall not exceed $15,600 per year
Class B - gross receipts shall not exceed $300,000 per year
Class C - anticipated gross receipts may exceed $300,000 per year

Applicant
Natalia Mihilli

Location
4031 N. 24th St., Ste. B
Zoning Classification: C-2
Council District: 6

Applicant's projected use of net proceeds: "To continue to enhance lives of Arizonans through BBrave and their mission."

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

A motion was made by Vice Mayor Waring, seconded by Councilwoman Williams, that Items 28-90 be approved or adopted, except Items 31, 40, 46, 54, 57-59, 61-62, 64-65, and 72-74; noting Item 51 has been withdrawn; Item 74 is as corrected; and Item 65 is being held to be heard at the end of the agenda. The motion carried by the following vote:

Yes:	8 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego
No:	0	
Absent:	1 -	Councilman Nowakowski

Items 28-30, 32-39 Ordinance S-46083 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.

28 **L3Harris Technologies, Inc.**

For $25,000.00 in payment authority for a new contract, to be entered on or about Oct. 1, 2019, for a five-year aggregate contract term for continuous compliance monitoring and full maintenance service on the five units of L3Harris Symphony Vehicle Movement Area Transponders in Operation's supervisor vehicles at Phoenix Sky Harbor International Airport. The vehicles are used to perform required daily inspection on the airfield to ensure the safety of aircraft operations.

This item was adopted.

29 **American Society of Composers, Authors and Publishers doing business as ASCAP**

For $35,000.00 in payment authority to purchase an annual music license to comply with public performances of copyrighted works when music is played at Parks and Recreation venues for the Parks and Recreation Department. Payment authority is for three years and the license will be renewed annually.

This item was adopted.

30 Paper Systems Incorporated, doing business as Patriot Printing Solutions

For $85,000.00 in additional payment authority for Contract 144894 for e-ticket paper that is used by the Phoenix Police Department officers and civilian staff to issue citations as needed during everyday operations. The paper ensures legible print for clarity when delivered to the court. The increase is necessary due to significant market volatility for thermal paper, due in part to supply shortages of the primary chemical used in the thermal paper coating, which has led to unprecedented price increases. The additional funds will cover the remaining three years of the contract term.

This item was adopted.

32 Grayshift, LLC., doing business as Grayshift

For $15,000.00 in payment authority to purchase the renewal of GrayKey online annual software license. The software is used by the Police Department's Violent Crimes Bureau to assist in identifying and locating suspects and victims in sexual exploitation cases. In addition, the software assists with the timely gathering of information and forensic analysis to lead to the fastest possible response to safeguard children against predators and cyber bullying.

This item was adopted.

33 Settlement of Claim(s) Currie v. City of Phoenix

To make payment of $75,000.00 in settlement of claim(s) in *Currie v. City of Phoenix*, 18-0749-001, BI PD, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

34 Settlement of Claim(s) Telles v. City of Phoenix

To make payment of $75,000.00 in settlement of claim(s) in *Telles v.*

City of Phoenix, 19-9002-001 PI, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

35 Settlement of Claim(s) Beck v. City of Phoenix

To make payment of $75,000.00 in settlement of claim(s) in *Beck v. City of Phoenix*, 19-9002-002 PI, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

36 Settlement of Claim(s) Scott v. City of Phoenix

To make payment of up to $120,000.00 in settlement of claim(s) in *Scott v. City of Phoenix,* Maricopa County Superior Court, case number CV2017-007839, 16-0792-001 BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

37 Settlement of Claim(s) Stein v. City of Phoenix

To make payment of $27,100.00 in settlement of claim(s) in *Stein v. City of Phoenix*, 18-0704-001 AU PD, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

38 The Hiller Companies, Inc., doing business as American Fire Equipment Sales and Service a Div. of the Hiller Companies, Inc.

For $75,000.00 in payment authority for a new contract, entered on or about Nov. 1, 2019 for a term of five years for the testing, inspection, and repair of fire suppression and pre-action systems for the Phoenix Convention Center Department (PCCD). PCCD will utilize services under this contract for three IT data room suppression systems located in the Convention Center. Testing and inspection of the systems is required by code semi-annually.

This item was adopted.

39 Salt River Project Agricultural Improvement and Power District doing business as SRP

For $69,814.00 in payment authority for the installation of underground conduit and circuits for streetlights for the Street Transportation

Department. SRP will install 1,320 feet of conductor wire to transition above ground circuits to below ground circuits to energize eight street lights at the intersection of 24th Street and Broadway Road for City project ST85160001-1.

This item was adopted.

41 Acquisition of Real Property for Street Improvement Project along Earll Drive from 50th Place to 52nd Street (Ordinance S-46088)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain required for a street improvement project located along Earll Drive from 50th Place to 52nd Street. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Acquisition is required for construction of improvements including new Americans with Disabilities Act (ADA) accessible sidewalks, curbing, gutter and pavement. The improvements will provide pedestrian access along the south side of Earll Drive.

The properties impacted by this project are identified in **Attachment A**.

Financial Impact

Acquisition will be funded with Arizona Highway User Revenue (AHUR) funds available in the Street Transportation Department's Capital Improvement Program budget.

Location

Earll Drive from 50th Place to 52nd Street.
Council District: 6

This item was adopted.

42 Acquisition of Real Property Located at 1937 E. Indian School Road for Fire Station 61 (Ordinance S-46118)

Request to authorize the City Manager, or his designee, to acquire real property and related property interests at 1937 E. Indian School Road by donation, purchase within the City's appraised value, or by the power of eminent domain for Fire Station 61. Further request authorization for the

City Controller to disburse all funds related to this item.

Summary
The City acquired land through condemnation in 2006 for construction of Fire Station 61 located at 1935 E. Indian School Road. The acquisition excluded a 21 x 49-foot billboard site located adjacent to the existing driveway and in front of the fire station, just south of the northern property line. The billboard was relocated away from the driveway to remove the billboard obstruction to a location near the western property line. Acquisition of the original billboard site is necessary to complete the fire station site and to avoid any future improvements within this area which would interfere with operations.

The parcel affected by acquisition and included in this request is identified by Maricopa County Assessor's parcel number 119-28-135A located at 1937 E. Indian School Road.

Financial Impact
Funding for this transaction is available in the Fire Department's Operating Budget.

Location
1937 E. Indian School Road
Council District: 4

This item was adopted.

43 Acquisition of Real Property for Roadway Improvements Along 43rd Avenue Between McDowell Road and the Grand Canal and Dedication of Public Use for Right-of-Way (Ordinance S-46095)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests by donation or purchase within the City's appraised value, or by the power of eminent domain, for roadway improvements along 43rd Avenue between McDowell Road and the Grand Canal. Further request authorization to dedicate land with roadway and public improvements to public use for right-of-way purposes via separate recording instrument. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Acquisition is required to construct improvements to enhance the roadway and pedestrian conditions. The improvements include new sidewalks to meet Americans with Disability Act (ADA) requirements, curbs, gutters, bike lanes, traffic signals, street lights, and pavement. A High-Intensity Activated Crosswalk (HAWK) signal will be installed at the Grand Canal. The roadway improvements are part of two smaller projects, McDowell Road to Virginia Avenue, identified by ST85100408-1, and Virginia Avenue to the Grand Canal, identified by ST85100410-1.

The properties impacted by this project are identified in **Attachment A**.

Financial Impact

T2050 funding is available in the Street Transportation Department's Capital Improvement Program budget.

Location

43rd Avenue between McDowell Road and the Grand Canal.
Council District: 4

This item was adopted.

44 Planning, Zoning, Plan Review, and Permitting Application - RFP 19-019 - Requirements Contract (Ordinance S-46102)

Request to authorize the City Manager, or his designee, to enter into a contract with Accenture, LLP (or its City-approved designee) to provide new planning, zoning, plan review, permitting and inspections application software; and to enter into a contract to purchase software licenses from Carahsoft Technology Corporation (or its City-approved designee) through the State of Utah’s National Association of State Procurement Officials (NASPO) Master Agreement AR2472 along with State of Arizona Participating Addendum CTR046098 for the Planning and Development Department (PDD). The aggregate contract value shall not exceed $31.6 million. Further request the City Controller to disburse all funds related to this item.

Summary

The Kiva application tracks development citywide, including Plan Review, Inspections, Permitting and Historic Preservation activity. Planweb is a

separate application that tracks planning, rezoning and zoning adjustment activity. Kiva and Planweb support over 400 PDD staff responsible for all zoning and permitting in the City of Phoenix. Activity supported last fiscal year included nearly 118,000 visitors to the Development Center, over 44,000 permits, 260,000 inspections, and $4.7 billion in total construction permit valuation last fiscal year. Kiva is also used by other City departments including Fire, Water Services and Street Transportation. There are approximately 800 City staff who use or access Kiva as part of their work activities.

Kiva is more than 25 years old, while Planweb is over 15 years old and both have no vendor support and have been highly customized over time. Additional applications have been developed to compliment the core applications. Support for Kiva and Planweb is provided in-house by PDD staff. There is no integration between Kiva and Planweb, requiring dual entries and resulting in inefficiencies in business processes. Ensuring availability and security of these old customized applications has become more difficult over time. In addition, it is challenging to modify old applications to implement process improvements and respond to changes in customer and constituent demands.

These contracts will support the SHAPE PHX Project and will replace the PDD land management applications, including Kiva, PlanWeb, and other supporting applications. This multi-year project will consolidate existing applications into one modern enterprise system that provides a single source for land management information. The new system will result in improved data quality, a better performing, fully supported and secure business application, opportunities to streamline processes and ability to quickly adapt to changes. In addition, the proposed system offers scalability to potentially support business processes in other City departments (i.e. business licensing, zoning code enforcement), integrates with existing City systems (financials, Geographic Information Systems), and reduces the number of independent systems PDD currently supports. Modern systems also provide more transparent and timely access to information to residents, development professionals, and other external customers. The project includes a significantly improved easy to use self-service portal, enhanced Electronic Plan

Review, and supports availability of more information through My Community Map and other internet applications not possible under the current system.

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

Procurement Information

RFP 19-019 was conducted in accordance with Administrative Regulation 3.10. PDD also secured the services of Gartner Consulting, to provide ongoing professional services throughout the procurement process, including but not limited to: assistance with scope of work, business and technical requirements development; high level analysis of vendor proposals; support during vendor evaluation and selection process; assistance with negotiation strategy; and implementation of project deliverables. The procurement allowed offers the option to propose either an on-premise solution or Software as a Service (SaaS) deployment model as a response to the solicitation. Eleven offers were received by the Procurement Division on Dec. 14, 2018.

An evaluation committee comprised of five voting members and eleven subject matter experts who participated in two eight-hour moderated review sessions to determine a consensus score for each criterion. The offers were evaluated based on the following criteria: Requirements - Functional and Technical (300 points), Implementation Services (250 points), Infrastructure, Support and Maintenance (200 points), Experience and Qualifications (150 points), and Price (100 points). The evaluation committee determined that three firms were within the competitive range and those firms were invited to participate in demonstrations. After demonstrations, the evaluation committee reached consensus to move forward with the Best and Final Offer (BAFO) process. The offerors and their final scores are as follows:

Accenture LLP (SaaS): 729.9 points
Computronix (SaaS): 653.7 points
Computronix (On-Premise): 642.5 points
GCOM (SaaS): 421.6 points
GCOM (On-Premise): 407.9 points

The evaluation committee recommended awarding a contract to Accenture, LLP; which includes an option to purchase the following required software licenses from Carahsoft Technology Corporation:

BasicGov: Application will manage all licensing, permitting, planning and inspection functions.
F-Secure: Application will provide virus and malware scanning application for files/documents/attachments that users upload into Salesforce.
Glance: Application which allows for co-browsing so support personnel can troubleshoot/provide guidance with customers.
Skedulo: Application will provide mobile scheduling and workload management application for inspectors, works inside Salesforce.
Whatfix: Application will provide interactive and guided help application for customer portal users.

The Planning and Development Director and Deputy Finance Director recommend the offer from Accenture, LLP be accepted as the highest scored, responsive and responsible offeror that is most advantageous to the City. It is also recommended that City Council approve an exception to the limitation of liability provision in City Code 42-18 (A) and (B) to reflect the liability will be no more than three times the contract value.

The Deputy Finance Director further recommends the purchase of the software licenses required for implementation and ongoing maintenance activities from Carahsoft Technology Corporation, through the State of Utah/ NASPO Master Agreement, along with State of Arizona Participating Addendum. In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another agency. The contract was awarded through a competitive process consistent with the City’s procurement processes, as set forth in the Phoenix City Code, chapter 43. The State of Utah contract was awarded on Oct. 13, 2016. It is also recommended that City Council approve an exception to the limitation of liability provision in City Code 42-18 (A) and (B) to reflect the liability will be no more than three times the contract value.

Contract Term

The seven-year contract term shall begin on or about Nov. 1, 2019.

Financial Impact

Expenditures for these contracts shall not exceed $31.6 million (including applicable taxes), which includes one-time costs of $109,150, implementation and hosting costs of $19,890,850, and software licensing fees of $11.6 million. The contracts will be funded through the Development Services Fund.

Concurrence/Previous Council Action

On Jan. 24, 2018, Council action authorized the creation of 5.5 additional full-time equivalent (FTE) positions within the Planning and Development Department to establish a team dedicated to the SHAPE Phoenix project; which included the replacement of the planning, zoning, plan review, and permitting application.

This item was recommended for approval at the Transportation, Infrastructure and Innovation Subcommittee meeting on Oct. 2, 2019, by a vote of 3-0.

This item was adopted.

45 Maintenance and Repair of Truck, Cylinder and Other Industrial Scales - Requirements Contract (Ordinance S-46106)

Request to authorize the City Manager, or his designee, to enter into a contract with Southwestern Scale Company, Inc., to provide maintenance and repair of truck, cylinder and other industrial scales used by the Public Works and Water Services departments, in an amount not to exceed $936,000 over five years, or approximately $187,200 annually. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Public Works Department Solid Waste Diversion and Disposal Division uses this service to replace and repair the scales used at two City-owned transfer stations and open landfill as needed to ensure operations does not face impacts. Working scales are imperative to operations, as all transactions inbound must be weighed to ensure proper billing is conducted. The Water Services Department Wastewater

Treatment Division and Water Production Division requires a contractor to repair and calibrate truck scales for regulatory compliance at several Wastewater Treatment Plants and several Water Treatment Plants. The vendor is paid by the weight of the haul, so it is extremely important the truck scales at every location are accurate and in good repair.

Procurement Information

IFB 19-115 was conducted in accordance with Administrative Regulation 3.10. There was one offer received by the Procurement Division on Aug. 30, 2019. The bid was evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required goods and/or services. The bid received by Southwestern Scale Company, Inc. is deemed to be fair and reasonable based on the market.

Contract Term

The five-year contract period for this vendor will begin Nov. 1, 2019.

Financial Impact

The aggregate five-year contract value shall not exceed $936,000, or approximately $187,200 annually. The contract value is based on historical spend. Funds are available in the Public Works and Water Services department's budgets.

This item was adopted.

47 Occupational Medical Services Contract (Ordinance S-46114)

Request to authorize the City Manager, or his designee, to enter into a contract with Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers, to provide occupational medical services. Further request authorization for the City Controller to disburse all funds related to this item over the life of the contract, as necessary. The annual projected cost for Occupational Medical Services per year will not exceed $1.7 million.

Summary

A Request for Proposals (RFP) for occupational medical services was conducted in accordance with Administrative Regulation 3.10. Occupational medical services, the majority of which are legally mandated, are necessary to continue providing medical treatment to City

employees who are injured in the performance of their duties. Other services include medical examinations and tests to evaluate the physiological ability of employees to perform the essential functions of their positions safely.

Procurement Results

An RFP for Occupational Medical Services was issued on Aug. 26, 2019, with a deadline of Sept. 16, 2019, to submit responses. In addition to the solicitation post on the City of Phoenix website, the RFP was advertised in the Record Reporter and Arizona Business Gazette publications, and direct email notifications were sent to vendors who submitted in the past, vendors who stated their interest, and vendors who requested information from the Human Resources Department.

Two proposals were received, Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers and Banner Occupational Health Clinics; however, Banner Occupational Health Clinics was found non-responsive for submitting an incomplete offer. Therefore, only Concentra Medical Centers was evaluated by the RFP selection committee which comprised of one Human Resources Department employee, one Street Transportation Department - HR employee, one representative of LIUNA 777, and one representative of PLEA.

The RFP selection committee met on Sept. 24, 2019, to review and evaluate the proposal. To ensure RFP responsiveness, the committee participated in consensus scoring of the written proposal based on the following criteria as outlined in the RFP: overall cost, staffing, experience with public employers, qualifications and availability, number of locations (including a 24-hour facility), and longevity and commitment to local market. Concentra Medical Centers received a consensus score of 950 out of 1000 possible points.

Contract Term

The initial contract term will be three years, effective on about Oct. 26, 2019, with the option to renew for two additional years in one-year increments, which may be exercised by the City Manager or his designee.

Financial Impact

Funding for this contract is available in the Operating Budget for occupational physicals/testing and the Workers' Compensation Program Trust Account for workers' compensation claims medical expenses. The annual projected cost for Occupational Medical Services per year will not exceed $1.7 million.

This item was adopted.

48 Authorization to Apply for Grant Funding to Purchase Security Cameras (Ordinance S-46108)

Request authorization for the Phoenix Municipal Court to apply for grant funding in an amount not to exceed $150,000 from the Arizona Supreme Court administered Judicial Collection Enhancement Fund (JCEF) to purchase security cameras for the Phoenix Municipal Court. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The Phoenix Municipal Court is seeking grant funding to purchase 98 cameras to upgrade current analog cameras to digital. This will ensure the Court's security camera system, which monitors our courtrooms, customer service and in-custody transport areas, can meet industry standards. The upgrade will improve overall video quality which will benefit both the Court and the City of Phoenix's Central Monitoring Unit who monitor our access control and alarm systems when the Court is not open for business.

Financial Impact

Funds will be made available in JCEF. The Phoenix Municipal Court must submit a funding plan and application to the Arizona Supreme Court Administrative Office of the Courts to secure approval for use of funds pursuant to Arizona Revised Statute 12-113. No General Fund dollars will be used.

This item was adopted.

49 Residential Moving Services Contract for Housing Department (Ordinance S-46094)

Request to authorize the City Manager, or his designee, to enter into a contract with Dose Moving Delivery Staging, LLC to provide residential relocation moving services at City-owned properties on an as-needed basis for the Housing Department. Further request authorization for the City Controller to disburse all funds related to this item. This contract is funded with U.S. Department of Housing and Urban Development (HUD) funds. There is no impact to the General Fund. The aggregate contract value will not exceed $300,000.

Summary

The contractor will provide relocation moving services for our Public Housing, Rental Assistance Demonstration, Choice Neighborhoods and Scattered Sites. The contractor will work with the individual resident to provide packing, transportation, unloading services, and attend City's community meeting(s) about their scheduling. The contractor shall maintain equipment, communication and labor to efficiently perform these services.

Procurement Information

Solicitation was conducted in accordance with Administrative Regulation 3.10. One offer was received by the Housing Management Services Division on Aug. 27, 2019. The offer was evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offer submitted by Dose Moving Delivery Staging, LLC is deemed to be fair and reasonable based on the market and previous contract pricing.

The Housing Department Director recommends Dose Moving Delivery Staging, LLC for award.

Contract Term

The five-year contract term will begin on Jan. 1, 2020 and end on Dec. 31, 2024, with no options to extend.

Financial Impact

The aggregate contract value will not exceed $300,000. This contract is funded with U.S. Department of Housing and Urban Development (HUD) funds. There is no impact to the General Fund.

This item was adopted.

50 Housing Department Plumbing and Rooter Services Contracts (Commercial and Residential) - Federally Funded (Ordinance S-46096)

Request to authorize the City Manager, or his designee, to enter into contracts with Adobe Energy Management, Hernandez Companies and Nu Flow Services of Phoenix to provide plumbing services at the Housing Department's scattered sites and public housing properties. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $1,237,700. There is no impact to the General Fund.

Summary

Contractors will provide various water lines, natural gas lines, and ancillary services that include rooters and drains, vent systems, cameras, leak detectors and locators. Contractors will install and service all fixtures, materials and fittings in their final position in accordance with manufacturer specifications and as directed by City personnel. All plumbing, natural gas, and camera work will comply with all Phoenix Building Code, permits, regulations and statutes.

Procurement Information

Invitation for Bid FY20-086-01 was conducted in accordance with Administrative Regulation 3.10. Three offers were received by Housing Management Services Division on Aug. 27, 2019. Offers were evaluated and the award recommendation are for the lowest cost to the 35 line items. Multiple awards are recommended to meet volume requirements and the wide variety of needs outlined in the solicitation. City personnel will select the most cost effective services available at the time of purchase.

Nu Flow Services of Phoenix: $46,453.25
Hernandez Companies: $135,403
Adobe Energy Management: $137,656

The Housing Department Director recommends that the offers of Adobe Energy Management, Hernandez Companies and Nu Flow Services of Phoenix, be accepted as the lowest priced, responsive and responsible

offers.

Contract Term
The five-year contract term will begin on Jan. 1, 2020 and end on Dec. 31, 2024, with no options to extend.

Financial Impact
The aggregate contract value will not exceed $1,237,700 (including applicable taxes). This contract is funded with U.S. Department of Housing and Urban Development (HUD) funds. There is no impact to the General Fund.

This item was adopted.

51 Request Authorization to Amend Contract with ISS Facility Services, Inc. (Ordinance S-46090)

Request to authorize the City Manager, or his designee, to amend Contract 144490 with ISS Facility Services, Inc. to increase annual funding from $219,864 to $238,772.30 for an aggregate amount not to exceed $1,156,044.90 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item for the remaining contract period.

Summary
The City executed a contract with ISS Facility Services, Inc. on Jan. 25, 2017, to provide custodial services to 13 Human Services Department locations. The amendment is necessary because ISS Facility Services, Inc. has requested an 8.6 percent cost of living increase which was evaluated by staff and deemed appropriate.

Additional funds in the amount of $18,908.30 annually are being added as a cost of living increase for the remaining three years of the contract for an increase in the aggregate amount of $56,724.90.

Procurement Information
A formal Invitation for Bid was conducted and ISS Facility Services, Inc. was awarded the contract.

Contract Term
The contract began March 1, 2017 and terminates on Feb. 28, 2022, with no options to renew.

Financial Impact
The annual expenditure will be $238,772.30, with an aggregate amount not to exceed $1,156,044.90 over the life of the contract. Funds are available in the Human Services Department's budget.

Concurrence/Previous Council Action
City Council approved the contract with ISS Facility Services Inc. on Jan. 25, 2017 (Ordinance S-43168).

This item was withdrawn.

52 Unsolicited Development Proposal for City-Owned Property Located at 1515 E. Indian School Road

Request to authorize the City Manager, or his designee, to deny an unsolicited development proposal for the City-owned property located at 1515 E. Indian School Road, and request staff to explore the potential of an annual lease option for 1515 E. Indian School Road.

Summary
On Dec. 13, 2017, the City Council authorized the City Manager to implement a policy to allow developers to submit unsolicited proposals for City-owned parcels for which the City had not announced its intention to issue a solicitation. The City's Unsolicited Development Proposal Policy, Procedure, and Submittal Instructions have been posted on the City's website at https://www.phoenix.gov/econdev/unsolicited-proposal.

When an unsolicited development proposal is received, City staff conduct due diligence research and present the proposal concept and research before the applicable City Council Subcommittee and Formal Council. If directed by City Council to compete an unsolicited development proposal, staff follow the Unsolicited Development Proposal Procedure to conduct a competitive and transparent process.

The City's Solicitation Transparency Policy was triggered when a proposal, along with the required non-refundable review fee of $7,500,

was submitted on July 16, 2018 by CSDCPC Self-Development, LLC, a wholly owned subsidiary of Charter Schools Development Corporation, and applies to all its partners, representatives and affiliates.

Property Information

This City-owned property is located between 16th Street and the Longview Neighborhood Recreation Center, adjacent to the Grand Canal Trail with Arizona State Route 51 (SR 51) in close proximity. The site was previously improved into a parking lot and utilized by students and faculty of the former High-Tech Institute. The development of this site was permitted pursuant to Contract 52380, authorized by Ordinance S-19339 and amended by Ordinance S-18376.

Overview of Proposal

The unsolicited development proposal seeks to utilize the property in its current condition for additional parent and staff parking, and a second recreational area.

Due Diligence Research

Per the Unsolicited Development Proposal Policy, staff reviewed the unsolicited development proposal submitted by CSDCPC Self-Development, LLC to determine compliance with the Unsolicited Development Proposal Submittal Instructions, ordered an appraisal, and researched possible restrictions that may limit the City's options for disposing of and or developing the property.

Appraisal

The subject property had an appraisal completed on Dec. 6, 2018, which was certified on Dec. 27, 2018 with a value of $672,000.

Economic Development Information

Community and Economic Development staff provided information about renewal occurring along the Indian School corridor. This corridor has experienced significant investment, including the expansion and remodel of the VA Healthcare System, improvements to Longview Park, the Grand Canalscape, and a major project located at the northeast corner of Central Avenue and Indian School Road, known as Central Park.

Additionally, the close access to the SR 51 puts this site one stop away from the Phoenix Children's Hospital to the south and the Biltmore area to the north. Staff recommends not moving forward with a solicitation at this time but waiting until projects underway are closer to completion before identifying the property's potential highest and best use.

Financial Impact

The review fees received with this proposal were used to conduct the necessary due diligence, including appraisal and environmental reviews.

Public Outreach

Staff held two community meetings on March 12 and May 9, 2019 at the Longview Recreation Center where residents and businesses located within the Longview Neighborhood Initiative Area were invited to attend. Both community meetings were held to explain the unsolicited development proposal process, provide information about the City-owned property, and solicit general feedback regarding a potential solicitation of this property. The community expressed an interest in development that would increase property values, provide the City with appropriate return on value, reduce blight around the vacant parcel, and maintain the character of the area.

Concurrence/Previous Council Action

This item was recommended for approval as amended by the Land Use and Livability Subcommittee at the Sept. 24, 2019 meeting by a vote of 4-0.

Location

1515 E. Indian School Road
Council District: 4

This item was approved.

53 Recommendation to Rescind Bid Award to Cirilian, Inc. and Approve Contract with Active Network, LLC for Recreation Management System for Parks and Recreation Department

Request to authorize the City Manager, or his designee, to rescind the bid award RFP PKS16-10116(SS) to Cirilian, Inc. dba Rec1; and approve a contract with Active Network, LLC, to provide technology

products and services for a parks and recreation management system for the Parks and Recreation Department. There is no General Fund expenditure, as the software operates on a transaction fee model.

Summary

The City Council awarded RFP PKS16-10116(SS) to Cirilian, Inc. dba Rec1 (Rec1) on March 1, 2017, for the purpose of providing recreation management software that would allow the public to register for programs, reserve facilities and manage user memberships.

Between April and June 2017, staff engaged in discussions with Rec1 to gain a full understanding of their system's functionality and to negotiate and structure the contract scope of work and deliverables. After four months of discussions, the parties determined Rec1 could not meet the City's technical and business needs. On July 10, 2017, Rec1 sent a letter to the City withdrawing from the process.

In August 2017, a letter was sent to the second highest bidder, USeDirect, requesting a revised cost proposal. Over the ensuing two months during meetings and communication with USeDirect, it was determined the USeDirect system, as proposed, could not meet the City's business needs.

In November 2017, discussions commenced with the third highest bidder: Active Network, LLC.

In August 2018, the City executed a Technology Products and Services Agreement with Active Network, LLC, to provide the recreation management system.

Procurement Information

RFP PKS16-10116(SS) was conducted in accordance with Administrative Regulation 3.10 requirements. However, because of the difficulties in obtaining the services that would comply with the City's needs from the responsive bidders, the original award was never rescinded by the City Council; nor was the eventual successful bidder formally awarded the contract by the City Council.

Contract Term

The contract term is for five years, retroactively effective on Aug. 21, 2018, with a five-year renewal option.

Financial Impact

There is no General Fund expenditure, as the software operates on a transaction fee model. The cost to operate the system is paid for by the transaction fees generated from activities, program registration, field allocations, point of sale and facility rentals.

This item was approved.

55 Development Agreement with Legacy Sports Arena, LLC for Public Infrastructure Reimbursements (Ordinance S-46109)

Request to authorize the City Manager, or his designee, to enter into a development agreement, and to execute any other instruments or documents as necessary, with Legacy Sports Arena, LLC (Developer), or its City-approved designee, to reimburse certain public infrastructure improvements related to the development of a privately-funded amateur sports arena and hotel. Also request authorization for the City Controller to disburse up to $800,000 as reimbursement to the Developer for public infrastructure improvements. Funding is available in the Strategic Economic Development Fund.

Summary

Legacy Sports Arena, LLC (Developer) proposes to develop an approximately 171,000-square-foot amateur sports arena and 58,700-square-foot hotel on a vacant 20-acre parcel where Bronco Butte Trail presently ends, just west of North Valley Parkway. The arena will accommodate approximately 1,500 spectators (but in no event more than 6,000 spectators sitting/standing combined) with two regulation-sized ice rinks, five each volleyball and basketball courts, as well as retail and restaurant amenities. The hotel is expected to have 88 rooms.

The arena is planned to accommodate other activities as well, from soccer to pickleball, and will provide a variety of amenities to both athletes and spectators. The hotel is planned to cater to local visitors, business travelers, and athletes and their families participating in tournaments, sports camps and other special events at the arena.

This project will create hundreds of jobs and attract thousands of visitors while generating new public revenues and providing amenities for Phoenicians. To accommodate these new jobs and visitors, new public infrastructure improvements will be required, including extending Bronco Butte Trail through the site.

Under the proposed development agreement, the Developer will be required to design and construct the arena, hotel and public infrastructure improvements to the City's standards and in compliance with all applicable laws, including Arizona Revised Statutes Title 34 for the public infrastructure improvements. After the public infrastructure improvements are completed by the Developer, and the City approves and accepts such improvements, then the City would reimburse the developer up to $80,000 annually for up to 10 years. The total reimbursement will not exceed the actual costs of the public infrastructure improvements or $800,000, whichever is less. The development agreement shall contain other terms and conditions as determined by City staff.

Public infrastructure improvements eligible for reimbursement include street and roundabout improvements along Bronco Butte Trail in existing or future rights-of-way granted to, and owned by the City relating to the project, which may include street lighting, landscaping, sidewalks and similar improvements. These public improvements will not only serve the project, but will also benefit the surrounding area, including both existing development and developable land, resulting in enhanced opportunities for economic development and efficient traffic flow meeting current City standards.

The project will have a significant economic impact including an estimated direct tax revenue to the City of approximately $5.2 million over the first 10 years, and $20.5 million for all taxing jurisdictions.

Contract Term

The term of the agreement will be for up to 10 years, with no extension options.

Financial Impact

The City will reimburse the Developer for the construction of eligible

public infrastructure improvements in an amount not to exceed $80,000 annually for up to 10 years, not to exceed $800,000 total. City reimbursements would only occur after the City approves and accepts such public infrastructure improvements. Funding is available in the Strategic Economic Development Fund.

Concurrence/Previous Council Action
This item was recommended for approval by the Workforce and Economic Development Subcommittee at the Sept. 25, 2019 meeting by a vote of 4-0.

Location
Bronco Butte Trail from North Valley Parkway west to and through the project site at 2727 W. Bronco Butte Trail.
Council District: 2

This item was adopted.

56 Fiscal Year 2019-20 Bioscience Healthcare Strategic Initiative (Ordinance S-46111)

Request to authorize the City Manager, or his designee, to implement the Bioscience Healthcare Strategic Initiative, including authorization of an Arizona Bioindustry Association (AZBio) membership and participation at the BIO International Convention in 2020. Also, request authorization for the City Treasurer to accept funds from the City's BIO Convention partners to help offset costs associated with the 2020 Convention expenses, and for the City Controller to disburse funds associated with this request. There is no impact to the General Fund. Funding to participate with AZBio and BIO International is available in the Genomics Facilities and Operations Fund, with the request not to exceed $90,000 total for the membership and convention efforts.

This item was adopted.

60 Issuance of Student Housing Revenue Bonds (Downtown Phoenix Student Housing II LLC - Arizona State University Project), Series 2019 (Resolution 21791)

Requests City Council approval for the issuance of Student Housing

Revenue Bonds (Downtown Phoenix Student Housing II LLC - Arizona State University Project), Series 2019, to be issued in one or more tax-exempt and or taxable series in an aggregate principal amount not to exceed $75,000,000.

Summary

Request City Council adoption of a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Ariz. (the "Phoenix IDA"), has previously resolved to issue up to $75,000,000 of Student Housing Revenue Bonds (the "Revenue Bonds") for use by Downtown Phoenix Student Housing II LLC (the "Borrower"), an Arizona limited liability company, to:

a) finance acquisition, construction, and equipping of land and a building to be operated by Arizona State University primarily as residential space for use as student housing in Phoenix, Arizona, and

b) pay certain costs related to the issuance of the Revenue Bonds.

Concurrence/Previous Council Action

The Phoenix IDA Board has previously resolved to issue the Revenue Bonds at its meeting held on Sept. 25, 2019.

Location

The Project is located at the southwest corner of Fillmore Street and First Avenue in Phoenix, Arizona, Council District 7.

With the exception of certain housing bonds, the Phoenix IDA can finance projects located anywhere in Arizona. In addition, the Phoenix IDA may issue bonds to finance projects outside of Arizona, if the out-of-state project provides a benefit within the state.

This item was adopted.

63 Amend Ordinance with Northrop Grumman Systems Corporation to Authorize Exceptions to Liability Provisions (Ordinance S-46105)

Request the City Council amend ordinance S-44609 to enter into contract

with Northrop Grumman for Regional Computer Aided Dispatch maintenance and support services subject to assumption of liability, and waiver of claims provisions prohibited by Phoenix Code §42-18.

Summary

Ordinance S-44609, adopted on May 16, 2018, authorized the City Manager, or his designee, to enter into contract with Northrop Grumman Systems Corporation for Regional Computer Aided Dispatch (CAD) maintenance and support services for the Phoenix Fire Department (PFD). Northrop Grumman Systems Corporation has taken exception to the nonwaiver of liability, specifically unlimited liability. PFD is seeking an exception to Phoenix Code §42-18 in allowing a limitation of damages to three times the Agreement value; and a waiver of indirect damages.

All other provisions of Ordinance No. S-44609 will remain the same. The Law Department has reviewed and approved this language.

This item was adopted.

66 Phoenix Sky Harbor International Airport Terminal 2 Building Demolition, Apron Reconstruction, Mural Relocation, and Garage Demolition - Construction Manager At Risk Construction Services - AV08000082 FAA, AV02000033 (Ordinance S-46084)

Request to authorize the City Manager, or his designee, to enter into an agreement with Kiewit Infrastructure West Co. (Kiewit), to provide Construction Manager at Risk (CMAR) Construction Services for the Phoenix Sky Harbor International Airport (PSHIA) Terminal 2 (T2) Building Demolition, Apron Reconstruction, Mural Relocation, and Garage Demolition 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 $55 million.

Summary

Terminal 2, the apron, and associated systems were constructed over 60 years ago, and they have reached their useful life. Terminal 3 improvements were undertaken to provide gates for airlines operating at T2. This allows T2 to be demolished without an impact to airport capacity

and operations. The project will be delivered in phases that will span several years to align with available Federal Aviation Administration (FAA) grant funding beginning in Fiscal Year 2019-20.

The purpose of the project under the first phase, AV08000082 FAA, is to demolish the PSHIA T2 concourse and reconstruct the apron. This will provide dual taxi lanes and improved operational safety. Phase 1 of the project is eligible to receive FAA funding consistent with the phasing and grant availability.

The purpose of the project under the second phase, AV02000033, is to demolish the PSHIA T2 terminal building (processor). Phase 2 will also include relocation of the art mural to a new airport location with public access and possibly demolition of the T2 parking garage in accordance with the airport's plan for development. Phase 2 of the project is not eligible to receive federal funds.

Kiewit Infrastructure West Co.'s initial services will include preparation of a Guaranteed Maximum Price (GMP) proposal for the Construction Services provided under the agreement and participating with the City in a process to establish a Small Business Enterprise (SBE) goal for the second phase of the project. Kiewit will be responsible for construction means and methods related to the project and fulfilling the SBE program requirements under Phase 2 AV02000033, and the Disadvantaged Business Enterprise (DBE) program requirements under Phase 1 AV08000082 FAA. Kiewit will be required to solicit bids from prequalified subcontractors and to perform the work using the City’s subcontractor selection process. Kiewit may also compete to self-perform limited amounts of work.

Kiewit's services include, but are not limited to: project planning, scheduling, and detailed cost estimating; preparing a GMP; managing site operations; field verification of site conditions; procurement of materials and equipment; providing quality controls; and compliance with 49 Code of Federal Regulations Part 26 and the U.S. Department of Transportation DBE Program.

Procurement Information

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

Contract Term
The term of the agreement is 1,600 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement before the end of the term may be agreed to by the parties, and work may extend past the agreement's termination. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for Kiewit Infrastructure West Co. will not exceed $55 million, including all subcontractor and reimbursable costs.

Funding is available in the Aviation Department's Capital Improvement Program budget. Staff anticipates reimbursement from a FAA grant in Fiscal Year 2019-20, and in future fiscal years. 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 CMAR Preconstruction Services Agreement 148969 (Ordinance S-45240) on Dec. 12, 2018.

Location
3400 E. Sky Harbor Blvd.
Council District: 8

Responsible Department
This item is submitted by Assistant City Manager Deanna Jonovich, Deputy City Manager Mario Paniagua, the Aviation Department, and the City Engineer.

This item was adopted.

67 Amendment Lease with Swissport Fueling, Inc. at Phoenix Sky Harbor Airport (Ordinance S-46098)

Request to authorize the City Manager, or his designee, to amend Lease 132521 with Swissport Fueling, Inc. (Swissport) at Phoenix Sky Harbor International Airport (PHX) by extending the lease term five years with no options to renew and add an additional 17,335 square feet to their leasehold. The total anticipated revenue over the term of the lease will be approximately $169,938.

Summary

Swissport has leased 20,520 square feet of ramp space on the East Cargo Ramp since 2012. The current lease will expire on Dec. 31, 2019. Swissport has requested to continue leasing space to provide parking for their fleet of ground service equipment, fueling equipment, and office trailer. In addition, this amendment will increase their leased space by 17,335 square feet for a total leasehold area of 37,855 square feet.

Contract Term

The term will be for five years with no options to renew. This Agreement will be coterminous with Swissport's Terminal 3 Waste Triturator Agreement 135697.

Financial Impact

Annual rent will be $33,987 ($.90 per square foot) and will be adjusted on an annual basis based on the Phoenix-Mesa-Scottsdale Consumer Price Index (CPI) or 3 percent, whichever is greater. The total anticipated revenue over the term of the lease will be approximately $169,938.

Concurrence/Previous Council Action

This item was recommended for approval by the Phoenix Aviation Advisory Board on Sept. 19, 2019 by a vote of 9-0.

Location

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

This item was adopted.

68 Amendment Lease with Swissport Fueling, Inc. at Phoenix Sky Harbor Airport (Ordinance S-46099)

Request to authorize the City Manager, or his designee, to amend Lease 132684 (Lease) with Swissport Fueling, Inc. (Swissport) at Phoenix Sky Harbor International Airport (PHX) by extending the lease term three years with two one-year options to extend. The total anticipated revenue over the term of the lease, if all options are exercised, will be $337,035.

Summary

Swissport, and Servisair USA, Inc. who was Swissport's predecessor under the Lease, have leased a vehicle fueling facility on the northwest airfield since Jan. 1, 2012. The facility contains 3,983 square feet of land, includes one 10,000 gallon diesel fuel tank, one 20,000 gallon unleaded fuel tank, and associated fueling equipment. The facility is used to fuel ground service equipment. Swissport's current lease will expire Dec. 31, 2019, and they have requested to continue leasing the facility for an additional three years.

Contract Term

The term will be for three years with two one-year renewal options to be exercised at the sole discretion of the Director of Aviation Services. This Agreement will be coterminous with Swissport's Terminal 3 Waste Triturator Agreement 135697.

Financial Impact

Annual rent will be approximately $67,407 ($16.92 per square foot) and will be adjusted on an annual basis based on the Phoenix-Mesa-Scottsdale Consumer Price Index (CPI) or 3%, whichever is greater. The total anticipated revenue over the term of the lease, if all options are exercised, will be $337,035.

Concurrence/Previous Council Action

This item was recommended for approval by the Phoenix Aviation Advisory Board on Sept. 19, 2019 by a vote of 9-0.

Location

Phoenix Sky Harbor Airport, 3400 E. Sky Harbor Blvd.

Council District: 8

This item was adopted.

69 Idemia Identity & Security USA, LLC Lease Agreement at Phoenix Sky Harbor International Airport (Ordinance S-46100)

Request to authorize the City Manager, or his designee, to enter into a lease agreement with Idemia Identity & Security USA, LLC. (Idemia) at Phoenix Sky Harbor International Airport (PHX) for a Transportation Security Administration (TSA) Pre-Check Enrollment Center. The term will be for three years with five, one-year renewal options, which may be exercised by mutual agreement of Idemia and the Director of Aviation Services. The total anticipated revenue over the term, if all options are exercised, will be approximately $597,168.

Summary

Idemia, a TSA Pre-Check Enrollment Center, has requested to lease space in Terminal 4 to provide Pre-Check enrollment services to travelers. Idemia will lease a temporary space in Terminal 4 baggage claim, not to exceed 550 square feet, while construction on a permanent location is completed. At the end of 2019, Idemia will move to the new Premises located directly upstairs on level 2, near the new Southwest ticket counters.

Idemia will be responsible for all maintenance and operational costs.

Contract Term

The term will be for three years with five, one-year renewal options, which may be exercised by mutual agreement of Idemia and the Director of Aviation Services.

Financial Impact

Annual rent will be approximately $74,646 ($135.72 per square foot). Rates subject to annual Rates & Charges adjustments authorized by the Phoenix City Code. The total anticipated revenue over the term, if all options are exercised, will be approximately $597,168.

Concurrence/Previous Council Action

This item was recommended for approval by the Phoenix Aviation Advisory Board on Sept. 19, 2019 by a vote of 9-0.

Location
Phoenix Sky Harbor Airport, 3800 E. Sky Harbor Blvd.
Council District: 8

This item was adopted.

70 Avis Budget Car Rental, LLC Lease at Phoenix Sky Harbor Airport (Ordinance S-46101)

Request to authorize the City Manager, or his designee, to enter into a lease agreement with Avis Budget Car Rental, LLC (ABCR) at Phoenix Sky Harbor International Airport (PHX) for overflow parking of their rental vehicles. The term will be for one year with two, one-year renewal options to be exercised at the sole discretion of the Director of Aviation Services. The total anticipated revenue over the term, if all options are exercised, will be approximately $411,642.

Summary
ABCR currently occupies a 3-acre area within the Tonto parking lot located at 610 S. 24th St. under a Temporary License Agreement with the City. The License Agreement will expire on Oct. 31, 2019, and ABCR has requested to continue leasing this space. The space is used for overflow parking of their rental vehicles. This lease will enable ABCR to meet customer demand, especially during the approaching high season.

Contract Term
The term will be for one year with two, one-year renewal options to be exercised at the sole discretion of the Director of Aviation Services.

Financial Impact
Annual rent will be approximately $137,214 ($1.05 per square foot). The total anticipated revenue over the term, if all options are exercised, will be approximately $411,642.

Concurrence/Previous Council Action

This item was recommended for approval by the Phoenix Aviation Advisory Board on Sept. 19, 2019 by a vote of 9-0.

Location
East Tonto Lot, 610 S. 24th St.
Council District: 8

This item was adopted.

71 Design Review and Construction Oversight Services with Roosevelt Irrigation District - AV41000074 Phoenix Goodyear Airport Drainage Improvements Project (Ordinance S-46103)

Request authorization to amend the access agreement with the Roosevelt Irrigation District (RID) to provide design review and construction oversight services on the Aviation Department's project to develop an underground concrete pipe system as a replacement for an existing open irrigation ditch at Phoenix Goodyear Airport (GYR). Also request authorization for the City Controller to disburse funds in an amount not to exceed $60,000 for these services.

Summary
GYR has an open ditch that runs from north of the airport to the south of the GYR property. RID has been moving irrigation water in this open ditch for over 50 years. The Aviation Department has a grant project to construct an underground concrete pipe system to replace the open irrigation ditch.

On May 1, 2019, City Council authorized the Aviation Department to enter into an access agreement with RID. The Aviation Department is seeking authorization to amend this access agreement to add the design review and construction oversight services to be provided by RID for the project to develop the underground concrete pipe system.

Contract Term
The term of the agreement is 1,095 calendar days.

Financial Impact
The Agreement value will not exceed $60,000, including all subconsultant

and reimbursable costs. Funding is available in the Aviation Department's Capital Improvement Program budget.

Concurrence/Previous Council Action
The access agreement was recommended for approval by the Aviation and Transportation Subcommittee with a vote of 2-0 on April 23, 2019. City Council authorized the access agreement (Ordinance S-45615) on May 1, 2019.

Location
Phoenix Goodyear Airport, 1658 S. Litchfield Road, Goodyear, Ariz.
Council District: Out of City

This item was adopted.

75 Salt River Project Land Use License for Commercial Private Development Project at 8181 W. Roosevelt St. (Ordinance S-46086)

Request to authorize the City Manager, or his designee, to enter into a land use license with Salt River Project (SRP) for a private commercial development project, Ten Industrial Park, located at 8181 W. Roosevelt St.

The land use license is necessary to facilitate the development of the property located at 8181 W. Roosevelt St. The license will allow the construction of right-of-way improvements such as pavement, curb, gutter, sidewalk and utilities along 79th Avenue and will be consistent with and shall not interfere with U.S. Bureau of Reclamation fee property.

Indemnification
The SRP license agreement includes authorization pursuant to Phoenix City Code section 42-20 to indemnify, release and hold harmless SRP for: (A) acts of omissions of the City, its agents, officers, directors or employees; (B) the City's use of occupancy of the licensed property for the purposes contemplated by the license, including but not limited to claims by third parties who are invited or permitted onto the licensed property, either expressed or implied by the City or by nature of the City's improvement or other use of the licensed property pursuant to this license; and (C) the City's failure to comply with or fulfill its obligations established by the license or by laws. Per City of Phoenix Code,

indemnification of another public entity requires approval from the City Council.

Contract Term
The term of the License shall be for 25 years beginning Oct. 1, 2019 and ending Sept. 30, 2044. The license may be renewed upon written agreement by the parties.

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

Location
8181 W. Roosevelt St.
Council District: 7

This item was adopted.

76 Citywide Architectural On-Call Services for Calendar Years 2020 - 2021 (Ordinance S-46092)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the 12 consultants listed in **Attachment A**, to provide Architectural 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 fee for services will not exceed $500,000 for each agreement.

Additionally, request to authorize the City Manager, or his designee, to take all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project and to include disbursement of funds. Utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads, and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary
The On-Call consultants will be responsible for providing Architectural On-Call services that include, but are not limited to: design, construction

administration and inspection, cost estimating, surveys, studies, project management, tenant improvements, historic building assessments, historic building documentation, preservation design guidelines and other historic preservation and architectural related services citywide.

Procurement Information
The selections were made using a qualifications-based selection process set forth in section 34-604 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-604(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. 39 firms submitted proposals and are listed in **Attachment A**.

Contract Term
The term of each agreement is up to two years, or up to $500,000, 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 $500,000, including all subconsultant and reimbursable costs.

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.

77 Planning and Development Department Building Field Inspection On-Call Services for Residential and Commercial Projects Amendment (Ordinance S-46110)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 147116 with Willdan Engineering, Inc., to provide additional Planning and Development Department Building Field

Inspection On-Call Services for Residential and Commercial Projects. Further request to authorize execution of other amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed $300,000.

Summary

The purpose of this work is for the firm to provide on-call field inspections of new construction, alterations, and repairs submitted by commercial and residential property owners for compliance with the Phoenix Building Construction Code and Fire Code.

This amendment is necessary because the Planning and Development Department Residential Inspections team has experienced a 7 percent increase in inspections from this time last year. The use of on-call inspectors will continue to be critical to meet workload demands. To date, Willdan Engineering, Inc. has been able to consistently provide field inspection staff as requested. The Residential Inspection team has been using four Willdan Engineering inspectors. Projections show that their initial contract funds will run out by November 2019; six months prior to the expiration of the agreement. This amendment will provide additional funds to the agreement.

Contract Term

The 24-month term of this agreement is unchanged. The scope of work 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 Building Field Inspection On-Call Services for Residential and Commercial Projects was executed for a fee not-to-exceed $750,000, including all subconsultant and reimbursable costs.

Amendment 1 will increase the agreement value by an additional $300,000, for a new total not-to-exceed agreement value of $1,050,000, including all subconsultant and reimbursable costs.

Funding for this amendment is available in the Planning and Development Department's operating 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 the approved contract limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The City Council approved the Planning and Development Department Building Field Inspection On-Call Services for Residential and Commercial Projects Agreement 147116 (Ordinance S-44349) on March 21, 2018.

This item was adopted.

78 Request to Enter into Joint Funding Agreement with United States Geological Survey for Water Study (Ordinance S-46085)

Request authorization for the City Manager, or his designee, to enter into a Joint Funding Agreement (JFA) with the United States Geological Survey (USGS) to conduct a microgravity survey of groundwater in the City's Northeast Aquifer. Further request to authorize the City Controller to disburse all funds related to this item. The project is projected to cost $465,800; the USGS will contribute an amount not to exceed $215,000 and the City will contribute an amount not to exceed $250,800.

Summary

The USGS provides scientific research in water resource management and has specialized expertise in assessing aquifer water conditions by measuring changes in the earth's gravitational field over time. The USGS has conducted numerous microgravity surveys and is an expert in this scientific method. The Water Services Department (WSD) wishes to employ this aquifer monitoring methodology for a water study in the Northeast Aquifer of the City, where most of the current and future water storage will take place using the City's Aquifer Storage & Recovery (ASR) wells. The purpose of the investigation is to establish the background gravity field and conduct future, repeat measurements over time to assess gravity changes attributed to the City's ASR operations. Upon establishing the baseline network and completing the repeat

microgravity measurements, the USGS will process and analyze the data to produce maps of the gravity and aquifer changes. USGS will compile the data and maps, and then prepare a summary report for the City. The survey results will assist the City in making decisions regarding the temporal and spatial elements of its aquifer storage and recovery program. The total cost of the five-year program is projected to be $465,800.

Contract Term
This JFA will be for a term of three years, with two, one-year options to extend.

Financial Impact
Funding for this project is available in the Water Services Department's Capital Improvement Program budget.

Location
Various locations.
Council District: 2

This item was adopted.

79 Bearings, Oil Seals and Industrial Belts - Invitation for Bids (Ordinance S-46089)

Request to authorize the City Manager, or his designee, to enter into separate agreements with two contractors: Genuine Parts Company dba NAPA Auto Parts, and IBT West, LLC dba Magnum Industrial Distributors (Contractors) to supply bearings, oil seals and industrial belts to support the general operation of the Water Services Department. Further request authorization to execute amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and the City Controller to disburse all funds related to this item. The total agreements value will not exceed $320,000.

Summary
The Contractors will provide various bearings, oil seals, and industrial belts, on an as-needed basis.

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

Three vendors submitted bids and one was deemed non-responsive. The selected bidders are listed below.

Selected Bidders:
Genuine Parts Company dba NAPA Auto Parts
IBT West, LLC dba Magnum Industrial Distributors

Contract Term
The term of each agreement is five years and will begin on Nov. 1, 2019.

Financial Impact
The combined value for the two agreements will not exceed a total value of $320,000.
Funding is available in the Water Services Department's Operating budget.

This item was adopted.

80 Annual Licensure and Software Maintenance and Support Services, Arcadis - Contract Direct Selection (Ordinance S-46093)

Request to authorize the City Manager, or his designee, to enter into an agreement with Arcadis U.S., Inc., for annual licensure and software maintenance and support services. 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 $1,304,400.

Summary
The purpose of this agreement is to provide software license, maintenance and support services for the Water Services Department's Drinking Water Regulations Database (eDWaRD) and the Environmental Permit Compliance Database (EPCD) applications.

The direct selection is necessary because Arcadis remains the only company supporting the Regulatory Compliance Tracking System, including eDWaRD and EPCD.

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

Procurement Information
The selection was made using a direct selection process set forth in City of Phoenix Administrative Regulation 3.10. A direct selection was made because there is only one capable supplier of goods and services due to the unique nature of the requirement, thereby establishing this as a sole-source procurement.

Contract Term
The term of the agreement is for a 10-year period, commencing on Nov. 1, 2019.

Financial Impact
The Agreement value for Arcadis U.S., Inc. will not exceed $1,304,400. Funding is available in the Water Services Department's Operating budget.

This item was adopted.

81 Modification of Stipulation Request for Ratification of Sept. 18, 2019 Planning Hearing Officer Action - Z-103-87-1(3)

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Sept. 18, 2019. This ratification requires formal action only.

Summary
Application: PHO-1-19--Z-103-87-1(3)
Existing Zoning: C-2
Acreage: 1.11
Applicant: Mike Baker
Owner: Thomas Himes

Representative: Mike Baker

Proposal:
Modification of Stipulation 1 regarding general conformance to the site plan dated March 17, 1987.
Deletion of Stipulation 3 regarding conditional approval upon development of a car wash.

Location
General Location: Southeast corner of 5th Place and Union Hills Drive.
Council District: 3
Parcel Address: 515 E. Union Hills Drive.

Concurrence
Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee chose not to hear this case at the Aug. 15, 2019 meeting.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Sept. 18, 2019 and recommended approval with modifications and an additional stipulation. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

This item was approved.

82 Modification of Stipulation Request for Ratification of Sept. 18, 2019 Planning Hearing Officer Action - Z-390-84-8

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Sept. 18, 2019. This ratification requires formal action only.

Summary
Application: PHO-2-19--Z-390-84-8
Existing Zoning: C-2 M-R SP TOD-1
Acreage: 4.81
Applicant: CHPH Holding LLC
Owner: CHPH Holding LLC
Representative: Keith Deutscher, Stewart + Reindersma

Proposal:
Modification of Stipulation 3 regarding general conformance to the site plan presented.
Deletion of Stipulation 4 regarding architectural treatment of hotel and parking structure.
Technical corrections to Stipulations 2 and 5.

Location
General Location: Northwest corner of 44th and Washington streets.
Council District: 8
Parcel Address: 4300 E. Washington St.

Concurrence
Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee chose not to hear this case.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Sept. 18, 2019 and recommended approval with modifications and additional stipulations. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

This item was approved.

83 Amend City Code - Official Supplementary Zoning Map 1189 (Ordinance G-6630)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1189. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-99-88-1(2) and the entitlements are fully vested.

Summary
To rezone multiple parcels located at the southwest corner of Jomax Road and Tatum Boulevard
Z-99-88-1(2)
Zoning: C-2 PCD
Owner: PMH LP, HCP/Utah LLC, HCPI/Utah II LLC, Tatum Highlands Community Association, and the City of Phoenix
Acreage: Approximately 8.86

Location
Southwest corner of Jomax Road and Tatum Boulevard
Council District: 2

This item was adopted.

84 Final Plat - Southeast Corner of 43rd Avenue & Fillmore Street - 190038 - East of 43rd Avenue and South of Fillmore Street

Plat: 190038
Project: 17-3402
Name of Plat: SEC 43rd Avenue & Fillmore Street
Owner(s): Copper Sky Holding, LLC
Engineer(s): EPS Group, Inc.
Request: A 14 Lot Residential Plat
Reviewed by Staff: Sep. 11, 2019
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 43rd Avenue, south of Fillmore Street.
Council District: 4

This item was approved.

85 Final Plat - 23 North - 190047 - Northeast Corner of Royal Palm Road and 23rd Avenue

Plat: 190047
Project: 18-2930
Name of Plat: 23 North
Owner(s): West Royal Development III, LLC
Engineer(s): 3 Engineering, LLC
Request: A 198-Lot Residential Plat
Reviewed by Staff: Sep. 17, 2019
Final Plat requires Formal Action Only

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

easements as shown to the public.

Location
Generally located at the northeast corner of Royal Palm Road and 23rd Avenue.
Council District: 5

This item was approved.

86 Final Plat - Exeter Estates - 190049 - North of Exeter Boulevard and East of Rubicon Avenue

Plat: 190049
Project: 18-3913
Name of Plat: Exeter Estates
Owner(s): E&C Operations, LLC
Engineer(s): Erie & Associates, Inc.
Request: A 4 Lot Residential Plat
Reviewed by Staff: Sep. 18, 2019
Final Plat requires Formal Action Only

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

Location
Generally located north of Exeter Boulevard and east of Rubicon Avenue.
Council District: 6

This item was approved.

87 Final Plat - Teakwood Townhomes - 190050 - 915 E. Missouri Avenue

Plat: 190050
Project: 17-1693
Name of Plat: Teakwood Townhomes
Owner(s): Teakwood Development, LLC
Engineer(s): Buchli Engineering, Inc.
Request: A 21 Lot Residential Subdivision Plat
Reviewed by Staff: Sep. 20, 2019
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

915 E. Missouri Ave.
Council District: 6

This item was approved.

88 **Abandonment of Right-of-Way - V180061A - 1105 E. Gibson Lane (Resolution 21788)**

Abandonment: V180061A
Project: 17-1149
Applicant: Jeff Norman with Hunter Engineering
Request: To abandon an 8-foot alley, dedicated on the west and south line of plat "Dorothy Virginia Place", as recorded in Book 57, Page 34 of the official records with Maricopa County, Arizona.
Date of Hearing: Nov. 13, 2018

Location

1105 E. Gibson Lane
Council District: 8

Financial Impact

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

This item was adopted.

89 **Abandonment of Right-of-Way - V190040A - Northwest Corner of 29th Avenue and Camelback Road (Resolution 21790)**

Abandonment: V190040A
Project: 01-21183
Applicant: Grand Canyon University

Request: To abandon 10 foot of excess right of way, at the northwest corner of 29th Avenue and Camelback Road.
Date of Hearing: Aug. 1, 2019.

Location
Northwest corner of 29th Avenue and Camelback Road.
Council District: 5

Financial Impact
A fee was also collected as part of this abandonment in the amount of $1,550.

This item was adopted.

90 Draft Infrastructure Financing Plan: 2020 Update

Request to approve the Draft Infrastructure Financing Plan: 2020 Update and conclude the public comment period, as required by Arizona Revised Statutes (ARS).

Summary
Arizona’s development impact fee enabling statute ARS 9-463.05 requires cities to review and, if necessary, update development impact fees every five years. Impact fees are assessed on building permits within designated "new development" areas to help pay for certain capital facilities that are required to serve new development. Phoenix currently administers nine development impact fee programs including: Fire Protection, Police, Parks, Libraries, Major Arterials, Storm Drainage, Water, Wastewater, and Water Resources Acquisition. The City's last impact fee update was approved by City Council on Jan. 21, 2015 and the fees took effect on April 5, 2015. In addition to maintaining compliance with impact fee rules, updating the impact fee program helps to ensure fees are in-line with current growth projections, infrastructure plans, and facility costs. In accordance with Arizona impact fee rules, draft land use assumptions (LUAs) and infrastructure improvements plans (IIPs) for each impact fee category have been prepared, and made available to the public. The draft LUAs and IIPs have been consolidated in a single document titled *Draft Infrastructure Financing Plan: 2020 Update* (Draft IFP) that, along with several supplemental reports, was posted to the City's website on July 1, 2019. The Draft IFP may be viewed online at:

https://www.phoenix.gov/pdd/devfees/impactfees/draftifp.

Public Hearing

A public hearing on the draft LUAs and IIPs was conducted on Sept. 4, 2019, in accordance with A.R.S. 9-463.05. The staff report for the public hearing, that summarizes significant proposed changes reflected in the Draft IFP and compares the current and the draft proposed impact fees, is incorporated with this staff report as **Attachment A**.

Public Comment Period

Comments received on the Draft IFP during the public comment period will be considered for incorporation in the Final Infrastructure Financing Plan: 2020 Update, that will be prepared and made available to the public soon after the Draft IFP is approved by City Council. The only public comments received to date were submitted by the Impact Fee Ad Hoc Committee on Sept.11, 2019. The recommendation letter prepared by the Impact Fee Ad Hoc Committee is incorporated with this staff report as **Attachment B**.

Concurrence

A presentation of the development impact fee review process and preliminary recommendations for the draft IFP was provided to the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019 for information and discussion.

This item was approved.

Item 31 Ordinance S-46083 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.

31 Strongwatch doing business as Freedom Surveillance, LLC.

For $57,000.00 in payment authority to purchase an upgrade to the portable, vehicle-mounted camera system used by the Police Department's Homeland Defense Bureau. The equipment is used to

provide live video of events for the command post, allowing decision makers to make critical decisions using real-time information. The system can also record imagery, providing evidence that can be used to help further investigations of incidents. The camera system was purchased by the Phoenix Homeland Defense Bureau with Urban Areas Security Initiative grant funds in 2010. Technology has changed significantly since then and the vendor can no longer support the existing system in its current outdated configuration. The upgrade will supply new hardware components and installation and training services to ensure fully functional operation of the camera system. This critical tool is used by the Phoenix Police Department to provide life safety services to the public and used during critical incidents and complicated scenes.

Discussion

Councilman DiCiccio noted he had a concern about a machine that monitored individuals doing normal things, as well as individuals who go out and protest. He suggested this was something the government should not infringe on, and added the City had a great Police Department. He stated he would not be voting for Item 31.

Councilman Garcia said he agreed investing in this technology would infringe on First Amendment rights, and commented he would be voting no on Item 31.

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

Yes:	5 -	Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego
No:	3 -	Councilman DiCiccio, Councilmember Garcia and Councilwoman Guardado
Absent:	1 -	Councilman Nowakowski

Discussion

Mayor Gallego mentioned Items 40, 73 and 74 were all related to light rail, and asked councilmembers if they would be comfortable voting on these items together.

A motion was made by Councilwoman Williams, seconded by

Councilwoman Guardado, that Items 40, 73, and 74 be adopted. The motion carried by the following vote:

Yes:	6 -	Councilmember Garcia, Councilwoman Guardado, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams and Mayor Gallego
No:	2 -	Councilman DiCiccio and Vice Mayor Waring
Absent:	1 -	Councilman Nowakowski

40 Acquisition of Real Property and Related Easements and Licenses for South Central Extension/Downtown Hub (SCE/DH) and Northwest Extension Phase II (NWEII) Light Rail Projects (Ordinance S-46087)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests through either: (1) donation, (2) purchase within the City's appraised value, (3) purchase at a settlement amount arrived at through mediation (and determined by the City Manager or his designee to be reasonable under the circumstances), or (4) eminent domain, for SCE/DH and NWEII, and to provide relocation assistance and benefits as federally mandated. Further request authorization to dedicate land with roadway and/or public improvements to public use for right-of-way or utility purposes via separate recording instruments, accept and grant all easements along the alignments, and execute all necessary licenses and agreements in furtherance of this ordinance. Further request authorization for the City Controller to disburse, and for the City Treasurer to accept, all funds related to this item.

Further request the City Council to grant an exception pursuant to Phoenix City Code § 42-20 to authorize inclusion of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code § 42-18 within the documents for those transactions between the City and other government agencies.

Summary

The City will acquire real property; dedicate rights-of-way; accept, dedicate, and grant easements; and execute real property licenses and agreements necessary for the construction of public improvements based on design plans for each project. Improvements include: rail,

stations, curbing, gutter, sidewalks, landscape, and other infrastructure required to accommodate the projects. The City will also provide relocation assistance and benefits as mandated for federal and federally-assisted programs under the Uniform Relocation Assistance and Real Property Acquisition Act (Uniform Act).

The improvements for SCE/DH will provide transit users with connections from a transit hub in downtown Phoenix to Baseline Road, the proposed new Metrocenter transit center, and the East Valley. This project includes the downtown hub, a reconfigured park and ride at the Ed Pastor Transit Center, a park-and-ride at Central Avenue and Baseline Road, five and one-half miles of track, nine stations, two roundabouts, four traction power substations, two signal buildings, and public art elements. The properties impacted by SCE/DH are identified in **Attachment A**.

The improvements for NWEII will provide transit users with connections from the proposed Metrocenter park-and-ride and transit center to SCE/DH and the East Valley. This project includes a park-and-ride and transit center at Metrocenter, shared parking at Rose Mofford Park, one and one-half miles of track, three stations, two traction power substations, one signal building, and public art elements. The Metrocenter transit center and park-and-ride will include manned security, closed-circuit cameras, transit center ticket vending machines, and berths for local and rapid routes. The properties impacted by SCE/DH are identified in **Attachment B**.

Financial Impact

SCE/DH and NWEII are funded with Federal, Regional and T2050 funding. Funds are available in the Public Transit Department's Capital Improvement Program budget.

Concurrence/Previous Council Action

This item was recommended for approval at the Citizens Transportation Commission Meeting on Oct. 1, 2019, by a vote of 6-2-1 (one abstention).

This item was recommended for approval at the Transportation, Infrastructure and Innovation Subcommittee meeting on Oct. 2, 2019, by a vote of 3-0.

Location
SCE/DH is located on Central and 1st avenues, Washington and Jefferson streets, and 1st Avenue and McKinley Street in the downtown area then extends from downtown, south along Central Avenue to Baseline Road
Council District: 7, 8

NWEII is located along Dunlap Avenue at 19th Avenue then extends west along 25th Avenue to Mountain View Road, over Interstate-17 to Metrocenter
Council District: 1, 3, 5

This item was adopted.

73 South Central Extension/Downtown Hub Project Funding Agreement Amendment (Ordinance S-46116)

Request to authorize the City Manager, or his designee, to enter into a contract change order with Valley Metro Rail, Inc (VMR) to amend Agreement 140604 on the South Central Extension/Downtown Hub (SCE/DH) Project for an additional amount not to exceed $159 million to fund continued progress toward completion of professional design, construction services, and associated activities. Further request authorization for the City Controller to disburse funds in an amount not to exceed $159 million.

Summary
The SCE/DH Project is a 5.5-mile light rail project extending south from Jefferson Street to Baseline Road along Central Avenue, and it includes the creation of a rail transfer hub in downtown Phoenix (see **Attachment A**). This Project will include nine new light rail stations and two park-and-rides: one at the existing Ed Pastor Transit Center at Central Avenue and Broadway Road, and one end-of-line facility at the northwest corner of Central Avenue and Baseline (see **Attachment B**).

In May 2014, the VMR Board of Directors approved light rail transit on Central Avenue as the preferred transit mode and alignment for the South Central Corridor. In September 2014, the City of Phoenix was awarded a Transportation Investment Generating Economic Recovery (TIGER) Grant from the United States Department of Transportation (USDOT) to

conduct an environmental assessment and preliminary engineering for the project. In December 2015, VMR entered into agreement no. 140604 with the City of Phoenix to fund activities associated with this effort. The agreement totaled $3.2 million, with the USDOT (TIGER Grant) and the City of Phoenix (by T2050 Funds) each providing $1.6 million. In August 2015, Phoenix voters approved Proposition 104, moving the multi-modal Transportation 2050 Plan forward. In November 2015, the Federal Transit Administration (FTA) officially approved inclusion of the SCE/DH Project into the Project Development Phase under the Capital Investment Grant (CIG) New Starts Program.

In January 2016, following voter approval of Proposition 104, City Council took action to accelerate project completion and approved an amendment to the original funding agreement for an additional $1.5 million. This amendment was for the completion of several grant/project readiness items required by FTA to demonstrate the project's technical, financial, and legal readiness for construction.

On Jan. 6, 2017, the FTA granted project environmental clearance with a Finding of No Significant Impact (FONSI) ruling, which made activities in the agreement eligible for FTA reimbursement. In February 2017, City Council approved an amendment to the funding agreement with VMR in the amount of $50 million to provide initial funding to implement professional design and construction services for the SCE/DH Project.

On April 15, 2019, the FTA granted project approval to enter the engineering phase of the CIG New Starts Program. A portion of the FTA grant is anticipated for the SCE/DH Project in late 2020, with annual grant funding allocations anticipated for the project over multiple years. To keep this Project on schedule, the FTA has provided pre-award authority for design, land acquisition, utility relocations, long-lead procurement items (such as light rail vehicles and special track work), and construction activities. This pre-award authority allows VMR to utilize Phoenix's and VMR's funds to advance the project. The FTA will then reimburse its funding share (after the federal grant is approved) on an annual basis.

The additional funding needed at this time by VMR to advance the design, construction services, and associated activities is estimated at

$159 million. This funding also covers: final design services (such as preparation of legal descriptions of right-of-way, permits, insurance, and other legal documentation) as required; archaeology data testing and recovery; plan reviews by third parties; community relations support through design; business assistance; and other surveys, testing, and inspections.

Upon receiving City Council authorization, the City will amend its agreement with VMR to provide an additional $159 million to advance the SCE/DH Project. Because the schedule for the disbursement of federal funding is based on a reimbursement process and is expected to exceed the project construction schedule, a future amendment to the agreement will be required to advance the necessary additional funding to VMR for project completion. The future amendment will be requested after the City receives authorization for the financing needed to cover costs that will be later reimbursed through federal CIG funding.

Financial Impact

The estimated total cost to advance the professional design, construction services, and associated activities is $159 million. Funds are available in the Public Transit Department's Capital Improvement Program budget.

Concurrence/Previous Council Action

This item was recommended for approval at the Citizens Transportation Commission meeting on Oct. 1, 2019 by a vote of 7-1-1(abstain).

This item was recommended for approval at the Transportation, Infrastructure and Innovation Subcommittee meeting on Oct. 2, 2019, by a vote of 4-0.

Location

Central Avenue from Jefferson Street to Baseline Road (see **Attachment A**).
Council Districts: 7, 8

This item was adopted.

74 Northwest Extension Phase II Funding, Design and Construction Agreement Amendment (Ordinance S-46117)

Request to authorize the City Manager, or his designee, to enter into a contract change order with Valley Metro Rail (VMR) to amend Agreement 1409001 for the Northwest Extension Phase II (NWEII) Project for an additional amount not to exceed $79.4 million to fund continued progress toward the completion of professional design, construction services, and associated activities. Further request authorization for the City Controller to disburse funds in an amount not to exceed $79.4 million.

Summary

The NWEII Project is a 1.5-mile light rail project extending west on Dunlap Avenue from 19th Avenue to 25th Avenue, then northward to Mountain View Road, then to a terminus west of Interstate 17 adjacent to the Metrocenter Mall (see **Attachment A**). This project will include an elevated structure over Interstate 17 and will terminate just west of the freeway. The Project will include three new stations, a shared parking location at Rose Mofford Park, and an end-of-line park-and-ride facility that includes a relocated and expanded Metrocenter Transit Center (see **Attachment B**).

In January 2016, the Phoenix City Council approved accelerating segments of the future high capacity/light rail transit system, including the NWEII Project. In June 2017, the Federal Transit Administration (FTA) approved VMR's request to enter the project development phase under the Capital Investment Grant (CIG) New Starts Program. The initial Environmental Assessment (EA) and preliminary engineering have been completed, and a submittal to enter the engineering phase of the CIG New Starts Program was made to the FTA in July 2019. A re-evaluation of the EA and final design are currently underway and are expected to be completed by fall 2020.

VMR awarded a contract for pre-construction services on the NWEII Project to Kiewit-McCarthy Joint Venture in September 2017. A systems design contract to support this project was awarded to PGH Wong Engineering in September 2017. VMR also awarded seven public art services contracts in November 2017. In April 2018, City Council approved a funding agreement with VMR in the amount of $25 million to begin professional design and pre-construction services for the NWEII Project. In December 2018, VMR entered into Agreement 149001 with the City of Phoenix to fund activities associated with these efforts.

The additional funding needed by VMR for Phoenix's share of the costs to advance the professional design, construction services, and associated activities is estimated at $79.4 million. This also covers: final design services, preparation of legal descriptions for right-of-way, permits, insurance, and other legal documentation as required; archaeology data testing and recovery; plan reviews by third parties; community relations support through design; business assistance; and other surveys, testing, and inspections.

Upon receiving City Council authorization, the City will amend its agreement with VMR to provide an additional $79.4 million to advance the NWEII Project. Because the schedule for the disbursement of federal funding is based on a reimbursement process and is expected to exceed the project construction schedule, a future amendment to the agreement will be required to advance the necessary additional funding to VMR for project completion. The future amendment will be requested after the City receives authorization for financing needed to cover costs that will be later reimbursed through federal CIG funds.

Financial Impact

The estimated total cost for professional design, construction services, and associated activities is $79.4 million. Funds are available in the Public Transit Department's Capital Improvement Program Budget.

Concurrence/Previous Council Action

This item was recommended for approval at the Citizen Transportation Commission meeting on Oct. 1, 2019, by a vote of 7-1-1 (abstain).

This item was recommended for approval at the Transportation, Infrastructure and Innovation Subcommittee meeting on Oct. 2, 2019, by a vote of 4-0.

Location

Extends west on Dunlap Avenue from 19th Avenue, then north on 25th Avenue and west on Mountain View Road, then to a terminus west of Interstate 17 adjacent to the Metrocenter Mall (see **Attachment A**).
Council Districts: 1, 3 and 5

This item was adopted as corrected.

46 Ordinance Authorizing the Issuance of Obligations to Finance Airport Improvements (Ordinance S-46107)

An ordinance authorizing the City Manager, or his designee, to cause the issuance no more than $180 million of obligations of or by a municipal property corporation or by a private leasing company as short-term and/or long-term obligations and to issue long-term obligations to refund short-term obligations, including execution and delivery of all leases and other agreements necessary or appropriate for the financing of costs of expanding and improving airport facilities of the City and to refund currently outstanding obligations issued for such purposes and in each case, related financing costs; and authorizing the City Controller to expend all necessary funds therefor.

The issuance of the bonds to finance Aviation projects will free up cash that was allocated for such projects in order to pay down nearly all of Aviation's City of Phoenix Employee Retirement System (COPERS) net pension liability, thus reducing the airport's operating expenditures.

Summary

The City plans to issue obligations this fall to fund various airport improvements related to the Comprehensive Asset Management Plan as presented at the City Council Policy Meeting on June 11, 2019. As part of the financial planning process, the Finance and Aviation departments evaluated the possibility of issuing an additional amount, not to exceed $180 million, to fund aviation projects that were originally budgeted to use pay-as-you-go funds. By issuing an additional $180 million in obligations, the City would be able to use the pay-as-you-go funds to pay down Aviation's portion of the COPERS net pension liability of approximately $184 million. This trades one type of debt obligation for another and will only be implemented if there are no negative financial or operational impacts to the enterprise funds. This would help the City's overall financial position and will reduce expenses to the airport.

This methodology is part of the pension strategy approved by City Council on May 15, 2019 and demonstrates the City is resolute in solving pension liability issues. The City needs to continue to find ways to

decrease the liability while still providing budget flexibility allowing the City to provide necessary services to its citizens. The City has always and will continue to pay 100% of the annual required contribution for the pension systems, has established a Pension Reserve Fund, and is actively monitoring changes in the financial stability of the system. As with all pension systems, this is a long-term issue and solutions from pension reform will take time to eventually ease financial burdens.

Financial Impact

It is estimated that this could save the Aviation Enterprise Fund approximately $700,000 to $1 million per year depending on the financial markets and will increase the funded percentage of COPERS from 60.82 percent to 63.84 percent.

Discussion

Councilman DiCiccio thanked staff, and stated he believed the City had a problem with pensions. He noted this was a creative way to handle that problem, and talked about how the City would use lower interest rate bonds with a return of 7.5 percent. He stated this would save the City between $700,000 and $1 million, and thanked Council District 6 Chief of Staff Sam Stone, Chief Financial Officer Denise Olson, and City Manager Ed Zuercher for putting this together. He said the savings would be at least $700,000-per-year over a 25-year period, and added this could be looked into for other parts of the City. He mentioned the City was looking at creative and new ways of solving long-term debt, and commented he always considered pensions to be an issue that had to be dealt with.

Mayor Gallego complimented staff who worked on this and in particular Ms. Olson. She stated this would help the City stay committed to addressing pensions, and added this was a very significant vote.

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego

No: 0

54 **Phoenix Business and Workforce Development Board Consulting Services Contract Award (RFP-CED19-LBC) (Ordinance S-46097)**

Request to authorize the City Manager, or his designee, to enter into a contract with Sheila Murphy, LLC, or its City-approved designee, to prepare the Phoenix Business and Workforce Development Board's 2020-23 Strategic Plan and the 2020-24 Local Workforce Development Area Plan (Local Plan). Further request for the City Controller to disburse up to $106,750 associated with this contract. There is no impact to the General Fund.

Summary

The Phoenix Business and Workforce Development Board (PBWDB or Board) is a local workforce development board established by federal law in the Workforce Innovation and Opportunity Act (WIOA). The Board, in partnership with the Mayor's Office, is a collaboration of local business, education, and community-based partners working to address and solve workforce and economic development issues in the greater Phoenix community by actively engaging the local workforce development system and stakeholders. The successful proposer will lead the Board through a long-range planning process for both the Strategic Plan and the Local Plan, which are required by WIOA and the State of Arizona, respectively.

Procurement Information

RFP-CED19-LBC, Local Board Consulting Services, was issued on July 1, 2019 and conducted in compliance with Administrative Regulation 3.10. Three proposals were received, one of which was deemed non-responsive. A panel evaluated the responsive proposals based on:

Primary Consultant’s Qualifications and Experience (0-275 points)
Approach to Scope of Work (0-250 points)

Proposer's Qualifications and Experience (0-250 points)
Fees (0-225 points)

The evaluation results are listed below:
Sheila Murphy, LLC: 875 points
Thomas P. Miller & Associates, LLC: 700 points

Staff recommends the Sheila Murphy, LLC proposal as the highest-scored, responsive, and responsible proposal that is most advantageous to the City.

Contract Term
The two-year contract will begin on or about Nov. 1, 2019, with two one-year renewal options.

Financial Impact
The aggregate value of the contract, including renewal options, shall not exceed $106,750. There is no impact to the General Fund; WIOA grant funds will be used to pay for these services.

Concurrence/Previous Council Action
This item was approved by the PBWDB at its Oct. 10, 2019 meeting.

Discussion
Mayor Gallego explained this item was related to long-range planning for the Phoenix Business and Workforce Development Board (PBWDB). She said there were exciting things in workforce development such as helping the healthcare workforce in areas like the nursing shortage, as well as the construction job shortage. She acknowledged there were people in the audience that would help with this City partnership to address workforce issues in the fastest growing city in the country.

Vice Mayor Waring asked City Manager Ed Zuercher if the federal government made the City do this.

Mr. Zuercher responded yes.

Mayor Gallego clarified the City submits a workforce plan, and this item is

related to that.

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

Yes:	8 -	Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego
No:	1 -	Councilman DiCiccio

Discussion

Councilwoman Williams made a motion to adopt Items 57, 58, 59, and 61.

Councilwoman Pastor seconded the motion.

Leonard Clark spoke in favor of Item 61, and mentioned he supported the safety of police officers. He talked about rebuilding trust with the community and police officers, and suggested these cameras will help. He noted this would be a small beginning to building back trust.

Councilman DiCiccio talked about membership dues for organizations the City interacts with, and suggested the City spends hundreds of thousands of dollars every year on membership organizations. He commented on the City not having enough money for after-school programs, senior services and other programs, and added interactions with individuals could be done telephonically rather than through an organization. He stated he would normally vote against these items, and noted he would vote against these items today.

Councilwoman Guardado said she represented WESTMARC, and mentioned it was important to have a voice for those she represents as west Phoenix continues to grow with so much development. She stated the membership with WESTMARC was a good thing because Phoenix is the largest city in the valley, and noted it was important to have a voice and give some direction on how things get done in west Phoenix.

Mayor Gallego thanked Councilwoman Guardado for her work on economic development and other key issues. She mentioned residents in west Phoenix

commute across Interstate 17 to get to their jobs, and added the more the City could do to develop great job opportunities closer to their neighborhood the better.

Councilwoman Pastor stated Item 61 was important to her not only for the community but for the police officers. She mentioned her appreciation for the fact that all precincts and police officers would have body cameras and wear them.

Note: The following individuals submitted comment cards in favor of Items 58 and 59, but did not wish to speak:

Steve Hamel
Andy Norman
Damian Serafine
Nickie Casciaro
Amilyn Pierce
Dan Klocke

A motion was made by Councilwoman Williams, seconded by Councilwoman Pastor, that Items 57, 58, 59, and 61 be adopted. The motion carried by the following vote:

Yes:	7 -	Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams and Mayor Gallego
No:	2 -	Councilman DiCiccio and Vice Mayor Waring

57 WESTMARC Membership Dues for Fiscal Year 2019-20 (Ordinance S-46113)

Request to authorize the City Manager, or his designee, to authorize membership dues to Western Maricopa Coalition (WESTMARC) for Fiscal Year 2019-20 in the amount of $15,000. Further request authorization for the City Controller to disburse funds related to this item.

Summary
WESTMARC was formed in 1990 to address important issues facing the West Valley's economic prosperity. WESTMARC, a public-private

partnership, actively promotes the West Valley region of Greater Phoenix (area west of I-17) and represents 15 cities, the West Valley business community and educational sector. In partnership with Community and Economic Development Department (CEDD), WESTMARC gives specific focus to the Maryvale, Estrella and Laveen villages.

Membership fees are based on population, and communities with greater than 100,000 residents are asked to contribute $15,000. CEDD participates on WESTMARC's Economic Development Committee and other strategic initiatives such as a recent workforce study which highlighted the size of the labor pool and diverse skill sets of West Valley workers. CEDD has also promoted West Phoenix Opportunity Zones and feature sites for restaurant and retail development at pitch events. Additionally, the membership provides a table of 10 to each of the WESTMARC Signature Events including the Annual Meeting, Governor's State of the State Luncheon and Economic Development Summit.

In previous years, the WESTMARC membership request was managed via the City’s Government Relations Office, however CEDD finds great value in the membership and can participate in a variety of capacities.

Financial Impact
Memberships dues for July 1, 2019 through June 30, 2020 are $15,000. Funding is available in the Community and Economic Development Department budget.

Concurrence/Previous Council Action
This item was recommended for approval at the Workforce and Economic Development Subcommittee meeting on Sept. 25, 2019, by a vote of 4-0.

Location
West Phoenix
Council District(s): 1, 4, 5, 7, 8

This item was adopted.

58 2020 Downtown Enhanced Municipal Services District Estimate of

Expenses, Assessment of Expense and Set Public Hearing Date (Resolution 21787)

Request the City Council approve the 2020 Downtown Enhanced Municipal Services District (Downtown EMSD) estimate of expenses, assess this total on the Downtown EMSD, and set the date of Nov. 6, 2019 for the public hearing on the estimated assessments, pursuant to Arizona Revised Statutes (A.R.S.) 48-575. The City of Phoenix estimated annual expenditure for this program is $1,329,856.

Summary

The City Council authorized formation of the Downtown EMSD in 1990 to provide enhanced public services, above and beyond the level of services provided in the remainder of the City. The costs for the Downtown EMSD's services are paid through assessments on property owners within the Downtown EMSD boundaries. The City contracts directly with Downtown Phoenix, Inc. (DPI) to implement the work program, as described in **Attachment A**, of the Downtown EMSD. The Downtown EMSD is generally bounded by Fillmore Street, 7th Street, 3rd Avenue and the railroad tracks south of Jackson Street.

2020 Downtown EMSD Estimate of Expenses

The work plan and budget for 2020 provides a variety of enhanced services in the downtown core, including the Ambassadors program, streetscape improvements and maintenance, the Clean Team program, marketing, event promotion, business assistance and transportation services.

In June 2019, the Downtown EMSD Board of Directors, which includes representatives of the City and other Downtown EMSD property owners, approved a proposed 2020 Downtown EMSD budget of $4,069,672. This includes $156,315 for streetscape maintenance expenses, which are paid only by property owners and tenants adjacent to the Streetscape Improvement District. The Streetscape Improvement District includes certain portions of Monroe Street from 3rd Avenue to 7th Street; Adams Street from 2nd Avenue to 2nd Street; 2nd Street from Jefferson Street to Van Buren Street; and 3rd Street from Monroe Street to Van Buren Street.

This proposed budget represents a 3.74 percent increase over the 2019 budget. The total increase is approximately $146,892, and is distributed among the approximately 785 parcels in the Downtown EMSD. The increase is driven by fixed costs (utilities, liability insurance and health insurance) and does not add new full-time employees. DPI continues to increase services including improving walkability by adding and maintaining trees, trash pickup, graffiti removal and assistance with conventions. These expenses are outlined below.

Estimated District Expenses: $3,913,357
Estimated Streetscape Maintenance Expenses: $156,315
Total estimated of District Expenses: $4,069,672

Assessment of Expenses

The annual assessments for the Downtown EMSD will be levied for the 2020 calendar year after the required Downtown EMSD approval process has been completed. Assessments are determined in proportion to the benefits received by each parcel.

The proposed 2020 Downtown EMSD assessment diagram indicates the properties to be assessed for enhanced municipal services. This proposed diagram is on file in the Office of the Director of the City of Phoenix Street Transportation Department. The proposed assessments and diagram are based on the estimate of expenses and property data available as of May 7, 2019. The proposed 2020 Downtown EMSD assessment diagram was completed on June 10, 2019.

Public Hearing Date

It is requested that the City Council set the date of Nov. 6, 2019 as the date for the public hearing on the 2020 Downtown EMSD assessments.

Financial Impact

The City's estimated annual expenditure for this program is $1,329,856, which includes: $377,169 from the General Fund (which represents an approximately $9,053 increase from 2019); $559,892 from the Convention Center; $133,738 from the Sports Facilities Fund; $9,342 from the Genomics Facilities Operations and Maintenance Fund; and

$249,715 from collections from tenants on City-owned properties.

Concurrence/Previous Council Action
This item was recommended for approval at the Workforce and Economic Development Subcommittee meeting on Sept. 25, 2019, by a vote of 3-0.

Public Outreach
A public hearing will be held for property owners to discuss the proposed assessments, costs, and services for the 2020 calendar year provided in connection with the Downtown EMSD. If approved, the public hearing would be set for Nov. 6, 2019 at 2:30 p.m., in the Phoenix City Council Chambers. All property owners are notified by mail of their annual assessment cost by the Street Transportation and Community and Economic Development Departments 20 days prior to the public hearing. Notice of the public hearing also will be published in the Record Reporter as specified below. No further notification is required after the public hearing.

Published:
The Record Reporter
Oct. 23, 2019.
Oct. 25, 2019.

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

This item was adopted.

59 2020 Downtown Enhanced Municipal Services District Assessment Diagram (Resolution 21789)

Request City Council approval of the Downtown Enhanced Municipal Services District (EMSD) Assessment Diagram. There is no financial impact as a result of this request.

Summary

The City Council authorized formation of the Downtown EMSD in 1990 to provide enhanced municipal services, above and beyond the level of services provided in the remainder of the City. The Downtown EMSD is generally bounded by Fillmore Street, 7th Street, 3rd Avenue and the railroad tracks south of Jackson Street. The costs for the Downtown EMSD's services are paid through assessments on property owners within the Downtown EMSD boundaries.

The proposed 2020 Downtown EMSD Assessment Diagram (2020 EMSD Diagram), indicates the properties to be assessed and is on file in the office of the Director of the City of Phoenix Street Transportation Department, and may also be viewed at phoenix.gov/econdev/Reports-Maps. The proposed assessments and 2020 EMSD Diagram are based on the estimate of expenses and property data available as of May 7, 2019. The proposed diagram was completed on June 10, 2019. Per Arizona Revised Statutes (A.R.S.) 48-575(d) the 2020 EMSD Diagram shows each separate lot numbered consecutively, the area in square feet of each lot, and the area in square feet of any building or buildings located on each lot.

Public streets, alleys, and property utilized for residential purposes that do not benefit by the enhanced municipal services are excluded from this proposed 2020 EMSD Diagram.

This request for Council action includes a Resolution approving the 2020 EMSD Diagram.

Financial Impact

There is no financial impact for approving the 2020 EMSD Diagram.

Concurrence/Previous Council Action

This item was recommended for approval at the Workforce and Economic Development Subcommittee meeting on Sept. 25, 2019, by a vote of 3-0.

Public Outreach

A public hearing will be held for property owners to discuss the proposed

assessments, costs, and services provided in connection with the Downtown EMSD. The public hearing is set for Nov. 6, 2019, at 2:30 p.m., in the Phoenix City Council Chambers. All property owners are notified by mail of their annual assessment cost by the Street Transportation and Community and Economic Development Departments 20 days prior to the public hearing. Notice of the public hearing also will be published in the Record Reporter as specified below. No further notification is required after the public hearing.

Published:
The Record Reporter
Oct. 23, 2019
Oct. 25, 2019

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

This item was adopted.

61 Body Worn Cameras - Requirements Contract - RFP 18-056A (Ordinance S-46104)

Request the City Manager, or his designee, to authorize additional expenditures for Contract 149316 with Axon Enterprise, Inc. for the acceleration of the body worn camera deployment schedule for the Phoenix Police Department (PPD), originally awarded on Feb. 6, 2019. Further request authorization for the City Controller to disburse all funds related to this item. Upon approval of the additional expenditures of $450,000, the revised aggregate value will be $6,179,284.

Summary
The Police Department's body worn camera rollout began with the Maryvale-Estrella Mountain Precinct, along with two Crisis Intervention Squads assigned to the Community Relations Bureau. The remaining six precincts: Mountain View, South Mountain, Cactus Park, Central City, Desert Horizon and Black Mountain were then deployed. The deployment schedule corresponds with the distribution of officer-involved shootings

throughout the City in 2018. Upon approval of the additional funds, the deployment schedule will be accelerated allowing for the Special Assignments Unit (SWAT), Traffic Unit and Transit Unit to be equipped with body worn cameras this fiscal year. The accelerated deployment schedule will allow the Police Department to continue to demonstrate their committment to transparency, ensure the accountability of its members and increase the public's trust in police officers.

Financial Impact
Upon approval of the additional expenditures of $450,000, the revised aggregate value will be $6,179,284. Funds are available in the Police Department's Operating Budget.

Concurrence/Previous Council Action
This item was originally approved by Formal Council Action on Feb. 6, 2019.

This item was adopted.

Discussion
Note: Items 62 and 64 were heard together.

Leonard Clark spoke in favor of Items 62 and 64, and suggested he was always nervous about the government being too powerful. He talked about terrorism in the Middle East, and commented Phoenix was a high value target to terrorists. He continued to talk about terrorism in the Middle East, and asked for the Republican party to do something about it.

A motion was made by Vice Mayor Waring, seconded by Councilwoman Williams, that Items 62 and 64 be adopted. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego

No: 0

62 Counterterrorism Training - RFA 19-144 (Ordinance S-46091)

Request to authorize the City Manager or his designee, to enter into a contract with Lion Global Foundation, dba Counterterrorism Education Learning Lab (CELL), to provide the Police Department with counterterrorism training in an amount not to exceed $100,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Police Department's Homeland Defense Bureau is a contributing partner at the Arizona Counterterrorism Information Center (ACTIC), the federally recognized fusion center for the State of Arizona. The stated mission of the ACTIC is to protect the people and the critical infrastructure of the state. Many of the nation's critical infrastructure assets are privately owned. ACTIC has a dedicated public engagement effort known as the Community Liaison Program, designed to foster and maintain strong working relationships with private sector partners. The CELL has developed a Community Awareness Program (CAP) in partnership with the U.S. Department of Homeland Security (USDHS) and the Federal Bureau of Investigation's Joint Terrorism Task Force. The CAP educates citizens on how to recognize and report suspicious activity in order to prevent terrorism and criminal acts. Since its inception, the CAP has become an effective community policing tool that enhances the safety and security of the public. The Homeland Defense Bureau's Threat Mitigation Unit (TMU) is responsible for creating and implementing the plan to protect critical infrastructure, not only in the Phoenix metropolitan area, but around the state as well. The TMU would like to take advantage of the effort and expertise already in existence to develop the CELL's Community Awareness Program for the ACTIC and implement this certified program locally for the Arizona public safety community to use.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition determination memo citing Lion Global Foundation, dba CELL, as the proprietary community awareness training program created in partnership with the USDHS and the FBI's Joint Terrorism Task Force. A Special Circumstance Without Competition determination memo was completed

and approved by the Deputy Finance Director recommending the procurement with Lion Global Foundation, dba CELL be accepted.

Contract Term
The three-year contract term will begin on or about Oct. 17, 2019 and end on or about Oct. 16, 2022, with the option to extend the contract term up to two (2) years, in one (1) year increments.

Financial Impact
The expenditures against this contract shall not exceed the aggregate amount of $100,000. Funds are available in the Police Department's budget.

This item was adopted.

64 Authorization to Apply for, Accept and Enter into Agreements for 2019 Department of Homeland Security Securing the Cities Program Grant Funding (Ordinance S-46112)

This report requests City Council approval of the authorization for the City Manager, or his designee, to approve an application from the Office of Homeland Security and Emergency Management to apply for, accept and enter into agreements with the U.S. Department of Homeland Security for the 2019 Securing the Cities Program grant in the amount of $2,000,000. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary
The Phoenix Urban Area Security Initiative is one of six regions selected as eligible under this cooperative grant. The purpose of this grant is to improve the ability of local, state, tribal, and territorial jurisdictions to prepare for, prevent, and respond to radiological and nuclear detection. The grant provides funding for the development and integration of a comprehensive detection structure to ensure trained and equipped personnel are proficient in the use of the detection and interdiction of radiological and nuclear materials.

Funding would be used to support personnel, overtime, supplies, technology, and office related equipment to develop and update current

plans, build capabilities, provide a common information sharing environment, train personnel, and conduct exercises to establish success.

Contract Term

If awarded, the overall period of performance is Nov. 1, 2019 through Oct. 30, 2029. Funding for the first budget period is provided under this application. Should further funding become available for additional budget periods the City would need to submit additional applications.

Financial Impact

No matching funds are required; cost to the City is in-kind resources only.

Concurrence/Previous Council Action

This item was approved at the Oct. 9, 2019 Public Safety and Justice Subcommittee by a vote of 3-0.

This item was adopted.

72 Air National Guard Joint Use Agreement (Ordinance S-46115)

Request to authorize the City Manager, or his designee, to enter a Joint Use Agreement with the United States of America, acting by and through Chief, National Guard Bureau, and the State of Arizona, acting by and through the Adjutant General (collectively known as Air National Guard [ANG]) at Phoenix Sky Harbor International Airport (PHX). The term of this Agreement will be for five years. ANG's proportionate share of operating and maintaining the jointly used facilities will be between $10,000 and $15,000 per year.

Summary

The Joint Use Agreement allows the ANG use of PHX facilities that are open to the public, which includes, but is not limited to: runways, taxiways, lighting systems, navigational aids, markings, and appurtenances. The Aviation Department (AVN) is responsible for maintaining all public facilities at PHX. The ANG will be responsible for any damages to public facilities at PHX, if such damage is caused solely by the ANG. The current Joint Use Agreement with ANG will expire on Sept. 30, 2019.

Contract Term
The term will be five years with no options to extend.

Financial Impact
ANG's proportionate share of operating and maintaining the jointly used facilities will be between $10,000 and $15,000 per year. The proportionate share is determined by calculating a number of factors such as: base year actual costs; increase for inflation; the number of military landings (local and civil operations); and ANG's annual share of costs. Currently, the annual payment required equals $10,525.

Concurrence/Previous Council Action
This item was recommended for approval by the Transportation, Infrastructure and Innovation Subcommittee on Oct. 2, 2019.

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

Discussion
Councilman DiCiccio said this was something he worked on along with Mayor Gallego, and mentioned the Air National Guard was looking to expand their security at the airport. He stated Phoenix was one of the main hubs in the country for refueling tankers, and added this needed to be expanded to another location. He suggested this was a long and drawn-out negotiation, and commented this would be great for the City. He talked about the individuals in the Air National Guard being neighbors, and described the impact they have on the community. He commented he was glad the airport was able to expand to have the right kind of tankers for the Air National Guard to refuel the jets, and suggested this was a huge asset for the City.

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

Yes: 9 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Waring and Mayor Gallego

No: 0

65 **Amend Phoenix City Code Related to Commercial Ground Transportation Trip Fees, Parking Rate Cap, and Unattended Vehicle Civil Penalties (Ordinance G-6631)**

Request to amend Phoenix City Code to increase commercial ground transportation trip fees, establish a process for adjusting trip fees, remove parking-rate caps, and increase civil penalties for unattended vehicles left along the curb of any terminal and to make conforming, clarifying, and renumbering changes as necessary.

Summary

Commercial ground transportation trip fees and annual increases

City Code requires that, by Jan. 1, 2020, staff must conduct a study of peer airports' commercial ground transportation (GT) trip fees and that GT stakeholders may participate in selecting the consultant in this review. Beginning fall of 2018, staff and GT stakeholders started the process of scoping and studying peer airport trip fees. Through summer 2019, staff conducted monthly meetings with GT stakeholders, totaling over 15 large and small group GT stakeholder meetings held. The completed study reviewed peer airport GT revenue collection compared to Phoenix Sky Harbor International Airport (PHX) revenue. PHX consistently collects less GT revenue compared to its peers. The proposal seeks to increase trip fees for permitted GT providers, establish drop-off trip fees for providers, and provide for predictable, administrative annual trip-fee rate increases.

Parking-rate caps, short-term rate clarification, and future amendment process

City Code sets rate caps that establish the maximum charges for public, employee, and special-event parking. These caps have not been modified in over 10 years. The original proposal approved by the Phoenix Aviation Advisory Board was to increase parking-rate caps in accordance

with CPI growth since the last rate-cap increase in 2008. To prevent this problem from recurring in the future, the original proposal also included an automatic annual rate-cap increase of 3 percent or the annual CPI change, whichever is less. At the Transportation, Infrastructure, and Innovation Subcommittee on Oct. 2, 2019, Chairwoman Williams proposed to eliminate the parking-rate caps entirely. The rationale is that the Airport must compete in the marketplace with several private companies that offer similar or comparable alternative products and services, and this competition will effectively "cap" what the Airport can charge for parking. Consequently, the Aviation Director should possess discretion to assess market conditions and set competitive parking rates. For these reasons, the Subcommittee voted to eliminate parking-rate caps.

Unattended vehicle civil penalties

City Code regulates vehicle parking at an airport and imposes a civil penalty for parking violations. The proposal is to amend City Code to regulate leaving a vehicle unattended in violation of posted signs along terminal curbsides. The civil penalty will be the maximum allowed by State law. In addition, the City Code provides that an unattended vehicle in violation of posted signs adjacent to or near a terminal is a threat to public health, safety, and welfare and constitutes a public nuisance. The City Code will also now provide a civil penalty for this public nuisance.

Attachments

Attachment A - Summary Sheet
Attachment B - Draft Ordinance

Financial Impact

The City Code changes will have a positive financial impact.

Concurrence/Previous Council Action

The Transportation, Infrastructure and Innovation Subcommittee recommended approval of this item on Oct. 2, 2019 by a 4-0 vote.

Public Outreach

Extensive stakeholder outreach was conducted during the peer-review of commercial ground transportation fees as well as stakeholder review of

the proposed City Code amendment.

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

Discussion
Mayor Gallego introduced Assistant City Manager Deanna Jonovich.

Ms. Jonovich introduced Aviation Director Jim Bennett, Deputy Aviation Director for Planning and Environmental Division Jordan Feld, and Deputy Aviation Director for Financial Management Division Jay Dewitt.

Mr. Bennett stated the Aviation Department recommended three different items related to changes to chapter 4 in the City Code. He noted the first recommendation was to increase the fines for unattended vehicles that were left at terminal curbs in front of terminal buildings, the second recommendation related to adjusting parking recaps to provide for future market rate setting on parking at the airport, and the third recommendation was proposed changes to the commercial ground transportation fee schedule. He mentioned Sky Harbor Airport operated as a self-sustaining business and required commercial enterprises doing business at the airport to pay for cost-recovery or fair market value for us of airport facilities. He noted the revenue generated from those businesses allowed the airport to be self-sustainable, and suggested the changes staff recommended were reasonable.

Mr. Feld discussed the proposed ordinance changes, and detailed the issues with unattended vehicles at curbs in front of terminal buildings. He mentioned an incident that happened a year prior with an unattended vehicle left at a terminal curb that shut down a portion of the runway and surrounding freeway system. He commented on the economic impact of shutting down the airport, and added the regional economy can lose $4 million each hour the airport is shut down. He noted this proposal would raise sanctions and fines for unattended vehicles at the terminal curb to the maximum allowed under State law. He discussed the second portion of the ordinance that dealt with parking rate caps, and noted in City Code the current parking rate cap was in place in 2008. He mentioned the Transportation, Infrastructure and Innovation Subcommittee

recommended removing the parking rate caps to allow for more flexibility. Another change would be for short-term hourly parking to be a flat rate rather than by proration.

Mr. Feld commented the third part of the ordinance related to ground transportation fees, and talked about how airports around the country seek full ground transportation cost recovery. He noted ground transportation costs at Sky Harbor Airport were $26 million, and added those costs included the Sky Train along with portions of the roadway systems curb and facility maintenance. He said the airport only collected around $9 million, and listed the fees for companies such as Uber and Lyft at other airports around the country. He mentioned Sky Harbor Airport only had a pick-up fee for companies like Uber and Lyft, and compared the fees of other airports to the proposed ground transportation fees adding those other airports had higher pick-up and drop-off fees. He displayed an example of the vehicle traffic on a Sunday night at the airport, and suggested congestion was not a unique trend at Sky Harbor Airport.

Councilwoman Stark asked about other peer airports moving ground transportation away from curbs to garages or designated parking spaces. She talked about the example of Los Angeles International Airport (LAX) moving all ground transportation to a garage, and inquired if they still charged a fee.

Mr. Feld responded that both LAX and San Francisco International Airport were recent examples of moving ground transportation to be outside of the terminal core area, and suggested this was the trend for airports. He continued to present on ground transportation, and mentioned without the Sky Train there would continue to be congestion in the curb area. He noted once the Sky Train is complete, it would eliminate the need for shuttle buses creating congestion at the curbs. He talked about the remote facility at 44th Street and the second remote facility under construction at 24th Street, and suggested these facilities would create much less congestion in the terminal core. He commented because these remote facilities were close to freeway systems in the area, it would incentivize ground transportation providers to go to these areas.

Vice Mayor Waring stated he voted against the Sky Train, and asked what years the Sky Train was built.

Mr. Bennett replied Stage 1 to Terminal 4 opened in 2013, Stage 1A opened in 2014, and Stage 2 opened in early 2015.

Vice Mayor Waring questioned how much the Sky Train cost.

Mr. Dewitt answered the full cost of the Sky Train was $1.5 billion, with Stage 1 being $640 million, Stage 2 being $210 million, and current stage at $740 million.

Vice Mayor Waring asked how long the track was for the Sky Train.

Mr. Dewitt responded it was a five-mile system.

Vice Mayor Waring commented this was expensive, and asked if there was a study based on Uber and Lyft being one of the main beneficiaries of the Sky Train. He inquired what the percentage was of passengers riding the Sky Train among the 44 million passengers last year.

Mr. Feld replied the Sky Train ridership had doubled what it initially started with and was approaching 6 million riders annually. He talked about the environmental impact of the Sky Train, and said the Sky Train helped mitigate air quality impact caused by traffic congestion. He mentioned the Sky Train took a good amount of passengers off of roadways that directly helps mitigate ground transportation traffic for long-term air quality benefit.

Vice Mayor Waring questioned if the fee increase proposed would at least partially fund the Sky Train.

Mr. Bennett responded there was a portion of maintenance and operating cost only to the ground transportation program because the intent of the Sky Train and sole purpose of it was to relieve congestion on Sky Harbor Boulevard and to allow curb space to be available. He noted there was no capital cost associated with the Sky Train.

Vice Mayor Waring suggested the trip fee would be used to pay for the operations, and asked if his interpretation was correct that the Sky Train moved around six million people out of the 44 million passengers off the curb.

Mr. Bennett answered it was correct the Sky Train moved six million people, and mentioned those people would otherwise be using other vehicles, shuttle buses or private vehicles to access the terminals.

Vice Mayor Waring commented for the $1.5 billion they could have bought a lot of trips using Toyota Prius' for riders to get them down to the curbs.

Mr. Bennett stated the $1.5 billion was for the complete train route out to the rental car center, and noted that would help remove an additional seven million people off of the curb which would allow for a total ridership of over 12 million passengers per year. He clarified the operating costs associated with that the current phase under construction would be attributed to the rental car center cost center, and not the ground transportation cost center.

Vice Mayor Waring suggested the idea was to have less buses at the curb once the Sky Train is complete, and commented that space would be available for Uber and Lyft drivers. He mentioned it was vague that those drivers would have to pay more, and asked what percentage of the curb will be available. He talked about how he used to take a bus when traveling out of Sky Harbor Airport, and added he did not remember those buses taking up that much space.

Mr. Feld responded he did not have the exact percentage of curb space the buses used. He talked about the comment Vice Mayor Waring made about Toyota Prius trips for riders, and suggested by doing this it would create the same congestion issue and air quality impact. He stated the only way to maintain a more economic service and good air quality numbers for giving ground transportation services options is to do it with a sky train system.

Vice Mayor Waring stated Mr. Feld emphasized the issue of space the buses took up on curbs, but could not say how much space those buses actually took up. He suggested the issue with air quality should not fall directly on drivers and passengers for Uber and Lyft, and commented the $1.5 billion was expensive even if it would move 12 million people. He mentioned using fuel-efficient City buses, and added there needed to be caution when discussing concepts without having any data to back it up.

Mayor Gallego commented she recently heard a presentation from the airport director at LAX, and discussed how they talked about the issues with driving to that airport because of the congestion. She asked how LAX handled rideshare traffic.

Mr. Bennett said it was his understanding that by Nov. 1, 2019, LAX would put rideshare vehicles as well as taxis in a remote area for pickup that would be accessible to a couple of the terminals. He noted for all other terminals at LAX you would be required to take a shuttle bus to the lot in order to be picked up.

Mayor Gallego added stakeholders have mentioned how valuable curbside pickup is, and compared that to how pickup is operated at LAX.

Mr. Bennett talked about how several other airports have migrated to a parking garage solution due to congestion on roadways and curbs. He suggested Sky Harbor may have to look at revisiting curb accessibility in the future at some point if growth continues.

Councilman DiCiccio inquired about a discrepancy on the cost being $1.5 billion or $1.9 billion for the Sky Train.

Mr. Dewitt responded he was not familiar with the $1.9 billion number.

Councilman DiCiccio suggested this number was on a ballot from 2010 or 2011.

Mr. Dewitt mentioned the second part of the Sky Train did come in significantly under budget but not $400 million. He suggested the $1.5 billion number had been the same since he joined the project in 2007.

Councilman DiCiccio asked if that amount was for the entire project.

Mr. Dewitt answered $1.5 billion was for all the segments.

Councilman DiCiccio inquired if license plate readers (LPR) would be used and enforced on Uber and Lyft drivers.

Mr. Bennett responded the airport did not have an LPR system.

Councilman DiCiccio asked if an LPR system had been part of the discussion at all.

Mr. Bennett answered that it had not been part of the discussion at all.

City Manager Ed Zuercher clarified Councilman DiCiccio was talking about License Plate Reader systems.

Councilman DiCiccio added facial recognition systems or other things like that.

Mr. Bennett stated to his knowledge there had been no discussion on anything involving those systems, and mentioned the airport uses a geo-fence around it to track cars in cooperation with Uber and Lyft.

Councilman DiCiccio said he wanted to make sure it was on the record the City had no intentions or plans to use LPR or any type of facial recognition systems.

Mr. Bennett asked for clarification from Councilman DiCiccio if he meant for this program or for the future.

Councilman DiCiccio clarified he meant this program, and asked if these systems would be used for anything else.

Mr. Zuercher noted Mr. Bennett could only speak to projects at the airport.

Mr. Bennett explained the only areas where there are LPR systems is in the parking facilities that are operated by the City and act as integral parts of the revenue control system and operation.

Councilman DiCiccio inquired if there would be facial recognition systems used by the City in the future.

Mayor Gallego mentioned Councilman Nowakowski had agreed to have this on the Public Safety and Justice subcommittee to allow for a more comprehensive debate.

Councilman DiCiccio noted he wanted to make sure Mr. Bennett was on the record saying they would not do this in the future.

Mr. Zuercher commented the City only used LPR at airport parking facilities as mentioned by Mr. Bennett, but did not use facial recognition systems or any other LPR system. He stated as far as committing to the future with implementing these systems, he was not prepared to say that at this time.

Councilman DiCiccio suggested this was an issue the City would be dealing with in the future, and expressed concern with government being able to read public faces. He clarified he just wanted to make sure there was no intention of doing that with this program.

Mr. Bennett stated with this program there was no intent to incorporate LPR or facial recognition.

Councilwoman Pastor asked for clarification that this was not a topic as of today that Council would be voting on.

Mr. Bennett replied that was not before the Council today.

Councilwoman Pastor mentioned if that topic would come up in the future, it would go to the Public Safety and Justice subcommittee and also the Transportation, Infrastructure and Innovation subcommittee.

Mr. Bennett said that would be the case.

Councilmember Garcia inquired about the environmental impact or air quality around the airport, and asked Mr. Feld to talk more on that subject.

Mr. Feld noted all desert cities would have bad ambient air quality due to dust, and added because the airport received federal grants, federal environmental rules would be applicable. He suggested that while there is interest by City policymakers in green incentives and the effort to reduce air quality impact, it is a regulatory issue for the airport. He noted that is why there is the big investment in the Sky Train.

Councilwoman Pastor talked about a gentleman that represented taxis at a Transportation, Infrastructure and Innovation subcommittee, and mentioned he stated the fees were a normal process for the airport. She added the gentleman also said those increased fees did not get moved to the customer, and asked for clarification on what that gentleman was referring to.

Mr. Bennett responded the taxi companies operated at the airport under the terms of a contract that had provisions in it that prohibit the taxi companies from passing on ground transportation trip fees either directly or indirectly to the passengers.

Councilwoman Pastor asked for clarification if this is a tax or a fee.

Mr. Bennett clarified this was not a tax, but rather a fee that could be viewed as rent. He stated this was a fee the airport charged companies for doing business at the airport.

Mr. Feld continued the presentation, and talked about the benchmarking process. He mentioned the fee change predictability for stakeholders needed to keep up with the economy, but be transparent and simple for ground transportation providers. He stated the recommendation was a 3 percent increase annually, and added there would be a 30 percent incentive proposed for remote pick up and drop off at either the 44th Street station or the 24th Street station in the future. He noted fair curb sharing was an issue identified by Uber and Lyft, and said the recommendation would be to propose to phase in additional curb

allocation for those companies like Uber and Lyft. He discussed technology changes that needed to be implemented, and said the increase in fees for technology network companies (TNC) would be phased in over several years. He mentioned Uber and Lyft requested additional amenities such as better wifi at the curb and better signage, and commented Mr. Bennett agreed to work with the TNCs to identify specific upgrades they would like installed.

Mr. Feld discussed the proposed fee schedule for the TNCs starting at $4 for drop off and pick-up that would increase incrementally to $5 by 2024, and commented after 2025 those fees would be the previous year price plus 3 percent or based on the Consumer Price Index automatically. He said this was the industry norm, and stated that ground transportation stakeholders drove the benchmarking process. He suggested the ground transportation companies drive the unique and direct benefit of the Sky Train, and mentioned the air quality issue was a trend particularly with airports in Arizona and California that get alot of ground transportation congestion in the terminals.

Mr. Bennett summarized the presentation, and listed the three changes proposed in this ordinance. He mentioned there would be a single increase in the commercial ground transportation trip fees and process for adjusting going forward, that parking rate caps would be removed to allow the market to determine appropriate fees, and increasing civil penalties for unattended vehicles left at curbs.

City Clerk Denise Archibald read the title of Ordinance G-6631.

Councilwoman Pastor made a motion that this item be adopted as amended: to increase commercial ground transportation trip fees; establish a process for adjusting trip fees; remove parking rate caps and increase civil penalties for unattended vehicles left along the curb of any terminal; and to make conforming, clarifying, and renumbering changes as necessary. In an effort to ensure no more than cost recovery, all future trip fee adjustments for both rideshare and non-rideshare companies shall increase at the greater of 3 percent or the Consumer Price Index to keep up with the cost of inflation. For non-rideshare companies, this is effective Jan. 1, 2021 and for rideshare companies, this is effective Jan.

1, 2025. The removal of parking rate caps will not be applicable to employee parking. For employees, the current parking rates and programs will remain unchanged.

Councilwoman Williams seconded the motion.

Councilmember Garcia asked to include a friendly amendment to the motion to include a provision for a green driver incentive of a 40 percent reduction on fees for zero-emission vehicles that would include all vehicles and not just rideshare vehicles.

Councilwoman Pastor and Councilwoman Williams agreed to include the friendly amendment to the motion.

Councilwoman Stark asked if regulations for rideshare drivers were similar to those who drive taxi cabs or limos as well as shuttles or buses.

Mr. Bennett replied the rideshare companies like Uber and Lyft were in a different category because of State legislation that limited the ability for the City to regulate aspects of their business. He noted taxi companies were under contract with the City, and added other shuttles go through mandatory background investigations, a badging process, and vehicle inspections.

Councilwoman Stark questioned if the fees were charged, the companies did not have to pass it on to the customer. She noted the companies could absorb the fees, and asked for confirmation the City would not require them to pass the fee down to the passenger.

Mr. Bennett responded that would be an individual business decision, and talked about agreements with the taxi companies that prohibit them from passing on the fee to the passenger.

Councilwoman Stark inquired if that was for every business at the airport whether it is a restaurant or retail sales. She commented it is a business decision to pass on fees to the customer.

Mr. Bennett replied that was correct, and that it is their decision whether to

pass on fees to the customer.

Councilwoman Guardado asked for confirmation if there would be a cap for employee parking.

Mr. Bennett responded that was correct, and said based on the motion the existing provisions in chapter 4 of the City Code would remain in terms of employee parking.

Mayor Gallego noted several councilmembers had been working on this issue related to employee parking.

Councilman DiCiccio asked staff to define employee parking being capped, and added what that would mean for food service workers or airline employees.

Mr. Bennett answered if someone qualified for employee parking at the airport, the rates they paid today would remain the same. He mentioned it was never the intent to change fees, and said they welcomed the motion Councilwoman Pastor offered.

Councilman DiCiccio suggested it was unfortunate that the people who make the least amount in the economy would be paying for a majority of the tax. He questioned if someone was an employee for Southwest Airlines they would not see an increase, and said if there was a fee increase it would have to come back to Council.

Mr. Bennett replied if someone was an employee at the airport, they would not see a fee increase. He stated if there was a change in the future, it would have to come back to Council for approval.

Councilman DiCiccio clarified that what he heard was if someone was a Southwest Airlines employee, their parking fees were capped and would not increase.

Mr. Bennett responded that is correct.

Councilwoman Pastor asked for clarification that employees were paying

a fee and not a tax.

Mr. Bennett answered that is correct, it is a parking fee.

Mayor Gallego commented there were 69 comments cards in favor with 12 wishing to speak, as well as sevel cards marked opposed and one neutral. She mentioned her appreciation for citizens who serve on the Aviaition Advisory Board.

Leezie Kim spoke in favor, and stated she was present speaking on behalf of the Phoenix Aviation Advisory Board (PAAB), in her role as Chair. She mentioned the PAAB unanimously approved this proposal, and talked about how herself, Andrew Cohn and Stephanie Chernny were involved in the initial introduction of Uber and Lyft at the airport three years ago. She clarified the members on the PAAB were neutral, and discussed how all of the ground transportation companies and airport team came together to negotiate the fees. She described how the negotiations lasted three days, and said the result of the negotiation was what the recommendation was today. She suggested each side got a little bit of everything out of the negotiation, and noted each side had to give in on things they wanted. She requested on behalf of the members of the PAAB that Council recommend approving this proposal.

Councilman Nowakowski clarified these negotiations had gone on for about a year, and noted everyone who was a stakeholder at the airport was at the table. He suggested this is the best compromise in his opinion.

Ms. Kim said that was a fair description, and mentioned her board members got involved towards the end when the benchmarking study was done. She commented everyone participated, and acknowledged she was impressed with how Uber, Lyft, and the other ground transportation companies came in person and actively participated.

Andrew Cohn spoke in favor, and stated Ms. Kim did a great job laying out what took place during the negotiations. He said he was impressed by how actively involved the negotiations were, and commented this was a fair resolution because both sides left the table unhappy. He discussed

how there were great disagreements throughout the process, and talked about how the perception of this was a tax. He suggested this was a business election that these carriers decided to pass this on to the customers, and added they did not have any control over Uber and Lyft if they decided to do surge pricing. He stated the PAAB members did a great job, and asked Council to carry through on this proposal.

Lauren King spoke in opposition, and noted she was present on behalf of Lyft. She thanked the PAAB board members for a challenging conversation, and noted she had the opportunity to participate in the benchmark study. She said she was happy to come to the table to negotiate, but suggested the proposal from the airport was far from equitable and was a significant departure from the fee recommended by the consultant. She commented this would make Sky Harbor Airport have some of the highest fees in the country, and added it would be a 200 percent increase for rideshare companies. She expressed concern this would set a precedent that airport budget shortcomings would rely on constituents who rely on rideshare for affordable and efficient method of transportation. She mentioned this would hurt driver earnings due to less demand, and added they were not opposed to a fee increase but that this proposal unfairly targets ride share as a way to fund a project that has no direct benefit to those users.

Councilman DiCiccio talked about how he called the State legislature to help negotiate Uber and Lyft at the airport several years ago, and said the idea was to make sure it was equal and fair. He discussed how negotiations at the State level created ill will, and commented what was occurring here was killing off of a success in business. He said you could call the fee whatever you want, but that it would be stuck with people who could not afford to use anything else. He discussed how it was a trend across the country for government to take a part of businesses who are successful, and suggested this was a way to take money and kill off an industry. He stated the Council would probably vote for this item, and suggested the only alternative for these businesses would be to fight back. He urged those who were part of the rideshare companies to not give up.

Councilwoman Williams noted she disagreed with Councilman DiCiccio,

and said this was a matter of fairness. She stated anyone that uses the airport pays a fee whether a passenger is getting dropped off, or if they are inside the terminal purchasing an item from a store. She talked about how the numbers of passengers continue to grow, and added congestion and environmental concerns were real problems. She stated this proposal would reduce traffic at the terminal and help clean the air. She mentioned the airport was an economic engine for the state, and suggested people would be willing to pay for the convenience. She compared the proposed fees with other airports in the country, and said the City was being fair compared to other airports that charge $10 or more. She stated she fully supported the motion on the floor.

John DiPippa noted he was neutral on the item, and said he was present speaking for the members he represents and not on behalf of his employer. He said he was a flight attendant for Southwest Airlines and was a union member of Local 556. He noted he was a base representative for the 1,300 flight attendants who called Phoenix home, and thanked Councilwoman Pastor for keeping employee parking the same rate as part of her motion. He thanked Councilman DiCiccio's Chief of Staff for his assistance, and asked Council to look into a monthly rate for airport garages and to open up the entire top level of Terminal 4 for employee parking. He noted Southwest Airline employees pay $100-per-month to park there, and suggested by opening this area for parking it would add $120,000 in additional revenue for the airport. He requested to meet with Mr. Bennett and airport officials to discuss employee parking.

Columba Sainz spoke in favor, and mentioned Sky Harbor Airport was one of the most polluted airports in the country. She suggested there needed to be initiatives that would help reduce emissions from vehicles, and added the number one source for pollution in Phoenix is cars. She mentioned low-income and communities of color were most affected by pollution, and talked about her family living in one of the most polluted areas of south Phoenix and her daughter developing a respiratory issue. She said nobody in her family had respiratory issues, and commented this proposed ordinance would reduce greenhouse emissions by reducing the roadway traffic in the terminal area. She noted as a mother she wanted Council to not only have other businesses pay their fair share,

but to protect the health of the communities.

Piper Overstreet spoke in opposition, and said she was present on behalf of Uber. She acknowledged they had been consistently opposed to the proposal, and stated they were willing to pay their fair share just not a 200 percent increase. She talked about the benchmark study, and said the revenue from this proposal would be well above what the airport needed to recover costs for ground transportation management operations. She noted they remained opposed, and asked to have more time for stakeholders to work towards a plan that would be fair to riders to the airport.

Councilwoman Pastor asked if the 200 percent increase mentioned by Ms. Overstreet was true.

Mr. Feld explained the process of the benchmark study, and suggested it was never the intent for the study to produce a single average number for the recommendation. He noted the data transparently collected and interpreted brought forward the recommendation today. He said it was never the intent for the benchmark study to suggest based on the average of the airports that this should be the fee.

Councilwoman Pastor said she understood the benchmarking, and inquired about the 200 percent increase.

Mr. Bennett stated the fee being well above the cost was not an accurate representation, and added he believed they excluded the cost of the Sky Train. He suggested if you did not include the cost of the Sky Train they would collect more, and mentioned the Sky Train was an integral part of the ground transportation program. He noted without the Sky Train there would not be the curb space for the ground transportation community to provide services for the customers.

Councilwoman Pastor commented this would be similar to Los Angeles because they did not have a train, and talked about how passengers get picked up and dropped off there. She mentioned an example of La Guardia Airport in New York being constructed where they had subway access along with Uber and Lyft with the ability to drop off family

members. She stated her question was about the highest fee, and noted in the presentation Sky Harbor Airport was not the highest fee. She had concerns with the 200 percent increase number.

Mr. Feld talked about the chart that showed fees at other major airports, and said a majority of airports listed had higher fees than Sky Harbor Airport. He mentioned the data came from 2017, and suggested some of the fees listed could have increased after this data had been out. He stated Sky Harbor Airport did not have the highest fee, and added they were not proposing the highest fee.

Councilwoman Pastor asked where the 200 percent increase number came from.

Mr. Dewitt commented he did not know where the number came from, and said $2.66 to $4 was not a 200 percent increase related to pick up only. He suggested that number may be from including dropoffs as well.

Councilwoman Pastor acknowledged with adding pickup to that number made sense because that number did not exist before.

Bryan Amarel spoke in favor, and said he was a business leader in the community who frequently traveled by plane. He said Sky Harbor Airport was one of the jewels of this great city because it is well-connected and maintained. He asked Council to vote in favor of Item 65, and suggested he would gladly pay the airport fees as a frequent customer of rideshare companies.

Mayor Gallego mentioned comment cards were attached with Mr. Amarel's card in favor from Marty Hedlund of SUNT, Justin Kelton of McCarthy, Jim Lauer of DPR, and Dean Howard of Hill International.

Leonard Clark spoke in opposition, and suggested there was a larger issue with the State legislature regarding corporate giveaways. He talked about tax write-offs, and added he could see why the City would go along with this proposal. He took issue with policies made at the State level, and commented those State legislators make rules to help businesses get rich.

Councilman DiCiccio stated the City gave away billions of dollars over time when it came to corporate welfare to large companies. He talked about how the City banned Uber and Lyft initially until the State legislature got involved, and said there was history on that.

Mr. Clark told Councilman DiCiccio when going to the State legislature to tell his friends to stop interfering in cities, and commented people should not have to work two to three jobs in this country.

Councilwoman Pastor asked for clarification about the comments made by Councilman DiCiccio regarding the State legislature stepping in to allow Uber and Lyft.

Mr. Bennett explained the history of the State legislature being involved with this issue, and noted State law deregulated these entities that wanted to start business at the airport. He said the City tried to figure out how to accommodate them into the airport, and added State law contrasted with City Code with regards to permits, background checks and insurance requirements. He commented as a results of State legislative action, chapter 4 of the City Code had to be restructured to allow rideshare companies to do business at Sky Harbor Airport, and talked about how agreements had to be restructured and then migrated into charging schemes and now into trip fees.

Councilwoman Pastor said that helped understanding the history and she just wanted to be clear on it because she sat on the committee it was pulled all of a sudden.

Councilman DiCiccio commented that was pulled because nothing had happened, and suggested the City tried to delay and make it difficult what could have been done in a few weeks. He suggested sometimes a project needs to be created and have it open for competition to allow others into it. He said the State legislature called him in to help put that together, and that was why the City was in this position today.

Councilmember Garcia suggested there was a misconception on who the "little guy" was in this discussion, and said Uber and Lyft used public infrastructure to profit without paying drivers a fair wage. He mentioned local government had to regulate those companies as it is the only thing available in order to make sure they pay a fair share. He asked for the drivers and riders to organize and push back against the corporations to make sure drivers were paid well. He commented Lyft had proven to show they were able to work with communities with programs such as giving rides to the polls during elections, and he encouraged Uber to follow that model to build community trust. He talked about having conversations where all of ground transportation could come together and unionize to collectively bargain with the City. He repeated these two companies took advantage of public infrastructure and taxpayers in Phoenix.

Councilwoman Guardado said people who rode Uber and Lyft were not typical working-class people, and talked about traveling to California recently where it took over an hour to get out of the airport. She noted there were things to learn from California on this, and talked about picking up on the practices from large cities there. She discussed the issues with meeting in Los Angeles, and said she did not want that to happen in Phoenix.

Adrian DeMoss spoke in favor, and mentioned he was a south Phoenix resident that had worked at the airport for the last three years. He noted he supported the motion because it was the way you do business in America, and gave examples of how other modes of transportation have fees. He talked about the environmental issues, and continued to mention how this was part of doing business in America. He noted he would pay the fee to get to work, and added if someone did not pay the fee they were cheating the City and himself.

David Gilbreth spoke in opposition, and suggested there was big city envy with Phoenix wanting to be like other cities such as Los Angeles and Chicago. He said the rental car companies could pay for the Sky Train, and asked for Phoenix to not act like other communities.

Ginger Brown spoke in favor, and stated she worked at the airport along with Mr. DeMoss. She noted she did use Uber to get to work at least four days-a-week, and mentioned she did not own a car. She said she used other modes of ground transportation to get to work, and suggested you pay for the convenience of using these services.

A motion was made by Councilwoman Guardado, seconded by Councilwoman Williams, to call for the question on Item 65. The motion carried by the following voice vote:

Yes:	8 -	Councilman DiCiccio, Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams and Mayor Gallego
No:	1 -	Vice Mayor Waring

Councilman Nowakowski asked if Council could have a discussion on this item as councilmembers.

Mayor Gallego stated councilmembers could explain their vote when they vote, or Council could have more dialogue. She mentioned her sense was to move forward with the vote.

Councilman Nowakowski stated he had additional questions for staff.

Mayor Gallego announced once the motion to call for the question had passed there could be no more additional questions.

City Attorney Cris Meyer said a motion to call for the question terminates discussion on the item, and added if the vote passed there could be no discussion and if it failed discussion could then continue.

Mayor Gallego asked if councilmembers could explain their vote.

Mr. Meyer responded that would be up to the Chair to permit.

Mayor Gallego mentioned the call to question had passed, and commented it would be appropriate for councilmembers to explain their

vote if they chose to.

Councilman Nowakowski asked for clarification if the motion passed, the Council would then go to roll call immediately.

Mayor Gallego replied that was correct, and she thanked those who participated in the meeting.

Prior to his vote, Councilman DiCiccio suggested this would be the first step in killing off the rideshare business, and mentioned the individuals who worked for Uber and Lyft needed to make a stand by writing an initiative or referendum. He noted he used Uber and Lyft, and said those drivers were hard workers. He commented this was not being done for the best interest of the workers, and repeated those workers needed to do everything they can to stop this. He said the workers knew this was coming, and stated they all needed to come together to fight back at this. He announced he would be voting no.

Prior to his vote, Councilmember Garcia stated he was really excited for zero-emission vehicles and added he wanted to look beyond Uber and Lyft to have a larger bus company look at these vehicles. He noted 40 percent was probably not what the Aviation Department wanted, but commented he hoped it would be enough of an incentive for some larger vehicle companies to look into that.

Prior to his vote, Councilman Nowakowski said one of the questions he was going to ask was about taxi drivers and making sure those drivers had vehicles that were four-years-old or newer. He talked about the vehicle requirements for taxi drivers, and said the Uber and Lyft drivers came to the meeting today just as the taxi drivers did years ago. He discussed the argument that this was not fair when the taxis had to pay more, and acknowledged the comments made by Councilmember Garcia as good advice for Uber and Lyft drivers to organize themselves. He compared the fees at other major airports to what is proposed for Sky Harbor Airport saying those airports charged more than double what was being asked by Sky Harbor Airport. He mentioned the comments made by Ms. Kim about the negotiations, and said this was the best deal for Phoenix. He cited other fees for different services and said he would vote

yes.

Prior to her vote, Councilwoman Pastor thanked those who emailed her office, and said she would have liked to email people back but the system that was set up by Uber and Lyft did not allow that. She expressed appreciation for those who participated by being engaged in the discussion, and added she would tell the drivers to follow Councilmember Garcia's advice on how to organize. She noted she would be voting yes.

Prior to his vote, Vice Mayor Waring noted he voted against the Sky Train a few years ago. He compared the cost of the Sky Train to repaving City streets, and suggested the City should not follow the examples from some other cities. He talked about the comments made by Mr. Gilbreth about city envy, and mentioned he would be voting no on this item. He commented he hoped in the future the City could try to be more forward-thinking about what might be more innovative rather than what other cities are doing.

Prior to her vote, Mayor Gallego stated being part of the greatest city in the country meant investing in the future. She said in order to be on top for customer satisfaction and innovation the City would need to invest in Sky Harbor Airport, and noted she would vote yes.

Note: The following individuals submitted comment cards indicating their positions on Item 65:
Walt Ashland, Opposed
Bryce Burton, Opposed
Benjamin Johnson, In Favor
Michael Redwine, In Favor
Jeanna Taylor, Opposed
Gregory Torrez, In Favor
Alan Gildersleeve, In Favor
Van Means, In Favor
Cary Pfeffer, In Favor
Patrick Barrett, In Favor
Fred Duval, In Favor

Brent Kleinman, In Favor
Eileen Garces, Opposed
Chris Garcia, Opposed
Michael Gallegos, In Favor
Marth Roberson, In Favor
Megan Lamy, In Favor
David Schwarz, In Favor
Steve Rao, In Favor
Jacob Islas, In Favor
John Sage, In Favor
Brian Rowland, In Favor
Issac Gilles, In Favor
Neal Martinez, In Favor
John Ouellet, In Favor
Tracy Patterson, In Favor
Keith Deutscher, In Favor
Brad Smith, In Favor
Anthony Jeffers, In Favor
Nate Walnum, In Favor
Martin Szafranski, In Favor
Wesley James, In Favor
Antonya Williams, In Favor
Andrew Z., In Favor
Aaron Flores, In Favor
Brandon Moon, In Favor
Thomas Assante, In Favor
Damon Yates, In Favor
Lyndsey Jones McCarthy, In Favor
Jacob Meier, In Favor
Kristal Keilholtz, In Favor
Chris Nichle, In Favor
Sean Miller, In Favor
Keilen Wilson, In Favor
Beatriz Topete, In Favor
Sheila Myles, In Favor
John LaBonte, In Favor
Ana Diaz, In Favor
Sara Spragg, In Favor

Victoria Stahl, In Favor
Ana Martinez, In Favor
Joshua Wells, In Favor
Korinne McClemens, In Favor
Maico Olivares, In Favor
Danna Schneder, In Favor
Laura Perez, In Favor
Mario Madrid, In Favor
Justin Benning, In Favor
John K., In Favor
Dean Howard, In Favor
Justin Kelton, In Favor
Jim Lauer, In Favor
Terry Cole, In Favor
Martin Hedlund, In Favor
Kathryn Tina M Hale, In Favor
Donald Ameden, In Favor
Hector David de Jesus, In Favor
Joseph Silva, In Favor
Simon Foster, In Favor

A motion was made by Councilwoman Pastor, seconded by Councilwoman Williams, that this item be adopted as amended: to increase commercial ground transportation trip fees; establish a process for adjusting trip fees; remove parking rate caps and increase civil penalties for unattended vehicles left along the curb of any terminal; and to make conforming, clarifying, and renumbering changes as necessary. In an effort to ensure no more than cost recovery, all future trip fee adjustments for both rideshare and non-rideshare companies shall increase at the greater of 3 percent or the Consumer Price Index to keep up with the cost of inflation. For non-rideshare companies, this is effective Jan. 1, 2021 and for rideshare companies, this is effective Jan. 1, 2025. The removal of parking rate caps will not be applicable to employee parking. For employees, the current parking rates and programs will remain unchanged. Additionally, a provision will be included for a green driver incentive of a 40 percent reduction on fees for zero-emission vehicles that would include all vehicles and not just rideshare vehicles. The motion carried by the following vote:

Yes: 7 - Councilmember Garcia, Councilwoman Guardado, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams and Mayor Gallego

No: 2 - Councilman DiCiccio and Vice Mayor Waring

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

CITIZEN COMMENTS

Dr. LeeAnn Aguilar Lawlor stated she was the Superintendent of the Cartwright School District, and detailed the background of the first responders in her family. She described an incident that happened involving her and a Phoenix police officer that happened after a school district meeting. She noted the police officer verbally assaulted her while she was trying to navigate around an accident and asked for directions. She mentioned she had to pull over at a gas station away from the accident to clear her head, and asked for this incident to be investigated.

Mayor Gallego thanked Dr. Aguilar Lawlor for her story, and added several councilmembers had interest in working with her.

Brent Klineman took issue with Councilwoman Guardado motioning to call for the question on Item 65, and mentioned by doing so it kept councilmembers from asking staff questions as well as other people from asking questions. He suggested the Council was there to listen to citizens, and suggested this was frustrating because people sat there not being able to speak. He stated residents were not paid to be at the meeting, but those on the Council were.

Note: Councilwoman Guardado left the voting body.

Joanne Scott Woods thanked Mayor Gallego for delivering the National Day of Healing Proclamation, and said she would like to think there was a finish line towards a future without racism. She continued to discuss the issue of racism, and talked about joining with others to learn about the racial history of Phoenix. She said by delivering the proclamation, Phoenix joined 14 other communities in the United States as well as Canada and Australia who took action towards a more just and equitable world.

Note: Mayor Gallego left the Chambers and the voting body. Vice Mayor Waring assumed the Chair.

Leonard Clark stated he was afraid for the children of Phoenix because they had been taught wrong on their ancient history. He mentioned a quote from the President saying the United States had ties to Ancient Rome, and suggested they was a great injustice for the children of Phoenix. He urged people to talk to their representatives in government about how children of Phoenix are being taught wrong on history.

Note: Councilwoman Guardado returned to the voting body.

Diane Barker mentioned she lived downtown, and talked about different events that were happening in the downtown area. She talked about the increase in population downtown, and asked for more shaded areas. She described a home tour event that was going on in the Roosevelt Historic District.

Note: Councilman Nowakowski left the Chambers and the voting body.

Pasqual Labate talked about his concerns with employees parking and working near his home early in the morning, and suggested this needed to be stopped. He stated there were now commercial trucks going on Willeta Street, and continued to suggest this parking should not be allowed.

Vice Mayor Waring asked if staff could follow up on the situation Mr. Labate described.

Kim Baker thanked Mayor Gallego and the Council for signing the proclamation and declaration mentioned earlier by Ms. Scott Woods, and talked about an incident involving his brother while both of them were growing up. He thanked the councilmembers, Mayor Gallego, and City Manager Ed Zuercher because the memory of his brother lived with the proclamation, and suggested this would help bring racial healing to Phoenix.

Patrick Barrett stated he put in a comment card to speak on the airport fees, and mentioned he represented the Fair Fees Coalition for the off-site airport parking providers. He suggested he went to every stakeholder meeting, and noted

Deputy Aviation Director for Planning and Environmental Division Jordan Feld did a phenomenal job. He noted Mr. Feld returned their calls and did a wonderful job.

ADJOURN

There being no further business to come before the Council, Vice Mayor Waring declared the meeting adjourned at 5:12 p.m.

MAYOR

ATTEST:

CITY CLERK

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CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 16th day of October, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of October, 2020.

CITY CLERK