City of Phoenix

Minutes

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

185978

City Council Formal Meeting

Wednesday, September 15, 2021 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, Sept. 15, 2021 at 2:33 p.m. in the Council Chambers.

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

The Mayor and Councilmembers attended the meeting virtually. Councilman DiCiccio disconnected from the meeting during Citizen Comments.

Mayor Gallego acknowledged the presence of Mario Barajas, a Spanish interpreter. She announced his fiancee, Wendy, shared the good news of their recent engagement with Council. Mayor Gallego congratulated Mr. Barajas and his fiancee, Wendy, and wished them a long and happy marriage.

Councilwoman Stark congratulated the couple on their engagement.

Councilwoman Guardado congratulated the couple on their engagement and wished them luck on their new journey.

Councilwoman Ansari expressed that Council was excited for the couple.

Councilman DiCiccio congratulated the couple in Spanish.

Vice Mayor Garcia also congratulated the couple in Spanish.

Councilwoman O'Brien congratulated the couple and wished them a memorable wedding.

Councilman Waring congratulated the couple and wished them success. He said he appreciated being included in this good news.

Councilwoman Pastor congratulated the couple and wished them the best in their future.

Mr. Barajas thanked City staff and the Council for their wishes and said he was excited for his journey. In Spanish, he announced his availability to the audience.

The City Clerk confirmed copies of the titles of Ordinances G-6892 through G-6898, S-47939 through S-47964, and Resolutions 21957 through 21958 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 May 20, 2020

Summary

This item transmits the minutes of the Formal Meeting of May 20, 2020, for review, correction and/or approval by the City Council.

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

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

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

No: 0

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

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

A motion was made by Vice Mayor Garcia, seconded by Councilwoman Ansari, that Items 2-21 be recommended for approval, except Item 21. The motion carried by the following voice vote:

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

No: 0

2 Liquor License - Little Asia

Request for a liquor license. Arizona State License Application 155643.

Summary

Applicant
Tun Tun Naing, Agent

License Type
Series 12 - Restaurant

Location
4212 W. Cactus Road, Ste. 1107-1108
Zoning Classification: C-1
Council District: 1

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow sales of alcoholic beverages as an accessory to a restaurant.

The 60-day limit for processing this application is Sept. 20, 2021.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Since June 2019, I currently operate an Asian food restaurant and have experience in in this type of business. This location will serve beer, wine and liquor drinks to customers who desire an alcohol beverage with their meals. I will get training in the 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:
"Some patrons of the restaurant will want to buy an alcohol beverage with their meals. The issuance of a liquor license will allow the business to accommodate those patrons."

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 - Little Asia
Liquor License Map - Little Asia

This item was recommended for approval.

3 Liquor License - MBS Fuel 17

Request for a liquor license. Arizona State License Application 153278.

Summary

Applicant
Amy Nations, Agent

License Type
Series 10 - Beer and Wine Store

Location
2710 W. Dunlap Ave.
Zoning Classification: C-2
Council District: 1

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 was Aug. 21, 2021. However, the applicant submitted a written request for more time.

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

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

Other Active Liquor License Interest in Arizona
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:
"The new owner of this convenience store / gas station operates other successful businesses in California. He is knowledgeable and understands how to operate these kind of businesses."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location has been a convenience store and gas station since with a liquor license since at least 1986. The store is on a very busy intersection at I-17 and Dunlap Ave. The location is always busy with customers from the neighborhood and travelers off the interstate. We would like to continue selling items that are popular with our customers."

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 - MBS Fuel 17
Liquor License Map - MBS Fuel 17

This item was recommended for approval.

4 Liquor License - Patio 54 Fusion Kitchen

Request for a liquor license. Arizona State License Application 07070363.

Summary

Applicant
Noah Pak, Agent

License Type
Series 7 - Beer and Wine Bar

Location
5415 E. High St., Ste.101
Zoning Classification: C-2
Council District: 2

This request is for an ownership and location transfer of a liquor license for a bar. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption.

The 60-day limit for processing this application is Oct. 4, 2021.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I'm a responsible individule who previously owned a restaurant with a Liquor License. I successfully operated restaurants without any issues in the past and I will continue to do so moving forward."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Our restaurant is located in the area where there are numerous known restaurants serving alcohol. We will add value to customers in the area with more options when visiting this area."

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 - Patio 54 Fusion Kitchen
Liquor License Map - Patio 54 Fusion Kitchen

This item was recommended for approval.

5 Liquor License - Special Event - Orgazac Inc

Request for a Series 15 - Special Event liquor license for the temporary

sale of all liquors.

Summary

Applicant
Jesus Barraza Rodriguez

Location
4231 W. Thomas Road
Council District: 4

Function
Dance

Date(s) - Time(s) / Expected Attendance
Oct. 2, 2021 - 8 p.m. to 2 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

6 Liquor License - Special Event - Orgazac Inc

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

Summary

Applicant
Jesus Barraza Rodriguez

Location
4231 W. Thomas Road
Council District: 4

Function
Dance

Date(s) - Time(s) / Expected Attendance
Oct. 30, 2021 - 8 p.m. to 2 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

7 Liquor License - Special Event - Orgazac Inc

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

Summary

Applicant
Jesus Barraza Rodriguez

Location
4231 W. Thomas Road
Council District: 4

Function
Dance

Date(s) - Time(s) / Expected Attendance
Nov. 20, 2021 - 8 p.m. to 2 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

8 Liquor License - Special Event - Smiles Beyond the Bars Inc

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

Summary

Applicant
Mark Johnson

Location
360 E. Coronado Road
Council District: 4

Function
Networking Event

Date(s) - Time(s) / Expected Attendance
Oct. 1, 2021 - 5:30 p.m. to 7:30 p.m. / 60 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - Camelback Market

Request for a liquor license. Arizona State License Application 156590.

Summary

Applicant
Mustafa Manassra, Agent

License Type
Series 10 - Beer and Wine Store

Location
4805 N. 27th Ave.
Zoning Classification: C-2
Council District: 4

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

The 60-day limit for processing this application is Oct. 3, 2021.

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

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

Other Active Liquor License Interest in Arizona
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.

Community Zone Market (Series 10)
66 S. Mesa Drive, Mesa
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have over 16 years of experince."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Going to creat more job."

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 - Camelback Market
Liquor License Map - Camelback Market

This item was recommended for approval.

10 Liquor License - That One Mini Mart

Request for a liquor license. Arizona State License Application 156055.

Summary

Applicant
Faik Ambari, Agent

License Type
Series 10 - Beer and Wine Store

Location
2720 W. Indian School Road
Zoning Classification: C-2
Council District: 4

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

The 60-day limit for processing this application is Sept. 27, 2021.

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

use for more than 180 days.

Other Active Liquor License Interest in Arizona
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.

Turney Neighborhood Market (Series 10)
710 E. Turney Ave.
Calls for police service: 1
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I hold a certificate for The Basic Liquor Law Training. This training provided me the opportunity of learning the importance and significance of obtaining a beer and wine license. I am assured to uphold the laws and regulations about beer and wine license. I have never been involved in any criminal activity, no record of getting in trouble with law and authorities."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This store will provide a safe and secure place for the neighborhood to buy beer and wine. The location will be convenient for the people in neighborhood who may not have access to transportation. Adding the

long time experience of the owner with running a store while upholding all the laws and regulations, the store will be a safe, secure and convenience place for the customers to purchase quality liquor."

Staff Recommendation
Staff recommends approval of this application.

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

This item was recommended for approval.

11 Liquor License - Special Event - Arizona Educational Foundation Inc

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

Summary

Applicant
Kimberly Graham

Location
5601 N. 16th St.
Council District: 6

Function
Award Ceremony

Date(s) - Time(s) / Expected Attendance
Oct. 16, 2021 - 3:30 p.m. to 8:30 p.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

12 Liquor License - Special Event - Madison District Educational Foundation Inc

Request for a Series 15 - Special Event liquor license for the temporary

sale of all liquors.

Summary

Applicant
Ari Levin

Location
5601 N. 16th St.
Council District: 6

Function
Performance

Date(s) - Time(s) / Expected Attendance
Oct. 28, 2021 - 6 p.m. to 8:10 p.m. / 904 attendees
Oct. 29, 2021 - 6 p.m. to 8:10 p.m. / 904 attendees
Oct. 30, 2021 - 6 p.m. to 8:10 p.m. / 904 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

13 Liquor License - Special Event - Mount Claret Roman Catholic Retreat Center Phoenix

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

Summary

Applicant
Thomas McGuire

Location
4633 N. 54th St.
Council District: 6

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Oct. 9, 2021 - 5 p.m. to 10 p.m. / 250 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

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

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

Summary

Applicant
Alexandra Cebry

Location
800 E. Camelback Road
Council District: 6

Function
Concert

Date(s) - Time(s) / Expected Attendance
Nov. 24, 2021 - 7 p.m. to 11 p.m. / 550 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - Special Event - St. Thomas the Apostle Roman Catholic Parish Phoenix

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

Summary

Applicant
Steven Kunkel

Location
2312 E. Campbell Ave.
Council District: 6

Function
Cornhole Tournament

Date(s) - Time(s) / Expected Attendance
Oct. 2, 2021 - 5 p.m. to 10 p.m. / 200 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

16 Liquor License - Arizona Anthem

Request for a liquor license. Arizona State License Application 06070554.

Summary

Applicant
Amy Nations, Agent

License Type
Series 6 - Bar

Location
903 N. 2nd St.
Zoning Classification: DTC-West Evans Churchill
Council District: 7

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

The 60-day limit for processing this application is Sept. 28, 2021.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Flagship Restaurant Group owns 18 restaurants throughout the Midwest and Texas. They operate several different successful restaurant concepts and are looking forward to opening this first concept here in Arizona. All their current restaurants have liquor licenses and they are experienced with liquor laws. All employees will attend state certified liquor law training classes."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We are foodies gone wild. Since 2002, our established concepts have centered around creative food and exceptional dining experiences. From full-service to fast-casual, we believe dining out-and doing

business-should be fun."

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 - Arizona Anthem
Liquor License Map - Arizona Anthem

This item was recommended for approval.

17 Liquor License - Special Event - Alwun House Foundation

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

Summary

Applicant
Dana Johnson

Location
1204 E. Roosevelt St.
Council District: 8

Function
Art Exhibit

Date(s) - Time(s) / Expected Attendance
Nov. 5, 2021 - 6 p.m. to 12:30 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

18 Liquor License - Special Event - Alwun House Foundation

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

Summary

Applicant
Dana Johnson

Location
1209 E. Diamond St.
Council District: 8

Function
Art Event

Date(s) - Time(s) / Expected Attendance
Dec. 3, 2021 - 6 p.m. to 10:30 p.m. / 400 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

19 Liquor License - Special Event - Alwun House Foundation

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

Summary

Applicant
Dana Johnson

Location
1204 E. Roosevelt St.
Council District: 8

Function
Community Event

Date(s) - Time(s) / Expected Attendance
Dec. 31, 2021 - 8 p.m. to 1 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

20 Liquor License - Special Event - EENU-USA, Inc.

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

Summary

Applicant
Dana Raimondi

Location
22 E. Buchanan St.
Council District: 8

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Oct. 2, 2021 - 5 p.m. to 11 p.m. / 270 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

21 (CONTINUED FROM SEPT. 8, 2021 - Amended Attachment) - Liquor License - D's Jerk Hut

Request for a liquor license. Arizona State License Application 153134.

Summary

Applicant
Celeste Reytor, Agent

License Type
Series 12 - Restaurant

Location
15220 N. Cave Creek Road
Zoning Classification: C-2

Council District: 3

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

The 60-day limit for processing this application was Aug. 18, 2021. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona
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 attended multiple liquor law classes furthermore I currently run a successful cleaning business. I have ensured that all employees attend a

certified liquor law course and will terminate employees who do not abide by the law. Additionally, I'm committed to upholding the highest standards for my business and maintaining compliance with applicable laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "I would like to offer our guests a drink with their meal if they choose. Our recipes and menus items are prepared with consideration to consumption of beer, wine, spirits."

Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on several items that were omitted by the applicant on the application and possible hidden ownership. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments

Liquor License Data - D's Jerk Hut
Liquor License Map - D's Jerk Hut
Liquor License Police Department Recommendation - D's Jerk Hut

Discussion

Councilwoman Stark asked for a brief staff presentation.

License Services Manager Leah Swanton stated this was a request for a new Series 12 liquor license for a restaurant. She noted this location was not previously licensed for liquor sales and did not have an interim permit. She conveyed the 60-day limit for processing this application was Aug. 18, 2021; however, the applicant submitted a written request for more time. She advised staff recommended disapproval of this application based on a Police Department recommendation for disapproval.

Police Detective David Hurt, the abatement detective and liquor liaison for the Black Mountain Precinct, indicated the Police Department recommended denial of this request based on facts that were omitted from the original State and City applications, such as personal names, driver's license status and job information. He said he concluded through

his investigation there was hidden ownership as he was unable to contact Ms. Celeste Reytor during two in-person occasions and three phone calls to the business, but he did talk to an individual who was operating the business. He added through further investigation the individual he spoke to was ineligible to apply for a liquor license. He stated based on these reasons the Police Department recommended denial.

Mayor Gallego confirmed the applicant was not on the line.

A motion was made by Councilwoman Stark, seconded by Councilwoman O'Brien, that this item be recommended for disapproval based on the Police Department's recommendation for disapproval due to several items that were omitted on the applicant's application and possible hidden ownership. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license. The motion carried by the following vote:

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

No: 0

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

The following electronic comments were submitted for the record: three in opposition and one with no position on Item 63, and one with a neutral position on Item 68.

A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that Items 22-68 be approved or adopted, except Items 24, 26-28, 36-38 and 45-47; and noting that Items 48, 61 and 68 are withdrawn. The motion carried by the following vote:

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

No: 0

Items 22-23 and 25, Ordinance S-47939 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.

22 Healthy Outcomes, Inc. doing business as Engaged Public

For $27,000.00 in additional payment authority for Balancing Act Software Tool for the Budget and Research Department. The software is an online budget balancing tool branded for the City of Phoenix as “FundPHX”. FundPHX is designed to educate and engage the public in the City’s annual budget development process. Comments on the budget received from the community via the tool are reported regularly to the City Council so it can be used to guide development of the annual General Fund operating budget. The City of Phoenix successfully deployed this tool in February 2020, and the engagement from the public doubled from 200 submissions in 2020 to over 400 submissions in 2021. The original funds requested only paid for one year of service. The additional funds will pay for the remaining two years of the commitment.

This item was adopted.

23 TrialNet, Inc.

For $29,000.00 in payment authority to purchase Electronic Invoice Auditing for the Law Department. The Law Department utilizes an electronic invoice auditing e-billing service that allows upload electronic legal invoices to the website, pre-audit them using the City's billing guidelines, and transmit the invoices electronically for internal City users to review, edit, and approve invoice data for payment.

This item was adopted.

25 B&F Contracting, Inc.

For $1,286,325.00 in additional payment authority for Agreement 150128, for Change Order 1 Project WS90160095-1 for Sub-Regional Operating Group Salt River Outfall Interceptor Rehabilitation Project E for

the Water Services Department. During construction the contractor encountered a junction structure that varied from the as-built drawings that required additional time and funds to repair located at Lower Buckeye Road and 27th Avenue. The work was not included as part of the original bid. The project will use funds from the Water Services Department's Capital Improvement budget; no General Funds are required.

This item was adopted.

29 Acceptance of an Easement for Drainage Purposes (Ordinance S-47940)

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

Summary

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

Easement (a)
Applicant: TWG Phoenix, LP, its successor and assigns
Purpose: Drainage
Location: 215 W. Sunland Ave.
File: FN 210058
Council District: 7

This item was adopted.

30 Acceptance and Dedication of an Easement for Sidewalk Purposes (Ordinance S-47941)

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

Summary

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

Easement (a)
Applicant: Avalon Cave Creek, LLC, its successor and assigns
Purpose: Sidewalk
Location: 12044 N. Cave Creek Road

File: FN 210056
Council
District: 3

This item was adopted.

31 Revocable License with Hunter Contracting Co. for City-owned Property Located at 32 and 42 E. Columbus Ave. (Ordinance S-47948)

Request to authorize the City Manager, or his designee, to enter into a revocable license with Hunter Contracting Co. for approximately 14,400 square feet of the unimproved land located at 32 and 42 E. Columbus Ave. for construction staging and storage. The license fee will be $2,200 per month. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

Hunter Contracting Co. has been contracted by the City to provide design and construction services for the Third Street Promenade, Garfield Street to Indian School Road Modernization Project. Approximately 14,400 square feet of the unimproved land will be used for construction staging, parking, and a construction trailer to facilitate the City's project.

The term of the license will be for nine and one-half months, with an option to extend on a month-to-month basis, up to an additional six months. The license fee is $2,200 per month, plus applicable taxes, which is within range of market rents as determined by the Finance Department Real Estate Division. Hunter Contracting Co. shall provide insurance and indemnification acceptable to the City of Phoenix Finance Department's Risk Management Division and Law Department. The license may be canceled pursuant to Arizona Revised Statute 38-511, or upon 60-days' written notice. The license may contain other terms and conditions deemed necessary by the City.

Contract Term

The term of the license will be nine and one-half months, with an option to extend on a month-to-month basis, up to an additional six months.

Financial Impact

The license fee will be $2,200 per month, or $20,900 for the initial term,

plus applicable taxes.

Location
32 and 42 E. Columbus Ave., identified by Maricopa County Assessor's parcel numbers 118-33-065 and 118-33-064.

Council District: 4

This item was adopted.

32 Municipal Firefighter Cancer Reimbursement Fund (Ordinance S-47944)

Request to authorize the City Manager, or his designee, to authorize payment to the Industrial Commission of Arizona (ICA) to fund the Municipal Firefighter Cancer Reimbursement Fund (Fund) and contribute to associated operating costs in compliance with State of Arizona Senate Bill 1827 in the amount of $4,353,843.54. Further request to authorize the City Controller to disburse all funds related to this item.

Summary
Arizona Revised Statutes section 23-1701 et seq., Senate Bill 1827 (Bill), was approved by the Governor on June 30, 2021. The Bill requires Arizona incorporated cities and towns, such as the City of Phoenix, to contribute to the Fund. The Fund, administered by the ICA, will reimburse municipal cities and towns on a prorated basis for paying workers' compensation and benefits to firefighters and fire investigators who are diagnosed with a disease, infirmity or impairment caused by outlined cancers presumed to arise out of employment (occupational cancer). The City will be assessed a fee each fiscal year which is payable by Sept. 30. The City's fee is a prorated amount of the $15,000,000 annual cap to the Fund and is based on the City's population in proportion to all Arizona incorporated cities and towns.

This legislation follows the repeal of A.R.S. §42-5041, which required the assessment of costs for municipal administration of transaction privilege taxes to local government, councils, and authorities.

Financial Impact
The annual cost is $4,353,843.54 and is based on a current population share of 29.03 percent. If the population share changes, the contribution

will change. Funds are available in the Human Resources Department's budget.

This item was adopted.

33 Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-47952)

Request to authorize the City Manager, or his designee, to transfer retirement funds for Jacqueline Cole in the amount of $8,291.77 to the Arizona State Retirement System. Further request to authorize the City Controller to disburse funds.

Summary

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

Cole, Jacqueline: $8,291.77

Concurrence/Previous Council Action

This item was approved by the COPERS Board at its Sept. 2, 2021 meeting.

This item was adopted.

34 Online Cataloging - OCLC - 133227 D (Ordinance S-47945)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 133227 with OCLC, Inc. for the purchase of Online Cataloging for the Library Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $650,000.

Summary

OCLC, Inc. is a non-profit global library cooperative that provides shared technology services, original research, and community programs for its members worldwide, and which Phoenix Public Library (PPL) has been a member for over 20 years. Through OCLC's Interlibrary Loan Service, PPL customers can borrow digital materials from libraries all over the world. OCLC is the library standard for providing libraries worldwide with

access to millions of digitalized pre-created records (metadata). This contract will allow PPL staff to copy OCLC's pre-created metadata, rather than creating records from scratch, which increases efficiency since PPL adds thousands of new records to its digital catalog each year. OCLC's system also allows PPL customers to search for and receive results quickly. The additional funds are needed to ensure that the OCLC materials and services are continuously provided to PPL customers for an additional five years.

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

Contract Term
The contract term is from Oct. 21, 2011 through Sept. 30, 2026.

Financial Impact
Upon approval of $650,000 in additional funds, the revised aggregate value of the contract will not exceed $1,374,920.78. Funds are available in the Library Department's budget.

Concurrence/Previous Council Action
This contract was originally approved by City Council on Oct. 5, 2011. Ordinance S-41897 for $200,000 was approved by Council on July 1, 2015, Ordinance S-43459 for $100,000 was approved by Council on May 10, 2017, and Ordinance S-44802 for $450,000 was approved by Council on June 20, 2018.

This item was adopted.

35 Fabrication and Installation of Park Signs - COOP 22-011 (Ordinance S-47951)

Request to authorize the City Manager, or his designee, to enter into a cooperative participating agreement with Sierra Signs & Service, Inc. to provide the fabrication and installation of signage for the Parks and Recreation Department. A cooperative contract was established by the City of Mesa under solicitation number 2020212. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $600,000.

Summary

This contract will ensure that the Parks and Recreation Department can provide signage throughout numerous City parks. The signage may include maps, educational signs and directional signs, which are essential in order to provide effective information to guests visiting City parks and facilities. The signage is essential to the safe and welcoming operation of Parks and Recreation Department parks and park facilities.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through competitive processes consistent with the City's procurement processes, as set forth in the Phoenix City Code, Chapter 43.

The City of Mesa contract covers the purchase of fabricating and installing park signs as required by the Parks and Recreation Department. The contract was awarded on Oct. 5, 2020. Review of pricing and availability from registered small and local businesses indicates that this cooperative contract offers the best value to the City.

Upon City Council approval of this item, a purchasing agreement incorporating the City’s terms and conditions will be fully executed between the referenced vendor and the City.

The Assistant Finance Director recommends that the cooperative participating agreement with Sierra Signs & Service, Inc. be accepted.

Contract Term

The five-year contract term will begin on or about Oct. 1, 2021.

Financial Impact

The aggregate contract value will not exceed $600,000. Funds are available in the Parks and Recreation Department’s budget.

This item was adopted.

39 Add Position in Fire Department to Support Event Activity at Phoenix Convention Center (Ordinance S-47949)

Request to authorize the City Manager, or his designee, to add one new

position to the base staff level in the Fire Department to support increased convention and trade show event activity at the Phoenix Convention Center. This position will be assigned to and paid for by the Phoenix Convention Center Department. No General Fund dollars are requested to support this request; Convention Center Department operating funds are available.

Summary

In November 2020, the City Council approved the Phoenix Convention Center Department (PCCD) COVID-19 Response Plan. The plan included necessary program and staffing level reductions in response to cancelled events and revenue losses directly resulting from the Coronavirus pandemic. One component of the plan included suspension of funding for a Fire Prevention Specialist II position. That position resided in the Fire Department, but was funded by and directly supported the PCCD. The position was ultimately absorbed into the Fire Department and reassigned other duties. Since that time, the convention industry has seen a return of event activity which necessitates the reestablishment of the Fire Prevention Specialist II position to support fire, life safety reviews and inspections for Convention Center events. As a result of the position being reassigned, it is no longer available to support the needs of the PCCD. Accordingly, the creation of a new position is necessary. The position is critical to the operations of the Convention Center and is responsible for reviewing and approving event plans to ensure fire regulations, building code and fire life safety codes are met.

The Human Resources Department has reviewed and approved this request.

Financial Impact

The estimated cost for the position for the remainder of Fiscal Year 2021-22 is estimated to be $76,500, and full year costs for Fiscal Year 2022-23 are estimated to be $102,000. No General Funds are requested to support this request; Phoenix Convention Center Department operating funds are available.

Concurrence/Previous Council Action

The Phoenix Convention Center Department COVID-19 Response was

approved by the City Council on Nov. 18, 2020.

Location
Council Districts: 7 and 8

This item was adopted.

40 Amendment to Elevator/Escalator Maintenance Contract - Adding Phoenix Convention Center Department (Ordinance S-47950)

Request to authorize the City Manager, or his designee, to amend Aviation Department Contract 142435 with Kone Inc. to add additional funds for the Phoenix Convention Center in the amount of $100,000, for a total contract amount not to exceed $49,577,400. Further request authorization for the City Controller to disburse all funds related to this item. Phoenix Convention Center Department Capital Improvement Program funds are available to pay for these services.

Summary
The Aviation Department contract provides elevator and escalator maintenance for their vertical and horizontal transportation. This contract will provide the Phoenix Convention Center Department non-warranty maintenance on its nine newly refurbished Kone elevators located at the Convention Center East Garage located at 601 E. Washington St. Additionally, this contract will maintain the warranty of the materials and workmanship by Kone Inc. through May 1, 2022.

Financial Impact
With the $100,000 in additional funds, the revised contract value will be $49,577,400 (including applicable taxes). Funds are available in the Phoenix Convention Center Department Capital Improvement Program budget.

Concurrence/Previous Council Action
The Elevator/Escalator Maintenance contract was approved by Formal Council Action on April 6, 2016 with an original contract value of $49,477,400 with Ordinance S-42422.

Location
601 E. Washington St.
Council District: 8

This item was adopted.

41 Thrash & Dangle Enterprises, LLC dba Phoenix Rock Gym (Ordinance S-47947)

Request authorization for the City Manager, or his designee, to enter into a facility use agreement with Thrash & Dangle Enterprises, LLC dba Phoenix Rock Gym for the Fire Department. Further request authorization for the City Controller to disburse funds required for this item. The aggregate contract value will not exceed $6,000.

The Phoenix Fire Department (PFD) is responsible for the provision of technical rescue training through its Technical Rescue Team (TRT) Program. In order to provide such training, PFD requires a facility that has the climbing wall capacity, occupancy capacity, and availability to allow for the training of TRT students in a controlled environment. The skill-specific training would be very difficult to conduct in any other environment while also maintaining an acceptable level of safety and instructional oversight for the students.

Further request the City Council to grant an exception to Phoenix City Code (PCC) section 42-18 to allow that to the extent permitted by law, the City shall indemnify and hold harmless the Indemnified Parties, from and against all losses, damages, liabilities, demands, causes of action, costs and expenses (including reasonable attorneys' fees and costs of litigation), arising, directly or indirectly, out of the use of, activities or entry on, or resulting from bodily injury or death of persons, or damage to or loss of property, which occurs on the Premises of the Owner's Property or in any manner directly or indirectly grows out of or in connection with the use, entry, occupancy or condition of the Premises, the Owner's Property or any parts thereof, except to the extent arising out of the gross negligence or willful misconduct of Owner.

Contract Term

The contract term shall begin on or about Sept. 15, 2021 and end on Sept. 14, 2024.

Financial Impact

The aggregate contract value will not exceed $6,000. Funds are available in the Fire Department's budget.

This item was adopted.

42 FY 2021 National Urban Search and Rescue Response System Cooperative Agreement with FEMA (Ordinance S-47955)

Request to authorize the City Manager, or his designee, to apply for, accept, and if awarded, disburse Federal Emergency Management Agency (FEMA) funds totaling $1,236,878 for the Urban Search and Rescue (US&R) 2021 Readiness Cooperative Agreement. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The Department of Homeland Security and FEMA provide support and funding for the maintenance and readiness of the national Urban Search & Rescue (US&R) Response System. The purpose of this readiness cooperative agreement is to support the continued development and maintenance of a national US&R capability. This cooperative agreement provides direction to the Phoenix Fire Department for the use of funding to provide administrative and program management, training, support, equipment cache procurement, maintenance, and storage.

The Phoenix Fire Department is the sponsoring agency of Arizona Task Force One (AZ-TF1), one of 28 national Urban Search and Rescue response system task forces that can rapidly deploy skilled personnel and state of the art equipment to sites of natural disasters, terrorist attacks, and building collapses. In addition to search and rescue, task force members provide immediate medical treatment to survivors, hazardous materials monitoring and stabilization capabilities. In the past, AZ-TF1 has been deployed to Hurricanes Florence, Harvey, Irma, Rita, Katrina, Ike, Gustav, the Oklahoma City bombing and to the 9/11 World Trade Center in New York City.

Contract Term

The term of the agreement, if approved, will be for three years. The contract will run from Sept. 1, 2021 through Aug. 31, 2024.

Financial Impact

The Fire Department will receive an amount not to exceed $1,236,878 from the Federal Emergency Management Agency (FEMA) for the Urban

Search and Rescue (US&R) 2021 Readiness Cooperative Agreement.

This item was adopted.

43 Fire Service Training Agreements (Ordinance S-47956)

Request authorization for the City Manager, or his designee, to enter into agreements with Arizona Fire and Medical Authority, Avondale Fire and Medical, Buckeye Fire-Medical-Rescue, Buckeye Valley Fire District, Chandler Fire Department, Daisy Mountain Fire and Medical, El Mirage Fire Department, Gila River Fire Department, Gilbert Fire and Rescue, Glendale Fire Department, Goodyear Fire Department, Guadalupe Fire Department, Harquahala Fire District, Maricopa Fire Department, Mesa Fire and Medical, Peoria Fire Medical Department, Queen Creek Fire and Medical, Salt River Pima-Maricopa Fire Department, Scottsdale Fire Department, Sun City Fire and Medical Department, Superstition Fire and Medical District, Surprise Fire-Medical Department, Tempe Fire Medical Rescue Department, and Tolleson Fire Department for fire service training. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The purpose of these agreements is to conduct joint training and allow firefighters and firefighter recruits from other regional jurisdictions to attend training hosted by the Phoenix Fire Department. Training opportunities include, but are not limited to, Aircraft Rescue Firefighter Certification Training, Firefighter Recruit Training, Fire Inspector Training, Hazardous Material Technical Certification Training, EMT/Paramedic Recertification Training, Technical Rescue Technician Certification Training, and follow-on required continuing education. The provision of these training services to other jurisdictions will not negatively impact City of Phoenix public safety personnel.

Contract Term

The agreements shall be effective upon approval and execution and shall remain in effect for a term of five years.

Financial Impact

The jurisdictions will reimburse the City of Phoenix per employee for all training services performed.

This item was adopted.

44 **Aviall Aircraft Parts - Requirements Contract - MCC190142-C-A (Ordinance S-47942)**

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 150790 with Aviall Services, Inc. for the purchase of aircraft parts, supplies and accessories for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $150,000.

Summary

This contract provides the Police Department's Air Support Unit with various aircraft parts and services to operate and maintain fixed wing and rotary aircraft. The aircraft is critical to the Police Department in order to support patrol officers, provide crime suppression, and conduct mountain rescue services. The Federal Aviation Administration (FAA) mandates routine maintenance and overhauls be performed to ensure the safe operation of the aircraft fleet.

Additional funds are necessary due to the age of the aircraft in the fleet and the required repairs and replacement parts needed.

Contract Term

The contract term is Sept. 1, 2019 through Aug. 30, 2024.

Financial Impact

Upon approval of $150,000 in additional funds, the revised aggregate value of the contract will not exceed $242,482. Funds are available in the Police Department’s budget.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Aug. 28, 2019.

This item was adopted.

48 **Airport Concessions Relief and American Rescue Plan Act (Ordinance S-47961)**

Request to authorize the City Manager, or his designee, to apply for and accept airport-specific American Rescue Plan Act of 2021 (ARPA) funds allocated by the Federal Aviation Administration (FAA) in the amount of

$15,374,984 for Small Business Concessions and $3,843,746 for Large Business Concessions. If approved, these grant funds would be applied to terminal concessionaire accounts in the form of a credit to be used toward rent payments subject to the stipulations outlined in this report. Further request to authorize the City Treasurer to accept the funds and the City Controller to disburse all funds related to this item. The total value of the funding will not exceed $19,218,730.

Summary

The COVID-19 global pandemic created a downturn in airline passenger travel by over 93 percent at Phoenix Sky Harbor International Airport (PHX). In direct correlation to the reduced passenger activity, concessions sales plummeted for PHX's concessionaires. As a result, established rents were unsustainable for concessionaires in the terminals. On April 4, 2020, the FAA provided guidance to airport sponsors encouraging them to consider business circumstances created by the public health emergency. In response, the City Council passed three rounds of rent relief to concessionaires and extended food, beverage and retail contracts by three years to assist Airport Concessions Disadvantaged Business Enterprise (ACDBE) business partners to refinance their existing debt.

Since April 2021, PHX has experienced significant increases in passenger volumes. In June 2021, PHX reached 80 percent of total enplanement traffic for two consecutive months as compared to 2019. Per City Council action on Dec. 2, 2020, all concession operators were notified that the contractual Minimum Annual Guarantee (MAG) amounts must be paid beginning Aug. 1, 2021.

<u>Federal Relief Funds for Airport Concessionaires</u>

On April 9, 2021, the Aviation Department received notification of its allocation of Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) funds appropriated for PHX’s concessions program in the amount of $4,804,683. In accordance with FAA guidance, the monies received by the FAA served as a partial reimbursement towards the more than $20 million in rent relief provided by PHX to date.

<u>American Rescue Plan Act</u>

On June 16, 2021, the Aviation Department received notification from the FAA regarding its concessions relief allocation of airport-specific ARPA funds in the amount of $15,374,984 for small business concessions and $3,843,746 for large business concessions.

As with CRRSAA, if an airport sponsor accepts its ARPA allocations for concession relief, “the airport sponsor must provide relief from rent and MAG to eligible small airport concessions and eligible large airport concessions in an amount that reflects each eligible airport concession’s proportional share of the total amount of rent and MAG of all eligible airport concessions at the airport.”

For the Aviation Department to be eligible to apply for and receive its federal concessions relief appropriation of ARPA funds, the City of Phoenix would offer rent relief in the form of grant-funded rent credits for in-terminal concessionaires. These ARPA funds would effectively pay 100 percent of the MAG and/or percentage rents owed to the City until the appropriation is exhausted.

The ARPA credits would provide rent relief subject to the following conditions:

Stipulation 1 - Per FAA guidelines, concessionaires must be operating to receive relief;

Stipulation 2 - Concessionaires must staff to at least 80 percent of 2019 levels within 90 days of accepting relief;

Stipulation 3 - Concessionaires must operate at 100 percent of their contractual hours within 90 days of City Council approval; and

Stipulation 4 - Concessionaires must return to full menu offerings as compared to 2019 within 90 days of accepting relief.

Financial Impact

The $19,218,730 of relief funding comes directly from the federal ARPA grant. This portion of the federal airport ARPA grant will provide the funding for the credit to rent due to the City, and can only be used for the purpose of airport concessionaire relief as explained above.

Location

Sky Harbor International Airport - 3400 E. Sky Harbor Blvd.

Council District: 8

This item was withdrawn.

49 Motorola Solutions, Inc. Master Services Agreement 124391 - Amendment (Ordinance S-47958)

Request to authorize the City Manager, or his designee, to execute an amendment to Master Communications System Agreement 124391 (Master Agreement) with Motorola Solutions, Inc. (Motorola) to purchase additional ongoing maintenance and technical support services for the VESTA communication system for the Aviation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total amount of the additional expenditures will not exceed $493,607.

Summary

The Aviation Department requests to use the existing Master Agreement for ongoing maintenance and technical support services and any other communication center equipment for the Aviation Department's computer-based integrated phone and radio VESTA communication system. Aviation Department emergency communication dispatchers at Sky Harbor International Airport utilize the VESTA system to provide computer-based integrated phone and radio response to police, fire, emergency medical services, customer service, and other operational calls at the airport.

By joining the citywide agreement, the Aviation Department will be able to provide uninterrupted support to this critical infrastructure, and avoid a month-to-month support arrangement. The department's current agreement with Century Link (Lumen) for maintenance and support of the existing system expires on Sept. 30, 2021.

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

Procurement Information

The Master Agreement was approved by the City Council on July 2, 2008. It provides the hardware, software, and professional services, which are proprietary to Motorola and necessary to support City of Phoenix Information Technology systems. The Master Agreement is an

umbrella agreement under which Statements of Work (SOW) can be developed and issued. Each SOW is processed in accordance with City of Phoenix procurement regulations.

Contract Term
The term of the Master Agreement will remain unchanged, ending on June 30, 2028.

Financial Impact
The previous authorization for the Master Agreement was for an expenditure not-to-exceed $95,465,413. This amendment will increase the authorization for the Master Agreement by an additional $493,607 to account for the addition of Aviation's system to the contract, for a new total not-to-exceed Master Agreement value of $95,959,020.

Funding is available in the Aviation Department's budget.

Concurrence/Previous Council Action
The City Council approved Motorola, Inc. Master Agreement 124391 on July 2, 2008.

This item was adopted.

50 Apply for Federal Funding for Transportation Projects in Federal Fiscal Years 2022 through 2025 (Ordinance S-47954)

Request to authorize the City Manager, or his designee, to apply for, accept and if awarded, enter into agreements for federal transportation funding through the Maricopa Association of Governments. Further request an exemption from the indemnification prohibition set forth in the Phoenix City Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20. The funding supports various program areas, including Active Transportation, Certified Street Sweepers, Paving Unpaved Roads, and System Management and Operations projects. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary
The Maricopa Association of Governments (MAG) is soliciting applications for the following grant opportunities:
Congestion Mitigation and Air Quality (CMAQ) Improvement Program for

Active Transportation (bicycle and pedestrian) projects, Certified Street Sweepers, Paving Unpaved Roads, and System Management and Operations;
Transportation Alternatives Infrastructure (TA-MAG) for bicycle and pedestrian projects;
Surface Transportation Block Grant (STBGP-MAG) for System Management and Operations; and
Roadway Safety Program (STBGP-exchanged HURF) for pedestrian and intersection safety improvements.

On Aug. 2, 2021, MAG announced a Call for Projects for the Federal Highway Administration sub-allocated CMAQ Improvement Program, Surface Transportation Block Grants and Transportation Alternatives Infrastructure (TA) funding over multiple federal fiscal years. The City is eligible to compete for up to $48.4 million in federal funding available for federal Fiscal Years 2022 through 2025.

The Street Transportation Department aims to pursue federal funding whenever solicitations are made by MAG that align with the City's transportation goals and objectives. This recent MAG Call for Projects is an opportunity to leverage City dollars while increasing the City's ability to complete more transportation related projects that enhance the community. Each program funding has its own competitive review and ranking process managed by MAG.

Between now and the application due date of Sept. 17, 2021, staff will continue to refine the locations, costs and scope of each grant submittal to be competitive with other local and regional submittals.

Financial Impact

The maximum federal participation rate is 94.3 percent with a minimum local match of 5.7 percent of the total construction cost. The funding covers construction only and does not cover any design, environmental studies or other federal clearances that are required as a part of the federal delivery process. The Street Transportation Department will submit several applications for the various funding opportunities up to $23 million. The minimum local match would require the City to fund approximately $1.31 million to obtain $23 million in federal funds for

construction.

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

This item was adopted.

51 Support for Formation of Janet Rose Irrigation Water Delivery District (Resolution 21957)

Request to adopt a resolution to support formation of the Janet Rose Irrigation Water Delivery District through Maricopa County. The proposed Irrigation Water Delivery District includes the single-family residential properties bounded by Berridge Lane to the south, Rose Lane to the north, 12th Street to the west and 16th Street to the east. This action has no financial impact to the City of Phoenix.

Summary

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

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

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

Financial Impact

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

Public Outreach

On July 21, 2020, the City received a formal written request from City of Phoenix resident Chuck Pence, representative for the Janet Rose neighborhood, to pursue City Council approval to form an IWDD with Maricopa County (**Attachment B**).

Location

The proposed IWDD includes the single-family residential properties bounded by Berridge Lane to the south, Rose Lane to the north, 12th Street to the west and 16th Street to the east.
Council District: 6

This item was adopted.

52 Salt River Project Construction Services Contract for Relief Sewer Project: Van Buren and 52nd Streets - WS90500295 (Ordinance S-47943)

Request to authorize the City Manager, or his designee, to enter into a Construction Services Contract with Salt River Project to temporarily disconnect facilities and provide construction access to the City for installation of a new sewer line. Further request to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. Additionally, request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $14,179.40.

Summary

The City is constructing a new sewer line on Van Buren Street from 52nd Street to Galvin Parkway and construction activity will be taking place in close proximity to existing streetlights. For safety purposes, Salt River Project (SRP) will temporarily disconnect overhead streetlights and provide temporary lighting for the duration of the disconnect. The total cost of work for the Construction Services Contract is $14,179.40. This work is in conjunction with City Project WS90500295 Relief Sewer Project; Van Buren and 52nd streets.

Contract Term

The term of the contract will begin late August 2021 and will expire when the streetlights are reinstalled and reenergized.

Financial Impact

Funding in the amount of $14,179.40 is available in the Water Services Department Capital Improvement Program budget.

Location

Van Buren Street: 52nd Street to Galvin Parkway.
Council District: 6

This item was adopted.

53 Request to Enter into Development Agreement with Chamberlain Development, L.L.C. to Construct New Sanitary Sewer Line (Ordinance S-47946)

Request to authorize the City Manager, or his designee, to enter into a Development Agreement with Chamberlain Development, L.L.C. for the design and construction of a new sanitary sewer line. Further request to authorize the City Controller to disburse all funds related to this item. The total agreement value will not exceed $410,000.

Summary

Chamberlain Development, L.L.C. is proposing to develop the northeast corner of 59th Avenue and Lower Buckeye Road. The development was stipulated to extend a public sewer main from approximately 500 feet south of the intersection to the north side of Lower Buckeye Road.

The Development Agreement will provide for Chamberlain Development, L.L.C. to fund, design and construct the new sanitary sewer main extension. The new sanitary sewer main is estimated to cost between $369,000 to $410,000 and is eligible for impact fee reimbursement. Upon completion of the project and the City's acceptance, the City will reimburse Chamberlain Development, L.L.C. for the actual design and construction costs, but not to exceed $410,000. To successfully receive reimbursement, Chamberlain Development, L.L.C. agrees to select an engineer and a contractor in compliance with the Arizona Revised Statute Title 34 requirements. This public sewer line is a part of the regional wastewater infrastructure planned in the 2020 Infrastructure Improvement Plan by the Water Services Department, and this agreement will accelerate construction of the project.

Contract Term
The agreement term will not exceed a five-year period.

Financial Impact
The City will reimburse the actual sanitary sewer line improvement cost, but not to exceed $410,000.

Funding for this project is available in the Water Services Department's Impact Fee Fund budget.

Location
Intersection of 59th Avenue and Lower Buckeye Road
Council District: 7

This item was adopted.

54 City of Phoenix and Salt River Project Cost Sharing Agreement to Develop Watershed Erosion Model and Simulation for Munds Draw Watershed (Ordinance S-47959)

Request to authorize the City Manager, or his designee, to enter into a cost sharing agreement with the Salt River Valley Water Users' Association and the Salt River Project Agricultural Improvement and Power District to share the costs to develop a Watershed Erosion Model and simulate results using the model for the Munds Draw Watershed to project the effectiveness and benefits of potential erosion control measures to address dam sedimentation. Further request to authorize the City Controller to disburse all funds related to this item. The total cost of this agreement will not exceed $23,760.

Summary
Salt River Project Agricultural Improvement and Power District (SRP) has constructed two dams on the Verde River, known as Bartlett Dam and Horseshoe Dam, which are operated and used by SRP to provide, develop, and distribute the supply of water conserved by the dams to its members. The City, through a series of agreements with SRP and the federal government, funded construction of gates and other facilities in the spillway at Horseshoe Dam which allowed the City to obtain its own distinct storage rights behind Horseshoe Dam. The agreements among SRP, the City and the federal government recognize that sedimentation behind the dams would result in loss of water storage capacity, negatively

impacting all. Thus, both SRP and the City have an interest in minimizing erosion in the Verde River Basin that causes sedimentation behind the dams.

Munds Draw Watershed (MDW) is in the Upper Verde River Basin. Recent studies of the MDW classify it as Functioning at Risk, and a goal has been established to move it to Proper Functioning within a six-year time frame. To achieve this objective, the City and SRP wish to share the costs to develop a Watershed Erosion Model (WEM) that can assist in projecting the effectiveness and benefits of potential erosion control measures.

The total cost estimate for the WEM Development and Simulation is approximately $90,000, plus a 10 percent contingency, for a total of $99,000. The City's share of the costs will be proportional to the City's reduced storage capacity behind Horseshoe Dam due to silt sedimentation, as specified by the agreement between the Salt River Valley Water Users' Association and the City of Phoenix dated Nov. 22,1946. That proportion is 24 percent.

Contract Term
The agreement will terminate once the WEM Development and Simulation has been completed, or until total costs meet $99,000, whichever occurs first.

Financial Impact
The value of the City's share of the agreement will not exceed $23,760.

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

Location
Munds Draw Watershed
Council District: Out of City

This item was adopted.

55 Final Plat - Norterra PUD Parcel 19 - PLAT 210021 - North of Happy Valley Road and East of Norterra Parkway

Plat: 210021
Project: 15-3108
Name of Plat: Norterra PUD Parcel 19
Owner: US Relp Norterra East I, LLC
Engineer: Thomas R. Gettings, RLS
Request: A 59 Lot Subdivision Residential Plat
Reviewed by Staff: Aug. 13, 2021
Final Plat requires Formal Action Only

Summary

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

Location

Generally located north of Happy Valley Road and east of Norterra Parkway.
Council District: 1

This item was approved.

56 Final Plat - Cabana Happy Valley - PLAT 210047 - East of 19th Avenue and South of Happy Valley Road

Plat: 210047
Project: 20-1746
Name of Plat: Cabana Happy Valley
Owner: Cabana Happy Valley, LLC
Engineer: Jason A Segneri, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Aug. 16, 2021
Final Plat requires Formal Action Only

Summary

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

Location

Generally located east of 19th Avenue and south of Happy Valley Road.
Council District: 1

This item was approved.

57 Final Plat - 11th Ave & Coolidge St - PLAT 210057 - 11th Avenue and Coolidge Street

Plat: 210057
Project: 18-1824
Name of Plat: 11th Ave & Coolidge St
Owner: 777 W. Coolidge, LLC
Engineer: Paul M. Miller, RLS
Request: A 1 Lot Commercial Plat
Reviewed by Staff: Aug. 16, 2021
Final Plat requires Formal Action Only

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

Location
Generally located at 11th Avenue and Coolidge Street.
Council District: 4

This item was approved.

58 Final Plat - Fraternity Homes - PLAT 190007 - Southwest Corner of 29th Avenue and Augusta Avenue

Plat: 190007
Project: 18-728
Name of Plat: Fraternity Homes
Owner(s): Don and Lina Bui
Engineer: Stephen Shearrow, RLS
Request: A 10 Lot Residential Plat
Reviewed by Staff: Aug. 6, 2021
Final Plat requires Formal Action Only

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

Location

Generally located at the southwest corner of 29th Avenue and Augusta Avenue.
Council District: 5

This item was approved.

59 Final Plat - Earll 18 Homes - PLAT 210027 - Southwest Corner of 37th Street and Earll Drive

Plat: 210027
Project: 19-4054
Name of Plat: Earll 18 Homes
Owner: Russell P. Black, P.L.L.C.
Engineer: USA Infrastructure, LLC
Request: An 18 Lot Residential Plat
Reviewed by Staff: Aug. 16, 2021
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the southwest corner of 37th Street and Earll Drive.
Council District: 8

This item was approved.

60 Abandonment of Right-of-Way Easement - ABND 210020 - 4430 North Arcadia Lane (Resolution 21958)

Abandonment: ABND 210020
Project: 00-1490
Applicant: James Bell
Request: To abandon the 22-foot wide right-of-way easement along the north side of 4430 North Arcadia Lane, APN 172-30-001B.
Date of Decision/Hearing: July 8, 2021

Financial Impact

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

Location

4430 North Arcadia Lane
Council District: 6

This item was adopted.

61 Modification of Stipulation Request for Ratification of Aug. 18, 2021 Planning Hearing Officer Action - PHO-2-21--Z-63-05-8 - Approximately 820 Feet East of the Northeast Corner of 24th Street and Baseline Road

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 Aug. 18, 2021. This ratification requires formal action only.

Summary
Application: PHO-2-21--Z-63-05-8
Existing Zoning: C-1 BAOD
Acreage: 4.17

Applicant: Cassandra Ayres, Beus Gilbert McGroder
Owner: Vahik Sahakian
Representative: Paul Gilbert, Beus Gilbert McGroder

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan and elevations date stamped Feb. 19, 2016.
2. Deletion of Stipulation 2 regarding maximum one access point on 25th Street.
3. Deletion of Stipulation 3 regarding cross access to the commercial site to the west.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this case on July 13, 2021 and recommended denial as filed and approval with modifications, by a 10-2-1 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Aug. 18, 2021, and recommended approval with a modification and additional stipulation. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended

stipulations.

Location
Approximately 820 feet east of the northeast corner of 24th Street and Baseline Road
Council District: 8
Parcel Address: N/A

This item was withdrawn.

62 Amend City Code - Ordinance Adoption - Rezoning Application PHO-2-21--Z-105-07-1 - Approximately 300 Feet South of the Southeast Corner of 43rd Avenue and Old West Trail (Ordinance G-6892)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary
Application: PHO-2-21--Z-105-07-1
Existing Zoning: C-2
Acreage: 16.91

Applicant: Ed Bull, Burch & Cracchiolo, P.A.
Owner: Desert Hill Unlimited LLC
Representative: Ed Bull, Burch & Cracchiolo, P.A.

Proposal:
1. Modification of Stipulation 1 regarding PHO approval of site plans and elevations.
2. Modification of Stipulation 3 regarding street improvements.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The Rio Vista Village Planning Committee heard this case on Aug. 10, 2021 and recommended approval, by a vote of 4-2-1.
PHO Action: The Planning Hearing Officer heard this case on Aug. 18, 2021 and recommended approval with a modification and an additional stipulation. See **Attachment A** for the full list of Planning Hearing Officer

recommended stipulations.

Location
Approximately 300 feet south of the southeast corner of 43rd Avenue and Old West Trail
Council District: 1
Parcel Address: N/A

This item was adopted.

63 Amend City Code - Ordinance Adoption - Rezoning Application PHO-2-21--Z-59-08-3 - Northeast Corner of 19th Avenue and Cactus Road (Ordinance G-6893)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary
Application: PHO-2-21--Z-59-08-3
Existing Zoning: C-2 HGT/WVR DNS/WVR
Acreage: 8.76

Applicant: Phoenix Rehab Campuses
Owner: Palombo-Bell LLC
Representative: Ryan Mahar P.E.

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped July 2, 2010.
2. Deletion of Stipulation 1.b regarding multifamily unit density.
3. Modification of Stipulation 3 regarding maximum height of assisted living and independent living facilities.
4. Technical corrections to Stipulations 2.a, 2.b, 4, 5 and 7.a.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee opted not to hear this request.
PHO Action: The Planning Hearing Officer heard this case on Aug. 18 , 2021 and recommended denial as filed and approval with a modification

and additional stipulations. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Northeast corner of 19th Avenue and Cactus Road
Council District: 3
Parcel Address: 12425 N. 19th Ave.

This item was adopted.

64 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-8-20-5 - Approximately 220 Feet North of the Northeast Corner of 23rd Avenue and West Royal Palm Road (Ordinance G-6895)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary
Application: PHO-1-21--Z-8-20-5
Existing Zoning: R-3A
Acreage: 3.24

Applicant: Kenneth Losch
Owner: Matthew R. Luxenberg Family Trust
Representative: Kenneth Losch

Proposal:
1. Modification of Stipulation 1.b regarding pedestrian pathways for units on 23rd Avenue.
2. Deletion of Stipulation 1.c.i regarding front porches.
3. Deletion of Stipulation 1.c.ii regarding patios.
4. Deletion of Stipulation 3 regarding a detached sidewalk along 23rd Avenue.
5. Modification of Stipulation 3.a regarding trees along 23rd Avenue.
6. Modification of Stipulation 3.b regarding sidewalk tree shading.
7. Modification of Stipulation 4.i regarding lighting on a pedestrian thoroughfare.
8. Deletion of Stipulation 4.iii regarding landscaping along a pedestrian

thoroughfare.
9. Deletion of Stipulation 6.a requiring a minimum 10 percent planting in the surface parking area.
10. Deletion of Stipulation 6.d regarding landscape planters.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee opted not to hear this request.
PHO Action: The Planning Hearing Officer heard this case on Aug. 18 , 2021 and recommended denial as filed and approval with modifications. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Approximately 220 feet north of the northeast corner of 23rd Avenue and West Royal Palm Road
Council District: 5
Parcel Address: 8125 N. 23rd Ave.

This item was adopted.

65 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-55-13-5 - Southeast Corner of 23rd Avenue and El Caminito Drive (Ordinance G-6894)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary
Application: PHO-1-21--Z-55-13-5
Existing Zoning: R-3A
Acreage: 4.98

Applicant: Kenneth Losch
Owner: Landon Lux Lofts LLC
Representative: Kenneth Losch

Proposal:
1. Modification of Stipulation 1 regarding site plan and elevations date

stamped Nov. 19, 2013.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee opted not to hear this request.
PHO Action: The Planning Hearing Officer heard this case on Aug. 18 , 2021 and recommended approval with a modification. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Southeast corner of 23rd Avenue and El Caminito Drive
Council District: 5
Parcel Address: 8221 N. 23rd Ave.

This item was adopted.

66 Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-43-08-7 - Northwest Corner of 79th Avenue and Encanto Boulevard (Ordinance G-6896)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary
Application: PHO-1-21--Z-43-08-7
Existing Zoning: C-2 HGT/WVR DNS/WVR
Acreage: 15.32

Applicant: Adam Baugh, Withey Morris PLC
Owner: 79th Avenue & Encanto LLC
Representative: Adam Baugh, Withey Morris PLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped April 18, 2008.
2. Modification of Stipulation 2 regarding general conformance to the elevations date stamped April 18, 2008.

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Maryvale Village Planning Committee heard this case on Aug. 11, 2021 and recommended approval with additional stipulations, by a vote of 9-0.
PHO Action: The Planning Hearing Officer heard this case on Aug. 18, 2021 and recommended approval with additional stipulations. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Northwest corner of 79th Avenue and Encanto Boulevard
Council District: 7
Parcel Address: N/A

This item was adopted.

67 Amend City Code - Ordinance Adoption - Rezoning Application PHO-2-21--Z-45-12-7 - Southwest Corner of 67th Avenue and Broadway Road (Ordinance G-6897)

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary
Application: PHO-2-21--Z-45-12-7
Existing Zoning: C-2
Acreage: 14.72

Applicant: William E. Lally, Tiffany & Bosco P.A.
Owner: DNZ Holdings LLC
Representative: William E. Lally, Tiffany & Bosco P.A.

Proposal:
1. Modification of Stipulation 1 regarding general conformance with the site plans date stamped Oct. 24, 2012 and Sept. 13, 2018.
2. Modification of Stipulation 2 regarding a minimum of 16 percent open space.
3. Modification of Stipulation 3 regarding a maximum of 140 lots.
4. Deletion of Stipulation 5 regarding a sidewalk/pedestrian path between pads.

5. Modification of Stipulation 14 regarding construction of streets.
6. Modification of Stipulation 16 regarding right-of-way and a bus pad on eastbound Broadway Road west of 67th Avenue.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee opted not to hear this case.
PHO Action: The Planning Hearing Officer heard this case on Aug. 18 , 2021 and recommended denial as filed and approval with modifications. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Southwest corner of 67th Avenue and Broadway Road
Council District: 7
Parcel Address: N/A

This item was adopted.

68 **Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-21--Z-59-18-8 - Approximately 615 Feet North of the Northwest Corner of 25th Street and Baseline Road (Ordinance G-6898)**

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 18, 2021.

Summary
Application: PHO-1-21--Z-59-18-8
Existing Zoning: C-1 BAOD
Acreage: 0.80

Applicant: Cassandra Ayres, Beus Gilbert McGroder PLLC
Owner: Vahik Sahakian
Representative: Paul E. Gilbert, Beus Gilbert McGroder PLLC

Proposal:
1. Modification of Stipulation 1 regarding general conformance to the site plan date stamped Aug. 21, 2018.

2. Deletion of Stipulation 1.a regarding access to amenities to the east.
3. Deletion of Stipulation 1.b regarding vehicular cross access to adjacent properties to the east and south.
4. Deletion of Stipulation 3 regarding a conditional requirement to dedicate and construct 25th Street.

Concurrence/Previous Council Action
Village Planning Committee (VPC) Recommendation: The South Mountain Village Planning Committee heard this case on July 13, 2021 and recommended denial as filed and approval with modifications, by a vote of 11-0-2.
PHO Action: The Planning Hearing Officer heard this case on Aug. 18 , 2021 and recommended approval with a modification and an additional stipulation. See **Attachment A** for the full list of Planning Hearing Officer recommended stipulations.

Location
Approximately 615 feet north of the northwest corner of 25th Street and Baseline Road
Council District: 8
Parcel Address: 7402 S. 25th St.

This item was withdrawn.

Item 24, Ordinance S-47939 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.

24 Sweep Inc

For $16,531.00 in payment authority to purchase scooter retrieval services from Sweep for the Street Transportation Department. COVID-19 extended the contract termination date when the pilot program was put on hold due to the pandemic. Council approved the downtown shared electric scooter pilot program which includes approximately 400 designated parking locations throughout the pilot area.

Discussion

A motion was made and seconded to approve this item.

Councilman Waring said he had voted against this program, but he wanted clarification that this company collected the scooters and returned them to the company who paid them a fee.

Street Transportation Director Kini Knudson replied Sweep worked for the City and retrieved scooters, noting the City setup a program such that scooter companies paid a fine when Sweep relocated the scooters. He conveyed the intent was the City paid Sweep while administering a fine to the scooter companies for relocating the scooters.

Councilman Waring expressed previous votes created clutter on the roadways, but without this contract the scooters would not be returned.

Mr. Knudson responded this item would permit the City to pay Sweep for services provided in the spring during the pandemic when scooter operations resumed. He added the current scooter companies were voluntarily relocating their scooters so the City was not currently using Sweep services for the program extension.

Councilman Waring asked if this was a revenue-neutral program.

Mr. Knudson replied the intent of the scooter program was to be cost-neutral, noting staff had been making adjustments since the program extension last spring. He pointed out having the scooter companies relocate their scooters was one example of how staff was working to keep the program cost-neutral.

Councilman Waring said he understood this component of the program was not cost-neutral and added it should not be a City taxpayer responsibility.

Councilwoman O'Brien asked if the City collected fines during the spring.

Mr. Knudson responded yes, noting staff had been tracking fines and had a fine system in place when scooters were not relocated within a certain

time frame.

Councilwoman O'Brien questioned if the fines collected during this period were more than what the City was paying Sweep.

Mr. Knudson replied the City did collect fines and adjusted the fine from $80 to $100 when the program changed in the spring. He stated he could provide to Council what the City collected to date in fines and what the City paid Sweep.

Deputy City Manager Mario Paniagua added the fines were put in place to cover the costs of the retrieval service. He indicated, since this was a pilot program, it was hard to align the fine amount to what the City paid to contractors but staff was making adjustments. He stated the intent was to be cost-neutral with the program charging the scooter companies for retrieving scooters in non-designated areas so the cost was not placed on the City.

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

Yes:	6 -	Councilwoman Ansari, Councilwoman Guardado, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego
No:	3 -	Councilman DiCiccio, Councilwoman O'Brien and Councilman Waring

26 Proposed 19th Avenue and Yearling Road Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes section 9-471, on the proposed 19th Avenue and Yearling Road Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

Summary

This annexation was requested by Charles E. Eckert Jr. with Red Hawk Development Corporation for the purpose of receiving City of Phoenix

services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation. Additionally, the annexation is recommended for adoption per the attached Task Force Analysis Report (**Attachment A**).

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

Location
The proposed annexation area includes parcels 210-11-003F and 210-11-003G, located at 19th Avenue and Yearling Road (**Attachment B**). The annexation area is approximately 2.02 acres (0.0032 sq. mi.) and the population estimate is zero individuals.

Council District: 1

Discussion
Mayor Gallego declared the public hearing open.

Charles Eckert stated he represented the applicant and was present because people were opposed to this annexation. He indicated the applicant applied for annexation to construct single-family residential development on this site. He said the applicant would prepare a zoning application once the annexation process was completed.

Carol Shilliday spoke in support of this request for City connection in a County island that was surrounded by commercial and industrial uses. She expressed she was concerned about groundwater contamination in the area and preferred City services.

Don Shilliday spoke in favor as this was an opportunity to connect to City services which would benefit the area.

Julie Burns stated she owned two lots on Yearling which were on the north and south sides of this site. She expressed there was no need for annexation for the proposed development as well water could be used,

noting one well could provide water for four houses. She cited the water had recently been tested near Union Hills and 27th Avenue and was found to be clean, though if that was the concern a water purification system could be used. She recalled prior developers worked with the residents to keep commercial on Happy Valley and not on 19th Avenue.

Stephen Murphy said he moved to the area about two years ago, noting it was an island community. He agreed with Ms. Burns' comments about there being no need for this area to be annexed to the City and added it could bring in more commercial development which he did not want.

Dusty Schollmeyer stated she had lived in this area for approximately 20 years and had seen a lot of growth. She claimed the area had one of the best water tables with the softest water, noting the developer could use a well, so there was no reason to annex this area to the City. She expressed she did not want the land rezoned for more commercial buildings as she wanted it to remain a family neighborhood.

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

Mayor Gallego declared the public hearing closed.

The hearing was held.

27 Proposed 35th Avenue and Carter Road Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes section 9-471, on the proposed 35th Avenue and Carter Road Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

Summary

This annexation was requested by Reese Anderson and Jon Gillespie with Pew & Lake, PLC, for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation. Additionally, the annexation is recommended for adoption per

the attached Task Force Analysis Report (**Attachment A**).

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

Location
The proposed annexation area includes parcel 105-89-013L, located at 35th Avenue and Carter Road (**Attachment B**). The annexation area is approximately 4.93 acres (0.0077 sq. mi.) and the population estimate is zero individuals.

Council District: 7

Discussion
Mayor Gallego declared the public hearing open. Noting there was no one on the line to provide comments, she declared the public hearing closed.

The hearing was held.

28 Proposed 27th Avenue and Baseline Road Annexation - Authorization to File

Request to authorize the City Manager, or his designee, to file with the Maricopa County Recorder's Office a blank petition for a proposed annexation. This annexation was requested by Francisco M. Badilla with Badilla and Associates Consulting Engineers, L.L.C., for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation.

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

Location

The proposed annexation area includes parcel 105-88-020V, located at 7416 S. 27th Ave. (**Attachment A**). The annexation area is approximately 2.25 acres (0.0035 sq. mi.) and the population estimate is three individuals.

Council District: 8

Discussion

A motion was made and seconded to approve this item.

Mark Rodriguez spoke in support of this item.

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

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

No: 0

36 Amend Business Terms for Redevelopment of Del Rio Former Landfill at 1150 E. Elwood St. (Ordinance S-47957)

Request to authorize the City Manager, or his designee, to amend the approved business terms for entering into a development agreement, ground lease, easements and other agreements as necessary (collectively, the Agreements) with Arizona Fresh Holdings, LLC, or its City-approved designee (Developer), for the lease and redevelopment of the 156-acre City-owned Del Rio former landfill site located at 1150 E. Elwood St. (Site). Also, request an exception pursuant to Phoenix City Code section 42-20 to include indemnification and assumption of liability provisions where necessary in the transaction documents that would otherwise be prohibited by Phoenix City Code section 42-18. Further request authorization for the City Controller to disburse funds related to this item.

Summary

In October 2020, City Council authorized Agreements with the Developer to redevelop the Site into a mixed-use project that includes: an Agri-Food

Innovation Center with a wholesale produce distribution center; retail; education; research facilities; and, an approximately 20-acre City park (Project).

As the site design has continued to progress, the Developer has performed additional due diligence including a geotechnical report to determine the viability and pricing estimates for the Project and public infrastructure improvements. Additional costs are included in the estimates to account for the generally approved building techniques and methods on former landfill sites including dynamic compaction and vapor layers, to name a few. To facilitate this redevelopment, the Developer will make several public infrastructure improvements, creating new public access through the Site, establishing access to the Rio Salado and new 20-acre public park and facilitating pedestrian connectivity and activity. The three public roadways the Developer will construct include the scenic Rio Salado Parkway, 12th Street alignment connecting Rio Salado to Elwood Street, and a half-street of Elwood Street along the Project border. Combined, these roadways including curb, gutter and sidewalks are estimated at more than $21 million.

Upon approval of these proposed business terms, staff will incorporate the changes into the Agreements with the Developer:

Indemnification/assumption of liability: City to obtain an exception pursuant to Phoenix City Code section 42-20 to include indemnification and assumption of liability provisions where necessary in the transaction documents that would otherwise be prohibited by Phoenix City Code section 42-18.

Developer will privately finance and construct the enhanced public infrastructure improvements.

Developer will install and construct a public east-west street, a public north-south street and frontage along Elwood Street (including landscaping and appurtenant amenities) for public access through the northern edge of the Project along the Rio Salado at 7th Street to approximately the 12th Street alignment, a road that bisects the Project from the Rio Salado to Elwood Street at approximately the 12th Street alignment or otherwise approved by the City's Street Transportation Department, and half-street frontage along Elwood Street and convey such access to the City in a mechanism approved

by the City.

Agreements may include other such public infrastructure and related components (and costs thereof) as approved by the Community and Economic Development Director.

The improvements shall be in conformance with the applicable zoning, approved plans and regulations.

1. Reimbursement to the Developer shall be paid on an annual basis, for a period of 10 years, and shall not exceed the verified amount of General Fund Construction Sales tax and General Fund Commercial Real Estate Property Rental, Leasing, Licensing tax (collectively "TPT") collected that year. The TPT shall be comprised of the taxes relating to both (i) the construction and installation of the public infrastructure improvements and any private infrastructure improvements constructed in connection with the development of the Project, and (ii) the construction of vertical and other on-site improvements on the Site from time to time (whether by Developer or by third parties such as technology support companies, and including any tenant improvements). In order to track the TPT eligible for reimbursement, all contractors and subcontractors must secure a separate City of Phoenix Transaction Privilege Tax License related solely to the Project.
2. Reimbursement shall not exceed actual verifiable costs for the approved public infrastructure improvements.
3. Reimbursement will not begin until after the Developer completes the public infrastructure improvements at the Site and the City has accepted those improvements.
4. Reimbursements would be made annually, in arrears, with additional details to be specified in the Agreements.
5. City will reimburse 100 percent of the City's General Fund share of TPT generated from new construction and business activity over the 10 year period as confirmed by the tax licenses.
6. Developer must comply with Title 34 of the Arizona Revised Statutes in constructing the improvements to qualify for reimbursement.
7. Specifics and cost of public infrastructure improvements must be pre-approved by the City in order to qualify for reimbursement.
8. City's reimbursement will not exceed the maximum cumulative amount of $4 million (the "Maximum Reimbursement Amount").

No other sources of funds would be used if the above resources are not adequate to meet the projected construction expenses.
City staff also recommends extending the time period from City Council authorization to enter into Agreements from 12 months to 18 months.
Agreements will include other terms and conditions as deemed necessary by the City.
Other than the changes referenced above, all other terms and conditions of the previously approved Ordinance S-46989 remain the same.

Elliot D. Pollack & Company, a real estate and economic consulting firm, conducted an economic and fiscal impact study showing the Project will generate an estimated $868.6 million in annual economic activity, benefiting the City and region. This innovative project will transform a former landfill site, and the South Phoenix area, from a food desert to a food innovation hub. The Project will create approximately 1,400 construction and 1,500 ongoing operations jobs respectively, with an estimated capital investment of over $191 million.

Contract Term
The ground lease term of 100 years remains unchanged. The term of the development agreement will be for no more than 20 years.

Financial Impact
The financial impact of these new business terms are limited to the 10 years of the City's General Fund share of TPT reimbursement, as defined above. Financial terms of the Agreements will be reviewed by the City's Budget and Research Department to verify funding availability prior to execution.

Concurrence/Previous Council Action
City Council originally approved the Project through Ordinance S-46989 on Oct. 7, 2020.

Public Outreach
Public outreach related to the 20-acre park is taking place in September and October 2021.

Location

1150 E. Elwood St.
Council District: 8

Discussion

A motion was made and seconded to approve this item.

Mayor Gallego stated she looked forward to this project as it would connect with the Rio Reimagined Project.

Vice Mayor Garcia expressed he was excited about this project as it would bring jobs, food and development to the area, along with support for local businesses.

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

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

No: 0

37 Amend Intergovernmental Agreement to Continue Building Community Wireless Network (Digital Divide Cooperative Network) (Ordinance S-47962)

Request to authorize the City Manager, or his designee, to amend Intergovernmental Agreement (IGA) 154496 with Phoenix Union High School District, its 13 public elementary feeder schools and Maricopa County Community Colleges District (the "Parties") to add $10 million to continue building the community wireless network (digital divide) project. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund. Funding is available through the City’s allocation of the American Rescue Plan Act (ARPA) received from the federal government and is under the Citywide Wireless Network Project and Partnership with Phoenix Union program.

Summary

On May 14, 2020, City Council approved a budget of $2 million from the City's allocation of federal Coronavirus Relief Funds (CRF) to broaden Citywide Wi-Fi. Shortly thereafter, a core public and private group came

together to discuss long-term solutions for the digital divide in Phoenix. Members of the core group included the City of Phoenix, Phoenix College (PC), Phoenix Union High School District (PUHSD), the Greater Phoenix Economic Council and the Arizona Commerce Authority. This group has been working together since that time.

The digital divide is defined as the economic, education, and social inequalities between those who have computers and online access, and those who do not. As was reported at the Oct. 27, 2020 City Council Policy meeting, many areas of the country have little or no access/connection to the internet, including areas in the City of Phoenix and throughout Arizona. Even when there is internet availability, economic barriers prevent many residents from accessing the internet. As the working group presented to the City Council, during the COVID-19 pandemic, the gap in the digital divide has become wider and wider. Households that have internet connection are able to provide the opportunity for their children to continue their education at home during a time when schools are closed. Coming out of the pandemic, and as schools are opening again, that gap remains. Students who have connectivity are able to continue with a robust hybrid learning program and can complete their online homework in their home, while students who do not have connectivity struggle with completing their work assignments and must go to a public location to access the internet.

On Dec. 16, 2020, City Council approved entering into an IGA with PUHSD and its feeder elementary schools and Maricopa County Community Colleges District relating to digital divide solutions for under-served areas. In order to continue this formal partnership and the roll-out of the Digital Divide Solution, IGA 154496 was created and signed by the Parties.

Since approval of the initial $2 million, the team of partners has successfully installed and conducted testing at several beta-sites within the broader proposed area of service for viability. The beta-test sites included the PC campus, Maryvale High School, the PUHSD offices and their respective staff and students. Data collected during this process gave the partnership positive feedback and critical data on user experience and overall use of the system. Now that data has been

collected from the beta-site testing, the project is now ready to scale-up and increase the wi-fi system's capacity and reach for the broader community.

On June 8, 2021, City Council allocated $28.8 million of the approximately $198 million ARPA funds to Youth Sports, Recreation, Education and Wireless projects, with $10 million set aside for the Citywide Wireless Network Project and Partnership with PUHSD.

Staff requests to amend the existing IGA with the Parties to add the $10 million in ARPA funds to implement the next phase of the digital divide project to expand the existing wi-fi system to a four square mile area to allow access to over 1,000 students who otherwise wouldn't have had reliable access to the internet at home.

Contract Term

The term of IGA 154496 is from April 1, 2021 to June 30, 2025 with an automatic renewal effective for the next five fiscal year period (to June 30, 2030) unless terminated earlier by the Parties.

Financial Impact

Total funding for the amended IGA will not exceed $12 million. This includes the initial $2 million allocation of federal CRF in addition to the current request of $10 million in ARPA funds. There is no impact to the General Fund. The request for $10 million in funding is available through the City's allocation of ARPA funds.

Concurrence/Previous Council Action

The City Council:

Approved an allocation of $2 million from Coronavirus Relief Funds to broaden Citywide Wi-Fi on May 14, 2020 at the City Council Policy meeting;

Heard an update of the activities of the digital divide efforts on Oct. 27, 2020 at the City Council Policy meeting;

Approved entering into an Intergovernmental Agreement relating to Digital Divide Solutions for under-served areas on Dec. 16, 2020 at the City Council Formal meeting; and

Allocated $10 million in ARPA funds to continue building the community

wireless network project at the June 8, 2021 City Council Policy meeting.

Location
Council Districts: 4, 5, 7, and 8

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

Councilwoman Ansari expressed she was excited about this project and would be voting yes as the need was urgent in her district. She thanked Councilwoman Pastor for her leadership on this effort. Councilwoman Ansari remarked the digital divide would continue to be an issue after the pandemic, noting many communities would benefit from this project as everyone should have access.

Vice Mayor Garcia stated this project started at the Alhambra and Cartwright elementary school districts. He thanked Community and Economic Development staff for getting this done in a short period of time. He expressed he was excited to support this item as these were the best investments the City could make, especially the permanency of this program as the infrastructure would be available for future generations.

Councilwoman O'Brien said she was excited to support these efforts to close the digital divide for students and residents. She indicated these items would increase the City's wi-fi accessibility, particularly for students who continued their education digitally from home during the pandemic. She remarked these items were the next steps to close the digital divide while upgrading the City to 21st century technologies. She conveyed she supported this item as well as Item 38.

Mayor Gallego stated she was glad the City could be a partner in this effort and recognized Councilwoman Pastor for her leadership on digital connectivity issues. Mayor Gallego noted Councilwoman Pastor would not be participating in this vote, but it was important to her.

Shana Cynamon spoke in opposition due to her concerns with the health effects of wireless radiation when there were other alternatives, such as fiber optics.

Jason Paul spoke in opposition and gave examples of the potential harm that could be caused. He said he understood the intent of broad-band in communities and support for it, but there were safer and better ways like fiber optics.

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

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

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

38 Submit National Telecommunications and Information Administration Broadband Infrastructure Program Grant Application, Enter into Agreements to Continue Building Community Wireless Network (Ordinance S-47963)

Request to authorize the City Manager, or his designee, to (1) submit an application for a National Telecommunications and Information Administration (NTIA) grant program; (2) enter into agreements with the NTIA for the purpose of accepting awarded grant funds to implement an expanded wi-fi network project, and (3) enter into agreements as needed with City partner organizations receiving a share of the NTIA grant funds as a pass-through from the City of Phoenix in accordance with the approved Intergovernmental Agreement, as necessary. Further request to authorize the City Treasurer to receive, and for the City Controller to disburse all funds in accordance with the terms of the aforementioned grants and agreements. There is no impact to the General Fund as a result of this request.

Summary

Through the U.S. Department of Commerce, the NTIA is making up to $288 million available in federal grant funding for the deployment of

broadband infrastructure. Grants are to be awarded to partnerships between a state, or political subdivisions of a state, and providers of fixed broadband service. The NTIA expects to award grant funds within the $5 million to $30 million range. Grant funds are intended to support competitively and technologically neutral projects for the deployment of fixed broadband services that provide qualifying broadband service in an eligible service area.

On Aug. 17, 2021, the Community and Economic Development Department submitted a grant application in the amount of $20,601,125.54 to support the City's initiative to create a canopy wi-fi network system for community members and students within the Phoenix Union High School District (PUHSD). The grant application project is designed to cover 170 square miles of the Central Phoenix area utilizing a combination of technologies to meet various use cases based on the location of students, building, and community types. Through a public and private partnership with PUHSD, Maricopa County Community Colleges District (MCCCD), Phoenix College (PC), the Greater Phoenix Economic Council (GPEC) and the City of Phoenix, the project will deliver a no-cost access to educational services for students throughout the designated area. No local match is required.

This request is retroactive due to the Aug. 17, 2021 NTIA grant application deadline.

To develop a long-term solution to conquer the digital divide, the City of Phoenix, MCCCD, PC, PUHSD, and GPEC have formed a Digital Divide Consortium (Consortium) to bridge the Digital Divide. This Consortium provides resources and services to implement and sustain broadband internet access for educational services to the areas with the greatest need within the PUHSD's service area. The Consortium believes that solving the Digital Divide today is critical for today's students and the workforce of tomorrow that will drive the future economy in the City of Phoenix. Without a solution, this future workforce will be left behind and may never realize their full potential.

The project’s boundaries, subject to this grant application, are located within the boundaries of the PUHSD, which includes all of the 26 high

schools within the District and the elementary school districts that are the “feeder schools” to the high school district. Those elementary school districts that are located within the PUHSD boundaries include: Alhambra Elementary, Balsz Elementary, Cartwright Elementary, Creighton Elementary, Isaac Elementary, Laveen Elementary, Murphy Elementary, Osborn Elementary, Phoenix Elementary, Riverside Elementary, Roosevelt Elementary and Wilson Elementary.

This project's direct beneficiaries are the elementary, high school, and college students in the City of Phoenix. In many areas within the City, 50-70 percent of families have income below the poverty line and cannot afford broadband access to the internet. This has created a Digital Divide, in which limited access to affordable and reliable broadband connectivity creates a barrier to opportunities for education or employment. The COVID-19 pandemic shifted education from in-classroom to home-based learning almost overnight, with 100 percent of the public schools in the PUHSD going to home-based learning, making the impact of the Digital Divide on education even more apparent. To overcome these challenges, school districts have developed creative solutions to provide educational programs and services for students during the pandemic. While these efforts have served as temporary measures to help bridge the Digital Divide, these are not long-term, sustainable solutions to the problem. The need for broadband access to virtual education resources will outlive the pandemic as virtual education, and virtual interaction with education resources are expected to be needed well into the future.

On Dec. 16, 2020, City Council approved entering into an Intergovernmental Agreement with PUHSD and its feeder elementary schools and MCCCD relating to digital divide solutions for under-served areas utilizing $2 million in federal Coronavirus Relief Funds (CRF) to broaden Citywide Wi-Fi for educational purposes. Since then, the team has successfully installed and conducted testing at several beta-sites within the broader proposed area of service for viability. The beta-test sites included the PC campus, Maryvale High School, the PUHSD offices and their respective staff and students. Data collected during this process gave the partnership positive feedback and critical data on user experience and overall use of the system. Now that data has been

collected from the beta-site testing, the project is now ready to scale-up and increase the wi-fi system's capacity and reach for the broader community utilizing a City Council-approved set aside allocation of $10 million in American Rescue Plan Act (ARPA) funding to expand the Citywide Wireless Network Project and Partnership with PUHSD.

Federal financial assistance is needed to build the core infrastructure that this project will depend upon and leverage the existing services and capital investments connecting disparate components into a single platform from which innovations can be developed, and services can be provided to students. This grant will help fill the funding gap to complete this project which has a total cost of $34,751,125.94.

Anticipated outcomes of this project, subject to NTIA grant funds, include:

Expanding the "Wireless Canopy of Coverage" created for Alhambra and Cartwright Elementary School Districts to all PUHSD and PUHSD feeder school districts (12 districts);

Replicable across the different sites and locations; achieved with validated technologies utilizing private businesses secured through a procurement executed by PUHSD;

Efficient, affordable, and sustainable solution;

Existing installations and testing conducted at multiple sites demonstrate robust connectivity;

Students who have need within service territory will have an Internet connection for educational purposes only- removing the disparity in the community, expanding access and availability of time for learning;

Model designed to be easily deployable into other areas, small and large districts, rural and Native American communities; and

Create new training, workforce development, and mentorship opportunities.

Awards for the NTIA grant program are expected to be announced in November 2021.

Financial Impact

Total funds requested for the NTIA grant application is $20,601,125.54. No General Funds are requested as part of this action. Through separate

City Council actions a total of $12 million has been committed to this effort between CRF and ARPA funds.

Concurrence/Previous Council Action

The City Council:

Approved an allocation of $2 million from Coronavirus Relief Funds to broaden Citywide Wi-Fi on May 14, 2020 at the City Council Policy meeting;

Heard an update of the activities of the digital divide efforts on Oct. 27, 2020 at the City Council Policy meeting;

Approved entering into an Intergovernmental Agreement relating to Digital Divide Solutions for under-served areas on Dec. 16, 2020 at the City Council Formal meeting;

Allocated $10 million in American Rescue Plan Act funds to continue building the community wireless network project at the June 8, 2021 City Council Policy meeting; and

Will consider amending Intergovernmental Agreement 154496 with Phoenix Union High School District, its 13 public elementary feeder schools and Maricopa County Community Colleges District to add $10 million to continue building the community wireless network (digital divide) project at the Sept. 15, 2021 City Council Formal meeting.

Location

Council Districts: 4, 5, 7, and 8

Discussion

A motion was made and seconded to approve this item.

Councilwoman Guardado stated this was a great example of the City collaborating with community colleges, school districts and the business community to find solutions to issues impacting youth, especially during the pandemic. She expressed she was excited to see this scale up services to young residents and wanted to continue providing them the best services. She thanked Councilwoman Pastor for her leadership on this item.

Mayor Gallego announced Councilwoman Pastor would not be participating in this vote.

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

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

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

45 Arizona Coliseum and Exposition Center Request for Police Services for 2021 Arizona State Fair (Ordinance S-47964)

Request to authorize the City Manager, or his designee, to enter into an agreement with the Arizona Coliseum and Exposition Center for the Phoenix Police (PPD) and the Neighborhood Services departments (NSD) to provide increased traffic enforcement, perimeter security, proactive police patrol, permit parking enforcement and vending enforcement. The Arizona Coliseum and Exposition Center will pay $31,500 for these services. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

As far back as 1987, PPD and NSD have partnered with the Arizona Coliseum and Exposition Center to provide increased traffic enforcement, perimeter security and proactive patrol in the area surrounding the fair grounds. The intent of this agreement is to recover costs associated with these services during the State Fair. Additionally, Finance Department Tax Enforcement Section receives space at no charge for licensing and collection of taxes from vendors.

Contract Term

Services will take place from Oct. 1, 2021 through Oct. 30, 2021.

Financial Impact

The amount to be recovered is $19,000 by PPD and $12,500 by NSD.

Location

The area surrounding the Arizona State Fairgrounds located at 1826 W. McDowell Road.
Council District: 4

Discussion

A motion was made and seconded to approve this item.

Mark Rodriguez spoke in support of police protection at the State Fair.

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

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

No: 0

46 FY 2021 Internet Crimes Against Children Task Force Program (Ordinance S-47960)

Request retroactive authorization for the City Manager, or his designee, to allow the Police Department to apply for, accept and enter into an agreement with the Office of Juvenile Justice and Delinquency Prevention for the 2021 Internet Crimes Against Children (ICAC) Task Force Program for an amount not to exceed $469,451. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The Police Department commands the Arizona ICAC Task Force and has received funding through this source annually for the past several years. The goal of the task force is to improve effectiveness to prevent, interdict, investigate, and prosecute internet crimes against children and child exploitation. The Arizona ICAC Task Force is partnered with 64 law enforcement agencies statewide. Since 2006, the Arizona ICAC Task Force has conducted more than 35,145 investigations resulting in the incarceration of hundreds of offenders and provided preventative training presentations to children, parents, and community groups to educate

them on how to protect children from internet crimes.

If awarded, grant funds will be used to continue reimbursing the City for the salary and fringe benefits for one sergeant position, overtime and related fringe benefits for various task force personnel, supplies, travel, training, equipment, and contracts/consultants to support the task force investigations. Funds are also shared statewide through a program that assists agencies throughout Arizona to purchase equipment and attend training.

The grant application was due on Aug. 31, 2021. If authorization is denied, the grant application will be rescinded.

Contract Term
The contract term is from Oct. 1, 2021 through Sept. 30, 2022.

Financial Impact
No matching funds are required. Cost to the City would be in-kind resources only.

Concurrence/Previous Council Action
This item was recommended for approval by the Public Safety and Justice Subcommittee by a vote of 3 to 0 at the Sept. 8, 2021 meeting.

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

Adriana Gonzalez-Chavez expressed interest in knowing how important the passing of this item was to Mayor Gallego.

Mayor Gallego said she looked forward to supporting the motion.

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

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

No: 0

47 PHX Sky Train Operations and Maintenance Contract 126231 - Amendment (Stage 2 Extension) (Ordinance S-47953)

Request to authorize the City Manager, or his designee, to execute an amendment to Operations and Maintenance Contract 126231 with Bombardier Transportation (Holdings) USA Inc., to: extend the term of the Contract for 10 years, for a 20-year aggregate term; and provide operation and maintenance services in support of the Phoenix Sky Harbor International Airport Sky Train. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in this amendment will not exceed $308,567,412.

Summary

The PHX Sky Train is an important transportation asset to Phoenix Sky Harbor International Airport (PHX). Sky Harbor Boulevard and the surrounding roadway system accommodate all traffic at PHX, and they are used by passengers, employees, airport businesses, and the public to access PHX terminals. While PHX continues to improve this roadway system, it has limited capacity for airport traffic. The PHX Sky Train provides a much needed second mode of transportation for connecting passengers between PHX terminals and parking garages and lots. The Stage 2 extension to the Rental Car Center will replace the need for airport shuttle buses, thereby reducing roadway and terminal curb congestion.

The PHX Sky Train system has been developed in three stages. Stage 1 extends from 44th Street to Terminal 4, which opened for passenger service in April 2013. The extension of the system from Terminal 4 to Terminal 3 (Stage 1A) opened in December 2014. The final phase of the project (Stage 2) extends the Sky Train system from Terminal 3 to the Rental Car Center and is expected to open in summer 2022.

The Stage 2 extension will add two and a half miles of dual-lane guideway, two new stations at 24th Street and the Rental Car Center, and 24 additional train cars. After it is completed, the system will consist of five miles of dual-lane guideway, six stations, and a total fleet of 42 train cars.

Bombardier was originally selected for this work using a two-step design-build-operate-maintain procurement process in accordance with Arizona Revised Statute Title 34, as managed by the City Engineer.

The Stage 2 extension requires Contract 126231 (Contract) to be amended to allow for the increase in operations and maintenance associated with the extension of the system to the Rental Car Center (Stage 2).

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

Contract Term
The Contract commenced on April 1, 2013 and has a 10-year term. The Contract extension will begin on or about June 1, 2022 for an additional 10-year term; the aggregate contract term for operation and maintenance of the entire system will be 20 years, with no options to extend.

Financial Impact
The initial authorization and previous amendments for the Operations and Maintenance contract were authorized for an expenditure not-to-exceed $85,819,679.07. This amendment will increase the authorization for the contract by an additional $308,567,412, for a new total not-to-exceed contract value $394,387,091.07, which includes a not-to-exceed five percent annual economic price adjustment.

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

Concurrence/Previous Council Action
The City Council approved:
Operating System Operations and Maintenance Contract 126231 (Ordinance S-36228) on July 10, 2009;
Operating System Operations and Maintenance Contract 126231 - Amendment (Ordinance S-39113) on July 3, 2012; and
Operating System Operations and Maintenance Contract 126231 - Amendment (Ordinance S-41273) on Nov. 19, 2014.

Location

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

Discussion

A motion was made and seconded to approve this item.

Sam Stone spoke in opposition as this would double the work requirement for the contractor and quadruple the cost to the City. He said he was concerned about this pattern where the City has an initial contract and extends that contract without competition at higher rates.

Mayor Gallego stated the Sky Train was expected to carry 79,000 passengers per day at a cost of 83 cents per passenger.

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

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

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 CITIZEN COMMENTS

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

Note: Councilman DiCiccio disconnected from the meeting.

Ari Berrong'huber stated he had worked at HMS Host as a host at Barrio Cafe in Terminal 4 for six months. He remarked that he and his co-workers were on strike at Sky Harbor Airport to protest the daily under-staffing. He asked that

Council not grant additional concessionaire relief until a plan was in place that benefited workers.

Scott Matos-Elliot said he worked at HMS Host at Starbucks and was on strike at the airport because of under-staffing and non-operational machines. He asked Council to stand with Unite 11 and help the workers.

Leon Eubanks stated he had worked for HMS Host for five years and was currently on furlough. He asked that Council refrain from giving more rent relief to HMS Host until labor issues were addressed.

Jordan Greenslade expressed he supported the HMS Host workers who were on strike at the airport. He urged Council to listen to the workers and to not give more rent relief to HMS Host.

Angie Hardemon-Wilson said she had worked at HMS Host for a month and was part of the strike because of under-staffing.

April Hernandez stated she worked at HMS Host and was part of the strike due to under-staffing. She expressed the company did not deserve rent relief.

Vivien Lavely stated she worked at HMS Host and was part of the strike due to under-staffing. She noted production workers were brought back, but staff was still unable to take time off because of industry obligations. She asked that Council not give HMS Host additional rent relief until current issues were resolved.

Marisela Mares expressed he supported the HMS Host workers who were on strike at the airport. He demanded that Council not give more rent relief to HMS Host and to consider the impacts on workers.

Ana Martinez said she supported the HMS Host workers who that on strike at the airport. She asked that Council listen to the workers and not give more rent relief to HMS Host.

Mike Martinez stated he supported the HMS Host workers who were on strike at the airport. He asked that Council listen to the workers and not give more rent relief to HMS Host.

Laura Perez expressed she supported the HMS Host workers that were on strike at the airport. She asked that Council listen to the workers and not grant more rent relief to HMS Host.

Alex Rosado said he supported the HMS Host workers who were on strike. He asked that Council listen to the workers and stop giving rent relief to HMS Host.

Victoria Stahl stated she was a Starbucks barista for HMS Host in Terminal 4 at Sky Harbor Airport. She expressed staffing levels had not changed to meet the passenger increase, so workers went on strike to send a message to the company. She asked that Council not give more rent relief to HMS Host.

Mateo Vargas said he had worked for HMS Host for about seven weeks as a Starbucks barista in Terminal 3. He remarked he was on strike with his co-workers because of under-staffing. He asked that Council not give more rent relief to, nor waive the minimum annual guarantee for, HMS Host.

Sandy Villatoro stated she supported the HMS Host workers who were on strike at the airport. She asked that Council listen to the workers and not give more rent relief to HMS Host.

Josh Wells expressed he supported the HMS Host workers that were on strike at Sky Harbor Airport. He asked that Council listen to the workers and not give more rent relief to HMS Host.

Marilyn Wilbur said she supported the HMS Host workers who were on strike at the airport. She asked that Council listen to the workers and not give more rent relief to HMS Host.

Mari Yepez stated she supported the HMS Host workers that were on strike at Sky Harbor Airport. She asked that Council listen to the workers and not give more rent relief to HMS Host.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 3:49 p.m.

MAYOR

ATTEST:

CITY CLERK

SM

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 15th day of September, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of April, 2024.

CITY CLERK