City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, December 18, 2019 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, December 18, 2019 at 2:34 p.m. in the Council Chambers.

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

Councilman DiCiccio temporarily left the voting body prior to the brief recess after Item 42 and returned immediately after the recess prior to Item 48. Councilmember Garcia temporarily left the voting body following the brief recess after Item 42 and returned prior to the vote on Item 48. Councilwoman Pastor temporarily left the voting body following Item 50 and returned prior to the vote on Item 53. Councilman Nowakowski left the meeting following the vote on Item 91.

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

The City Clerk confirmed that copies of the titles of Ordinances G-6617, G-6650 through G-6652, S-46228 through S-46262, and Resolution 21800 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 April 17, 2019**

Summary

This item transmits the minutes of the Formal Meeting of April 17, 2019, for review, correction and/or approval by the City Council.

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

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

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

No: 0

Mayor Gallego announced today was an exciting day in the City of Phoenix as they just dedicated the largest freeway project in Arizona's history, the South Mountain 202 Ed Pastor freeway. She congratulated the Pastor family and recognized Ed and Verma as today was also their anniversary. Additionally, she mentioned she had a great conversation with the Arizona Department of Transportation director about a pipeline being built in the City. She noted the director said some positive things about moving it into freeway right-of-way which she thought was good news for that area.

BOARDS AND COMMISSIONS

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

Summary

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

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

Ahwatukee Foothills Village Planning Committee

Reappoint Chad Blostone, for his sixth term
Reappoint Michael Hinz, for his sixth term
Reappoint Max Masel, for his sixth term
Reappoint Robert Page, for his second term
Reappoint Suzanne Sharer, for her first full term
Reappoint Brian Symes, for his fifth term
All of the above reappointments as recommended by Councilman DiCiccio for terms to expire Nov. 19, 2021.

Citizens Commission on Salaries for Elected City Officials
Appoint Lauren Armour, Caitlin Breedlove, Candice Gamble Fremouw, Quinton Miranda, John Owens and Jennifer Sanchez, Chair as recommended by Mayor Gallego for terms not to exceed three months.

North Mountain Village Planning Committee
Reappoint Nadine Alauria, for her first full term
Reappoint Patricia Ford, for her second term
Reappoint Paul Magallanez, for his first full term
All of the above reappointments as recommended by Councilwoman Stark for terms to expire Nov. 19, 2021.

Paradise Valley Village Planning Committee
Reappoint Larisa Balderrama, for her first full term
Reappoint Katie Belous, for her first full term
Reappoint Alex Popovic, for his first full term
All of the above reappointments as recommended by Councilwoman Stark for terms to expire Nov. 19, 2021

Phoenix Business Workforce Development Board
Appoint Latasha Causey, representing the Business category, for a term to expire June 30, 2021, as recommended by Mayor Gallego

Theme Park and Support Facility District Board of Directors
Appoint Councilwoman Stark, replacing Councilman Valenzuela

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

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

No: 0

Mayor Gallego administered the oath of office to Suzanne Sharer, Ahwatukee Foothills Village Planning Committee; Lauren Armour and Quinton Miranda, Citizens Commission on Salaries for Elected City Officials; Paul Magallanez, North Mountain Village Planning Committee; and Latasha Causey, Phoenix Business Workforce Development Board. The appointees were invited to approach the dais so Council could extend their appreciation.

3 Swearing in of Municipal Court Judges

Request to permit the swearing in of Municipal Court Judges.

Summary

Administer the oath of office for the Honorable Walter Jackson and Honorable James Sampanes each to a four-year term as Judge of the Phoenix Municipal Court to end on Nov. 25, 2023 and administer the oath of office for the Honorable Francisca Cota, Honorable Cynthia Gonzales, and Honorable James Hernandez each to a four-year term as Judge of the Phoenix Municipal Court to end on Dec. 20, 2023.

Concurrence/Previous Council Action

On Oct. 8, 2019 the Judicial Selection Advisory Board recommended approval to the Public Safety and Justice Subcommittee.

On Nov. 13, 2019, the Public Safety and Justice Subcommittee recommended approval to the City Council by a vote of 3-0.

Mayor Gallego administered the oath of office to Phoenix Municipal Court Judges Walter Jackson, James Sampanes, Francisca Cota and Cynthia Gonzales.

Mayor Gallego invited the judges to approach the dais so Council could extend their appreciation.

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

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

Note: Comment cards were submitted for the record in favor of Items 4, 21, 30 and 31 by the following individuals:

Leo Horton, Applicant - Item 4
Lauren Trattner, Agent - Item 21
David Johnson, Agent - Items 30 and 31

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Williams, that Items 4 through 31 be recommended for approval, except Item 7 which is withdrawn by the applicant. The motion carried by the following voice vote:

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

No: 0

4 Liquor License - Special Event - W.R. Marksman Club, Inc.

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

Summary

Applicant
Leo Horton

Location
4044 W. Black Canyon Blvd.
Council District: 1

Function
Dinner

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

Feb. 26, 2020 - 5 p.m. to 11 p.m. / 400 attendees
Feb. 27, 2020 - 5 p.m. to 11 p.m. / 100 attendees
Feb. 28, 2020 - 5 p.m. to 11 p.m. / 250 attendees
Feb. 29, 2020 - 5 p.m. to 11 p.m. / 400 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

5 Liquor License - GoPuff

Request for a liquor license. Arizona State License Application 79575.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 10 - Beer and Wine Store

Location
1 E. Deer Valley Road, Ste. 206
Zoning Classification: A-1 DVAO
Council District: 1

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

The 60-day limit for processing this application is Jan. 3, 2020.

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

established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"As an experienced retail merchant with liquor licenses in many cities throughout the U.S., Applicant is committed to upholding the highest standards for business and maintaining compliance with all applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Applicant offers direct delivery of snacks, drinks, personal essentials and a variety of convenience items, and would like to offer customers 21 and over the oppurtunity to purchase beer and wine."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - GoPuff
Liquor License Map - GoPuff

This item was recommended for approval.

6 Liquor License - Mercado y Carniceria Sepulveda

Request for a liquor license. Arizona State License Application 80808.

Summary

Applicant
Gustavo Sepulveda-Zuniga, Agent

License Type
Series 10 - Beer and Wine Store

Location
1612 W. Bell Road
Zoning Classification: C-1
Council District: 3

This request is for a new liquor license for a convenience market. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow package liquor sales.

The 60-day limit for processing this application is Dec. 23, 2019.

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

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have managed a store with a liquor license for over 20 years. I have attended all the traning classes to properly follow the liquor laws of Arizona. I have hired and trained, skilled and knowledgeable employees to help me with my business."

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 offering the neighborhood a family friendly convenience store. That offers a small grocery store and meat market in one convenient location. We will offer a variety of alcoholic and non-alcoholic beverages that will make it convenient for our clients to do their shopping at a family friendly neighborhood convenience store."

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 - Mercado y Carniceria Sepulveda
Liquor License Map - Mercado y Carniceria Sepulveda

This item was recommended for approval.

7 Liquor License - Roadhouse Cinemas

Request for a liquor license. Arizona State License Application 78259.

Summary

Applicant
Kevin Kramber, Agent

License Type
Series 12 - Restaurant

Location
245 E. Bell Road, Ste. 50
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. This business is currently being remodeled with plans to open in March 2020.

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

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

Other Active Liquor License Interest in Arizona
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.

Roadhouse Cinema (Series 12)
9090 E. Indian Bend Road, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Roadhouse Cinema (Series 12)
4811 E. Grant Road, #150, Tucson
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I currently represent over 130 + licenses in the State of Arizona. Controlling persons currently own and posses 2 restaurant liquor licenses with no violations. Management & staff has or will have approved Title IV liquor training."

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 a dine in theater and want to add to the enjoyment and experience of our over 21 age customers and desire an alcoholic beverage with their movie & dining enjoyment of our business."

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 - Roadhouse Cinemas
Liquor License Map - Roadhouse Cinemas

This item was withdrawn.

8 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
Feb. 8, 2020 - 8 p.m. to 2 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 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
Feb. 14, 2020 - 8 p.m. to 2 a.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

10 Liquor License - Special Event - St. Mary's Roman Catholic High School Phoenix

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

Summary

Applicant
Damin Lopez

Location
2525 N. 3rd St.
Council District: 4

Function
Wine Tasting

Date(s) - Time(s) / Expected Attendance
April 4, 2020 - 4 p.m. to 10 p.m. / 350 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

11 Liquor License - Montecito Mercantile

Request for a liquor license. Arizona State License Application 81555.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 10 - Beer and Wine Store

Location
704 W. Montecito Ave.
Zoning Classification: C-2 SAUMSO
Council District: 4

This request is for a new liquor license for a beer and wine store. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow package liquor sales.

The 60-day limit for processing this application is Dec. 30, 2019.

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

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

Restaurant Progress (Series 12)
702 W. Montecito Ave., Phoenix
Calls for police service: 3
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 will ensure all employees will attend the Title 4 Basic liquor law training course."

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 the neighborhood a place to stop and grab a bottle of wine or beer."

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 - Montecito Mercantile
Liquor License Map - Montecito Mercantile

This item was recommended for approval.

12 Liquor License - Carniceria La Hacienda

Request for a liquor license. Arizona State License Application 80655.

Summary

Applicant
Nasser Awawda, Agent

License Type
Series 10 - Beer and Wine Store

Location
7215 W. Indian School Road
Zoning Classification: C-2
Council District: 5

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

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

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

Other Active Liquor License Interest in Arizona
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 used to own gas station with convenience store where we were selling beer, wine and hard liquor. This experience gave 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 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 - Carniceria La Hacienda
Liquor License Map - Carniceria La Hacienda

This item was recommended for approval.

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

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

Summary

Applicant
Andrea Pettyjohn

Location
4700 E. Warner Road
Council District: 6

Function
Festival

Date(s) - Time(s) / Expected Attendance
March 7, 2020 - 11 a.m. to 5 p.m. / 150 attendees
March 8, 2020 - 11 a.m. to 4 p.m. / 150 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

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

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

Summary

Applicant
Andrea Pettyjohn

Location
4700 E. Warner Road
Council District: 6

Function
Festival

Date(s) - Time(s) / Expected Attendance
March 14, 2020 - 5 p.m. to 9 p.m. / 150 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - Special Event - Valley Dogs, Inc.

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

Summary

Applicant
Marci Miller

Location
4700 E. Warner Road
Council District: 6

Function
Sporting Event

Date(s) - Time(s) / Expected Attendance
Feb. 29, 2020 - Noon to 7 p.m. / 150 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

16 Liquor License - Cock N Tails

Request for a liquor license. Arizona State License Application 82821.

Summary

Applicant
Kurtis Johnson, Agent

License Type
Series 12 - Restaurant

Location
6101 N. 7th St.

Zoning Classification: C-2
Council District: 6

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

The 60-day limit for processing this application is Jan. 5, 2020.

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 ran and operated three full service restaurants in Los Angeles from 2012-2018. They ranged in size From 2,000 SqFt - 12,000 SqFt. All three establishments had full liquor licenses, serving breakfast, lunch,

and dinner. The total employees that worked for me at any given time would range From 80-100. During my time in Los Angeles we ran successful restaurants with no Liquor violations or issues."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "I am a fourth generation native to Phoenix. Moving back to the valley, I look forward to owning and operating a responsible and successful restaurant that provides a desireable dining experience to my surrounding community. I am also looking foward to giving back to our community with any sponsorships that I can provide, as well as providing employment."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Cock N Tails
Liquor License Map - Cock N Tails

This item was recommended for approval.

17 Liquor License - Mercbar

Request for a liquor license. Arizona State License Application 06070461.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 6 - Bar

Location
2525 E. Camelback Road, Ste. 120
Zoning Classification: C-2 H-R SP
Council District: 6

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

operate with an interim permit. This location requires a Use Permit to allow outdoor dining and alcoholic beverage consumption.

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

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

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

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

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

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

The public convenience requires and the best interest of the community

will be substantially served by the issuance of the liquor license because: "Mercbar has served classic cocktails in an iconic New York-style bar and lounge since 1996. Applicant would like to continue to offer guests 21 and over the opportunity to enjoy alcoholic beverages."

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 - Mercbar
Liquor License Map - Mercbar

This item was recommended for approval.

18 Liquor License - Special Event - The Grand Canyon Sisters of Perpetual Indulgence, Inc.

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

Summary

Applicant
Derek Armstrong-Stoner

Location
1101 N. Central Ave.
Council District: 7

Function
Community Event

Date(s) - Time(s) / Expected Attendance
Feb. 8, 2020 - 5 p.m. to 11:30 p.m. / 200 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

19 **Liquor License - Special Event - The Grand Canyon Sisters of Perpetual Indulgence, Inc.**

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

Summary

Applicant
Derek Armstrong-Stoner

Location
1101 N. Central Ave.
Council District: 7

Function
Community Event

Date(s) - Time(s) / Expected Attendance
Nov. 14, 2020 - 6 p.m. to 11:30 p.m. / 200 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

20 **Liquor License - Punch Bowl Social**

Request for a liquor license. Arizona State License Application 06070620.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 6 - Bar

Location
903 N. 2nd St.
Zoning Classification: DTC - Evans Churchill West ACOD

Council District: 7

This request is for an acquisition of control of an existing liquor license for a bar. This location is currently licensed for liquor sales. This business is being remodeled with plans to open in March 2020.

The 60-day limit for processing this application is Dec. 24, 2019.

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

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

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

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

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

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.

This item was recommended for approval.

21 Liquor License - Dollar General Store #20071

Request for a liquor license. Arizona State License Application 81815.

Summary

Applicant
Lauren Trattner, Agent

License Type
Series 10 - Beer and Wine Store

Location
1805 W. Southern Ave.
Zoning Classification: C-2
Council District: 7

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

The 60-day limit for processing this application is Dec. 31, 2019.

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

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

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

comment period.

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am a reliable and responsible member of the community. I consistently oversee my stores and ensure they comply with all laws relating to the sale of liquor."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We consistently ensure all employees receive required training and are accountable for following all rules and regulations."

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 - Dollar General Store #20071
Liquor License Map - Dollar General Store #20071

This item was recommended for approval.

22 Liquor License - Pigtails

Request for a liquor license. Arizona State License Application 81996.

Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 6 - Bar

Location
1 E. Washington St., Ste. 128
Zoning Classification: DTC-BC
Council District: 7

This request is for a new liquor license for a bar. This location was not previously licensed for liquor sales and does not have an interim permit. This business has plans to open in January 2020.

The 60-day limit for processing this application is Jan. 3, 2020.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:

“Applicant's principals currently own and operate seven Whining Pig beer and wine bars in the Valley (five in Phoenix). Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “Pigtails will offer great wines, beers and spirits in a neighborhood restaurant/bar, where friends and guests enjoy grilled cheese sandwiches and play classic 'old school' games. Applicant would like to offer alcoholic beverages to its guests 21 and over.”

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 - Pigtails
Liquor License Map - Pigtails

This item was recommended for approval.

23 Liquor License - Special Event - Children's Museum of Phoenix

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

Summary

Applicant
Megan Tully

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

Function
Networking Event

Date(s) - Time(s) / Expected Attendance
Feb. 15, 2020 - 7 p.m. to 11 p.m. / 900 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

24 Liquor License - Special Event - Children's Museum of Phoenix

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

Summary

Applicant
Megan Tully

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

Function
Networking Event

Date(s) - Time(s) / Expected Attendance
May 16, 2020 - 7 p.m. to 11 p.m. / 900 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

25 Liquor License - Family Market

Request for a liquor license. Arizona State License Application 81372.

Summary

Applicant
Robin Bolis, Agent

License Type
Series 10 - Beer and Wine Store

Location
1701 S. 15th Ave.
Zoning Classification: C-1
Council District: 8

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

The 60-day limit for processing this application is Dec. 29, 2019.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license

because:
“I have 30 years experience in the convenience store industry with zero violations. In addition, I am licensed, and in good standing in the State of Arizona as a Low-Voltage Contractor, and Dual Building General Contractor. Also licensed by the Arizona Board of Technical Registration as an Alarm Company Controller. I operate my businesses with strict compliance to all local, state, and federal laws.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“We are a family oriented market with an emphasis on providing a convenient shopping experience to our neighborhood residents and nearby company employees. Alcoholic beverages will serve as a compliment to our well-rounded offering which includes groceries, household goods, snacks, refreshments, health and beauty products, pet supplies, and more.”

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 - Family Market
Liquor License Map - Family Market

This item was recommended for approval.

26 Liquor License - Marz Market

Request for a liquor license. Arizona State License Application 82871.

Summary

Applicant
Ziyad Abdulmunem, Agent

License Type
Series 10 - Beer and Wine Store

Location

724 S. Central Ave.
Zoning Classification: DTC-Commercial Corridor
Council District: 8

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

The 60-day limit for processing this application is Jan. 5, 2020.

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 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. This location will be convenient for the people in the neighborhood who may not have access to transportation. Adding the long time experience of the manager 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 beer and wine."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Marz Market
Liquor License Map - Marz Market

This item was recommended for approval.

27 Liquor License - Mesa Airlines, Inc.

Request for a liquor license. Arizona State License Application 82160.

Summary

Applicant
Andrew Granger, Agent

License Type
Series 8 - Conveyance - Sale of all Liquor on Board Planes

Location
3400 E. Sky Harbor Blvd.
Zoning Classification: A-1
Council District: 8

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

The 60-day limit for processing this application is Jan. 4, 2020.

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.

Mesa Airlines (Series 8)
3922 E. Airlane Road #B, Phoenix
Calls for police service: None
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 am the corporate attorney and agent for Mesa Airlines, Inc., I am also an airline transport pilot so I understand the responsibility that goes along with an airline having a liquor license. I oversee all legal affairs and state and local filings for the company. Mesa Airlines, Inc. operates in 44 states, the District of Columbia, Canada, Mexico, Cuba, and the Bahamas, and currently holds 15 liquor licenses throughout the United States. We have never had a liquor license revoked or suspended and are careful to meet all the regulations set by the states and municipalities in which we operate.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“Mesa Airlines, Inc. is focused on passenger and community safety. Alcohol is kept on the aircraft while parked, often overnight. The aircraft is continuously secured and monitored per TSA regulations. This license will allow us to continue to serve our passengers, of legal age and capacity, during their flight.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Mesa Airlines, Inc.
Liquor License Map - Mesa Airlines, Inc.

This item was recommended for approval.

28 Liquor License - PHX Beer Co/Scramble/Ajo Al's

Request for a liquor license. Arizona State License Application 80726.

Summary

Applicant
Thomas Romig, Agent

License Type
Series 12 - Restaurant

Location
3400 E. Sky Harbor Blvd., T3N F10
Zoning Classification: A-1
Council District: 8

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in February 2020.

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

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
“I have been in the Food and Beverage Concession industry since 1972. I owned a wine store/restaurant for eight (8) years. I have held different responsibilities in managing six (6) companies, including SSP America, in operating food and beverage concessions.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“PHX Beer Co/Scramble/Ajo Al's will be able to provide the general public demand for a variety of adult beverages to choose from to pair with their ordered meals. This will be a convenient service to visitors, airport employees and passengers at Phoenix Sky Harbor International Airport - similar to other major airports in the United States.”

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - PHX Beer Co/Scramble/Ajo Al's
Liquor License Map - PHX Beer Co/Scramble/Ajo Al's

This item was recommended for approval.

29 Liquor License - Wren House Brewing Co

Request for a liquor license. Arizona State License Application 80614.

Summary

Applicant
William Hammond, Agent

License Type
Series 3 - Microbrewery

Location
1818 E. Brill St.
Zoning Classification: C-2
Council District: 8

This request is for a new liquor license for a microbrewery. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow package liquor sales. This business is currently being remodeled with plans to open in March 2020.

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

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

Other Active Liquor License Interest in Arizona

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

Wren House Brewing Company (Series 3)
2125 N. 24th St., Phoenix
Calls for police service: 7
Liquor license violations: In February 2017, a fine of $750.00 was paid for selling without a license.

Gadzooks Enchiladas and Soup (Series 12)
3313 N. 7th St., Phoenix
Calls for police service: 8
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:
"Since founding Wren House in 2015, our team and I have worked hard to build a place and product around which the community can gather and responsibly enjoy craft beer. This new license will enable us to continue to grow and serve the Phoenix area in the same way. I and the team will capably and reliably administer this new license for 1818 E Brill St in the same way we have done so for our existing license at 2125 N 24th St."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This license application will help satisfy the community demand for Wren House craft beer to be served at more establishments across the City."

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 - Wren House Brewing Co
Liquor License Map - Wren House Brewing Co

This item was recommended for approval.

30 Off-Track Pari-Mutuel Wagering Permit Renewal - The Burg Sports Grill

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
751 E. Union Hills Drive, Ste. 3-6
Zoning Classification: PSC
Council District: 2

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

31 Off-Track Pari-Mutuel Wagering Permit Renewal - Bleacher's Sports Grill

Request for renewal of an Off-track Pari-mutuel Wagering Permit for a location previously approved by the City Council for this purpose.

Summary

Applicant
David Johnson, Agent for Turf Paradise

Location
15410 S. Mountain Pkwy., Ste. 109
Zoning Classification: C-2 PCD
Council District: 6

Staff Recommendation
Staff recommends approval of this renewal application.

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Williams, that Items 32 through 91 be approved or adopted, except Items 36, 39, 42, 48, 50, 53, 57, 63, 87, 88, 90 and 91; continuing Item 52 to the Jan. 29, 2020 City Council Formal Meeting and Item 89 to the Feb. 19, 2020 City Council Formal Meeting; and noting that Item 62 is withdrawn. The motion

carried by the following vote:

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

No: 0

Items 32-35, 37-38, 40-41, Ordinance S-46228 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.

32 ANIXTER, INC.

For $9,800.00 in payment authority to purchase industrial grade hardened media converters for the fire alarm network communications at Phoenix Sky Harbor International Airport. The media converters will replace failing devices that have been discontinued. The devices are used as part of the network interface between the fire alarm panels, workstations, and fire alarm servers.

This item was adopted.

33 Phoenix Community Alliance

For $10,000.00 in payment authority to sponsor the Phoenix Community Alliance's High Rising Schools of Phoenix Campaign. The goal of the Phoenix Community Alliance (PCA) High Rising Schools of Phoenix program is to raise awareness in the business community of quality Downtown education options. As more companies are moving into Downtown Phoenix, the ongoing public relations campaign is encouraging people who are working Downtown to also consider living and raising a family in Downtown Phoenix. Additionally, the campaign serves as a business attraction and retention tool for the City and other organizations working to recruit new companies and their workforce into Downtown Phoenix. Funding from the Community and Economic

Development Department helps pay for program brochures, website updates, social media and other public outreach related to the campaign. PCA is a 501(c)(3) nonprofit community development organization that has an impact on Greater Downtown Phoenix through the united vision and commitment of its members, which includes the City. PCA and its members continue to strengthen Phoenix by helping education thrive in the heart of the City. There is no impact to the General Fund. Funding is available in the Downtown Community Reinvestment Fund.

This item was adopted.

34 C3 Pathways, Incorporated

For $16,500.00 in payment authority to purchase eight Counterstrike Professional Training System Complex Coordinated Attack Kits for the Fire Department. The 2016 CCTA Grant program was awarded to the City of Phoenix to develop, train, and exercise a local and regional response for a complex coordinated terrorist attack (CCTA) within the Phoenix region. The Federal Emergency Management Agency and the CCTA Grant Program Office has approved the purchase of training and simulation kits for Phoenix and other regional partners. These kits will provide the ability to teach and train the Phoenix Metro region on the CCTA response and the deployment plan that has been developed through the CCTA Grant program. This kit is a tabletop training tool that includes staging and command boards, and poker-style resource chips that represent equipment, vehicles and various response personnel.

This item was adopted.

35 Dominion Voting Systems, Inc.

For $15,000.00 in additional payment authority to extend Contract 139846 through Dec. 31, 2020. This contract provides support for the ballot tabulation software and infrastructure used during City elections. Dominion Voting Systems, Inc. provides programming and technical support for the Ballot Programming System and WinEDS software and 400C scanning hardware required for ballot tabulation, ensuring proper function in every City-conducted election.

This item was adopted.

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

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

City of Phoenix, Maricopa County Superior Court, case number CV2018-004592, 17-0613-001 GL BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

38 Settlement of Claim(s) Verdugo v. City of Phoenix

To make payment of up to $25,900.00 in settlement of claim(s) in *Verdugo v. City of Phoenix*, 18-0286-005 AU BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

This item was adopted.

40 Arizona Parks and Recreation Association

For $60,000.00 in payment authority to reimburse Arizona Parks and Recreation Association (APRA), per Letter Agreement 151207, for providing financial coordination services for the Phoenix Summit Challenge for the Parks and Recreation Department. The City's non-profit partner, APRA, is responsible for taking on the role of lead financial coordinator for the event and facilitation of all financial transactions. The source of funds is from revenue generated through participant entry fees, which are collected through the event registration process. No General Funds are used to produce this event.

This item was adopted.

41 Electric Vehicle Company

For $63,000.00 in payment authority to purchase five replacement electric utility carts for the Phoenix Convention Center Department. Five of the department's oldest electric utility carts are more than 20 years old and have reached the end of their useful life. The electric carts are frequently out of service and require an excessive amount of maintenance and safety repairs, and replacement parts have become difficult to find. The electric utility carts are utilized by Facilities and Services staff to transport materials and equipment throughout the 34-acre Convention Center campus.

This item was adopted.

43 Legal Publication and Advertising Expenditures - RFQ 19-028 (Ordinance S-46251)

Request to authorize the City Manager, or his designee, to authorize additional expenditures for established contracts with the Daily Journal Corporation dba The Record Reporter (149660) and Phoenix Newspapers, Inc. dba The Arizona Republic (149661) in an amount of $120,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The additional funds are necessary to provide legal publication and advertising in accordance with Administrative Regulation 3.28 until a new procurement process is completed in 2020. The City Clerk Department is responsible for placing all official newspaper advertising on behalf of City departments. Official advertising requirements apply to a variety of documents including invitations for bids, ordinances, resolutions, and notices of hearings and elections. In addition, Chapter XIX, Section 4 of the City Charter requires the designation of an official newspaper. This contract will satisfy all official legal publication and advertising required, which averages more than 2,000 advertisements a year.

Financial Impact

This request is to approve additional funds through Dec. 31, 2020, bringing the total to $210,000. Funds are available in department budgets for advertising required for their operations.

Concurrence/Previous Council Action

The contracts were approved by Formal Council Action on March 20, 2019.

This item was adopted.

44 Authorization to Amend Lease with Felipe Perez Farms, Inc. to Extend Term of Farming Lease (Ordinance S-46232)

Request to authorize the City Manager, or his designee, to amend Lease 128202 between the City of Phoenix and Felipe Perez Farms, Inc. to extend the term for one year with four additional one-year options and to approve Felipe Perez Farms, Inc. to assign the lease to F.S.T.Farms, Inc., which has common ownership. Rent during the first year of the extended term will be $7,166.25 per year, plus applicable taxes. Further request authorization for the City Treasurer to accept all funds in accordance with the terms of the Lease.

Summary
The 39-acre, City-owned parcel is surrounded by private farm land occupied by Felipe Perez Farms, Inc., a long-term tenant in good standing. The property is listed on the excess land list with the farm lease considered an interim use to generate revenue and reduce maintenance. The City may cancel the lease upon 90-day written notification in the event that the property is to be listed for sale or developed. Rent during the first year of the extended term will remain at the current rate of $183.75 per acre per year, which is within the range of market rents as determined by the Finance Department's Real Estate Division. Rent may be adjusted to market rent at the beginning of each option period, if needed.

Contract Term
One year with four additional one-year options to extend.

Financial Impact
Revenue during the first year of the extended term will be $7,166.25, plus applicable taxes. The property was acquired using Impact Fees.

Concurrence/Previous Council Action
City Council adopted Ordinance S-36851 on Feb. 3, 2010; Ordinance S-40311 on Oct. 30, 2013; and Ordinance S-44241 on Jan. 24, 2018, authorizing this contract and amendments.

Location
Along the east side of South 59th Avenue, approximately 1,300 feet south of Dobbins Road, identified by Maricopa County Assessor parcel number 300-02-060.
Council District: 8

This item was adopted.

45 Acceptance of Easements for Water and Drainage Purposes (Ordinance S-46242)

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

Summary
Accepting the property interests below will meet the Planning and

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

Easement (a)
Applicant: US Relp Norterra East I, LLC, its successor and assigns
Purpose: Drainage
Location: 25325 N. 21st Ave.
File: FN190070
Council District: 1

Easement (b)
Applicant: Moon Valley County Club, its successor and assigns
Purpose: Water
Location: 151 W. Moon Valley Drive
File: FN190003
Council District: 3

Easement (c)
Applicant: Phoenix Retail Co.,LLC, its successor and assigns
Purpose: Water
Location: 1200 N. 40th St.
File: FN190103
Council District: 8

This item was adopted.

46 Grant of Public Utility Easement on City-Owned Property for Century Library Service Entrance Section (Ordinance S-46243)

Request City Council to grant a public utility easement, for consideration of $1.00, for replacement of the service entrance section that will consist of a new secured location, equipment, underground electrical distribution lines, conduit, pad-mounted transformers, meters and equipment pads on City-owned property in the Salt River Project (SRP) service area, and further ordering the Ordinance recorded. The public utility easement is required to support the installation and operation of a new service entrance section at the City's Century Library.

Summary
This public utility easement is more fully described in the legal description recorded with the Ordinance, and will be granted to all public

service corporations, agricultural improvement districts, and telecommunication corporations providing utility service (collectively "Grantee"), in perpetuity so long as Grantee uses the Easement Premises for the purposes herein specified, for an indefinite period, subject to the following terms and conditions:

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

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

C. Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided, however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state and local laws and regulations in connection

therewith. Additionally, the Easement Premises may not be used for storage of construction related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate, or maintain the Grantee Facilities.

D. Grantor shall maintain an appropriate three-foot clear area around all edges of all equipment pads for Grantee Facilities in addition to a clear operational area that extends 10 feet immediately in front of all transformer or switching cabinet openings, within the Easement Premises. No obstruction, trees, shrubs, fixtures, or permanent structures shall be placed or permitted by Grantor within said areas. Grantee is hereby granted the right to trim, prune, cut, and clear away trees, brush, shrubs, or other obstruction within said areas.

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

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

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

party shall pay the entire cost of redesigning and relocating the existing Grantee Facilities.

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

I. Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where the Easement Premises are located: (1) on a site that includes Aviation Department facilities; (2) Water Services Department water and wastewater treatment facilities; (3) Police Department headquarters located at 620 W. Washington St.; (4) Fire Department headquarters located at 150 S. 12th St.; (5) City Hall located at 200 W. Washington St.; (6) City Court Building located at 300 W. Washington St.; (7) Calvin C. Goode Building located at 251 W. Washington St.; (8) Transit Operations Center located at 320 N. 1st Ave. or West Transit Facility located at 405 N. 79th Ave.; or (9) in a secured or fenced area.

Location
1750 E. Highland Ave.
Council District: 4

This item was adopted.

47 Facilities Maintenance and Repair and Operations and Industrial Supplies - Requirements Contract (Ordinance S-46245)

Request to authorize the City Manager, or his designee, to enter into a contract with W.W. Grainger, Inc. and Fastenal Company, to provide essential maintenance, repair, and operational supplies required by all Citywide departments in an amount not to exceed $15,000,000 over five years, or approximately $3,000,000 annually. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Adopting the new multi-vendor State contract will allow the City to purchase maintenance, repair, and operational (MRO) supplies which support the needs of City employees, facilities, and warehouses, as well as the general public. MRO supplies include, but are not limited to: electrical supplies, motors, lighting, hand and power tools, safety equipment, pumps, material handling equipment, pneumatic equipment, machining/cutting tools, HVAC equipment and supplies, test instruments, and a wide variety of goods required for the City to remain operational on a daily basis. The primary departments utilizing the contracts are: Aviation, Fire, Parks and Recreation, Police, Phoenix Convention Center, Public Works, Street Transportation, and Water Services. Approximately 52 percent of the contract spend is used by enterprise funds.

Procurement Information

By utilizing the State of Oregon's National Association of State Procurement Officials Master Agreement, the City benefits from the NASPO cooperative contract rates adopted through the State of Arizona.

Contract Term

The five-year contract period for these vendors will begin Jan. 1, 2020.

Financial Impact

The aggregate five-year contract value shall not exceed $15,000,000, or approximately $3,000,000 annually. The contract value is based on historical spend. Funds are available in City of Phoenix departments' budgets.

This item was adopted.

49 Network Equipment and Services Contract (Ordinance S-46231)

Request to authorize the City Manager, or his designee, to add additional expenditures for State of Arizona Cooperative Contract ADSPO16-00005819 with World Wide Technology, Inc., in an amount of $1.8 million for the Water Services Department (WSD). Further request authorization for the City Controller to disburse all funds related to this item.

Summary

WSD is currently replacing and upgrading the end of life networking equipment for the Salt River Project (SRP) Agricultural and Power District

dark fiber, which connects the Process Control Network (PCN) and Enterprise Business Network to WSD Sites. The additional funds are necessary to upgrade and replace the 123 miles of leased fiber from SRP used in these connections. These upgrades are required to ensure sites remain fully operational; failure to upgrade the networking hardware will prevent WSD from providing safe and reliable services, in addition to reporting data to federal, state, and local agencies to ensure regulatory compliance.

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

Financial Impact

This request is to approve additional funds through June 30, 2020. With the $1.8 million in additional funds, the revised aggregate value for World Wide Technology, Inc. would be $5,338,500. Funds are available in the Water Services Department's budget.

Concurrence/Previous Council Action

The City Council approved Network and Equipment Services Contract 143861 (Ordinance S-42894) on Oct. 5, 2016.

This item was adopted.

51 Telecommunication and Data Supplies for Public Safety Wireless (Ordinance S-46257)

Request to authorize the City Manager, or his designee, to extend Contract 144087 on a month-to-month basis up to 12 months through Dec. 31, 2020 with Communication Supply Corporation, a subsidiary of WESCO Distribution, Inc., and to add additional funds in the amount of $320,000. Further request for the City Controller to disburse all funds related to this item.

Summary

This contract provides copper and fiber telecommunication supplies to support the City's infrastructure, including the public safety network, and to maintain voice and data communications for over 70 sites across multiple cities for the Regional Wireless Cooperative. Failure to maintain equipment and parts for voice and data communications would create a loss of productivity and liability in meeting the City's public safety

requirements.

Financial Impact

With the $320,000 in additional funds, the contract's revised aggregate value is now $770,000. Funds are available in the Information Technology Services Department's operating budget.

Concurrence/Previous Council Action

Contract 144087 was approved by Formal Council Action on Nov. 11, 2016.

This item was adopted.

52 Software Value-Added Reseller Services - State of Arizona Cooperative Contract (Ordinance S-46259)

Request to authorize the City Manager, or his designee, to authorize additional expenditures for established Contract 144228 with CDW Government LLC in an amount of $26,652,330 to purchase software, volume licenses, and enterprises license agreements through April 7, 2021. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The additional amount will be used for citywide departments for software and annual software support and maintenance. Examples of the software and enterprise agreements include the City's Microsoft Enterprise Agreement, which includes the Microsoft Office suite, as well as Outlook for email and SharePoint for the City's website. This contract will also be used to purchase new and continuing IT security software to protect the City’s systems, such as endpoint protection, security monitoring, advanced email security tools, and multi-factor authentication/single-sign-on solutions. Additional software purchased through this contract include mobile and desktop applications; databases; storage and backup; business intelligence solutions; software for servers and other IT infrastructure; and ongoing maintenance, support, and professional services for software implementation and upgrade projects. In addition to providing cost savings from volume discounts, utilizing the value-added reseller contract provides the City with additional benefits for implementing and upgrading software solutions, including providing evaluation copies, product comparisons, proofs-of-concept, needs

analysis, product information and application recommendations.

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

Financial Impact

With the $26,652,330 in additional funds, the contract's revised aggregate value is approximately $58.6 million. Funds are available in City departments' budgets with the most expected usage from the Information Technology Services, Police, Water, Aviation, Public Transit and Fire departments.

Concurrence/Previous Council Action

Contract 144228 was approved by Formal Council Action on Dec. 14, 2016.

This item was continued to the Jan. 29, 2020 City Council Formal Meeting.

54 Uniform Video Service License Agreements (Ordinance S-46252)

Request to authorize the City Manager, or his designee, to enter into Uniform Video Service License Agreements with various video service providers in accordance with Arizona State law. Further request authorization for the City Treasurer to accept all funds related to this item. The fee for all Uniform Video Service License Agreements is 5 percent of provider's gross revenue. This is the same as the fee in the current Cable Television Franchise Licenses.

Summary

The City of Phoenix currently licenses cable television providers through Cable Television Franchise Licenses, thereby allowing them access to streets and rights-of-way in order to operate their cable systems. In 2018, the State of Arizona took over responsibility for licensing of providers. Beginning Jan. 1, 2020, current cable television franchise license holders and new providers can enter into a Uniform Video Service License Agreement (**Attachment A**), in compliance with the State law. The provisions of the Uniform Video Service License Agreement under the State law are very similar to the City's current Cable Franchise License Agreements. These include provisions such as nondiscrimination, which the City Council has ensured were in all previous City of Phoenix

franchise licenses. It will not affect the City's cable television stations, such as PHX11, and the fee is the same, so current revenue will not be affected.

Contract Term
The term of the Uniform Video Service Agreements will be 10 years, with 10 additional renewal years, in compliance with the state law.

Financial Impact
The fee for all Uniform Video Service License Agreements is 5 percent of provider's gross revenue. This is the same as the fee in the current Cable Television Franchise Licenses.

This item was adopted.

55 Wireless Communications Services, Accessories, and Equipment (Ordinance S-46258)

Request to authorize the City Manager, or his designee, to extend and add additional expenditures for Contracts ADSPO13-032444 with AT&T Mobility, ADSPO13-034209 with Sprint Solutions, Inc., ADSPO13-034339 with T-Mobile USA, Inc., and ADSPO13-034099 with Verizon Wireless for the purchase of wireless communications services, accessories, and equipment for departments Citywide in an amount not to exceed $2,300,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary
City departments utilize mobile devices, wireless services, equipment and accessories to conduct City business every day. Equipment and services are procured utilizing State of Arizona cooperative agreements, which have been extended until June 30, 2020, and offer significant cost savings. This request is for authorization to continue to utilize these contracts, and for additional payment authority to cover the period of the extension.

Contract Term
This request is to extend the contract term until June 30, 2020, to allow time for the State of Arizona to complete a new solicitation - then the City will do a cooperative agreement with the new solicitation to obtain the best pricing.

Financial Impact

These contracts were approved by City Council on Feb. 19, 2014 and have an aggregate value of $22,319,290. With the $2,300,000 in additional funds, the revised aggregate value is now $24,619,290 (including applicable taxes). The additional funds are needed to continue to utilize wireless communications services, accessories, and equipment for the remaining six months of the contracts. Funds are available in the various departments' budgets.

This item was adopted.

56 Authorization for Phoenix Municipal Court to Apply for, Accept, Disburse Funds and Enter into an Agreement for State Justice Institute Grant Funds (Ordinance S-46238)

Request authorization for the Phoenix Municipal Court to apply for and, if awarded, accept and enter into an agreement for a State Justice Institute (SJI) Technical Assistance Grant in an amount up to $50,000. Additionally, request authorization to enter into a contract with the National Center for State Courts (NCSC) for professional services in the amount of $55,000. The contract with NCSC will be funded with the $50,000 in grant funds and $5,000 from the City's general fund budget. Finally, authorization is requested for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

Phoenix Municipal Court is requesting authorization to submit an application for a Technical Assistance Grant from SJI an organization federally established in 1984 to award grants to improve the quality of justice in state courts, and foster innovative, efficient solutions to common issues faced by all courts. The Technical Assistance Grant provides funding up to $50,000 and can be used to cover the cost of expert consulting services and/or a court's travel costs expended in examining practices, programs, or facilities in other jurisdictions that the applicant court is interested in replicating. A cash and in-kind match must be provided by the Court equal to at least 50 percent of the grant amount, of which 20 percent of the match must be in cash.

The Court intends to contract with NCSC using the grant funds from the Technical Assistance Grant and NCSC has been selected because of its

court specific knowledge and experience in providing services focused on helping courts plan, make decisions, and implement improvements that save time and money, while ensuring judicial administration that supports fair and impartial decision-making. The Court will be seeking guidance from the NCSC for future strategic planning regarding the Court's organizational structure, performance evaluation and promotion process for clerical positions, as well as a market study for identified Court specific positions.

Procurement Information
In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Determination Memo citing the unusual nature of the goods or services that NCSC can provide due to their court specific knowledge and expertise.

Contract Term
If awarded the Technical Assistance grant, the contract with NCSC would be for approximately one year following the start date of the grant.

Financial Impact
The amount of the Technical Assistance grant is up to $50,000. If awarded the full amount of this grant, the Court would provide $20,000 in administrative and staff hours and $5,000 in additional City general funds.

This item was adopted.

58 Chiller and Boiler System Services (Commercial and Residential) - Federally Funded (Ordinance S-46237)

Request to authorize the City Manager, or his designee, to enter into a contract with Pueblo Mechanical & Controls, LLC to provide chiller, water heater and boiler system maintenance services at Senior Housing properties for the Housing Department. Further request authorization for the City Controller to disburse all funds related to this item. This contract is funded with U.S. Department of Housing and Urban Development (HUD) funds. There is no impact to the General Fund. The aggregate contract value will not exceed $275,000.

Summary
The contractor will provide ongoing inspection and maintenance to the chillers, water heaters and boilers at Maryvale Parkway Terrace and Pine

Towers Senior Housing Facilities for the Housing Department. The contractor will ensure that the systems are operating at peak and optimal energy efficiencies per the manufacturer's maintenance requirements. The contractor shall maintain equipment, communication and labor to efficiently perform these services.

Procurement Information
Solicitation was conducted in accordance with Administrative Regulation 3.10. One offer was received by the Housing Department Management Services Division on Oct. 23, 2019. The offer was evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offer submitted by Pueblo Mechanical & Controls, LLC is deemed to be fair and reasonable based on the market and previous contract pricing.

The Housing Department Director recommends Pueblo Mechanical & Controls, LLC for award.

Contract Term
The five-year contract term will begin on March 1, 2020 and end on Feb. 28, 2025, with no options to extend.

Financial Impact
The aggregate contract value will not exceed $275,000. This contract is funded with HUD funds. There is no impact to the General Fund.

Location
Maryvale Parkway Terrace, 4545 N. Maryvale Parkway
Pine Towers, 2936 N. 36th St.
Council Districts: 5 and 8

This item was adopted.

59 2020 Arizona State Parks and Trails Land and Water Conservation Fund Grant (Ordinance S-46253)

Request to authorize the City Manager, or his designee, to apply for and, if awarded, accept funds and enter into agreements for the 2020 Arizona State Parks and Trails Department Land and Water Conservation Fund grant in an amount up to $130,000. Further request authorization for the

City Treasurer to accept, and for the City Controller to disburse, any grant monies awarded.

Summary

Staff is seeking City Council authorization to submit an application for the 2020 Arizona State Parks and Trails Department Land and Water Conservation Fund grant.

The Land and Water Conservation Fund (LWCF) grant is funded through revenues from Outer Continental Shelf oil and gas leasing, which is administered at the federal level by the National Park Service and at the state level by the Arizona State Parks and Trails. LWCF reimbursement grants can provide funding up to $130,000 and require a 50 percent match plus a 10 percent surcharge payable to State Parks. The LWCF grant application deadline is Feb. 1, 2020.

The Parks and Recreation Department obtained a grant from the Arizona Game and Fish Department (AZGFD) for the purchase of an Americans with Disabilities Act (ADA) fishing dock. If successful in receiving the LWCF grant funds, staff's intent is to use the grant funds for the installation of the ADA fishing dock and construction of an ADA compliant concrete ramp from the parking lot to the new fishing dock at the largest of the three ponds at Papago Park, providing access to an underserved community. This grant can provide short- and long-term tangible benefits through ADA compliant access and amenities.

Financial Impact

The amount of the grant application is $130,000, with a 50 percent match equaling $65,000 and a surcharge of $6,500. The grant match total of $71,500 will be partially satisfied by applying $33,000 from a current AZGFD Heritage Fund grant. The remaining $38,500 will be satisfied with a combination of applying administrative and field staff hours, along with utilizing a portion of the Parks and Recreation Department's Natural Resources - Trails funds. No additional City General Funds will be required.

Location

Papago Park, 625 N. Galvin Pkwy.
Council District: 6

This item was adopted.

60 ASU Knowledge Exchange for Resilience Fellowship Funds (Ordinance S-46256)

Request to authorize the City Manager, or his designee, to accept and disburse up to $30,000 in funding support from the Arizona State University Knowledge Exchange and Resilience, and enter into any agreements as necessary, for project costs associated with the 2020 Resilience fellowship program to elevate the importance of the South Phoenix farming community by fighting food waste and improving local and regional food systems. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds for the life of the grant. There is no impact to the General Fund.

Summary

Arizona State University's (ASU) Knowledge Exchange for Resilience (KER) seeks to help build resilient communities in Arizona by sharing knowledge, discovering vulnerabilities, and solving problems together to advance social interconnection, promote economic prosperity, and enhance environmental security to create profound and enduring change. ASU's KER focuses on creating and exchanging data, information, and knowledge to advance social cohesion, economic prosperity, and environmental security in the context of profound change. The KER includes partnerships among community-based organizations, academic researchers, citizen scientists, private entities, and public institutions.

The KER has a 12-month fellowship program that focuses on community and organizational transformation. Each year fellows are competitively selected based on potential for creating a positive impact on building community resilience in Maricopa County. In October 2019, Joseph Rossell, Economic Development Program Manager, was selected as a fellow for the 2020 cohort of Resilience Fellows under the Community fellowship. Part of Joseph's duties in the Community and Economic Development Department (CEDD) are to improve local and regional food systems by developing a new agritech strategy to elevate the importance of South Phoenix farming. Joseph will work with other KER fellows in the cohort during weekly meetings and monthly seminars and receive technical training sessions and professional development.

If approved, funding support of up to $30,000 will be awarded to the City and be managed by CEDD for project costs. In addition to the funding, fellows produce and present three deliverables in December 2020 including:

An analysis of the community resilience question with underlying data.
A co-authored manuscript draft intended for submission to an academic journal.
A one-page high level summary of the data, insights, outcomes or contributions of the exchange in a style suitable for distribution to a public, lay audience via poster, webpage or other format as specified.

Along with elevating the importance of South Phoenix farming, Local First Arizona has announced that its 2020 Arizona Food & Farm Forum (AFFF) will move from the 2019 location of Agritopia in Gilbert, Arizona to a location in South Phoenix. The annual AFFF, a two-day conference for producers, food entrepreneurs and local food advocates, programmed to change the way Arizona feeds itself, is an opportunity to build and strengthen relationships for collaboration, develop new skills, and implement strategies for caring for people and the planet to grow food and feed local communities. This event typically attracts up to 200 attendees and over 40 presenters from across the state that share proven best practices as well as lessons learned from personal experience, representing a variety of diverse perspectives.

Financial Impact
The City will receive up to $30,000 from ASU and these funds will be programmed for project costs associated with the 2020 Resilience fellowship program. There is no impact to the General Fund.

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

Location
Council District(s): 7 and 8

This item was adopted.

61 Donation from United Healthcare for Phoenix Fire Department Baby Shots Immunization Program (Ordinance S-46248)

Request authorization for the City Manager, or his designee, to accept a donation of $5,000 from United Healthcare for the Phoenix Fire Department Baby Shots Immunization Program. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this donation. If not approved, the donation would be turned down.

Summary

The Phoenix Fire Department Baby Shots Immunization Program provides free vaccinations to children who are eligible under the federally-funded Vaccine for Children's Program, which provides vaccines at no cost to children who might not otherwise be vaccinated because of inability to pay. The donation from United Healthcare will help fund the costs of tools, equipment, vaccines, promotional materials, electronic equipment and associated two-year service plans, overtime event staffing, and related travel and training.

This request adheres to the Fire Department's Charitable Donations Process that was presented to the Public Safety and Veterans Subcommittee on Sept. 12, 2018.

Contract Term

There is no contract term associated with this donation.

Financial Impact

This donation does not require any matching funds.

This item was adopted.

62 National Vehicle Location Service Database (Ordinance S-46246)

Request to authorize the City Manager, or his designee, to add additional funding to Contract 150498 with Vigilant Solutions, Inc., in the amount of $147,000 for the automatic license plate recognition system equipment, the National Vehicle Location Service (NVLS) database application and support services for the Phoenix Police Department (PPD). Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This contract provides the PPD with automatic license plate reader equipment and subscription services to the National Vehicle Location Service (NVLS) database. The service also includes the Law Enforcement Archival and Reporting Network (LEARN) database, an online analytic platform that allows license plate data and images to be aggregated and analyzed for law enforcement. LEARN is a hosted solution that allows data sharing and interoperability with other law enforcement agencies nationwide. Together, the NVLS-LEARN subscription service helps reduce auto thefts and related crimes involving vehicles, increases auto theft vehicle recovery rates and increases investigative leads to reduce auto thefts and vehicles used in gateway crimes (i.e. robbery, burglary of residence). The additional funding is requested to increase the types of automatic license plate reader equipment models, in order to increase the number of the PPD vehicles that will be equipped with the devices.

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

Financial Impact

With the $147,000 in additional funds, the revised aggregate value is now $1,302,000. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

Contract 150498 was approved by Formal Council Action on June 26, 2019, with an original aggregate value of $1,155,000.

This item was withdrawn.

64 Wi-Fi Service Concession Agreement (Ordinance S-46240)

Request to authorize the City Manager, or his designee, to award and enter into a Wi-Fi service concession agreement for Phoenix Sky Harbor International Airport (PHX) to Concourse Communications Group, LLC (Boingo Wireless, Inc.). The estimated annual revenue will be $340,000.

Summary

The Aviation Department currently contracts with Boingo Wireless, Inc. (Boingo) to provide and support public Wi-Fi service in all terminals, the Rental Car Center, and all PHX Sky Train® (Sky Train) stations at PHX.

On average, out of the 123,000 daily passengers, there are 33,000 unique users that connect to the Wi-Fi service. On an annual basis, approximately 12 million passengers access the Wi-Fi service at PHX.

The current contract with Boingo expired on July 31, 2019. On June 5, 2019, Phoenix City Council approved a month-to-month extension of the contract for up to one year to allow time to issue the Revenue Contract Solicitation (RCS 19-038) and award a new contract. This extension expires July 31, 2020 and can be terminated any time once the new Wi-Fi service has been successfully implemented and transitioned.

Under the new Wi-Fi service concession contract, the provider will be required to implement and maintain an uninterrupted Wi-Fi service. The provider will be responsible for all costs associated with the implementation and maintenance of the Wi-Fi network throughout the term of the contract and any exercised extension options. The contract will allow passengers to choose free Wi-Fi or a pay-for-use Wi-Fi service with the service provider. The service will support desktops, laptops, smart phones, tablets, and other end devices with Wi-Fi capability.

Wi-Fi service will cover the following airport locations:
Terminal 3
Terminal 4
Rental Car Center
All Sky Train stations

During the initial six months of the contract term, the provider will implement and transition to the new system. If the provider completes the implementation and transition prior to the start of the Primary Term on Aug. 1, 2020, the date of implementation would become the new Primary Term start date. At the commencement of the Primary Term, the provider will pay to the City rent in the amount of MAG or percentage of gross sales earned, whichever is greater.

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

Procurement Information

On July 18, 2019, the Aviation Department issued RCS 19-038 for the design, implementation, operation, and maintenance of an airport-wide Wi-Fi service. On Aug. 30, 2019, one proposal was received from Concourse Communications Group, LLC (Boingo Wireless, Inc.), and the proposal was deemed responsive and responsible.

An evaluation committee was appointed to conduct detailed evaluations. The panel evaluated the proposal based upon the following RCS evaluation criteria:
Method of approach to providing Wi-Fi services (400 points).
Proposed Minimum Annual Guarantee (MAG) (250 points).
Qualifications and experience of respondent (200 points).
Business plan (150 points).

The consensus score and ranking for the proposal is shown below:

Concourse Communications Group, LLC (Boingo Wireless, Inc.) 880 points

Contract Term
The term of the contract will be three years, with two one-year options to extend, which may be exercised by the City Manager or his designee. The new contract will commence on Jan. 1, 2020, with the new Wi-Fi service to be implemented no later than July 31, 2020. The Primary Term of the new service will start no later than Aug. 1, 2020.

Financial Impact
Revenue for the Aviation Department will be set at MAG of $340,000 or 35 percent of gross sales earned, whichever is greater.

Concurrence/Previous Council Action
City Council approved the City Manager to issue RCS 19-038 on June 5, 2019.

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

Location

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

This item was adopted.

65 Gold Key Racquet Club Repaving Improvement District Assessment Diagram and Set Hearing Date (ST87200002, ID 1308)

Request for City Council to approve the assessment diagram for the Gold Key Racquet Club Repaving Improvement District project ST87200002 (ID 1308) and set the date of Feb. 19, 2020, for the public hearing on the street paving, curb ramp, and street sign assessments. The total estimated participation from the City of Phoenix will not exceed $60,000.

Summary

City Council authorized the formation of the Gold Key Racquet Club Repaving Improvement District on June 27, 2018, to provide street paving, curb ramps, street signs, and improvements in the area generally bounded by 2nd Street to the south, 1st Street and Dahlia Drive to the north, Central Avenue to the west, and 3rd Street to the east. The improvements consisted of the installation of pavement overlay, Americans with Disabilities Act (ADA) ramps, street signs, and related work. **Attachment A** provides the assessment diagram detailing the extent of the project and the parcels to be assessed for the improvements. The original document is being routed for signatures and will be available in a separate document provided by the City Clerk at this meeting.

By petition and ballot, 87 percent of Gold Key Racquet Club property owners approved a request to form an improvement district and agreed to convey their property interests as conditions to accept the improved streets as public right-of-way.

Financial Impact

The total proposed improvement cost to the property owners is estimated at $201,600.00, including soft costs. The estimated participation from the City of Phoenix will not exceed $60,000.

A warrant for this project detailing the amount that will be assessed for the parcels is to be recorded in the office of the Superintendent of

Streets (Street Transportation Department Director) on Dec. 18, 2019.

Concurrence/Previous Council Action
On June 27, 2018, City Council passed Ordinance S-44862 for the intention to form the Gold Key Racquet Club Repaving Improvement District.

On Sept. 19, 2018, City Council passed Resolution 21675 ordering a notice and call for bids for repaving and related improvements on this project.

On Dec. 5, 2018, City Council passed Ordinance S-45179 authorizing a contract award to Sunland Asphalt & Construction, Inc. to provide design-bid-build services for this project.

Public Outreach
In March 2017, the affected property owners were polled by mail to determine the level of support for the proposed improvements. Poll results show 87 percent of the property owners support the project.

Previous City Council actions were published with the Arizona Business Gazette on the following dates:
July 5, 2018.
July 12, 2018.
Sept. 20, 2018.
Sept. 27, 2018.
Dec. 20, 2018.

Ordinance S-44862 was posted every 300 feet within the proposed improvement area on July 11, 2018.

The legal protest period for Ordinance S-44862 expired on July 27, 2018, with no protests filed.

Location
The repaving improvement district includes single-family residences and one commercial business located within an area generally bounded by 2nd Street to the south, 1st Street and Dahlia Drive to the north, Central

Avenue to the west, and 3rd Street to the east.
Council District: 3

This item was approved.

66 Authorization to Enter into Intergovernmental Agreement with Maricopa County for Operation and Maintenance of Two Traffic Signals (Ordinance S-46229)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with Maricopa County for the ownership, operation and maintenance of the traffic signals located at McDowell Road and 91st Avenue and the planned signal at McDowell Road and 89th Avenue. Further request an exemption from the indemnification prohibition set forth in Phoenix Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20. The cost to fund this agreement is $20,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The 91st Avenue corridor from Interstate 10 to Glendale Avenue carries high traffic volumes particularly related to special events held in Glendale. The traffic signals along this corridor are owned and operated by the cities of Phoenix and Glendale, with the exception of McDowell Road and 91st Avenue, which is owned and operated by Maricopa County Department of Transportation (MCDOT). The Street Transportation Department partners with the City of Glendale's Traffic Management Center to assist with real-time traffic management of Glendale's planned special events, which impact the 91st Avenue corridor. The transfer of operations, ownership and maintenance of the 91st Avenue and McDowell Road signal will allow for improved traffic management of the 91st Avenue corridor for special events.

The City of Phoenix owns and operates the traffic signal at State Route (SR) 101 and McDowell Road as well as at 83rd Avenue and McDowell Road. There are two traffic signals in this segment on McDowell Road, at 91st Avenue (existing) and 89th Avenue (planned). In June 2018, the McDowell Road corridor was re-timed for progression from 83rd Avenue to 27th Avenue during the morning and evening peak hours. The transfer of operations and maintenance of these two signals (at 91st Avenue and 89th Avenue) to the City will allow the McDowell Road corridor to be

re-timed from 27th Avenue to SR101 for progression. The planned traffic signal at 89th Avenue and McDowell Road will be built to City of Phoenix standards in conjunction with an active private development project.

This agreement is only applicable to the two referenced traffic signals and not to the roadway itself, which is operated and maintained by MCDOT.

Contract Term
The term of this Intergovernmental Agreement shall remain in effect until all stipulations set forth in the agreement have been satisfied, except that it may be amended upon written agreement by all Parties.

Financial Impact
The cost to fund this agreement is $20,000 which is to replace the existing MCDOT traffic signal cabinet at 91st Avenue and McDowell Road. Funding is available in the Street Transportation Department operating budget.

Location
Traffic signals located at McDowell Road and 91st Avenue, and the planned signal at McDowell Road and 89th Avenue.
Council Districts: 5 and 7

This item was adopted.

67 Cave Creek Wastewater Reclamation Plant Rehabilitation - Engineering Services Amendment 1 - WS90300008 (Ordinance S-46230)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 145603 with Black & Veatch Corporation to provide additional engineering services, to include design and possible construction administration and inspection services (CA&I), for the Cave Creek Wastewater Reclamation Plant Rehabilitation project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed $25 million.

Summary

The purpose of this project is to assess the condition of the Cave Creek Wastewater Reclamation Plant, identify the work required to place the facility into full operation, prepare detailed design plans and specifications, provide permit assistance, and construction administration and inspection services. Black & Veatch Corporation completed the basis of design report, including the facility condition assessment, during phase one of this project.

This amendment is necessary for Black & Veatch Corporation to provide additional engineering services through preparation of a preliminary design report and detailed design documents to address major components such as screening facilities, upgraded pumps, sedimentation and filtration issues, retrofitting with membrane bioreactor technology, reverse osmosis advancements, odor control improvements, and replacing ultraviolet disinfection equipment as part of phase two of the Cave Creek Wastewater Reclamation Plant rehabilitation. This amendment will provide additional funds and time to the agreement.

Black & Veatch Corporation's additional services include, but are not limited to: performing engineering services required to prepare a set of construction documents which consists of civil, structural, architectural, process piping, mechanical and electrical systems, chemical systems, instrumentation and control systems, security, landscaping as required to return the Cave Creek Wastewater Reclamation Plant to full operation and possible construction administration and inspection. The Consultant will be responsible for the professional quality, accuracy and coordination of surveys, designs, drawings, specifications and other services furnished by the Consultant and subconsultant under this scope of services.

Contract Term

The term of the agreement amendment is 2,200 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The initial agreement for Engineering Services was executed for a fee not-to-exceed $660,000, including all subconsultant and reimbursable costs.

Amendment 1 will increase the agreement by an additional $25 million, for a new total not-to-exceed agreement value of $25,660,000, including all subconsultant and reimbursable costs.

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

Concurrence/Previous Council Action

The City Council approved:

Engineering Services Agreement 145603 (Ordinance S-43772) on July 6, 2017.

Location

Near Cave Creek Road and Deer Valley Road

Council District: 2

This item was adopted.

68 Mill and Overlay Pavement Maintenance Program - 2-Step Job Order Contracting Services - 4108JOC183 (Ordinance S-46235)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with four contractors, to provide Mill and Overlay Pavement Maintenance Program Job Order Contracting (JOC) services for the Street Transportation Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $600 million.

Additionally, request to authorize the City Manager, or his designee, to

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

Summary

The JOC contractors' services will be used on an as-needed basis to provide Mill and Overlay Pavement Maintenance Program services for the removal and replacement or restoration of existing deteriorated or damaged pavements in the right-of-way (ROW) for Arterial, Major Collector, Minor Collector, and Residential Pavement Overlay on streets within Phoenix city limits. Programs include Crack Seal, Slurry Seal, Microseal, Sealcoating, Fractured Aggregate Surface Treatment (FAST), Scrub Sealing, and Fog Sealing. Work will be completed in accordance with Maricopa Association of Governments (MAG) and Phoenix Supplement to MAG. Additionally, the JOC contractors will be responsible for fulfilling Small Business Enterprise program requirements.

Procurement Information

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

Selected Firms

Rank 1: M. R. Tanner Development and Construction, Inc.
Rank 2: Talis Construction Corporation
Rank 3: Sunland Asphalt & Construction, Inc.
Rank 4: ViaSun Corporation

Additional Proposers

Rank 5: Nesbitt Contracting Co., Inc.

Rank 6: J. Banicki Construction, Inc.

Contract Term

The term of each master agreement is for up to five years, or up to $150 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact

The master agreement values for each of the JOC contractors will not exceed $150 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed $600 million.

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

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

Public Outreach

The public will be notified on each project, if notification is required.

This item was adopted.

69 Citywide Demolition Services - Job Order Contracting Services - 4108JOC185 (Ordinance S-46236)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with four contractors to provide Citywide Demolition Services Job Order Contracting (JOC) services. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided

below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $10 million.

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

Summary

The JOC contractors' services will be used on an as-needed basis to provide Citywide Demolition Services for demolition of city-owned structures and improvements, including associated backfill and grading; demolition of privately-owned buildings through city enforcement actions; and abandonment or removal of septic systems, drywells, water wells, monitoring wells, and other sub-grade features. Additionally, the contractors will be responsible for fulfilling Small Business Enterprise program requirements.

Procurement Information

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

Selected Firms

Rank 1: BWC Enterprises, Inc. dba Woodruff Construction
Rank 2: Breinholt Contracting Co., Inc.
Rank 3: Builders Guild, Inc.
Rank 4: OCM, LLC

Additional Proposers

Rank 5: Arizona Specialty Demolition, LLC

Rank 6: Ironwood Contractors, Inc. dba Catclaw Contractors

Contract Term

The term of each master agreement is for up to five years, or up to $2.5 million whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact

The master agreement values for each of the contractors will not exceed $2.5 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed $10 million.

Request to authorize the City Manager, or his designee, to execute job order agreements performed under the master agreements for up to $500,000 each.

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

This item was adopted.

70 Request Authorization to Enter into Intergovernmental Agreement with Flood Control District of Maricopa County and City of Scottsdale for Rawhide Wash Flood Hazard Mitigation Project Construction (Ordinance S-46244)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the Flood Control District of Maricopa County (FCDMC) and the City of Scottsdale for the Rawhide Wash Project Construction. The request is to enter into an IGA for the construction, construction management, operations and maintenance of the project. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item. The

estimated project cost for the construction phase is estimated at $15 million of which the City's cost share is estimated to be $6 million.

Summary

The Rawhide Wash Flood Hazard Mitigation project is defined as the conveyance alternative presented in the Pinnacle Peak West Area Drainage Master Study. The northern limit of the infrastructure is approximately the Rawhide Wash alluvial fan apex located north of Happy Valley Road and the southern limit is the bridge crossing at Pinnacle Peak Road east of Scottsdale Road. The project improvements will include construction of new floodwalls and levees and re-construction of existing floodwalls and levees. Upon completion of this construction project, there will be a submittal of an application for a Federal Emergency Management Agency (FEMA) Letter of Map Revision to revise the apex flow discharge and the re-delineation of the floodplain limits downstream of Scottsdale Road within City of Phoenix jurisdiction. Floodplain re-delineation within City of Phoenix jurisdiction will be based on existing condition drainage infrastructure, development activities, and topography that will reduce the existing Special Flood Hazard Area Zone "AO." After completion of the proposed project, approximately 1,933 acres of land will no longer be designated in a FEMA delineated floodplain. Approximately 80 percent (1,531 acres) of this land is within Phoenix jurisdiction, while the remaining 20 percent (402 acres) are within the City of Scottsdale and unincorporated County areas. The cost share analysis was developed based on flood damage reduction, flood insurance savings, reduced cost of fill for future development and the elimination of redundant infrastructure costs. This resulted in a cost share of 50 percent FCDMC, 40 percent City of Phoenix, and 10 percent City of Scottsdale.

The final design has been progressing and is anticipated to be at 60 percent at the end of the calendar year 2019.

Also due to the complexities of the project and extensive public interaction needed during the construction of the project, the project agency members have agreed to proceed with the Construction Manager at Risk (CMAR) construction delivery method to execute implementation of the construction project.

Financial Impact

The project construction cost is estimated at $15 million. Of this amount, the City's cost share is estimated to be $6 million, with the remainder covered by FCDMC and the City of Scottsdale. Funds are available in the Street Transportation Department's Capital Improvement Program budget. Furthermore, the project is located entirely outside of the City of Phoenix and the City of Scottsdale will be performing the long-term operations and maintenance of the project infrastructure after it is constructed.

Concurrence/Previous Council Action

On July 6, 2017, Council approved the request to apply for FCDMC funds for Flood Control Projects under the Capital Improvement Project Prioritization Process (CIPPP).

The Rawhide Wash Project was submitted and approved by the FCDMC on Oct. 25, 2017, for fiscal year 2018-19.

An IGA for the design phase was recommended for approval by the Water, Wastewater, Infrastructure and Sustainability Subcommittee at its Nov. 7, 2018 meeting, by a vote of 4-0.

The original IGA, which covered design, right of way, and utility relocation for this project, was approved by the City Council on Dec. 12, 2018 (Ordinance S-45224).

The IGA for the project construction phase was recommended for approval by the Transportation, Infrastructure and Innovation Subcommittee at its Nov. 6, 2019 meeting, by a vote of 4-0.

Location

The northern limit of the project is generally the Rawhide Wash alluvial fan apex located north of Happy Valley Road and the southern limit is the bridge crossing at Pinnacle Peak Road.

Council District: 2 and Out of City

This item was adopted.

71 Request Authorization to Amend Intergovernmental Agreement with Flood Control District of Maricopa County and City of Scottsdale for Rawhide Wash Flood Hazard Mitigation Project (Ordinance S-46261)

Request to authorize the City Manager, or his designee, to amend an

Intergovernmental Agreement (IGA) with the Flood Control District of Maricopa County (FCDMC) and the City of Scottsdale for the Rawhide Wash Project. The request is to amend the original IGA for the City of Scottsdale to undertake and acquire all rights of way, temporary construction easements, and permanent easements for the proposed project. The current IGA includes the design phase, channel rights-of-way, and utility relocations. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Currently there are no changes to the funding allocations set in the original IGA.

Summary

The Rawhide Wash Flood Hazard Mitigation project is defined as the conveyance alternative presented in the Pinnacle Peak West Area Drainage Master Study. The northern limit of the infrastructure is approximately the Rawhide Wash alluvial fan apex located north of Happy Valley Road and the southern limit is the bridge crossing at Pinnacle Peak Road east of Scottsdale Road. The project improvements will include construction of new floodwalls and levees and re-construction of existing floodwalls and levees. The project will also include submittal of an application for a Federal Emergency Management Agency (FEMA) Letter of Map Revision to revise the apex flow discharge and the re-delineation of the floodplain limits downstream of Scottsdale Road within City of Phoenix jurisdiction upon completion of this construction project. Floodplain re-delineation within City of Phoenix jurisdiction will be based on existing condition drainage infrastructure, development activities, and topography that will reduce the existing Special Flood Hazard Area Zone "AO." After completion of the proposed project, 1,933 acres of land will no longer be designated in a FEMA delineated floodplain. Approximately 80 percent of this land (1,531 acres) is within the City of Phoenix jurisdiction, and the remaining 20 percent (402 acres) is within the City of Scottsdale and unincorporated County areas. The project cost share analysis was developed based on flood damage reduction, flood insurance savings, reduced cost of fill for future development and the elimination of redundant infrastructure costs. This resulted in a cost share of 50 percent FCDMC, 40 percent City of Phoenix, and 10 percent City of Scottsdale.

FCDMC has requested the City of Scottsdale be the lead agency for

acquisition of all rights of way, temporary construction easements, and permanent easements for the proposed project.

Financial Impact

Currently there are no changes to the funding allocations set in the original IGA. The estimated project design cost is $2 million. Of this amount, the City's cost share is estimated to be $800,000, with the remainder covered by FCDMC and the City of Scottsdale in the allocated cost shares noted above. Funds for the City's cost share are available in the Street Transportation Department's Capital Improvement Program budget.

Concurrence/Previous Council Action

On July 6, 2017, Council approved the request to apply for FCDMC funds for Flood Control Projects under the Capital Improvement Project Prioritization Process (CIPPP).

The request to enter into the original IGA with the FCDMC and the City of Scottsdale was recommended for approval by the Water, Wastewater, Infrastructure and Sustainability Subcommittee at its Nov. 7, 2018 meeting, by a vote of 4-0.

Approval to enter into the original IGA for this project was granted by City Council on Dec. 12, 2018 (Ordinance S-45224).

On Nov. 6, 2019, the request to amend the original IGA with the FCDMC and the City of Scottsdale was recommended for approval by the Transportation, Infrastructure, and Innovation Subcommittee meeting, by a vote of 4-0.

Location

The northern limit of the Project is generally the Rawhide Wash alluvial fan apex located north of Happy Valley Road and the southern limit is the bridge crossing at Pinnacle Peak Road.

Council District: 2 and Out of City

This item was adopted.

72 Confined Space Standby Rescue Services (Ordinance S-46233)

Request to authorize the City Manager, or his designee, to enter into an agreement with Kary Environmental Services Inc., to provide standby rescue services for confined space entry for the Water Services

Department. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total agreement value will not exceed $350,000.

Summary

The purpose of this contract is to provide on-site standby rescue services for confined space entry. Confined spaces include manholes, crawl spaces, storage bins, pit and dike areas, vessels, silos, vaults or other similar areas that are not designed for continuous occupancy and may be exposed to hazards.

Procurement Information

The selection was made using a Request for Proposals procurement process in accordance with City of Phoenix Administrative Regulation 3.10. Three vendors submitted proposals and are listed below.

Selected Proposer:
Kary Environmental Services Inc.

Additional Proposers:
American Rescue Concepts
Capstone Fire Management

Contract Term

The term of the agreement is for seven years and will begin on Jan. 1, 2020.

Financial Impact

The agreement value for Kary Environmental Services Inc. will not exceed $350,000. Funding is available in the Water Services Department's Operating budget.

This item was adopted.

73 Rental Services for Trench Safety Equipment - Invitation for Bids (Ordinance S-46234)

Request to authorize the City Manager, or his designee, to enter into an agreement with United Rentals (North America), Inc. (United Rentals) to

provide rental services for trench safety equipment on an as-needed basis. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total agreement value will not exceed $550,000.

Summary

The purpose of this contract is to provide the Water Services Department (WSD) with rental services for trench safety equipment. WSD technicians perform maintenance and repairs on water and wastewater infrastructure located throughout the City of Phoenix and such repair is typically performed in trenches. Safety regulations require that all trenches have safety equipment installed to prevent worksite hazards.

United Rentals' services include, but are not limited to, delivery, installation, and removal of rental trench safety equipment.

Procurement Information

The selection was made using an Invitation for Bids procurement process in accordance with City of Phoenix Administrative Regulation 3.10. Three vendors submitted bids, based on daily rental rates, which are listed below:

Selected Vendor:
United Rentals: $932.51

Additional Submitters:
National Trench Safety: $2,660.35
Trench Shore Rentals: $8,625.41

Contract Term

The term of the agreement is five years and will begin on Feb. 29, 2020.

Financial Impact

The agreement value for United Rentals will not exceed $550,000. Funding is available in the Water Services Department's Operating budget.

This item was adopted.

74 Background Screening Services (Ordinance S-46239)

Request to authorize the City Manager, or his designee, to enter into an agreement with TruView BSI, LLC to provide Background Screening Services for the Water Services Department. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total agreement value will not exceed $1.5 million.

Summary

This agreement provides maximum level background screenings for the Water Services Department (WSD) and the Contractor will accept or reject applicants based on criteria provided by WSD.

The WSD Security Management Unit facilitates maximum level background screenings of approximately 4,000 contractors and other individuals that need access to WSD facilities or infrastructure per year. The background screenings include criminal history searches, driving record checks, social security number validation, and other sensitive information.

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

Procurement Information

The selection was made using a Request for Proposal procurement process in accordance with City of Phoenix Administrative Regulation 3.10. Fourteen proposers submitted proposals and eight proposers were deemed non-responsive.

Selected Vendor

TruView BSI, LLC.

Contract Term

The term of the agreement is five years and will begin on or about Jan. 1, 2020.

Financial Impact

The agreement value for TruView BSI, LLC will not exceed a total value of $1.5 million. Funding is available in the Water Services Department's Operating budget.

This item was adopted.

75 Parasite Wasps Contract for Pest Elimination (Ordinance S-46241)

Request to authorize the City Manager, or his designee, to enter into an agreement with Arbico Organics, dba Arizona Biological Control Inc., to provide parasite wasps for the purpose of eliminating flies. Further request to authorize execution of amendments to the agreement as necessary, within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total agreement value will not exceed $20,000.

Summary

The purpose of this contract is to provide parasite wasps to eliminate pests by feeding upon the waste breeding flies at the 91st Avenue Wastewater Treatment Plant.

Procurement Information

The selection was made using a Request for Quotation (RFQ) procurement process set forth in City of Phoenix Administrative Regulation 3.10. The RFQ was sent to 30 vendors and one vendor responded.

Selected Vendor

Arbico Organics, dba Arizona Biological Control Inc.

Contract Term

The term of the agreement is five years and will begin on or about Dec. 15, 2019.

Financial Impact

The total cost will not exceed $20,000. Funds are available in the Water Services Department's Operating budget.

Location

91st Avenue Wastewater Treatment Plant

Council District: 7

This item was adopted.

76 Debris Caps Contract (Ordinance S-46247)

Request to authorize the City Manager, or his designee, to enter into an agreement with SW Services LLC, to provide Debris Caps for the purpose of preventing dirt, mud and rubbish from passing into pipes and valves. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $3 million.

Summary

The purpose of this contract is for various debris caps that prevent dirt and debris from entering pipes and valves and causing clogs. The debris caps are used by the Water Services and Street Transportation departments.

This direct selection is necessary because the Water Services Department is required to follow the Maricopa Association of Governments (MAG) Specifications detail No. 392 dated Jan. 1, 2015, that requires the caps to be integrally colored blue, white and red. SW Services LLC is the only company that can provide the colors required by MAG. There are other companies that supply debris caps, but they only manufacture the caps in black and do not follow the specifications set forth by MAG.

Procurement Information

The selection was made using a direct selection process set forth in City of Phoenix Administrative Regulation 3.10.

Contract Term

The term of the agreement is five years and will begin on Jan. 1, 2020.

Financial Impact

The agreement value will not exceed $3 million.

Funding is available in the Street Transportation and Water Services departments' operating budgets, and the Water Services Department's

Capital Improvement Program budget.

This item was adopted.

77 Heavy Duty Mobile Cart and Welding Workstation Contract (Ordinance S-46249)

Request to authorize the City Manager, or his designee, to enter into an agreement with BLUCO Corporation (BLUCO), to provide a heavy-duty mobile cart and welding workstation. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed $44,550.

Summary

The purpose of this contract is to purchase a modular heavy-duty mobile cart and workstation used for welding repairs to Water Services Department infrastructure.

Procurement Information

The selection was made using a direct selection process set forth in City of Phoenix Administrative Regulation 3.10.

The RFQ was sent to one vendor because BLUCO is the original equipment manufacturer for the required welding equipment. BLUCO does not sell its products through re-sellers or distributors and orders must be placed with the BLUCO facility.

Contract Term

This is a one-time purchase.

Financial Impact

One-time purchase in the amount of $44,550. Funds are available in the Water Services Department’s Operating Budget.

Location

Remote Facility South
Council District: 6

This item was adopted.

78 Mechanical Seals Contracts - Direct Selection (Ordinance S-46250)

Request authorization for the City Manager, or his designee, to enter into separate agreements with Capital Westward Systems; James, Cooke and Hobson, Inc.; Phoenix Pumps; and Pioneer Equipment, Inc., for mechanical seals used by the Water Services Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total aggregate value of the agreements will not exceed $500,000.

Summary

The purpose of these agreements is to provide mechanical seals, mechanical seal kits, component seals, and parts and services to rebuild various mechanical seals, on an as-needed basis. The seals are used in repair of pumps, turbine shafts, and other rotating machinery in the Water Services Department (WSD).

Procurement Information

The selections were made using a direct selection process set forth in City of Phoenix Administrative Regulation 3.10. This direct selection is necessary because the seals can only be procured by a single source distributor for each of the manufacturers that are used by WSD.

Contract Term

The term of each agreement is for five years and will begin on Jan. 1, 2020.

Financial Impact

The agreement values for James, Cooke, and Hobson Inc., Phoenix Pumps, and Pioneer Equipment, Inc. will not exceed $100,000, and the agreement value for Capital Westward Systems will not exceed $200,000, for a total aggregate agreement value of $500,000. Funding is available in the Water Services Department's Operating Budget.

This item was adopted.

79 Modification of Stipulation Request for Ratification of Nov. 20, 2019 Planning Hearing Officer Action - Z-70-00-1

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 Nov. 20, 2019. This ratification requires formal action only.

Summary

Application: PHO-2-19--Z-70-00-1
Existing Zoning: R1-18
Acreage: 38.49
Applicant: Riordan Canyon, Inc. and Estates at Coldwater Canyon HOA
Owner: Riordan Canyon, Inc. and Estates at Coldwater Canyon HOA
Representative: David Cisiewski, Law Office of David Cisiewski, PLLC

Proposal:
Modification of Stipulation 16.c regarding grading of custom home lots.
Technical corrections to Stipulations 1, 2, 3.a, 3.d, 3.g, 4, 6, 9.d, 9.f, 10, 14.d, 14.e, 15, 16.b, 16.i, 18 and 21.

Concurrence

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee chose not to hear this case.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Nov. 20, 2019 and recommended approval with a modification. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location

Southwest corner of 35th Avenue and Mulholland Drive
Council District: 1
Parcel Address: N/A

This item was approved.

80 Modification of Stipulation Request for Ratification of Nov. 20, 2019 Planning Hearing Officer Action - Z-130-95-2(3)

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Nov. 20, 2019. This ratification requires formal action only.

Summary

Application: PHO-8-19--Z-130-95-2(3)

Existing Zoning: C-2
Acreage: 1.87
Applicant: Eve Collins, MAJC Enterprises LLC
Owner: Winco Foods LLC
Representative: Sixty First Place Architects

Proposal:
Modification of Stipulation 1 regarding general conformance to the site plan dated Oct. 17, 2018.

Concurrence
Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee chose not to hear this case.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Nov. 20, 2019 and recommended approval with a modification. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location
Northwest corner of 3rd Avenue and Bell Road
Council District: 3
Parcel Address: N/A

This item was approved.

81 Modification of Stipulation Request for Ratification of Nov. 20, 2019 Planning Hearing Officer Action - Z-33-06-5

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 Nov. 20, 2019. This ratification requires formal action only.

Summary
Application: PHO-1-19--Z-33-06-5
Existing Zoning: CP/GCP
Acreage: 7.99
Applicant: Unique Properties Inc. Profit Sharing Plan
Owner: Unique Properties Inc. Profit Sharing Plan
Representative: David Cisiewski, Law Office of David Cisiewski, PLLC

Proposal:
Modification of Stipulation 1 regarding general conformance to the site plan and elevations dated March 28, 2006.
Technical corrections to Stipulations 2, 3, 4, and 8.

Concurrence
Village Planning Committee (VPC) Recommendation: The Maryvale Village Planning Committee had no quorum at their Nov. 13, 2019 meeting.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Nov. 20, 2019 and recommended approval with a modification and additional stipulations. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location
Northwest corner of 115th Avenue and Indian School Road
Council District: 5
Parcel Address: N/A

This item was approved.

82 Modification of Stipulation Request for Ratification of Nov. 20, 2019 Planning Hearing Officer Action - Z-6-03-7

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 Nov. 20, 2019. This ratification requires formal action only.

Summary
Application: PHO-2-19--Z-6-03-7
Existing Zoning: R1-8
Acreage: 67.55
Applicant: Sara Andrews, Meritage Homes
Owner: PTH Properties
Representative: Jorge Villasenor, EPS Group, Inc.

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

Modification of Stipulation 3 regarding recreation and open space areas.
Modification of Stipulation 4 regarding detached sidewalks and landscape strips.
Modification of Stipulation 5 regarding landscape tracts along the street side of corner lots.
Modification of Stipulation 7.d regarding a multi-use trail on the east side of 87th Avenue.
Technical corrections to Stipulations 6, 8, 10.c, 11.h, 13 and 15.

Concurrence

Village Planning Committee (VPC) Recommendation: The Estrella Village Planning Committee heard this case on Nov.19, 2019, and recommended approval with a modification by a 5-0 vote.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Nov. 20, 2019 and recommended denial as filed, and approval with modifications and an additional stipulation. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location

Southeast corner of 91st Avenue and Illini Street
Council District: 7
Parcel Address: N/A

This item was approved.

83 Modification of Stipulation Request for Ratification of Nov. 20, 2019 Planning Hearing Officer Action - Z-46-03-7

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 Nov. 20, 2019. This ratification requires formal action only.

Summary

Application: PHO-1-19--Z-46-03-7
Existing Zoning: C-2
Acreage: 9.99
Applicant: Brennan Ray, Burch & Cracchiolo, P.A.
Owner: Columbia Group LTD
Representative: Brennan Ray, Burch & Cracchiolo, P.A.

Proposal:
Modification of Stipulation 1 regarding general conformance to the site plan date stamped March 24, 2003.
Deletion of Stipulation 2 regarding orientation of parking and drive-throughs.
Modification of Stipulation 4 regarding textured concrete on pedestrian paths.
Modification of Stipulation 5 regarding general conformance to the elevations date stamped March 24 and April 10, 2003.
Technical corrections to Stipulations 3, 6 and 7.

Concurrence
Village Planning Committee (VPC) Recommendation: The Maryvale Village Planning Committee had no quorum at their Nov. 13, 2019 meeting.
Planning Hearing Officer Recommendation: The Planning Hearing Officer heard this case on Nov. 20, 2019 and recommended denial as filed, and approval with modifications and an additional stipulation. Please see **Attachment A** for a complete list of the Planning Hearing Officer's recommended stipulations.

Location
Northeast corner of 83rd Avenue and Encanto Boulevard
Council District: 7
Parcel Address: 2317 N. 83rd Ave.

This item was approved.

84 Final Plat - Discount Tire - 190048 - South of Peoria Avenue and East of 31st Avenue

Plat: 190048
Project: 99-92593
Name of Plat: Discount Tire
Owner(s): Halle Properties, LLC and IB New Ventures, LLC
Engineer(s): Survey Innovation Group, Inc.
Request: A 2 Lot Commercial Plat
Reviewed by Staff: Nov. 19, 2019
Final Plat requires Formal Action Only

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

Location
Generally located south of Peoria Avenue and east of 31st Avenue.
Council District: 1

This item was approved.

85 Final Plat - Missouri 3 - 190030 - East of 2nd Street North of Georgia Avenue

Plat: 190030
Project: 17-3495
Name of Plat: Missouri 3
Owner(s): 135 E Missouri Ave, LLC
Engineer(s): Hoskin Ryan Consultants, Inc.
Request: A 3 Lot Residential Plat
Reviewed by Staff: Nov. 20, 2019
Final Plat requires Formal Action Only

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

Location
Generally located east of 2nd Street on the north side of Georgia Avenue.
Council District: 4

This item was approved.

86 Amend City Code - Ordinance Adoption - Rezoning Application Z-39-19-4 - Approximately 400 Feet East of the Northeast Corner of 7th Avenue and Camelback Road (Ordinance G-6651)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-39-19-4 and rezone the site from C-2 HGT/WVR DNS/WVR TOD-1 and C-2 TOD-1 to WU Code T5:5 UT to allow multifamily residential.

Summary

Current Zoning: C-2 HGT/WVR DNS/WVR TOD-1 (0.57 acres) and C-2 TOD-1 (3.78 acres)
Proposed Zoning: WU Code T5:5 UT
Acreage: 4.35
Proposed Use: Multifamily residential

Owner: Seventh Camel, Inc.
Applicant: George Pasquel III, Withey Morris, PLC
Representative: George Pasquel III, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Alhambra Village Planning Committee heard this case on Nov. 26, 2019, and recommended approval per staff recommendation by a 10-1 vote.
PC Action: The Planning Commission heard this case on Dec. 5, 2019, and recommended approval per the Alhambra Village Planning Committee with an additional stipulation and a modified stipulation by a 9-0 vote.

Location

Approximately 400 feet east of the northeast corner of 7th Avenue and Camelback Road.
Council District: 4
Parcel Addresses: 502, 514, 652, and 658 W. Camelback Road

This item was adopted.

89 Public Hearing - Abandonment of Right-of-Way Appeal - V190054A - Yuma Street from 21st Drive to 21st Avenue; 21st Avenue, South of Yuma Street; and Alleyway Southwest of Yuma Street and 21st Avenue

Abandonment: V190054A
Project: 11-4174
Abandonment Applicant: Dennis Zwagerman
Date of Abandonment Hearing Officer's Decision: Nov. 7, 2019
Appellant: Larry Trauscht
Date of Appeal: Nov. 21, 2019
This request requires formal action only.

Summary

Rationale: Appealing decision (denial) of Hearing Officer based on the fact that the parcel will not be landlocked when the abandonment occurs.
Staff notes: Adjacent parcel with different owner will be landlocked.

Location

Yuma Street from 21st Drive to 21st Avenue; 21st Avenue, south of Yuma Street; and alleyway, southwest of Yuma Street and 21st Avenue
Council District: 7

This item was continued to the Feb. 19, 2020 City Council Formal Meeting.

Items 36 and 39, Ordinance S-46228 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.

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

To make payment up to $1,600,000.00 in settlement of claim(s) in *Reynolds v. City of Phoenix*, Maricopa County Superior Court, case number CV2019-005365, 18-9007-001 GL BI, for the Finance Department pursuant to Phoenix City Code chapter 42.

Discussion

Councilman DiCiccio stated he was voting against this because $1.6 million was going to an individual who was a known felon that committed crimes. He agreed the City did something wrong but this person was getting $1.6 million of taxpayer money when police officers were barely making it. He said he was noticing extraordinary settlements because the City was paying off individuals that he stated he believed were committing crimes in the community. He expressed this was morally wrong, especially when police officers deserved it more than this individual.

Councilman Garcia conveyed he was in favor of this item and wanted to make sure as a matter of policy that this was not only settled but never happened again. He stated what happened went against this person's

constitutional rights regardless of their past. He noted this individual's life was shifted forever because of a City employee, so he not only wanted to move forward with the settlement but build a process where this did not happen again.

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

Yes: 7 - Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 2 - Councilman DiCiccio and Councilman Waring

39 **National Association of Housing and Redevelopment Officials**

For $17,000.00 in payment authority for National Association of Housing and Redevelopment Officials (NAHRO) annual membership for the Housing Department. NAHRO provides important support through training, advocacy, networking, and best practices. The Housing Director serves on NAHRO's National Housing Committee helping to determine policy direction both locally and nationally. Phoenix will be the host city for NAHRO's 2021 National Conference and Exhibition. Membership ensures the City is informed about proposed regulatory changes that may impact the financial and operational sustainability of the City's Housing Department, as well as legislative updates to keep staff informed in advance of action being taken. This item was approved by the Land Use and Livability Subcommittee on Nov. 20, 2019, and will be paid by federal funds with no impact to the General Fund.

Discussion

Mayor Gallego mentioned this was an important item about affordable housing in this community.

A motion was made and seconded to approve this item.

Councilman DiCiccio stated he was voting against this because the City unnecessarily spent millions of dollars every year on membership dues, lobbyists and public relations. He remarked this could be done online and said he thought it was illogical to spend these kinds of taxpayer dollars

when there were many other needs in the community.

Mayor Gallego conveyed this organization helped the City provide training to staff on best practices in financing housing which was a key issue in the community, so she would be voting in favor.

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

Yes: 7 - Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 2 - Councilman DiCiccio and Councilman Waring

42 **Amend Phoenix City Code Chapter 4 Related to Commercial Ground Transportation Trip Fees (Ordinance G-6650)**

Request to amend Phoenix City Code Chapter 4 to increase existing and set new commercial ground transportation trip fees, to create a process to annually adjust trip fees, and to make conforming, clarifying, and renumbering changes as necessary.

Summary

Background

City Council approved changes to commercial ground transportation trip fees on Oct. 16, 2019. It was determined that certain statutory notice requirements had not been met. This item satisfies the notice requirements and finalizes the commerical ground transportation trip fee changes Council approved on Oct. 16, 2019. As the statute (A.R.S. section 9-499.15) prescribes, this item was properly posted on the City's website on Oct. 18, 2019 and on Nov. 26, 2019.

Commercial Trip Fees and Annual Increases

City Code requires that, by Jan. 1, 2020, staff conduct a study of peer airports' commercial ground transportation (GT) trip fees. City Code also authorizes GT stakeholders to participate in the selection of the consultant for this review. Beginning fall 2018, staff and GT stakeholders scoped the study and investigated peer airport trip fees. Through summer 2019, staff conducted monthly meetings with GT stakeholders,

totaling over 15 large and small group GT stakeholder meetings held.

The completed study reviewed peer airports' GT revenue collection with Phoenix Sky Harbor International Airports' (PHX) revenue. PHX consistently collects less GT revenue compared to its peers. The proposal seeks to increase trip fees for permitted GT providers, establish drop-off trip fees for providers, and provide for predictable, annual trip-fee rate increases.

These fees are calculated to recover PHX's costs for the GT providers' proportionate share of existing and future ground-transportation infrastructure, improvements, and operation/maintenance of this infrastructure, including maintenance of the PHX Sky Train, and to comply with federal law requiring PHX to achieve and maintain economic self-sufficiency.

Effective Date
If passed, the ordinance - including the new and increased trip fees it establishes - will become effective on Feb. 1, 2020.

Attachments
Attachment A - Summary Sheet
Attachment B - Draft Ordinance

Financial Impact
The revenue will cover the proporational share of the ground transportation expenses.

Concurrence/Previous Council Action
The Transportation, Infrastructure and Innovation Subcommittee recommended approval of this item on Oct. 2, 2019 by a 4-0 vote. The full City Council approved this item on Oct. 16, 2019 by a 7-2 vote.

Public Outreach
Extensive stakeholder outreach was conducted during the peer-review of commercial ground transportation fees as well as stakeholder review of the proposed City Code amendment, which culminated in the previous Council action approving the changes. Additional public outreach

involving transportation network companies has also occurred since then.

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

Discussion
Councilwoman Williams made a motion to amend Phoenix City Code, chapter 4 as follows:

1. Increase existing and set new commercial ground transportation trip fees for non-rideshare companies and rideshare companies (known as Transportation Network Companies) as recommended by staff effective Feb. 1, 2020. The Year 1 trip fees for pick-up and drop-off will be GT Mode: TNC - $4.00; Vehicles - 1-8 Seats - $1.75; 9-23 Seats - $2.25; 24+ Seats - $5.00;

2. Establish a process to annually adjust trip fees in an effort to maintain a level of cost recovery. All future trip fee adjustments for both non-rideshare and rideshare companies shall increase at the greater of three percent or the Consumer Price Index to keep up with the cost of inflation. For non-rideshare companies, this is effective Jan. 1, 2021 and for rideshare companies this is effective Jan. 1, 2025;

3. Provide the following incentives to discount the trip fee rates:
   a. Ten percent for each trip made by alternative fuel-powered vehicle or 40 percent for each trip made by a zero-emissions vehicle, and
   b. Thirty percent for each trip that initiates or terminates at the 44th Street or 24th Street PHX Sky Train Stations;

4. And make conforming, clarifying and renumbering changes as necessary.

Councilwoman Stark seconded the motion.

Mayor Gallego announced this item was previously presented by staff and debated on at the Oct. 16, 2019 Formal Council meeting. She stated

the record of the full proceedings from that meeting would be incorporated into today's record. (**leave reference or copy in**) She asked that staff come forward in case there were questions on this item.

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

Leezie Kim spoke in support, noting the Phoenix Aviation Board unanimously passed this matter at its meeting. She mentioned she was present in case there were questions from the last time this item was heard.

Mayor Gallego confirmed there were no questions and thanked Ms. Kim for her service.

Rodney Falberg spoke in opposition to the proposed plan because working class people did not need another tax put on them. He indicated people used Uber and Lyft to supplement their income and he did not think it was fair that members of the public had to shoulder this burden. He suggested that Council lower the salaries of City employees who made in excess of $100,000 a year and use that money for airport infrastructure or other city services.

Councilman DiCiccio pointed out that was just salary and did not include all the extra benefits which was another 35 percent on top of that number to get a true cost. He stated the City had over 13,000 employees with an average compensation of $115,000 a year though it was higher this year as that was last year's number.

Councilwoman Williams remarked Sky Harbor was an enterprise fund so it has to generate its own funds for operations. She conveyed no general fund money was used for this, noting it was important the City maintain a quality facility, including the roads that were driven on.

Councilwoman Pastor expressed the airport was a business and it was run as such which meant that Council had to look at everything that happened within the airport. She stated people used the streets within the airport, such as Uber and Lyft, so it was part of a collective in making sure the airport was at the highest possible standard.

Councilman Waring expressed it would take a lot of salary cutting to save the amount of money being discussed since most of it was directed towards the Sky Train. He pointed out the Sky Train cost $300 million a mile, noting the general fund was $1.3 billion which was equal to a quarter of the general fund for every mile and there were five miles. He indicated he voted against the Sky Train, especially since it took about $1 million to repave a mile of road and $11.5 million to build a road which was a lot of road building for $300 million a mile. He said he did not think the City was being proactive and looking to the future because light rail and the Sky Train were really expensive. He stated he appreciated the comments and had illustrated his agreement with them in his votes over the past eight years. He remarked the Sky Train was such an extravagant project that Council was left doing this action and agreed the working class person would suffer which was wrong and conveyed he would be voting no.

Piper Overstreet spoke in opposition on behalf of Uber and asked Council to reconsider approving this inequitable tax increase proposal. She commented Uber had actively engaged in good faith with airport staff, aviation advisory board members and the Council. However, she noticed Council was moving forward with this tax proposal based on a year-long benchmarking fee study that unfairly penalized rideshare companies, drivers and riders. She advised the tax model in the airport's proposal was provided to Uber 24 hours prior to the advisory board's first meeting, noting Uber had consistently voiced its opposition since that time.

Ms. Overstreet stated Uber notified the airport and stakeholders that it would stop operations at Sky Harbor in January if this proposal was approved. She expressed Uber was supportive of paying its fair share but this proposal far exceeded the airport's costs for day-to-day management of TNC operations at Sky Harbor. She commented thousands of people would need to get to and from the airport once Uber stopped operations, noting the airport would not recoup any fees from private vehicles or the increased traffic. She remarked Uber had invested heavily in Arizona and its residents over the past seven years and would continue to be a transportation option for residents and visitors to Phoenix, but not at the airport.

Councilwoman Williams asked if Uber paid this fee at other airports.

Ms. Overstreet replied Uber did pay fees at other airports but there were differences. She cautioned Council about an apples to oranges comparison, noting they went through some of the fees at the previous meetings.

Councilwoman Williams stated she recalled seeing the list of fees Uber paid at other airports which was as high as $10 per pick-up and drop-off. She inquired if Uber said they were leaving those airports.

Ms. Overstreet responded some of those airport fees that were listed were city taxes and other things. She reiterated there had been an apples to oranges comparison in the presentation but Uber provided information to the airport regarding that matter.

Councilwoman Williams asked if Uber had left other airports because of these fees.

Ms. Overstreet replied yes.

Councilwoman Williams said she had heard that Uber did not stay in that status and went back to serve at those airports.

Ms. Overstreet responded that was correct but it was based on analysis and what Uber felt was fair and unfair. She mentioned this was the decision Uber was forced to make at Sky Harbor.

Mayor Gallego asked if Uber served Chicago Midway, Chicago O'Hare, Dallas/Fort Worth, Detroit, San Francisco, Houston, Los Angeles, D.C. National and D.C. Dulles.

Ms. Overstreet replied yes, noting Uber's airport expert, who could answer specific airport things, was unable to attend this meeting.

Mayor Gallego conveyed Phoenix had the twelfth largest airport in the nation located in the fastest growing city and county in the nation. She

advised these nine other airports had similar or higher fees than the ones being considered at this meeting. She added four of these airports did not offer curbside rideshare services as Sky Harbor did. She indicated both D.C. airports just raised their pick-up and drop-off fees for rideshare companies to $5, yet Uber and Lyft had not threatened to pull out of those markets.

Ms. Overstreet emphasized Uber did not say they were not willing to support an increase. However, the recommended fee was well above what was proposed and 80 percent of it was tied to the operation and maintenance of the Sky Train.

Mayor Gallego commented the City wanted to have a top airport and provide cutting edge investments. She added the City also wanted to be globally competitive which meant competing with other airports that invested in managing their curbs.

Councilmember Garcia asked if there was a specific reason why the other markets were more important than Sky Harbor.

Ms. Overstreet responded none of the other airports had an operation and maintenance fee for their Sky Train included in the ground transportation operations.

Councilmember Garcia inquired if Uber did not think it was worth the investment to be part of the Phoenix market.

Ms. Overstreet replied that was not what she was saying.

Councilwoman Pastor requested staff explain the process because she just heard Uber say they were not part of the process.

Aviation Services Director Jim Bennett advised Mr. Feld would walk Council through that process since he was the lead staff person who was engaged with the rideshare companies for over a year throughout the study process.

Deputy Aviation Director Jordan Feld stated all of the ground

transportation stakeholders were involved in the front end of the process, including Uber, and drove the scope of work staff undertook to compare the airports. He continued all stakeholders identified the need to clarify in staff's data collection whether or not the fees were a per trip fee or included a permit, tax or profit sharing, so all of that information was detailed in the benchmarking report. He conveyed the numbers used to show the comparison trip fee rates were just trip fee rates. He indicated stakeholders such as Uber were involved in the front end of the process, during the process and at the end of the process when staff shared the final benchmarking results. He remarked staff then developed a recommendation that Uber and the rest of the stakeholders could review and comment on.

Councilwoman Pastor confirmed Uber was invited to be part of the process and asked if they participated 100 percent throughout the process.

Mr. Feld replied Uber was very involved in the front and end of the process. He mentioned they might have called in for some of the meetings during the process but did not identify themselves so he could not track that aspect.

Councilwoman Pastor requested staff to clarify if this was a tax.

Mr. Bennett stated this was rent, noting all businesses that operated at Sky Harbor Airport paid rent which represented either cost recovery or fair market value for accessing the commercial market and using the airport facilities. He conveyed this was the way the airport charged rent to this category of users or ground transportation providers. He noted the airport had about 700 permitted ground transportation providers that were charged rent through a trip fee policy that was first established in 2016.

Councilwoman Pastor inquired if Uber and Lyft left the market if there were other ways to get to the airport and if customers would have the ability to make different choices.

Mr. Bennett reiterated there were approximately 700 permitted ground transportation operators besides Uber and Lyft. He expressed it was

difficult to remember but prior to June 2016 people accessed the airport by other means besides Uber and Lyft. He remarked all of those mechanisms that were available then were still available today, such as light rail to the Sky Train station, family members or other for-hire transportation services that were permitted to operate at the airport.

Councilman DiCiccio expressed government could pound individual businesses but sooner or later they would go elsewhere since it was a portable economy. He apologized to Uber for this pounding because the City respected and appreciated them as a business owner. He asked the audience if anyone had heard of these 700 other operators, noting most were taxi users. He said this was a middle-class situation because they used Uber to get to the airport and would no longer have that ability. He mentioned most people worked during the day and could not get a ride to the airport from a neighbor or a friend. He stressed the term rent was a government spin as this was a tax on the public, specifically the middle-class, and it was driving businesses out of the city which was wrong.

Mayor Gallego stated her message was that Phoenix was a global city that wanted to invest in a first-class airport. She urged Uber to invest in its drivers the way Phoenix invested in its citizens.

Andrew Cohn spoke in favor. He stated Uber and Lyft were great providers that needed to be at the airport. However, if this was a market-driven economy then it would settle in since Uber and Lyft would pass these fees onto their customers. He mentioned he wrote an op-ed that received an overwhelming response from the drivers who appreciated his comments. He noted it was important the City understand that however Uber and Lyft chose to participate in this process was an election they made, including backing out so they did not have to pay these fees. He remarked these companies captured a great part of this market, noting Sky Harbor became the number one airport in this country since the last meeting. He expressed it would be a bad decision if Uber and Lyft leadership chose to leave the airport or the city, especially after Phoenix just opened a freeway to help them get around better. He stated he was upset that Uber said Phoenix did not compare to the other cities mentioned earlier since this city was growing.

John DiPippa, a Southwest flight attendant, thanked Council for keeping the parking rate caps and discounts in place.

Michele Newcomb, an airport operations assistant, spoke in favor. She stated her main job was to keep traffic flowing in and out of the airport, noting her top priority was the safety of employees, passengers and customers. She conveyed many of the rideshare drivers did not follow directions given by airport personnel. She said she also witnessed rideshare drivers attacking each other, hitting other vehicles with their hands and yelling at passengers that pulled into the rideshare area. Additionally, she noted the rideshare drivers loaded in the main boulevard, so there were many safety issues. She pointed out the City used a lot of resources each time staff responded to rideshare having written citations, notices of violation and suspensions. She expressed when one rideshare vehicle was suspended five new ones arrived and staff had to start all over again. She advised staff did not have control of rideshare vehicles like other ground transportation operators with permits, license plates and vehicle numbers that matched the drivers, but staff did recognize some of the rideshare drivers.

Dennis Ridley urged the City to take care of the immediate problem and resolve driver exploitation with these companies. He stated these drivers were underpaid and most did not have health insurance, noting many were also caught up in the rental car scheme. He added these drivers paid more in taxes and provided deeply discounted services to the public. He mentioned he signed up to be a driver for supplementary income and got caught up into renting a vehicle that he was now trapped into paying for. He said he understood that rideshare companies offset other industries at the airport, but he wanted the City to look into the business practices of these companies before taking money from them.

Joya Clarke, second generation president and CEO of Casa Unlimited Enterprises, spoke in favor. She remarked her family-owned business had been doing business at Sky Harbor as retail concessionaires for over 30 years, starting when Terminal 4 was built in 1990. She stated as people that generated income by doing business at Sky Harbor it was a privilege and their responsibility to understand there was an additional

cost involved in maintaining airport infrastructure. She mentioned businesses liked to be at the airport because a lot of people were there which benefited taxis, retail, food and the airlines. She conveyed there were limitations in the business discussion about fairness and how these fees would either go to the customers or businesses. She thanked Council for the opportunities the airport had provided her business to be successful and to share their experiences with customers and the city.

Jon Riches, national litigation director at the Goldwater Institute, spoke in opposition. He stated this was bad policy because visitors of this state would be hit with an enormous fee, drivers relied on this as second or third jobs and passengers used this service as it was the most inexpensive and efficient way to get to the airport. He asserted if this proposal was approved by Council it would violate the Arizona constitution. He conveyed voters overwhelmingly passed Proposition 126, noting the language of that amendment stated any city in this state was prohibited from imposing or increasing any fee on any service performed in the state. He pointed out staff called this a fee and the materials before Council also referred to it as a fee so calling it rent now seemed foolish. He wondered if two college students shared gas money and dropped one off curbside at the airport if that was considered renting curbside space. He expressed if this proposal passed it would not only be the most punishing policy the city had considered but it would also be illegal.

Councilman DiCiccio conveyed the Goldwater Institute was looking to bring a lawsuit against the City and he offered to testify on their behalf as well as work at the legislature to fix this matter. He mentioned 1487 dealt with state shared revenues and wanted to know the impact of it.

Mr. Riches advised the Arizona legislature passed 1487 which allows any state legislature member the ability to send a letter to the Attorney General alleging a municipality violated a provision of the Arizona constitution. He explained the Attorney General had 30 days to investigate and could make one of the following three findings:

- The municipality had violated the constitution;
- Direct the State Treasurer to withhold the City's share of state shared

revenue; or
• Submit it directly to the Arizona Supreme Court for expedited review.

Councilman DiCiccio remarked when talking about litigation under Proposition 126, which dealt with a lot of newer fees, he asked if this would be considered a newer tax.

Mr. Riches replied it was irrelevant whether it was a fee or tax since Proposition 126 prohibited the imposition of new fees or the increase of existing fees.

Councilman DiCiccio inquired about the financial impact of the $2.66 fee the City already charged.

Mr. Riches responded the current fee would likely stay in place, but any increase of that fee would be susceptible to a Proposition 126 challenge along with the new drop-off fee of $5 by 2024.

Councilman DiCiccio asked if the City would collect anything if Uber and Lyft left the airport.

Mr. Riches replied if Council passed this proposal it would be the first time a major airport in the United States had no ridesharing services. He added if that happened the City would lose an enormous amount of revenue provided from the $2.66 fee which came to more than $5 million a year. He expressed this vote would not only deprive Phoenicians of the ability to get cheap and efficient rideshare services but it would cost the City $5 million.

Councilman DiCiccio asked airport staff how the City identified Uber and Lyft drivers.

Mr. Bennett responded the current code required Uber and Lyft vehicles to properly display trade dress which was the company emblem in the windshields of their vehicles. He conveyed airport operations agents also randomly interacted with the drivers when they pulled up to check their app to make sure they were an authorized driver that could pick-up at the airport. He indicated the airport performed random spot checking on

individuals, plus inspections to ensure the trade dress was properly displayed in vehicles.

Councilman DiCiccio inquired if the airport had contracts with Uber and Lyft at this point.

Mr. Bennett replied they had written agreements with Uber and Lyft as well as all of the other permitted operators at the airport that responded to the terms and conditions for doing business on airport property.

Councilman DiCiccio requested a copy of those agreements.

Mr. Bennett agreed to provide them.

Mayor Gallego emphasized Phoenix deserved the same fees every other airport received.

Councilman Waring noted 1487 was a new tool that the legislature came up with a couple years ago. He wanted to know if it had been used before or if cases had gone to the Supreme Court and, if so, examples of some of those outcomes.

Mr. Riches stated 1487 complaints had been before the Arizona Supreme Court where they were upheld. He specified there had been situations where the Attorney General found a violation of state law or the state constitution and directed the treasurer to withhold state shared revenue, noting the municipality had 30 days to decide whether or not they wanted to change their action.

Councilman Waring acknowledged 1487 was being used and recalled a complaint filed by a legislator regarding a gun case out of Tucson that was expedited by the Attorney General to the Supreme Court. He asked what would happen to the fees that had been collected in the interim if the city lost or changed its policy and who would the money be paid to since the fee was presumably being passed on to consumers.

Mr. Riches replied it was difficult to answer what would happen to illegally collected fees as it would depend on how the relief was formed by the

court which was unknown at this point.

Councilman Waring remarked there was an issue with the car rental tax case as to who to pay the money back to, so this was complicated. He expressed if it only took one out of 90 legislators to submit a complaint he was sure someone would do it.

Mr. Riches agreed this could get complicated except for the request for relief which would be an injunction against these fees that could not be imposed going forward.

Councilwoman Stark inquired if a legislator questioned Council's action if the Council had the right to change their vote so the City would not have any penalty for state shared revenue.

City Attorney Cris Meyer affirmed Proposition 1487 provided the City an opportunity to come into compliance. He added the City could potentially have to pay some fees, but would not lose its share of state shared revenue.

Councilwoman Stark stated if it got to that point she would support the City releasing the airport so it could be its own governing authority and charge them rent.

Gregory Torrez spoke in favor. He said his family business, Torrez International, had been here for over 70 years and a part of Sky Harbor since 1999, so he understood there was a cost to doing business at the airport. He expressed this conversation was about fairness, noting this matter had been discussed at length. He conveyed three years ago Aviation staff was tasked with making this TNC model work and this model would come back for review. He stated there were other airports that charged more than what was proposed in this plan, but at some of those other airports these companies paid a percentage of the total revenue. He remarked TNCs represented approximately 70 percent of the market, so they should pay their fair share for doing business at the airport. He reiterated his support for this item.

Ricardo Carlo, President of the Associated Minority Contractors of

Arizona, spoke in favor. He indicated he dealt with small business contractors that did work at the airport that paid fees on a daily basis, including at the airport. He said the airport could not operate at the same level if the cost remained the same over the next 5 or 10 years, so increases were necessary. He pointed out there were other transportation options available besides Uber and Lyft if they left the airport. He expressed he thought this was fair since a taxi driver had to buy a placard which was expensive.

Stephen Keierleber, a real estate agent and driver for Uber and Lyft, spoke in opposition. He stated he worked with low-income families as a real estate agent, noting his main clients were refugees from the Congo and most of them worked at the airport. He remarked some of his clients used Uber and Lyft to get to work and this increase would cost them an extra $200 a month. He conveyed the other alternatives, such as Valley Metro, would take them over two hours to get to work which he did not think was fair. He said this fee would be passed on to consumers and expressed concern about future fees on rideshares in other areas. He said this was not an efficient way, especially if the same charge was not placed on taxi cab drivers. He asked that Council vote no on this item.

Jeffrey Goldin, Vice President of the Arizona Limousine Association, spoke in favor. He noted his service represented one of the other 700 companies, noting Super Shuttle was leaving the airport due to the unfair practices. He stated he understood the City was improving the airport and supported the fee increase. He expressed rideshare would stay at the airport and emphasized the other 700 companies had been paying their fair share before Uber and Lyft came in.

Keith Clifton, Arizona Limousine Association Past President, stated they were against it and urged Council to see it their way.

Joe Dibazar spoke in favor. He indicated he had been working under different contracts at the airport since 1986. He remarked he followed the rules as requested by Sky Harbor, such as providing alternative fuel vehicles and screening drivers. He added when the fee went up from $200 to $16,000 a year in 2008 he honored it. He commented rideshare companies were not the only TNC companies at the airport.

Councilman Nowakowski recalled about 10 years ago the City went through a contract with ground transportation at the airport, noting there were two days of hearings from different companies. He asked if staff knew what rules and regulations taxis had to comply with to operate in the airport.

Mr. Bennett questioned if the councilman was referring to the current differences between rideshare companies and the taxi industry.

Councilman Nowakowski replied that was correct.

Mr. Bennett advised one of the primary differences was the taxi industry was under contract with the City. He conveyed the City performed a competitive solicitation to select taxi companies to provide service and with that came responsibility. He added one responsibility was that fees charged to the taxi companies could not be passed on to the customer as that was their cost of doing business at the airport.

Councilman Nowakowski asked what the fee was.

Mr. Bennett responded they paid a per-trip fee which was the same fee as Uber and Lyft, but they were not contractually permitted to pass that on to their customers. He noted additional differences as follows:

- Taxi companies were required to provide the City with a letter of credit, whereas rideshare companies were not;
- There was no regulation on how rideshare companies handled the fees they were charged to do business at the airport;
- Taxi companies were required to provide service to the airport 24 hours a day, seven days a week, 365 days a year; yet, there were no such requirements for rideshare companies;
- Taxi companies had an obligation that no one waited more than five minutes for pick-up, but rideshare companies did not have that requirement;
- Fares that taxi companies could charge were set by Phoenix City Code and could not be adjusted without Council approval;
- Taxi companies had requirements for lost and found with a timeline on

when they had to return items to people;
- Taxi companies had requirements on fleet age of the vehicles and fees had to be adequately displayed in the vehicles;
- Taxi companies were required to use alternative fuel vehicles and have vehicle inspections;
- Taxi companies had to have a supervisor available to respond within 10 minutes; and
- Taxi drivers had to pass a test, including information about maps, rules and regulations of the airport and area knowledge, plus undergo an FBI criminal history records check that was finger-print based as well as a Transportation Security Administration security threat assessment.

Mr. Bennett conveyed there were penalty clauses if taxi companies violated certain terms of the contracts.

Councilman Nowakowski confirmed with staff there were also vehicles for people with disabilities. He stated that taxi companies were not being treated fairly because Uber and Lyft could have older cars, but taxi companies were required to have alternative fuel vehicles to help keep the environment clean. He noted Uber and Lyft did safety background checks in-house, yet taxi companies had it done by a certified agency that Council approved. He emphasized taxi companies could not pass on the $5 fee to individuals, but Uber and Lyft could. He added taxi companies could not add a surcharge if demand was high as compared to a slow day.

Councilman Nowakowski commented the City was trying to treat everyone fairly. He expressed he felt bad for Uber and Lyft drivers because the City could not ask the companies to increase the cost for rides, but he mentioned the drivers could talk to them about it. He reiterated this proposal was about making sure everybody that used the airport for business purposes was treated the same. He recalled hearing testimony 10 years ago from the individuals that drove taxi cabs as well as 3 years ago when the contract was renewed. He expressed the City would continue to support everyone, but they had to make sure everybody was treated the same at the airport.

Councilwoman Pastor noted the City required the taxis and other vehicles to do background checks for safety purposes to know who was entering and leaving the airport as well as for customers that used the airport. She asked if Uber and Lyft went through that process because it was a great mechanism to make sure the City knew who was driving.

Mr. Bennett replied back in 2016 background investigations was a challenge the City tried to overcome because State law did not require Uber and Lyft drivers to undergo a criminal history records check, so they did not want to comply with it. He conveyed to accommodate them at the airport Council adjusted the City Code requirements to permit them to conduct their own background checks for their drivers. He advised the other airport permittees performed a criminal history records check.

Councilwoman Pastor inquired if the City knew who was entering the airport regarding Uber and Lyft.

Mr. Bennett responded no.

Karriem Johnson spoke in favor. He stated he was a part-time Uber driver and owned a limousine company, noting he also used the service as it was convenient. He remarked since June 2016 the rate to do business in the airport for a driver was about $2 a mile as the market set the rate. However, he conveyed Lyft currently charged 22 cents a mile and Uber charged 60 cents a mile which placed the cost on its drivers. He indicated Uber and Lyft were not charging enough which he expressed was why the companies were complaining about paying more to do business in the airport. He pointed out the price of houses and rent had doubled in some areas, so it was not unreasonable to ask for a fair wage. He stated Sky Harbor was a world-class airport that had three designated lots for drivers with restrooms, microwaves and a prayer section. He said he agreed with the price increase to do business in the airport to continue advancing it was a world-class facility.

Dan Puente, founder and CEO of DP Electric, spoke in favor. He said he started his company in 1990 after learning the trade in the field. He stated he supported the airport and the increased fee as it would put Phoenix more in line with other major cities. He indicated the airport and the City

supported small businesses in the minority community, noting he started working for the City in 1995 as a small minority contractor. He expressed those opportunities showcased his abilities to work with other firms and build trust with them. He remarked he graduated from the Small Business Enterprise (SBE) program in 2006 and continued to work at the airport as a subcontractor that employed SBE companies which allowed his company to be successful. He said this increase aligned a growing airport to be more consistent with other airports as well as required rideshare companies to pay their fair share.

Dave Warren, owner of Blue Sky Airport Parking, spoke in favor. He mentioned this was not a new issue to him regarding discussion about fees charged to ground transportation providers at the airport. He stated he had been vocal about this issue, noting his small company paid $4,000-$6,000 a year to serve the airport. However, he conveyed this year he would pay $130,000-$140,000 a year which was noticeable as it came out of his bottom line. He said if ground transportation providers paid attention then they knew about this process which was a very involved process over the last year. He added this discussion was the result of that study and report which was very detailed from the consultant selection, study process and various drafts completed and provided to all stakeholders who had an opportunity to participate. He expressed a lot of time was spent on this process which he thought was fair and transparent, though he was concerned about paying the fees.

Mayor Gallego stated the following comment cards were submitted for the record in favor of this item:

Kurt Mangum
Brent Kleinman
David Schwartz
Alex Bertolini
Wes McClure
Chris Nickle
Johnathan Sage
Justin Kelton
Brad Smith
Nate Walnum

Brian Rowland
Jim Lauer
Joseph Yurias
Thomas Assante
Damon Yates
Isaac Gilles
Michael Gallegos
Jennifer Bixby
Patrick Barrett
Terry Cole
Chase Edwards, Hensel Phelps
John Ouellet, Hensel Phelps
Martin Hedlund
Brandon Moon
Wade Chance
Lynsey Jones
Adam Esselman
James Hatch
Dean Howard, Hill International
Steve Rao
Tom Romig
Megan Lamy
Carlos Binzird
Logan Islas
Fredy Yanes
Jim Schumann
Krystal Keilholtz
Russ Sanders

Mayor Gallego added Lauren King submitted a comment card for the record in opposition on behalf of Lyft.

Councilmember Garcia expressed he did not appreciate the attempted bullying or the disrespectful comments made about Sky Harbor not being worth this increase. He said he also did not appreciate the threats of lawsuits or that the state legislature would tell the City what to do. He remarked the City had subsidized these corporations that used these roads and facilities for awhile, so it was time they paid their fair share

similar to other companies at the airport. He urged the drivers to push back on the corporations to get fair treatment and hoped that Lyft and Uber took on these fees and not pass it on to the drivers and riders. He stated he was supportive of this item.

Councilman DiCiccio conveyed this action would have a major impact on middle-class Arizona. He added if Uber and Lyft left the airport it would effect the entire country as Phoenix would be known as anti-business because the people who used this service were individuals that could least afford this increase. He argued this was a tax that would have an impact, similar to when the City raised fees for after-school programs an extra $30 over a two-month period. He noted 62 percent of those kids stopped attending because of the impact on their family's income. He indicated an extra $5 might not be a big deal to some people but it was for other individuals who needed this transportation. He said there was room for individuals to be part of the economy, but this proposal would drive out rideshare from the airport. He also claimed this was against the law since voters passed Proposition 126 which stated no tax on services, noting Uber, Lyft and taxis were a service industry. He expressed appreciation to Dave Warren as a small business owner doing work in the City. He stated he would be voting no on this item.

Mayor Gallego asked if staff had looked at the legal issues referenced by Mr. Riches and what was decided.

Mr. Meyer replied Law Department staff had looked at these issues at length and researched them as well as consulted outside counsel. He noted all parties concluded the proposed trip fees to be paid when rideshare vehicles picked up or dropped off passengers at Phoenix Sky Harbor International Airport were not unconstitutional under article 9, section 25 of the Arizona constitution. He explained the trip fees were a charge for use of the roadway system at the airport for commercial activity. He advised the constitution did not prohibit municipalities from charging a fee to access and use municipal property. He added many companies, such as ground transportation to concessions, paid fees to conduct commercial business in order to provide services to customers at the airport. He stressed none of these fees for use of airport property were a tax.

Councilman Nowakowski asked if there were extra fees involved if someone took Lyft or Uber and was dropped off at the Sky Train parking lot.

Mr. Bennett replied this proposal provided a 30 percent reduction in the fee if people used Uber and Lyft to be dropped off at the current and future Sky Train stations, which would bring the fee down to approximately $2.80.

Councilman Nowakowski confirmed Lyft drivers were getting 22 cents a mile and agreed with Councilmember Garcia that the drivers needed to organize themselves to make sure they received a fair wage. He expressed that was the problem and yet, the companies were condemning the City for treating everybody fairly. He emphasized the City was going to treat taxi drivers, limousine drivers as well as Uber and Lyft drivers the same. He stated he supported this item.

Mayor Gallego mentioned it was important that drivers have the ability to live in this community and deserved a living wage.

Following the vote, Mayor Gallego noted this was a strong vote that the City was going to invest in Sky Harbor.

A motion was made by Councilwoman Williams, seconded by Councilwoman Stark, that this item be adopted as amended per the following amendments to Phoenix City Code Chapter 4: 1) Increase existing and set new commercial ground transportation trip fees for non-rideshare companies and rideshare companies (known as Transportation Network Companies) as recommended by staff effective Feb. 1, 2020. The Year 1 trip fees for pick up and dropp off will be GT Mode: TNC - $4.00; Vehicles - 1-8 Seats - $1.75; 9-23 Seats - $2.25; 24+ Seats - $5.00; 2) Establish a process to annually adjust trip fees in an effort to maintain a level of cost recovery. All future trip fee adjustments for both non-rideshare and rideshare companies shall increase at the greater of 3 percent or the Consumer Price Index to keep up with the cost of inflation. For non-rideshare companies, this is effective Jan. 1, 2021 and for rideshare companies this is effective Jan. 1, 2025; 3) Provide the following incentives to discount the trip

fee rates: a) 10 percent for each trip made by alternative fuel-powered vehicle or 40 percent for each trip made by a zero-emissions vehicle and b) 30 percent for each trip that initiates or terminates at the 44th Street or 24th Street PHX Sky Train Stations; 4) And make conforming, clarifying and renumbering changes as necessary. The motion carried by the following vote:

Yes: 7 - Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego

No: 2 - Councilman DiCiccio and Councilman Waring

Note: Councilman DiCiccio temporarily left the voting body.

Mayor Gallego announced a brief recess to allow the audience to leave the Council Chambers.

Note: Councilmember Garcia temporarily left the voting body.

48 Audio Video Equipment and Service Contract (Ordinance S-46260)

Request to authorize the City Manager, or his designee, to authorize additional expenditures for contracts resulting from State of Arizona solicitation ADSPO17-00007302 with Inter Technologies Corporation (147008), Ford Audio-Video Systems, LLC (147438), Troxell Communications Inc. (147009), Commercial Computer Services, Inc. dba CCS Presentation Systems (147007), Level 3 Audio Visual LLC (147011), and Presentation Products, Inc. dba Spinitar (147010), in an amount of $3,500,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The additional funds are necessary to cover audio and video equipment purchases and services, including but not limited to, cameras, presentation systems, televisions, video conferencing, and interactive educational response systems citywide. Furthermore, this contract is used to support equipment for 911 Operations, PHXTV, Fire and Police Communication, Council Chamber video recording equipment, Planning and Development conference rooms, ticketing systems and display counters, Phoenix Convention Center equipment upgrades for

conference rooms, training rooms, and lecture halls. Replacing and updating outdated audio video equipment is required to ensure the equipment is continuously operational and supported by manufacturers.

Additionally, the City will continue to benefit from the State of Arizona government pricing and volume discounts.

Financial Impact

This request is to approve additional funds through Jan. 28, 2023. With the $3,500,000 in additional funds, the revised aggregate value is now $7,450,000. Funds are available in City of Phoenix departments' Operating and Capital Improvement Program budgets.

Concurrence/Previous Council Action

The Cooperative Contract was approved by Formal Council Action on Jan. 24, 2018, with an original aggregate value of $3,600,000. On June 5, 2019, additional funds were approved by Formal Council Action for the replacement of courtroom audio visual equipment increasing the aggregate value to $3,950,000.

Mayor Gallego reconvened the meeting prior to the start of this item.

Note: Councilman DiCiccio returned to the voting body immediately following the brief recess. Councilmember Garcia returned to the voting body prior to the vote on this item.

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

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

50 Ordinance Authorizing the Issuance of Obligations to Finance Public Transit Projects (Ordinance S-46255)

Request an ordinance to authorize the City Manager to issue or, to cause the issuance of, obligations of or by the City, a municipal property

corporation, a corporate trustee or a bank as short-term and/or long-term obligations and to issue long-term obligations to refund short-term obligations, including execution and delivery of all leases and other agreements necessary or appropriate for the financing of costs of maintaining and expanding public transportation options for the City of Phoenix and improving the City's streets and roadways and associated financing costs; pledge, if deemed appropriate, excise taxes, voter approved transportation excise taxes or other lawfully available funds for such purposes and to pay financing costs; and authorizing the city controller to receive and expend all necessary funds therefor. The total amount of debt financing to be authorized under this ordinance is $1.3 billion and the debt service will be paid with T2050 revenues.

Summary

The Public Transit capital program through 2030 is estimated to be $3.9 billion and includes projects to maintain the bus system in a state of good repair, light rail expansion, and projects that provide for additional transit services and amenities such as new technology, additional shade at bus stops and new Bus Rapid Transit service. The Public Transit capital program is planned to be funded by a mixture of T2050 sales tax revenues, federal grant funds, regional Proposition 400 funds, and proceeds from the issuance of debt. This ordinance requests authorization to fund up to $1.3 billion of the Public Transit capital program with debt financing. The proposed funding of the Public Transit capital program, as well as previously approved funding for the Streets capital program, is included in the long-term T2050 financial plan.

Financial Impact

The total amount of debt financing to be authorized under this ordinance is $1.3 billion and the debt service will be paid with T2050 revenues.

Concurrence/Previous Council Action

The issuance of up to $1.3 billion in debt for Public Transit's capital program was recommended to City Council by the Citizens Transportation Commission on Nov. 21, 2019.

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

Discussion

A motion was made and seconded to approve this item.

Leonard Clark spoke in support, but noted the transportation system could be improved. He asked if there could be more than the Glendale Avenue and Express buses out to El Mirage. He expressed people were locked in and could not get to Phoenix to contribute to the business community and vice versa. He requested Council consider this in the future when doing bonds as people wanted to come to Phoenix but could not afford it.

Note: Councilwoman Pastor temporarily left the voting body after the vote on this item.

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

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

53 Ordinance to Amend City Code Related to Cable Television License Fees (Ordinance G-6652)

This report requests City Council approval to amend Chapter 5, Article III, section 5.20, License Fees, of the Phoenix City Code to standardize the fee for all cable television and video service providers in accordance with Arizona State Law.

Summary

In 2018 the State of Arizona passed legislation related to cable television providers, allowing them to enter into Uniform Video Service License Agreements with municipalities beginning Jan. 1, 2020. Current cable television franchise license holders can decide to continue to operate under their current franchise licenses, governed by Chapter 5 of the Phoenix City Code as well as federal law, or enter into a Uniform Video Service License Agreement, with provisions set by the State of Arizona. However, the new state law requires that in order for a municipality to

collect fees from any video service provider, the municipality must have a law that states that all providers will be charged the same fee. This request is to amend the City Code to comply with this State requirement, in order to continue to collect revenue from cable television and video service providers. The five percent fee is not an increase; it is the same as what is paid by all current cable television providers. The City currently receives more than $10 million annually in cable television franchise license fee revenue. These fees are paid to allow providers to utilize the City's streets and rights-of-way to operate their systems.

Public Outreach

The intent to standardize the Cable Television Franchise and Uniform Video Service License fees was posted more than 60 days in advance of this meeting, and a Notice of Intent was posted more than 15 days prior, in accordance with State law.

Discussion

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

A motion was made and seconded to approve this item.

Councilman Waring asked if this was being done to comply with State law.

City Manager Ed Zuercher replied that was correct.

Note: Councilwoman Pastor returned to the voting body.

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

Yes:	9 -	Councilman DiCiccio, Councilmember Garcia, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Councilwoman Williams, Vice Mayor Guardado and Mayor Gallego
No:	0	

57 (CONTINUED FROM SEPT. 4, SEPT. 18, OCT. 2, NOV. 6, AND NOV. 20, 2019) - Election Funding Disclosure (Dark Money) (Ordinance

G-6617)

Request City Council approval of an ordinance amending Chapter 12, Article VII of the Phoenix City Code by revising Division 2 on campaign finance and adding a new Division 3 relating to election funding disclosure obligations.

Summary

The "Keep Dark Money Out of Local Phoenix Elections Ordinance" is intended to secure the right of City of Phoenix residents to know the source of all major contributions made to influence the result of a local Phoenix election, to prevent actual corruption and its appearance, and to protect the integrity of Phoenix elections. On Nov. 6, 2018, City of Phoenix voters passed Proposition 419 with 85 percent of votes in favor, for a Charter Amendment requiring election funding disclosure. On July 3, 2019 Gov. Doug Ducey signed the Charter Amendment. This report provides the City Council with information on election funding disclosure and provides a draft ordinance for Council consideration **(Attachment A)**.

This ordinance will require entities currently not subject to disclosure under State law, including nonprofit organizations, to disclose expenditures of $1,000 or more to influence the outcome of a City of Phoenix election, as well as the source(s) of contributions received of $1,000 or more, including any intermediary through which such contributions passed. These disclosure reports will be filed with the City Clerk Department within 48 hours of making an expenditure of $1,000 or more. The disclosure will be required for any person or association that makes independent expenditures to influence a City candidate or ballot measure election. Entities that are found to be in violation of this ordinance may be fined up to three times the amount spent on the expenditure they failed to disclose.

Concurrence/Previous Council Action

On Feb. 15, 2018, then Councilwoman Kate Gallego, Councilwoman Debra Stark and then Mayor Greg Stanton requested an item be placed on a Formal agenda related to a proposed Charter Amendment regarding the disclosure of the contribution source for election-related independent expenditures, sometimes referred to as "dark money."

At the March 7, 2018 Formal Meeting, the City Council approved an eight-hour rule request for staff to conduct research on proposed ballot language for election funding disclosure.

On April 17, 2018, the Sustainability, Housing, Efficiency, and Neighborhoods Subcommittee approved a draft ordinance.

At the May 2, 2018 Formal Meeting, the City Council adopted an ordinance referring the proposed Charter Amendment regarding election funding disclosure to voters at the General Election on Nov. 6, 2018.

Discussion

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

A motion was made and seconded to approve this item.

Councilman Nowakowski thanked the Mayor because when she was a Councilwoman she wanted to make sure the City was transparent, especially regarding dark money in local elections. He said he was glad the Council was voting on this matter now.

Leonard Clark spoke in favor. He requested that there be a way for citizens to be up-to-date on what was going on. He applauded the Council as open transparency was needed so citizens knew who was backing things when it came before them.

Mayor Gallego remarked 85 percent of voters approved this disclosure and expressed her excitement that it was moving forward.

Councilman DiCiccio thanked the Mayor for her leadership on this issue, but did not agree with it. He recalled in 2013 he had dark money used against him, noting it was the most ever spent on a City Council race which was $1.1 million. He conveyed they placed flyers in his neighborhood and put his wife on TV, but he said he believed they had a right to do that and to do it anonymously. He stated it came down to whether or not speech should be controlled, yet speech was supposed to be free so long as it did not threaten someone's life. He remarked speech was not always pleasant, but this country was great because it did not regulate other people's speech. He said he believed people had a

constitutional right to free speech which was why he would be voting no on this item.

Mayor Gallego pointed out this ordinance allowed people to say what they wanted, but everyone had to put their name on it, including large non-profit organizations. She indicated research showed when people put their money on it they were more accurate which resulted in further accountability in elections. She stated she looked forward to supporting the motion.

Councilwoman Pastor stated she was conflicted because she agreed that everybody had a right; however, it reminded her of when people attacked each other on social media but not in person. She remarked social media was like dark money; however, if someone was willing to put money down then they should be willing to have their name on it. She expressed that was fair so everybody knew who was playing in the field. She said she was supportive of this item.

Following the vote, Mayor Gallego thanked Councilwoman Stark for her assistance on this matter.

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

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

63 Tasers-EXC 20-055 - Requirements Contract (Ordinance S-46254)

Request to authorize the City Manager, or his designee, to enter into contract with Axon Enterprise, Inc. for the supply of Tasers. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $12,141,400.

Summary

The Police Department's Property Management Bureau supplies new and replacement X2 Tasers, parts and accessories to new recruits and

existing personnel. The X2 Tasers are past the five-year "useful life" and the warranties have expired. The Tasers provide a non-lethal alternative to police officers in high-risk situations to subdue actively aggressive, non-compliant, dangerous subjects. The Tasers are required for all on-duty uniformed officers and are a critical part of the Police Department's continuing effort to provide public safety services to the citizens of Phoenix.

The Taser 7, which is the latest technology offered by Axon Enterprise, Inc. allows officers the ability to more effectively de-escalate dangerous situations. This model also has wireless device management with self-reporting capabilities. Additionally, Axon has improved the effectiveness, accuracy and target attachment in the Taser 7 model. Training is conducted both online and in-person and delivers a more comprehensive Taser training program with a shift toward reality-based training to strengthen a police officer's capabilities to de-escalate. The use of Cloud storage and connectivity allows more actionable use-of-force data to be used by department management.

The contract is for a five-year subscription for the Taser 7 model that includes equipment replacement, cartridges, training and a five-year warranty. Also included, is Virtual Reality headsets for training that is provided at no cost to the department and Axon Performance software for on-body cameras that is free for the first two years.

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

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition determination memo citing that Axon Enterprise, Inc. owns the protected Patent for non-lethal Neuromuscular/Central Nervous System impacting devices. A Special Circumstance Without Competition determination memo was completed and approved by the Finance Department recommending the procurement with Axon Enterprise, Inc. be accepted.

Contract Term

The contract will be effective on or about Dec. 19, 2019 through Dec. 31, 2024.

Financial Impact

The annual expenditures will be $1,838,000 through the five-year contract term. There is an optional annual expenditure of an additional $983,800 beginning in year three if the City chooses to continue utilizing Axon Performance software. The aggregate contract value with the optional amount is $12,141,400. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

This item was approved by the Public Safety and Justice Subcommittee at their Dec. 11, 2019 meeting.

Discussion

A motion was made and seconded to approve this item.

Mayor Gallego acknowledged Leonard Clark submitted a comment card in favor, but did not wish to speak.

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

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

No: 0

87 Public Hearing - Infrastructure Financing Plan: 2020 Update and Recommended Development Impact Fees

Request to hold a public hearing on recommended changes to development impact fees and the final Infrastructure Financing Plan: 2020 Update, as required by Arizona Revised Statutes (A.R.S.) 9-463.05.

Summary

Development impact fees are collected by the City in designated "new

development" areas to help pay for certain public facilities and equipment that are needed to expand city services to meet the needs of new development. Phoenix currently administers nine development impact fees including: Fire Protection, Police, Parks, Libraries, Major Arterials, Storm Drainage, Water, Wastewater, and Water Resources Acquisition (WRA). Arizona's development impact fee enabling statute (A.R.S. 9-463.05) requires cities to review and, if necessary, update development impact fees every five years. Updating the impact fee program helps ensure the fees are based on up-to-date growth projections, infrastructure master plans, and facility costs. The last impact fee update was approved by Council on Jan. 21, 2015, and the fees took effect on April 5, 2015.

A final written report of recommended development fee changes titled: *Infrastructure Financing Plan: 2020 Update* (2020 IFP), along with a Notice of Intent (NOI) to update development impact fees, was posted to the City's website on Nov. 18, 2019. The 2020 IFP is attached as **Attachment A** and can be accessed at: www.phoenix.gov/pdd/devfees/impactfees. In accordance with A.R.S. 9-463.05, the City is required to conduct a public hearing on the recommended fee changes no less than 30 days after the NOI. Between 30 and 60 days following this public hearing, Council will be required to approve or disapprove the development fees. It is anticipated that the recommended fees will be considered by Council during the Formal Session scheduled for Jan. 29, 2020. If approved at that time, the new fee schedule would take effect no less than 75 days later.

Background

A.R.S. 9-463.05 prescribes a two-stage development fee approval process. On July 1, 2019 the draft 2020 IFP, that included a written report of land use assumptions and infrastructure improvements plans was posted to the City's webpage and made available to the public. On Sep. 4, 2019, Council conducted a public hearing on the draft 2020 IFP. And, on Oct. 16, 2019 Council approved the Land Use Assumptions and Infrastructure Improvements Plans detailed in the draft 2020 IFP; completing the first stage of the two-step approval process.

2020 Infrastructure Improvements Plan

The 2020 IFP serves as a single document that consolidates the recommended impact fee schedules (Impact Fee Report), the Land Use Assumptions (LUAs) and Infrastructure Improvements Plans (IIPs). The Impact Fee Report summarizes the proposed changes and includes a comparison of *existing* and *recommended* fee schedules for each fee category and impact fee area. The LUAs are the main subject of Chapters 1 and 2. Chapter 1 provides the growth projections for each impact fee area in terms of 'development units' (e.g. dwelling units, 000's square feet) associated with different land use categories (e.g. residential and commercial). Chapter 2 details how 'development units' are converted to 'equivalent demand units' (EDUs) for the purpose determining infrastructure needs, and calculating fee assessments that are proportionate to the expected new demand for each type of land use. Chapters 3 - 11 consist of the IIPs for each of the City's nine development fee categories; including explanations of the methodology, assumptions, values and formulas used to calculate the potential, or maximum impact fee. Each IIP includes updated facility inventories, an analysis of existing service levels, anticipated new demands, planned facilities and costs, and offsets calculations where required.

In addition to the recommended changes contained in the draft 2020 IFP that were approved by Council on Oct. 16, 2019, the following substantive changes have been incorporated into the final 2020 IFP:

Introduction: The Impact Fee Report with recommended net impact fees per EDU has been added. A recommendation to not charge storm drainage fees in northeast Phoenix unless and until the full benefits are realized (i.e. elimination of the floodplain) by projects paying the assessment. This recommendation would be considered by Council as an amendment to Phoenix City Code, Chapter 29. Final language for this code amendment is currently being evaluated by the Public Works, Planning and Development, and Law departments.

Chapter 1 (Land Use Assumptions): Off-Project growth projections were added for the WRA fee.

Chapter 2 (Equivalent Demand Units): Corrected an error with the WRA EDUs for the Off-Project impact fee area (see Chapter 11).

Chapter 3 (Fire Protection): The potential net impact fee was adjusted to reflect alternative revenue offsets as required. Unit cost estimates were updated to be consistent with other design and administrative cost assumptions.

Chapter 4 (Police): The potential net impact fee was adjusted to reflect alternative revenue offsets as required.

Chapter 5 (Parks): The potential net impact fee was adjusted to reflect alternative revenue offsets as required. Unit cost estimates were updated to be consistent with other design and administrative cost assumptions.

Chapter 6 (Libraries): No changes.

Chapter 7 (Major Arterials): No changes.

Chapter 8 (Storm Drainage): No changes.

Chapter 9 (Water): Minor change to the planned infrastructure needs in Southern - Water impact fee area.

Chapter 10 (Wastewater): Minor change to planned infrastructure needs in Estrella South and Laveen West impact fee areas.

Chapter 11 (WRA): A result of the revised EDU estimate a high cost water supply was removed from the plan.

Discussion

Planning and Development Director Alan Stephenson stated this was a public hearing regarding the City's draft infrastructure financing plan. He conveyed State law required the City update its impact fee program. He stated these fees were collected in new developing areas to help pay for certain public facilities and equipment, plus expand city services to meet those needs. He advised the City had impact fees in the following nine categories: fire protection, police, parks, libraries, major arterials, storm drainage, water, wastewater and water resource acquisition. He explained the impact fee state statute required the City review and update its impact fees every five years. He said this was the second public hearing and

indicated there had been significant stakeholder input, noting there were no current issues with the proposals. He added staff updated the revisions and announced the next step was to come back in January and request that Council approve the fees. He remarked this public hearing was necessary to take additional public comments.

Mayor Gallego declared the public hearing open.

Councilman DiCiccio stated he supported this because developers should pay their own way and put in the infrastructure for their project, but not more than that. He remarked it needed to be proportional and the impact fees were designed to do that; however, he did not think they were high enough in his area. He specified a particular area where the impact fee was about $6,400 to $7,500, but given the amount of growth, impact needed and roads to be put in, he said he thought it should be looked at again to make sure it was as close to full recovery as possible. He commented staff did an excellent job and that the City had a good model for developers to pay their own way, but he expressed it might not be enough in some areas. He reiterated his request to have staff look at his areas to make sure the City got as close to full recovery as possible.

Councilwoman Stark remarked staff had done a good job, noting they must have fully vetted the process as she had not heard from any stakeholders. She asked if it was too late to re-evaluate since the fees had already been posted.

Mr. Stephenson replied staff had advertised and posted this new draft plan per state statute. He stated there was a draft plan that came to Council back in September that was also advertised and public comment was taken on it. He added there was a 60-day public comment period over the summer prior to that, noting staff made changes when Council approved it in October following the initial public gathering process. He advised the City was in the final stages of advertising these fees and this last public hearing before adoption in January. He pointed out significant discussion or changes would delay implementation of these fees, but he was willing to sit down with Councilman DiCiccio and explain it. Mr. Stephenson said part of the challenge in his district was that impact fees only applied in new land area. He conveyed Ahwatukee Foothills was

largely built out, so the City could not legally charge a significant amount under State law because there was not a lot of new development happening in that particular impact fee area.

Councilwoman Stark said she appreciated that Councilman DiCiccio was looking out for Ahwatukee. She remarked she did not mind re-evaluating it but she understood that would extend the time limit.

Mr. Stephenson stated he would discuss it with Councilman DiCiccio and any other councilmember, but if substantial changes were made it would delay implementation of these impact fees. He added if Council approved it at the end of January the new fee would not take effect until 75 days per State law.

Councilman DiCiccio emphasized if his area was not re-evaluated then it would be subsidized, so he did not think the level of equity was right. He reiterated staff had done an incredible job, but he wanted to pull out his area to do a re-evaluation because he did not want the rest of Council to subsidize his area. He stated there was not enough money to put in police or fire stations with the current amount of impact fees and wanted to get as close to cost recovery as possible.

Councilwoman Williams interjected her area was also under-valued and asked that her district be pulled out.

Mr. Stephenson conveyed this item was a public hearing only and not for action today. He said the action item associated with this would be in January, but he offered to meet with them and talk about what could be done since the City was charging the maximum for the various categories under State law. He advised if something needed to be adjusted it could be discussed at the January meeting, but this was a public hearing to obtain comments and then figure out what to do in January.

Councilman DiCiccio stated if there was a way to re-evaluate his or Councilwoman Williams' area it was the right thing to do. He pointed out his district had a north and south side, noting people that lived on one side ended up subsidizing the other side making it inequitable. He said he wanted to have a more equitable look at how to finance things with

developers paying their own way. He expressed the impact fee was low based on what was planned, so he wanted to bring the number closer to what the real cost was in order to subsidize other projects in the area.

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

The hearing was held.

88 **Public Hearing and Resolution Adoption - General Plan Amendment GPA-DSTV-2-19-2 - North of the Northeast Corner of 56th Street and Deer Valley Road (Resolution 21800)**

Request to hold a public hearing on a General Plan Amendment application to modify the Street Classification Map and approve it per the Planning Commission recommendation and adopt the related Resolution. This General Plan Amendment is a request to modify the Street Classification Map to relocate a minor collector street in Desert Ridge Superblock 1, located north of Deer Valley Drive and east of 56th Street.

Summary

Application: GPA-DSTV- 2-19-2
Request: Relocation of a minor collector street within Desert Ridge Superblock 1.
Reason for requested change: To allow for flexibility for a future north/south collector connection.

Owner: Arizona State Land Department
Applicant: City of Phoenix Planning Commission
Representative: Jason Morris on behalf of DR Horton, Inc

Staff Recommendation: Approval.
VPC Action: The Desert View Village Planning Committee heard this case on Dec. 3, 2019, and recommended approval by a 9-0 vote.
PC Action: The Planning Commission heard this case on Dec. 5, 2019, and recommended approval per the Desert View Village Planning Committee recommendation by a 8-0-1 vote.

Location

North of the northeast corner of 56th Street and Deer Valley Road
Council District: 2

Parcel Addresses: N/A

Discussion

Planning and Development Director Alan Stephenson stated this was a General Plan Amendment to the street classification map for an area located at the northeast corner of 56th Street and Deer Valley Drive. He conveyed this amendment sought to move a portion of a minor collector street within this superblock area to address second phase planning since D.R. Horton purchased part of the parcel. He advised staff recommended approval as there was a need in this particular area to ensure there was an open minor collector street between Deer Valley Drive and Pinnacle Peak Road which was Ranger Drive. He pointed out that street went through the existing parts of the development and would continue to the east into the Paradise Ridge area. He said this amendment was necessary to accommodate development as well as preserve additional traffic network opportunities within this part of the Desert View Village. He noted the Desert View Village Planning Committee and Planning Commission both unanimously approved this request.

Mayor Gallego declared the public hearing open. Noting there were no comment cards submitted and no one wished to speak, she declared the public hearing closed.

The hearing was held. A motion was made by Councilman Waring, seconded by Councilwoman Williams, that this item be approved per the Dec. 5, 2019 Planning Commission recommendation with adoption of the related resolution. The motion carried by the following vote:

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

No: 0

90 **Public Hearing - Abandonment of Right-of-Way Appeal - V190063A - Northwest Corner of 1st Avenue and McKinley Street**

Abandonment: V190063A
Project: 99-40951

Abandonment Applicant(s): True North Studio
Date of Abandonment Hearing Officer’s Decision: Nov. 7, 2019
Appellant: Bill Scheel
Date of Appeal: Nov. 22, 2019
This request requires formal action only.

Summary

Rationale: Request to hold a public hearing on the Abandonment of Right-of-Way - V190063A located on the northwest corner of McKinley Street, between 1st Avenue and 2nd Avenue. The Abandonment Hearing Officer approved the property owners request to abandon the alley as part of the redevelopment of Bennett Place property on Nov. 7, 2019. An appeal of the Abandonment Hearing Officer's decision was filed on Nov. 22, 2019. The submitted narrative from the appellant can be viewed in **Attachment C**.

Location

Northwest corner of 1st Avenue and McKinley Street
Council District: 7

Discussion

Planning and Development Director Alan Stephenson stated this was a public hearing appeal for abandonment of right-of-way for an alley between the northwest corner of 1st Avenue and McKinley Street. He displayed a map that showed the area and said True North Development was proposing to redevelop the area and the alley abandonment would accommodate them in building over the top of the alley. He advised the applicant requested to abandon the right-of-way and preserve a utility easement as well as public access through the alley. He indicated the alley would be privately maintained and owned by True North and its development interests with public access and utility easements to permit trash pick-up and utility services. He referenced another aerial that showed the McKinley parcel which was proposed to be preserved with a 30-year perpetual conservation easement as part of this project, plus the building over the top with proposed mixed-use development. He noted staff recommended approval per the abandonment hearing officer's decision with additional stipulations in a memo dated today. He stated the applicant worked with the Roosevelt Action Association to address the frontage along 2nd Avenue and improvements done with that to ensure

the residential which wrapped around was significantly improved from what was originally proposed.

Mayor Gallego declared the public hearing open.

Bill Scheel, representing Roosevelt Action Association, spoke in favor of the City's policy to not abandon alleys. He appreciated the opportunity to interact with the developer to improve this project, noting his mission was to protect the historic streetscape along 2nd Avenue. He stated he also appreciated the efforts of Shepley Bulfinch who was the architect that worked with his association to make these improvements. He applauded the preservation of the McKinley Club and looked forward to having that developed into a productive part of the project. He requested that Council approve the additional stipulations as recommended by staff.

Nick Wood, representing of True North Studios, noted he spent a lot of time working with Mr. Scheel and Andie Abkarian on design and design solutions which was the way problems were resolved. Mr. Wood thanked Mr. Scheel and Ms. Abkarian as well as staff for their assistance and requested that Council sustain the hearing officer's approval subject to the new stipulations.

Mayor Gallego stated Anita Leung and Paul Marquez submitted comment cards for the record in favor of this item. Mayor Gallego added the following comment cards were submitted for the record in opposition of this item:

Omar Bailey
Dorina Bustamante
Nate Sonoskey
Mitch Pinckard
Oz Friedmann
William Norris

Noting no one else wished to speak, Mayor Gallego declared the public hearing closed.

Councilman Nowakowski thanked staff as well as True North and the

Roosevelt Action Association for working things out. He moved approval per the abandonment hearing officer's recommendation, subject to the stipulations in the memo from the Planning and Development Director dated today, Dec. 18, 2019.

Councilwoman Stark seconded the motion.

Councilwoman Pastor expressed she was happy to hear that the McKinley Club was being saved as that was a priority to her because it was a beautiful building. She thanked Mr. Scheel, Mr. Wood and everyone else for working out the stipulations.

The hearing was held. A motion was made by Councilman Nowakowski, seconded by Councilwoman Stark, that this item be approved per the Abandonment Hearing Officer's recommendation, subject to stipulations per the Dec. 18, 2019 memo from the Planning and Development Director. The motion carried by the following vote:

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

No: 0

91 ADD-ON - Photo Enforcement Technology - RFP 14-021A - Requirements Contract (Ordinance S-46262)

Request to consider the Dec. 11, 2019, Public Safety and Justice Subcommittee recommendation for the City Manager, or his designee, to authorize additional funds in the amount of $325,000 and a revised aggregate value of $3,552,776, and extend Contract 139520 with Redflex Traffic Systems, Inc. for the continuation of mobile photo speed enforcement services for the Phoenix Police Department, originally awarded on Oct. 15, 2014. The staff recommendation to the Subcommittee on Dec. 11 included both services for fixed red light camera and mobile photo speed enforcement services to be extended with additional funds of $700,000 and a revised aggregate value of $3,927,776. The Subcommittee recommended that mobile photo speed enforcement be extended. An extension of the current contract will be

effective Jan. 1, 2020 through April 30, 2020, with the option to extend for six months in one-month increments to provide additional time to complete a Request for Proposal (RFP). Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Police Department uses photo enforcement technologies to reduce traffic collisions, encourage voluntary compliance with traffic laws, and create a safer street environment. The City's current program, which would expire on Dec. 31, 2019, includes 12 fixed red light camera locations and eight mobile photo speed enforcement vehicles for use in 15 mph school zones and other student crossings at or near schools. Data requested by Councilmembers about the photo enforcement technology program is shown in **Attachment A.**

At the Public Safety and Justice Subcommittee on Dec. 11, 2019, staff was directed to work with Redflex Traffic Systems, Inc. to develop an option that would only extend services for the eight mobile photo speed enforcement vehicles. Of the two services currently provided, the costs are higher for the vehicles due to the expenses associated with drivers, insurance, fuel and maintenance. Redflex Traffic Systems, Inc.'s current pricing is based on a single price that recovers the cost for both red light camera enforcement and for mobile photo speed enforcement services. Given mobile photo speed enforcement services is the more expensive program, Redflex will agree to extend only if the price per paid citation is increased 10 percent. In addition, the vendor is proposing a mutual agreement, rather than a City-only option, for extensions beyond the initial four-month period.

Contract Term

Upon Council's approval, the beyond-term extension will be effective Jan. 1, 2020 through April 30, 2020 with the option to extend six months in one-month increments to provide additional time to complete the RFP process.

Financial Impact

If City Council approves the Subcommittee recommendation, the additional expenditure will be $325,000 with a revised aggregate value of $3,552,776. Financial impacts reflect services through April 30, 2020

and funds are available in the Police Department's budget.

In FY 2018-19, the City of Phoenix Photo Red Light and Photo Speed Enforcement Program generated revenue from citations of approximately $1.3 million of which approximately 40 percent is from mobile speed enforcement vehicles services and 60 percent is from red light camera locations. The revenues were sufficient to recover costs incurred for City staff in the Municipal Court and Police departments, as well as costs paid to the vendor to administer the program. As estimated by the Budget and Research Department, if the program is discontinued in its entirety the negative impact to the General Fund for the remaining six months of the fiscal year is estimated at $245,000 ($490,000 annually) which represents the cost of City staff for Court and Police unless these costs were immediately eliminated. If the Subcommittee's recommendation is adopted the negative impact to the General Fund for the remaining six months of the fiscal year is estimated at $140,000 ($280,000 annually).

Concurrence/Previous Council Action

The Public Safety and Justice Subcommittee recommended extending the contract for mobile photo speed enforcement services at its Dec. 11, 2019 meeting by a vote of 3 to 1. The City Council disapproved of a 12-month extension of the photo red light and photo enforcement vehicle services contract at its Nov. 20, 2019 meeting.

Discussion

Councilwoman Stark said she realized the Subcommittee made a motion to divide the action because enforcement at schools was important, but she was concerned about red light enforcement since Phoenix had the most fatalities due to red light running. She stated she understood there was concern regarding the company, yet she feared if the contract was not continued that police and fire problems would increase as they arrived at these scenes. She expressed she saw it as a way to deter accidents, such as 7th Street and Bell which was one of the most dangerous intersections 25 years ago before red light enforcement.

Councilwoman Stark conveyed this was just a month-to-month contract, but said she thought Council could work together to make sure the RFP resulted in the best company for red lights. She made a motion for both the red light and school speed vans, noting she would support a

substitute motion because she did not want anything to happen at the schools. However, she stated it scared her that the City did not have this tool and not enough police officers to do traffic enforcement. She emphasized there were a lot of problems on the streets related to speeding and red light running, which was why her motion was to accept both services.

Councilwoman Williams seconded the motion because she said she believed the City needed both. She remarked the safety of the entire community was important, but the number of intersection crashes was known nationwide as Phoenix had a very poor record. She conveyed the cameras had made a difference in the few places they were located and said she wanted to see the number of red light cameras doubled in the future.

Councilman Nowakowski made a substitute motion to accept the Subcommittee's recommendation of having the school areas with the vans. Also, looking into the future, he wanted to know why the cameras were located where they were at.

Councilman DiCiccio seconded the substitute motion.

Councilwoman Williams recalled there was a question asked at the Subcommittee meeting about splitting the contract and to have staff research it. She wondered if the contract was split if there were additional costs and, if so, how much and where the money came from.

Chief Financial Officer Denise Olson replied staff reached out to Redflex who had agreed to extend the contract just for the mobile units. She advised Redflex also wanted to increase the price 10 percent to the City, which was City of Phoenix only cost, and to have a mutual agreement on any extensions that went beyond the four-month extension.

Councilwoman Williams asked where the money was coming from.

Ms. Olson responded the funds came from the program and the General Fund.

P.J. Dean conveyed he was a captain with 25 years of service with the Phoenix Fire Department and Secretary of the United Phoenix Firefighters Association, which represented about 2,800 sworn firefighters in Phoenix and five other agencies across the Valley. He said he spoke in favor representing his membership and joining first responders of the Phoenix Law Enforcement Association in advocacy of making Phoenix a safer city regarding traffic injuries and fatalities. He pointed out Arizona ranked highest in the nation for the amount of deadly red light accidents, with Phoenix at the epicenter of this problem. Since first responders dealt first hand with these incidents, he urged that Council take action to help continue to manage this issue.

Mr. Dean specified a study found that red light enforcement cameras reduced red light running crashes by 21 percent in large cities, yet Phoenix only had 12 intersections protected by these devices. His main concern was that these 12 cameras would be removed once the current lease expired which would make intersections more dangerous. He noted there were arguments against red light cameras, such as civil liberties, but the safety of citizens should be the primary focus. He encouraged City leadership to keep the red light camera program to continue making Phoenix streets safer.

Councilman Nowakowski stated he understood the rhyme and reason why fire stations were created in different areas was because of the timeframe to get to individuals that needed help. He emphasized there was no rhyme or reason for these red light cameras which was why he asked that of staff in his motion. He conveyed he supported them but wanted to know why they were located where they were, such as were they located at the most dangerous intersections and were they reducing accidents.

Mr. Dean said they supported any efforts that would make these cameras more effective. He noted they supported their presence because they made City streets safer which was their primary concern.

Mayor Gallego requested staff address the question of why these cameras were put where they were.

Street Transportation Director Kini Knudson replied red light cameras went back to at least 2000, 2002 so it had been a long history of where these locations had been. He indicated staff found there had been consistent coordination between the Street Transportation and Police departments regarding where intersection crashes occurred throughout the city. He said staff looked at these 12 locations, 9 of which were installed in 2015, and found 2012-2014 crash data and established each Council district had at least one camera. He specified while not every camera was located at the highest crash location, they were placed in the highest crash locations within each Council district. He advised data showed these 12 cameras reduced collisions in the last 3 years, especially serious injuries and fatalities. He added there had been no serious injuries or fatalities in the 3 locations that staff was monitoring. He agreed that staff could do a better job of locating these cameras based on updated crash data and working more closely with the Police Department and Council, especially with the new RFP.

Councilman Nowakowski recalled during the Public Safety and Justice Subcommittee meeting a memo from the Streets Department to Councilman DiCiccio dated December 6 that listed the 10 intersections with the highest number of serious injuries and fatalities, and not one of them had a red light camera. He expressed he did not understand why cameras were not at these 10 intersections if the purpose was to place them where they can prevent injuries and fatal collisions. He listed the following intersections which did not have cameras, but had the highest number of collisions:

- 27th Avenue and Beardsley, in District 1
- 43rd Avenue and Northern, in Districts 1 and 5
- 51st Avenue and Thunderbird, in District 1
- 27th Avenue and Camelback, in Districts 4 and 5
- 15th Avenue and Indian School, in District 4
- 16th Street and Broadway, in District 8
- Cave Creek and Greenway, in Districts 2 and 3
- 67th Avenue and Thomas, in District 7
- 43rd Avenue and McDowell, in District 4
- 43rd Avenue and Peoria, in District 1

Councilman Nowakowski reiterated he did not understand why these cameras were not placed in the top 10 areas in the city that had the most accidents and fatalities. He remarked as Chair of the Public Safety and Justice Subcommittee, he wanted to make sure the City was good stewards, especially when spending tax dollars to save lives and prevent accidents. He stated that was why he questioned why the cameras were placed where they were, noting a map was created which came out of District 6 and showed that twice as many cameras were in the minority, low-income areas.

Mr. Knudson indicated staff produced the current top 10 list based on crash data from 2016 to 2018, whereas the previous 12 camera locations were placed looking at crash data from 2012 to 2014. He agreed the current cameras were not placed in the highest crash locations, but staff was looking to potentially increase red light cameras to address that issue. He pointed out in the current contract, if a camera location was moved within five years of installation the City paid to install that camera which was approximately $30,000 per location. He said he looked forward to this RFP and the opportunities to look at the highest 10 crash locations and potentially install additional cameras.

Councilman Nowakowski added the statistics in the map were from 2014 to 2018.

Mayor Gallego confirmed the cameras were put in before that, so they were in the top 10 list within each Council district.

Councilman DiCiccio added his research established that 3 accidents were considered serious out of the 12 prior to that. He claimed staff could not answer why the cameras were put where they were, noting they should be able to look back and determine the reason for the location.

Mr. Knudson conveyed staff did look at the crashes at these intersections, but they could not determine if the types of crashes were used in locating the cameras where they currently were. He emphasized going forward that was something staff wanted to discuss when looking at additional camera locations to reduce serious injuries and fatalities, not just accidents at intersections.

Councilman DiCiccio expressed that was the point of where the cameras were located and who they were targeting, noting 3 accidents prior to the 12 being put in was a problem. He asked how much influence Redflex had in determining these locations.

Mr. Knudson replied he had no knowledge of that, but said he was able to determine that staff was not able to put cameras at some of the highest crash locations because of right-of-way conflicts and other obstructions.

Councilman DiCiccio expressed he had an issue with the way this was brought up today as it was disrespectful of the Council who voted twice on this matter. He also claimed it was not possible to pass either proposal based on the way the motions were made. He asserted this was designed to target specific areas of the community that were lower income who could not afford to pay for these things. He added there was no justification as to where these cameras were located, so he did not believe some of what staff presented was accurate. He conveyed this was not Mr. Knudson's responsibility as he was not here at the time, but Councilman DiCiccio insisted this was brought up again to embarrass some Councilmembers even though the facts showed this was wrong and done improperly.

Councilwoman Williams asked what Councilman Nowakowski's motion was.

Councilman Nowakowski replied it was school zones only.

Councilwoman Williams wanted further clarification the motion was to separate the two contracts per Finance staff's direction.

Councilman Nowakowski responded an RFP was coming up, so he wanted to make sure there was a rhyme and reason for where these cameras were placed.

Councilwoman Williams suggested the Mayor hold a workshop so the Council could understand this issue. She indicated she had been lobbying for a year or two for additional red light cameras and did not

realize the two were connected. She supported keeping them in school zones because of the danger with too many cars. She expressed she did not like it, but she would support the substitute motion.

Mayor Gallego advised she would schedule a work study session to ensure the City had the best practices and policies.

Councilwoman Stark stated she supported the substitute motion as well because school zones had to be considered. She recalled staff said it was $30,000 to move the cameras from the current locations.

Mr. Knudson affirmed that was the cost to move or install new ones.

Councilwoman Stark expressed she would support spending those funds to get them in the right intersections because a life was worth more than that amount.

Councilwoman Pastor said she heard the methodology on how the cameras were placed, noting in Toronto they had 125 red light cameras and accidents had decreased 60 percent. She conveyed there was data that demonstrated these red light cameras were effective. She stressed the City needed safety on its roads, especially in her district which had the highest pedestrian fatalities as well as people running red lights. She stated there had to be a way things were calculated, but safety was necessary on the streets. She indicated police officers were being hired, but a different system was needed to help police officers and protect citizens. She inquired if this request was for additional funds of $325,000.

Ms. Olson replied staff was asking for additional payment authority of $325,000 to extend the contract for four months, noting it was only for the mobile units for speed enforcement.

Councilwoman Pastor confirmed staff was requesting an additional $325,000 for the extension of four months just for school enforcement.

City Manager Ed Zuercher advised there was a difference between having to add money to the budget and having to add money to a contract. He conveyed there was money in the budget, but the contract

authority did not exist.

Budget and Research Director Jeff Barton added the contract was currently budgeted; however, there was a financial impact of going to speed only. He explained the existing contract was set up so that about 60 percent of the total revenue came from the fixed cameras while approximately 40 percent came from the speed vans. He said staff estimated the General Fund impact of going to only one would be about $140,000 for the last six months of the fiscal year.

Councilwoman Pastor indicated she had wanted to know how much the impact would be. She inquired once this was separated out if additional funds were needed because of the cost.

Mr. Barton replied there would be an impact to the General Fund budget of about $140,000 by going to speed only. He emphasized staff could not add more money to the budget since it was already appropriated, so the City would need to absorb the $140,000 impact due to lost revenue from the program. He indicated the current program was self-contained as the revenue that came in paid the vendor and all ancillary costs that staff incurred.

Councilwoman Pastor said she understood why the cameras were not placed in the top 10 areas as there was a methodology to it. She remarked she did not understand why her colleagues did not just extend the contract, go into a work study session to figure out how locations were chosen or build a model of where to place the cameras and move them if needed, then go to the RFP.

Councilwoman Williams recalled this needed to be done as of January, noting there was no discussion about the schools being part of the contract until after the Subcommittee meeting. She said she thought this was a timing issue more than a money issue. She added they did not know about the $30,000 moving fee as she would have supported moving it to a better intersection because these cameras served a good purpose in the community of keeping people safe.

Councilmember Garcia expressed he was in a different place on this item

as he did not trust Redflex or the process in which the cameras were placed. He stated he thought this was profit driven, noting the majority of these cameras were in low-income communities. He asserted the City continued to fix problems by criminalizing and punishing people, but he knew there were other ways lives could be saved, such as High Intensity Activated CrossWalks (HAWKs). He also indicated a plan was completed earlier this year that talked about pedestrian deaths and ways people could save lives. He stated proof was presented that the cameras were not set with safety in mind. He added since 2015 people had been charged $5.3 million in fees and 82,647 people were forced to take a mandatory class. He said he preferred to shut down this program and follow the RFP process to make sure a good policy was put in place as well as decide if the cameras actually saved lives or further criminalized and punished low-income people. He stated he supported the school cameras, but he wanted the red light cameras gone until Council could find an equitable process and ways of accompanying them with other policies that could save lives.

Vice Mayor Guardado stated she supported having vans at the schools as well as efforts made to improve pedestrian safety, especially for children. She conveyed after 10 years of red light cameras in the city, she wanted to look at ways to improve safety in the current RFP. She continued the City needed to determine the most effective ways to create safer streets, such as making traffic lights more visible, enhancing intersections or re-timing traffic signals. She agreed staff needed to look at intersections with the most accidents as she was troubled those intersections did not have cameras. She remarked she would be proactive in figuring out where to place the cameras and finding solutions for this issue. She expressed she was supportive of red light cameras, but said she thought the City needed a fresh start.

Councilman DiCiccio said he distrusted the way the system was put in place. He recalled making a suggestion that staff extend yellow lights but was told no. He pointed out Dayton and Chicago extended their yellow lights by half a second which gave drivers the opportunity to slow down. He noted what happens now is cars come to a quick stop because the yellow lights are fast which puts everyone in that car and potentially cars following at risk. He stated he wanted staff to look at alternatives and test

things out to see what worked. He said he understood that drivers might get used to having a longer yellow light, but it would also give them time to get through the intersection safely.

Jeff Hallums noted Debra Grossman, who submitted a comment card in favor, left the meeting. He indicated he owned 28 traffic schools in Arizona and was also a partner with the State and the Pima Association of Governments. He remarked his schools offered classes on pedestrian and cycling safety in response to Arizona being number one in the nation for pedestrian and cyclist fatalities. He emphasized that education was also an important part of traffic safety, noting the three components of engineering, enforcement and education were most effective. He indicated red light cameras involved all three areas as it was improvement of engineering technology. He continued the cameras had statistically proven to be effective, along with rumble strips, Botts' dots, longer on-ramps and signage. He conveyed when enforcement was added it changed people's behavior because of education. He remarked if the cameras were eliminated it would take away the opportunity for people to learn about defensive driving and change their behaviors.

Mayor Gallego confirmed Robert Grossman, who submitted a comment card in favor, also left the meeting.

Councilman Nowakowski expressed it was an educational process for himself as he found out it was mandatory for a driver to take a driver's ed class if they went through a red light.

Mr. Hallums responded an operator could either pay the ticket or take a defensive driving class. He said he encouraged the class because the driver would not pay increased insurance costs and would not get points on their license. He indicated a red light violation was four points, and if someone received two in one year their license might be suspended.

Councilman Nowakowski said he thought it was mandatory to pay the fee and go to class if they went through a red light.

Executive Assistant Police Chief Michael Kurtenbach replied a person could just pay the ticket as he did not think it was a requirement.

Councilwoman Pastor interjected she received a ticket last year and had the option of paying for it or taking the class.

Councilman Nowakowski stated people had called because they did not understand why their license was suspended when they had proof of paying the ticket, but did not take the class. He expressed there seemed to be miscommunication between the courts and law enforcement.

Executive Assistant Police Chief Kurtenbach indicated he did not do a lot of traffic enforcement and was educating himself. He conveyed traffic enforcement staff advised him that if a person paid the ticket they could take the class which took away the points, noting that was the distinction.

Councilman DiCiccio remarked a driver could pay the fine for the red light ticket ahead of time, but still had to take the class. He expressed he knew this because he just did this himself.

Police Officer Dan Malone responded there were two classes a driver could take when they received a citation for running a red light. He explained one option was going to a four-hour class at defensive driving school, which dismissed the ticket and the driver did not have to pay the fine. He said if the driver paid the fine or went to court and was found responsible then they had to go to an eight-hour class, which was a Motor Vehicle Department requirement.

Councilman DiCiccio confirmed if a driver paid the fine after the fact they still had to go to class, but instead of a four-hour class it was an eight-hour class.

Councilmember Garcia stated people received tickets in the mail that they did not see and then they get served. He provided another situation where someone might not know a ticket was out there and when they got pulled over were informed their license was suspended and had to take the class because they never had an opportunity to take the initial deal. He applauded the education aspect, but he stressed these schools had no regulation. He indicated out of the 82,000 people that were sent to traffic school last year, some could have actually attended the class or

simply gone online which was another issue. He expressed the cameras created an industry of traffic schools and people that served the tickets, noting there was no policy to make sure they were doing their job correctly.

Mr. Hallums advised the Arizona Supreme Court, through the Administrative Office of the Courts (AOC), set a specifically required curriculum that was standardized so it was the same throughout all traffic schools. He remarked his schools submitted for approval on a bi-annual basis, noting the curriculum went through a full AOC review before getting approved by the defensive driving board, and only then was he able to use that curriculum for class. He emphasized the curriculum was standardized and regulated by the court. He noted the AOC performed a study on recidivism several years ago and found it was reduced by 20 percent when people took defensive driving courses, so there was a significant benefit to defensive driving schools.

Barbara Hoffman, Executive Director of Red Means Stop Traffic Safety Alliance, spoke in favor. She explained this non-profit organization was started in 1999 by three families affected by red light running, noting she joined when her son was killed by a red light runner in Mesa. She said she wondered why people did not like red light cameras since paying the ticket was a warning for them. She noticed in 2019 there were 3,171 citations given to people at 12th Street and Camelback which showed it was an important intersection. She expressed she did not understand the problem with having cameras at these intersections, whether they were in poor or rich neighborhoods, since everybody shared the same roads.

Ms. Hoffman pointed out ADOT was slow in updating their statistics and thought staff might have received such statistics when considering these intersections. She stated it was a good idea to re-evaluate the locations, but said she did not want the cameras shut down as it could take someone's life. She remarked she knew people that received a ticket for running a red light who changed their behavior, noting that was only one of many methods that could be done. She mentioned a study performed by the Insurance Institute for Highway Safety about extending the yellow light which did help, but only for a short period of time as drivers took advantage of that length and started running the light again. She noted

Philadelphia did a study and showed that lengthening did reduce red light running by 36 percent, but also found that intersections with red light cameras reduced it another 96 percent. She added one thing alone would not solve the problem, so many alternatives were needed to resolve this matter. She agreed with a prior statement made to leave the cameras on while doing a study of which intersections to place them.

Mr. Barajas provided Spanish translation for Mr. Alpista.

Lenin Alpista spoke in favor and did not want the cameras taken away as they helped the community. He said he was also supportive of mobile cameras at the schools because they saved lives.

Mayor Gallego confirmed Fanny Doran and Cecy Hernandez, who both submitted comment cards in favor, left the meeting.

Ed Tiedje, who submitted a comment card in favor, said he did not wish to speak.

Leonard Clark remarked he came to this meeting from the intersection of 35th Avenue and McDowell and was concerned about the amount of red light runners in just a three-minute period. He mentioned he had received tickets and was glad because he was better educated about driving. He stated 132 fatalities had occurred in the City over the past 10 years, so this was about deadly crashes that included children, not low-income people as he fit into that category. He expressed it was wrong to turn this into that type of scenario and urged Council not to take away these red light cameras when there was no transition because someone could lose a loved one. He stated he also agreed that citizens needed to be educated about this matter.

Mayor Gallego stated Darlene Gessner submitted a comment card for the record in favor of this item.

Councilwoman Pastor requested staff explain the process regarding getting a ticket for running a red light. She said she also wanted to know when someone was found responsible in court and had to go to school if that was required by State law or City policy.

Chief Presiding Judge Don Taylor replied that State law cited anyone found responsible for a red light violation, whether they plead responsible and paid the fine or had a hearing and were found responsible, in addition to the fine imposed, there was another requirement by the Motor Vehicle Division (MVD) that the person go to traffic survival school which was the eight-hour class. He emphasized that happened for everyone found responsible of a red light violation. He conveyed red light violations were also eligible for defensive driving program dismissal which could only be done once a year. He indicated someone could pay and go through that program and the ticket would be dismissed. He added no violation goes on the record in that instance since there is no finding of responsibility, so MVD does not require that individual go to traffic survival school.

Councilwoman Pastor recited an individual had the choice of either paying the fine or going to defensive driving school. She confirmed if that person went to school then the ticket would get kicked out and there would be no points on the insurance. However, if someone chose to go to court and was found responsible then that individual paid the fine and went to traffic survival school.

Chief Presiding Judge Taylor affirmed the term was traffic survival school. He stated if there was a finding of responsibility of that ticket following a hearing and a fine was imposed or an individual paid the ticket early, the court notifies MVD who sends a letter to that person about the requirement to attend traffic survival school. He conveyed if the individual did not attend then MVD would suspend their license.

Councilwoman Pastor added when the license was suspended the person's insurance company was notified and then it became a domino effect. She said she wanted to be clear about where the process was triggered since the City did not control the piece with MVD. She asked when someone went to defensive driving school if the ticket was eliminated.

Chief Presiding Judge Taylor replied if someone was eligible and successfully completed defensive driving school then the ticket was dismissed and there were no further consequences.

Councilwoman Pastor stated she heard a person had to pay twice, once for the ticket and then the school.

Chief Presiding Judge Taylor responded that was correct. He specified if someone was found responsible there was a fine associated with that finding, plus the requirement from MVD to attend traffic survival school which also had a cost.

Councilman Nowakowski expressed he was not against the cameras as he wanted to save lives, but he was against the process. He noted the City was going through a procurement process and the extension was given to Council at the last minute, so there was no time to ask these types of questions. He said he wanted to understand the differences in yellow light timing as well as why cameras were placed where there were instead of in areas where fatal accidents happened. He conveyed he wanted to make sure this was saving lives and supported having more cameras so long as these questions were answered and there was a rhyme and reason to it. He reiterated his support of putting vans in front of schools and having a work study session to get answers to all the questions.

Mayor Gallego asked how staff determined the timing of yellow lights.

Mr. Knudson responded those times were established on the City's traffic handbook which was also based on a calculation through the Institute of Transportation Engineers traffic operations handbook depending on the speed limit of the street when approaching the intersection. He added this was done throughout the city and with all 1,150 traffic signals.

Councilwoman Stark stated she supported the substitute motion, but still wanted the cameras on to help prevent red light running. She said she wanted to protect the schools, students and parents, but she did not understand why the cameras could not remain in operation while Council had the work study session to have their questions answered. She expressed she would be at 7th Street and Bell on January 1 to protest taking the camera down.

Mayor Gallego thanked Councilwoman Stark for her leadership on these issues. Mayor Gallego remarked she preferred the original motion, but understood the importance of school cameras.

Councilwoman Pastor commented Mr. Clark mentioned the intersection of 35th Avenue and McDowell, which was in her district, and was one of the most dangerous streets in the city. She stated a bridge was built to prevent fatalities, especially young kids crossing that street, but there were still fatalities because drivers were running red lights. She recalled seeing a video caught on a red light camera where a couple was walking across the street with an infant when a car went through the red light and luckily the family was not hurt. She pointed out that scenario demonstrated a safety issue which happened to be in a minority area, but she thought this should be looked at across the whole city to provide equity and fairness. She said she believed in red light cameras as they were safe and understood the issue with some of her colleagues, but she thought the cameras should stay to continue keeping Phoenix safe while Council continued this conversation in a work study session.

Councilwoman Williams asked if this terminated on January 1.

Ms. Olson replied the contract ended on Dec. 31, 2019.

Councilwoman Williams inquired if the City moved the cameras or shut them off, or if the City had to pay to have them taken down.

Ms. Olson responded no, the contract would just end.

Councilwoman Williams asked if the RFP for new service had gone out.

Ms. Olson replied there currently was an RFP on the street with responses due Jan. 3, 2020, noting there was still time to amend that RFP.

Councilwoman Williams expressed that was good because she wanted the work study to be held in early January so if an amendment was needed it could happen.

Mayor Gallego requested clarification that there was a financial impact to the City because Council was changing the contract to keep only the vans.

Mr. Barton responded that was correct. He advised if Council kept the program intact there was no impairment as the revenue that came in supported the entire program. He stressed the City did not make any money with this contract. He conveyed he was present at the inception of the photo red light program and, at that time, it was designed to actually lose money because the focus was on safety.

Councilman DiCiccio confirmed the substitute motion was for school vans when kids were in session. He reiterated he wanted to look at and test extending the yellow light in the work study session. He expressed this was done at the last minute to embarrass some Councilmembers who want to do this the right way and be able to test other alternatives. He said staff could not answer why the cameras were placed where they were along with other questions that Council needed answers to. He asserted he expected staff to look at everything on the table and not come back with one solution as there were other models cities used. He said he was voting yes for the schools.

Mayor Gallego expressed disappointment with Councilman DiCiccio's comments. She pointed out this had gone through a public process as well as went to Subcommittee months ago. She stated she respected everyone's ability to disagree about whether red light cameras were a worthy investment that saved lives, but said she did not think it was fair to attack staff.

Councilwoman Pastor asked how this was brought to Council to embarrass them since they voted to send it back to Subcommittee knowing it was coming back to the Council.

Councilman DiCiccio replied that Council voted no on this, then it went to Subcommittee which recommended school vans only to make sure kids were safe. He claimed the way this was set up was problematic as things started happening behind closed doors, not to mention staff could not answer why these cameras were put in where they were. He apologized

to staff that were present as it was not their fault. He stated they could disagree so long as everything was on the table which was what he was asking for.

Mayor Gallego clarified that she turned to specific Councilmembers when an item in their district was before them. She turned to Councilwoman Williams as she was an acknowledged leader on aviation. Mayor Gallego said she turned to Councilwoman Stark as she was a passionate advocate for pedestrian safety so this was an important issue to her.

Councilwoman Stark apologized for making the motion, but that was how much she felt about this item. She stated she appreciated that Councilman DiCiccio wanted to do it corrected, but said she thought the City needed these red light cameras as they helped deter problems on the streets and saved lives. She remarked she stood by her motion, but she accepted the substitute motion.

Councilman Nowakowski asked when this contract would sunset.

Ms. Olson replied the contract expired on Dec. 31, 2019.

Councilman Nowakowski questioned when the RFP that was on the street would go into effect.

Ms. Olson responded staff was expecting responses to that RFP on January 3.

Councilman Nowakowski asked if it was normal to do an RFP before a sunset or wait until the sunset occurred and then three month later implement an RFP.

Ms. Olson replied the RFP was placed on the street per Subcommittee's direction on April 10, 2019.

Councilman Nowakowski stated normally the City would have the person that was granted the RFP in place January 1, but that was not the case here which was why he was looking into it in a deeper way. He expressed this was not an attack on staff but was something that was brought up and

made him look at things more.

Note: Councilman Nowakowski left the meeting following his vote on this item.

A substitute motion was made by Councilman Nowakowski, seconded by Councilman DiCiccio, that this item be adopted per the Dec. 11, 2019 Public Safety and Justice Subcommittee recommendation to authorize $325,000 in additional funds and extend Contract 139520 with Redflex Traffic Systems, Inc. for the continuation of mobile photo speed enforcement services for the Phoenix Police Department, and have a Work Study session to get information on how locations are chosen for cameras and look at best practices. The motion carried by the following vote:

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

No: 1 - Councilman Waring

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

CITIZEN COMMENTS

Katherine Roxlo stated she had two petitions to submit to the Council related to 48-inch and 66-inch main water pipelines that were scheduled to go through some neighborhoods and the preserve in January 2020 and she asked that Council stop all work on them. She said the first petition talked about a request that the City perform a comprehensive water supply study specifically for North Phoenix as this was not an emergency. She expressed there was plenty of water for North Phoenix because the City had done a great job of storing water so the pipeline was not needed. She remarked there were better and cheaper ways to deliver water to North Phoenix, noting this was a $300 million project.

Ms. Roxlo stated the second petition outlined issues she found with an alignment study that showed how the pipeline would be put in. She pointed out the study did not provide adequate detail for 48-inch and 66-inch water main pipelines. She added the study did not include community input or neighborhood safety nor did it go into building safety or environmental

protection. She said the hard rock would need to be blasted to put in the pipeline, so the costs were under-estimated. She also indicated the alignment did not follow city engineering design standards, plus an 80-foot easement was needed to place these size pipelines in 38-foot-wide streets.

Mayor Gallego conveyed she had a good conversation earlier with the Arizona Department of Transportation Director about placing a pipeline in the 51 freeway right-of-way.

Wayne Daudet mentioned the pipeline would come up from Lincoln past Madison Meadows School and continue on to the preserve where a hole would be put in and that material would be hauled down 22nd Street where he had lived for 40 years. He expressed his great grandson attended this school and would be within six feet of tons of material going back and forth along 22nd Street. He also said he was concerned about the gridlock in the morning because of the excavation and trucks hauling material away as parents dropped off their children in the school's small circular drive. He stressed running a 66-inch pipe up a 36-foot-wide street was not the right thing to do.

Councilman DiCiccio stated his idea to move this to the 51 was moving along, noting the State was working with the City. He remarked that staff was pushing hard on an alternative and expressed his appreciation of this idea moving forward to try to do the right thing.

Jeannie Swindle said she was appreciative of all the efforts made, but asked that this be stopped until the plan was identified. She conveyed these two pipes should be placed in larger arterial streets according to engineering design. She expressed this pipe construction would impact a Greek orthodox church, the school and a police station with trucks going up and down the street which would also cause house vibrations. She indicated factors, such as property values, safety and health issues were not considered and included in the study that was presented and decided upon. She emphasized this needed to be stopped and planned more appropriately before moving forward.

Christina Eichelkraut stated she had a petition to submit to the Council which requests to adjust the meeting time to start after standard working hours. She said she understood there were practical concerns regarding this request, but she hoped the petition was a starting point of consideration. She conveyed this

petition had been submitted to Council twice electronically, noting there was also an online petition with signatures from constituents. She said she understood the additional signatures were not required, but it was important that Council knew this issue was important to residents. She expressed the City should not hold meetings at a time that excluded a majority of its working public. She remarked it was possible to strike a balance so residents could engage with their elected officials. She pointed out the petition offered suggestions which were a starting point for discussion that with some effort could include more civic participation due to better meeting times. She stated she realized this could put a burden on City staff but there was a sacrifice to being in public service, noting many bodies met in the evening.

Mayor Gallego confirmed Casey Golab, who submitted a comment card, was no longer in attendance.

Elizabeth Venable specified the Ninth Circuit Court of Appeals ruled in December 2018 on the Martin v. Boise case, yet City leaders still criminalized camping and sleeping in public areas. She conveyed the Supreme Court had now ruled that the Court of Appeals decision stood, so Phoenix had to stop criminalizing sleeping and camping. She expressed the amount of resources and programs available to the homeless was disturbing. She asserted the City had to follow the Supreme Court and concluded by submitting a petition to the Council.

Councilman DiCiccio said he thought Council should have a meeting on this point because it was going to have a big impact on the inner city.

City Manager Ed Zuercher advised he already spoke with the City Attorney about placing it on the next Executive Session.

Elisheyah McKinley stated her property had been submitted for evidence when the Phoenix Police Department seized it for trespassing. She explained she was sitting at a bus stop to rest when an officer drove up and said she would be cited for trespassing if she did not move on. She remarked people were complaining about being ticketed for sitting on the sidewalk where there were no trespassing signs. She expressed she wanted her belongings back as some of it held sentimental value from people who had passed on.

Mayor Gallego stated the City Manager requested that staff follow-up with her.

Geoff Reed stated he was opposed to the water pipeline as he lived about a half block from the 22nd Street trailhead, which was where the proposed pipeline would violate the preserve. He conveyed he was not against drought mitigation, but he was opposed to the route of the proposed pipeline. He listed the following reasons for why the pipeline should be moved:

- Major disruption to the neighborhoods adjoining Lincoln Drive and 21st and 22nd Streets;
- Lack of ingress and egress into the neighborhood north of Lincoln Drive which relied on 22nd Street;
- Lack of access for emergency vehicles if 22nd Street was under construction for the proposed two to three year period;
- Proximity to Madison Heights Elementary School;
- Potential damage to infrastructure of aging homes in the neighborhood;
- Dust and air quality with increased potential for valley fever or mercury poisoning from when Dreamy Draw was mined;
- Difficulty of excavating pipe due to the hard rock, noting people had problems putting in pools, plus the winding streets coming up from Granada Park;
- Incursion into the Phoenix Mountain Preserve which was created as a protected public space;
- Lack of transparency that this project was happening as residents had very little response time; and
- Alternate route up the 51 freeway was initially rejected by the Water Department and then chose this opposed route.

Mr. Reed remarked he had learned the City was now talking with ADOT and said he appreciated those efforts.

John Mazur conveyed he and his wife were proud new members of the Piestewa Peak area and were firm to fight this decision. He mentioned they were told about this project in a meeting at Madison Heights Elementary School on a late October evening. He emphasized two other options were available and many of them suggested ADOT, so he was happy to hear that option might happen now. He also recalled at the December 4 Council meeting the last public speaker talked about a 1991 agreement between the City and Phoenix Mountain Preserve that prohibited transportation and utility construction. He

wondered, if that was true, why his community in Piestewa Peak was told this was happening in January with only nine weeks' notice when it was illegal. He asked that Council look at the other two options, though he said the obvious choice was the 51 freeway.

Councilwoman Williams said she thought the 51 freeway was built by the City in 1991, so that could have been something that was done back then. She expressed she could not confirm that, but at that time no one was living up there.

Mayor Gallego advised this would be an item on the Land Use and Livability Subcommittee's January agenda so Council could have an agendized conversation. She conveyed Ms. Kane was the last speaker and said she would move the following individuals that did not speak forward at the next meeting:

Thomas Stillwell
Shawn Severud
Leonard Clark

Sandra Kane stated she had lived in the Madison Heights area for 35 years. She remarked she sent an email to the Mayor and Council on December 3 that outlined her concerns and requested this matter be placed on the agenda and to stop construction to allow community input, consider alternatives and achieve the best outcome. She indicated she converted her email into a petition because the community was concerned about the construction starting in January. She stressed the only way to get into her neighborhood was 22nd Street, which currently had utility work being done so traffic was being stopped as there was only one accessible lane. She expressed there was no room to put a 66-inch pipe down 22nd Street as it was necessary ingress into their landlocked community that was bound by the 51 freeway, the Phoenix Mountain Preserve and Lincoln. She recalled Vice Mayor Guardado mentioned at the last meeting that community input was important which was what the community was asking for. Ms. Kane stated she was at the October meeting at Madison Heights Elementary School where approximately 300 people in attendance were told by the Water Services Department that this was basically a done deal. She submitted a petition and urged Council to respond before construction started in January.

Rochelle Malinoff and Linda Gruber submitted comment cards for the record in opposition to the pipeline.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 6:28 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 18th day of December, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of April, 2021.

CITY CLERK