City of Phoenix

City of Phoenix

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

Minutes

City Council Formal Meeting

Wednesday, September 8, 2021 **2:30 PM** **phoenix.gov**

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, Sept. 8, 2021 at 2:33 p.m. in the Council Chambers.

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

The Mayor and Councilmembers attended the meeting virtually.

Councilwoman Pastor joined the voting body prior to the omnibus vote on Liquor Licenses, Bingo, and Off-Track Betting License Applications. Councilman DiCiccio joined the voting body prior to the omnibus vote on Ordinances, Resolutions, and New Business, and disconnected from the meeting after the vote on Item 74. Councilwoman O'Brien disconnected from the meeting after the vote on Item 74.

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

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6884 through G-6891, S-47905 through S-47938, and Resolutions 21953 through 21956 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

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

MINUTES OF MEETINGS

1 For Approval or Correction, the Minutes of the Formal Meeting on May 6, 2020

Summary

This item transmits the minutes of the Formal Meeting of May 6, 2020, for review, correction and/or approval by the City Council.

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

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

Yes:	7 -	Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego
No:	0	
Absent:	2 -	Councilman DiCiccio and Councilwoman Pastor

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:

Human Relations Commission

Appoint Nate Rhoton, serving as Chair of the Commission for a term to expire Sept. 8, 2022 as recommended by Mayor Gallego.

Appoint Claudia Kaercher, filling a vacancy on the Commission for a term to expire June 30, 2023 as recommended by Mayor Gallego.
Appoint Henry Lam, filling a vacancy on the Commission for a term to expire June 30, 2023 as recommended by Mayor Gallego.
Appoint Michael Mazzocco, replacing Jeremy Helfgot for a term to expire June 30, 2023 as recommended by Mayor Gallego.
Appoint Sal Bretts, filling a vacancy on the Commission for a term to expire June 30, 2023 as recommended by Mayor Gallego.
Appoint Anthony King, filling a vacancy on the Commission for a term to expire June 30, 2023 as recommended by Mayor Gallego.

Neighborhood Block Watch Fund Oversight Committee
Appoint Darlene Vallo, replacing Vickie Jaquez as the Phoenix Block Watch Advisory Board representative on the Committee for a partial term to expire Aug. 31, 2022 as recommended by Mayor Gallego.

Phoenix Youth and Education Commission
Appoint Carol Lippert, replacing Tacy Ashby on the Commission for a term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Appoint Richard Ramos, replacing Nedda Shafir on the Commission for a term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Michael Andrews, serving a second term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Zane Balian, serving a second term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Jeanine Bashir, serving a sixth term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Tracey Beal, serving a sixth term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Jennifer Cruz, serving a second term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Larry De Respino, serving his first full term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Lauren Eckstein, serving a third term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Dana Naimark, serving her first full term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Martin Perez, serving a sixth term to expire Aug. 31, 2022 as

recommended by Mayor Gallego.
Reappoint Katie Ritchie, serving a second term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Rene Rosales, serving her first full term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Joe Roselle, serving a second term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Larry Sandigo, serving a fifth term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Bryan Smith, serving his first full term to expire Aug. 31, 2022 as recommended by Mayor Gallego.
Reappoint Ryan Young, serving a second term to expire Aug. 31, 2022 as recommended by Mayor Gallego.

<u>Phoenix Women's Commission</u>
Appoint Allison Otu, serving as Chair on the Commission for a term to expire Sept. 8, 2022 as recommended by Mayor Gallego.

<u>Tourism and Hospitality Advisory Board</u>
Appoint Ron Price, serving a partial term to expire Sept. 30, 2022 as recommended by Mayor Gallego.
Appoint Tracey Stoltz, filling a vacancy on the Board for a term to expire Sept. 30, 2022 as recommended by Councilwoman Ansari.

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

Yes:	7 -	Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego
No:	0	
Absent:	2 -	Councilman DiCiccio and Councilwoman Pastor

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

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

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

A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that Items 3-21 be recommended for approval, noting Item 22 is continued to the Sept. 15, 2021 City Council Formal Meeting. The motion carried by the following voice vote:

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

3 Liquor License - DaddyO's Grill

Request for a liquor license. Arizona State License Application 154858.

Summary

Applicant
Andrea Carmody, Agent

License Type
Series 12 - Restaurant

Location
4163 W. Thunderbird Road
Zoning Classification: PSC
Council District: 1

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

The 60-day limit for processing this application was Sept. 7, 2021. However, the applicant submitted a written request for more time.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We are U.S. citizens and residents of the state of Arizona. We currently hold a valid LLC under AMC Entertaimen and also have a current transaction privilege tax license, 21402496. Our application with the State of Arizona has been turned in completed along with background checks and fingerprint cards. We have already been issued a interm liquor license. Andrea Carmody is also current on management title 4 training and food handlers card. We are currently are insured as well. We also have 39 years experiance in the industry."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"We will continue follow all laws in accordance with the Class 12 liquor licenseing. We have already obatined insurance through Southwest Bonding and Insurance. Our insurance includes general liability, liquor liabilty and workers compensation. We will keep our insurance current at all times."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - DaddyO's Grill
Liquor License Map - DaddyO's Grill

This item was recommended for approval.

4 Liquor License - Lake Pleasant Brewing Company LLC

Request for a liquor license. Arizona State License Application 155221.

Summary

Applicant
Dustin Westby, Agent

License Type
Series 3 - Microbrewery

Location
1950 W. Rose Garden Lane, Ste. 130
Zoning Classification: PUD
Council District: 1

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 business is currently being remodeled with plans to open in October 2021.

The 60-day limit for processing this application is Sept. 13, 2021.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"As a Arizonan native, I'm proud to live here with my wife and 3 kids. I've been apart of AZ's craft beer scene since it's infancy and have watched it grow into one of the most respected in the Country. The opportunity to join the ranks of some of the best, while pursuing my goal of owing and operating a brewing, is a dream come true. I have completed the AZ Title 4 Basic and Management certification. I will follow all AZ liquor laws and will ensure proper training of managers and staff of the same certification."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The North Phoenix Deer Valley area is known for its airport and suburban neighborhood. However, over the last few years, Deer Valley is evolving

into a beer destination for local AZ breweries. We are thrilled to join this community and eager to teach and share our love of craft beer. Lake Pleasant Brewing aims to be a venue that will be a melting pot for all lovers of locally brewed beer. A place where people can share their love of beer with each other, gather to recoup from the stresses of life's challenges, and celebrate life's accomplishments."

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 - Lake Pleasant Brewing Company LLC
Liquor License Map - Lake Pleasant Brewing Company LLC

This item was recommended for approval.

5 Liquor License - Circle K Store #9184

Request for a liquor license. Arizona State License Application 155471.

Summary

Applicant
Kim Kwiatkowski, Agent

License Type
Series 9 - Liquor Store

Location
15262 N. Tatum Blvd.
Zoning Classification: C-1
Council District: 2

This request is for a new liquor license for a liquor store. This location was previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in January 2022.

The 60-day limit for processing this application is Sept. 18, 2021.

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

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

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

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

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

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

Staff Recommendation
Staff recommends approval of this application 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 - Circle K Store #9184
Liquor License Map - Circle K Store #9184

This item was recommended for approval.

6 Liquor License - The Buzz Eatery & Treats

Request for a liquor license. Arizona State License Application 155207.

Summary

Applicant
Jeffrey Miller, Agent

License Type
Series 12 - Restaurant

Location
15215 N. Kierland Blvd., Ste. 190
Zoning Classification: C-2 M-R PCD
Council District: 2

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

The 60-day limit for processing this application is Sept. 13, 2021.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"We train all of our employees in responsible liquor service. We also conduct regular audits to ensure the comply."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"At The BUZZ our mission is 'to inspire goodness; good food, good people & good times'. Whether you eat in, enjoy our street-side patio, order takeaway or have us cater your event or occasion."

Staff Recommendation

Staff recommends approval of this application.

Attachments
Liquor License Data - The Buzz Eatery & Treats
Liquor License Map - The Buzz Eatery & Treats

This item was recommended for approval.

7 Liquor License - Special Event - Brophy College Preparatory

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

Summary

Applicant
Julie Peterson

Location
4701 N. Central Ave.
Council District: 4

Function
Dinner

Date(s) - Time(s) / Expected Attendance
Oct. 23, 2021 - 5 p.m. to 11 p.m. / 500 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

8 Liquor License - Camelback Liquors

Request for a liquor license. Arizona State License Application 09070480.

Summary

Applicant
Skala Hashim, Agent

License Type

Series 9 - Liquor Store

Location
2002 W. Camelback Road
Zoning Classification: C-2
Council District: 4

This request is for an acquisition of control of an existing liquor license for a liquor store. This location is currently licensed for liquor sales.

The 60-day limit for processing this application was Sept. 4, 2021. However, the applicant submitted a written request for more time.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I am familiar with retail sales and in particular, liquor store sales because I have worked with father who has managed this store for a number of years. When the owner who hired my father died, I took the opportunity to buy into the business as an owner. Since the former owner was the Agent, I chose to become the agent. I know the family well and will work with the surviving spouse and trustee of the trust that owns the business with me."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - 2322

Request for a liquor license. Arizona State License Application 154962.

Summary

Applicant
Michael Gau, Agent

License Type
Series 12 - Restaurant

Location
2322 E. Indian School Road
Zoning Classification: C-2
Council District: 4

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 October 2021.

The 60-day limit for processing this application is Sept. 10, 2021.

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

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

Wandering Tortoise (Series 7)
2417 E. Indian School Road, Phoenix
Calls for police service: 9
Liquor license violations: In April 2018, a fine of $750 was paid for failure to request ID from an underage buyer and for selling, giving or furnishing an underage person with alcohol.

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 restaurant and hospitality business for 25+ years and I realize the responsibility that comes along with owning a liquor license. I understand that it is a great privilege and not a right to be granted a license. I am knowledgeable and certified of the Arizona liquor laws and will do my very best to up hold them. This will be my second license in Arizona."

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 excited about opening another fun business on the corner of 24th St. and Indian School. I look forward to adding another quality business to

the corner and neighborhood that people will hopefully come to enjoy for many years to come I hope to be another pillar of the community!!"

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - 2322
Liquor License Map - 2322

This item was recommended for approval.

10 Liquor License - Hidden Track Bottle Shop

Request for a liquor license. Arizona State License Application 155428 & 155428S.

Summary

Applicant
Danielle Middlebrook, Agent

License Type
Series 10 & 10S - Beer and Wine Store with Sampling Privileges

Location
4700 N. 12th St., Ste. 118
Zoning Classification: C-2
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. This business has plans to open in October 2021.

The 60-day limit for processing this application is Sept. 17, 2021.

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

Other Active Liquor License Interest in Arizona

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

Hidden Track Bottle Shop (Series 10)
111 W. Monroe St., Ste. 120, Phoenix
Calls for police service: 37
Liquor license violations: None

Hidden Track Bottle Shop (Series 12)
111 W. Monroe St., #121, Phoenix
Calls for police service: 37
Liquor license violations: None

Hidden Track Bottle Shop (Series 10)
5070 N. Central Ave., Phoenix
Calls for police service: 1
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
“My partner and I have over 25 years of business and alchohal industry experience. We currently hold 2(two) liquor license in good standing. This will be our third location. We are well versed on AZ liquor laws and have found a successful model with zero infractions.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“Hidden Track Bottle Shop has been a staple of the downtown Phoenix community for over 6 years. Granting this liquor license will allow us to share the global wines available to us with our community while educating them on wine varietals, regions, and wine making practices.”

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 - Hidden Track Bottle Shop
Liquor License Map - Hidden Track Bottle Shop

This item was recommended for approval.

11 Liquor License - Authentic Liberian Cuisine

Request for a liquor license. Arizona State License Application 154904.

Summary

Applicant
Louis Vaagbay, Agent

License Type
Series 12 - Restaurant

Location

7017 N. 19th Ave.
Zoning Classification: C-2
Council District: 5

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

The 60-day limit for processing this application was Sept. 7, 2021. However, the applicant submitted a written request for more time.

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

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

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

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

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

"Authentic Liberian Cuisine is a dine-in and take-out restaurant with 10+ seating capacity, and has the capacity of adding more seating if necessitated by demand."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "This is a full-service restaurant serving the surrounding community and visiting public patrons every single day of the week. While alcoholic beverage sales will generate a small percentage of the overall sales, the investment in a Alcohol license is requested as a service and convenience to the customers as an integral part of the dining experience. Authentic Liberian Cuisine is a class 4 restaurant located in the heart of Phoenix that specializes in the preparation of unique West African dishes. The restaurant is open for business and continues to be extremely desirable to the public by providing area residents, visitors and workers with a selection of authentic food at a reasonable price. The inclusion of a license for incidental alcohol sales with food will allow patrons the same service that they would experience at other local restaurants. We strive to become a valuable member of the community and continue to work hard to help the neighborhood achieve their development goal and continually improve the character of the neighborhood."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Authentic Liberian Cuisine

Liquor License Map - Authentic Liberian Cuisine

This item was recommended for approval.

12 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
Community Event

Date(s) - Time(s) / Expected Attendance
Oct. 23, 2021 - 11:30 a.m. to 5:00 p.m. / 100 attendees
Oct. 24, 2021 - 11:00 a.m. to 4:00 p.m. / 100 attendees

Staff Recommendation
Staff recommends approval of this application.

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
Nov. 13, 2021 - 5 p.m. to 9 p.m. / 100 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

14 Liquor License - Special Event - St. Theresa Council No. 13497 Knights of Columbus

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

Summary

Applicant
Michael Harris

Location
5045 E. Thomas Road
Council District: 6

Function
Festival

Date(s) - Time(s) / Expected Attendance
Oct. 23, 2021 - 5 p.m. to 10 p.m. / 100 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - B17 Galactic Inc

Request for a liquor license. Arizona State License Application 155067.

Summary

Applicant
Hannah Stuart, Agent

License Type
Series 4 - Wholesaler

Location
431 N. 47th Ave.
Zoning Classification: A-1

Council District: 7

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

The 60-day limit for processing this application is Sept. 11, 2021.

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

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

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

"I offer a combination of proven entrepreneurship in Phoenix and over 25 years of success in breaking start-up beverage brands into the US market. I have spent years in senior management for some of the largest FNB organizations and venues in Las Vegas. I am well-versed in beverage distribution, marketing and the evolving technology requirements necessary for B17 Galactic to differentiate itself in the marketplace."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

16 Liquor License - Circle K Store #9541

Request for a liquor license. Arizona State License Application 09070161.

Summary

<u>Applicant</u>
Kim Kwiatkowski, Agent

<u>License Type</u>
Series 9 - Liquor Store

<u>Location</u>
2775 S. 75th Ave.
Zoning Classification: C-2
Council District: 7

This request is for an ownership transfer of a liquor license for a liquor store. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in December 2021.

The 60-day limit for processing this application is Sept. 11, 2021.

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

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

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

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

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

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

Staff Recommendation
Staff recommends approval of this application 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 - Circle K Store #9541
Liquor License Map - Circle K Store #9541

This item was recommended for approval.

17 Liquor License - Get It & Go Liquor

Request for a liquor license. Arizona State License Application 09070466.

Summary

Applicant
George Ibrahim, Agent

License Type
Series 9 - Liquor Store

Location
3125 W. Buckeye Road
Zoning Classification: C-3
Council District: 7

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

The 60-day limit for processing this application is Sept. 17, 2021.

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

Other Active Liquor License Interest in Arizona
The ownership of this business has an interest in other active liquor

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

AZ Mini Market (Series 10)
3637 W. Dunlap Road, #C, Phoenix
Calls for police service: 26
Liquor license violations: None

1 Stop Market (Series 10)
610 W. Dunlap Road, Phoenix
Calls for police service: 6
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:
"Too many years in Business Convinience Stores and Liquor & Spirite Histery with 100% in complience Rating my Experience in Business For Long Time FAMiLY operating & managment well Gurateeed to run Business or Store Smoothly worryless and with No Problems."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Good Management, Knowladge Owenership Understand Customers run the Business in Leagal and Right Way To do The Best For Owner and Community, when understanding that Pubic Intrest served will return in Busniess Favor."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Get It & Go Liquor
Liquor License Map - Get It & Go Liquor

This item was recommended for approval.

18 **Liquor License - Gus's New York Pizza**

Request for a liquor license. Arizona State License Application 155475.

Summary

Applicant
Gus's New York Pizza

License Type
Series 12 - Restaurant

Location
2755 N. 91st Ave., Ste. 100
Zoning Classification: C-2
Council District: 7

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

The 60-day limit for processing this application is Sept. 18, 2021.

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

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

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been representing liquor licensed establishments in Arizona for over 15 years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Tourism plays an important role in our local economy and liquor licensed establishments (the sale of alcohol) is very important aspect of tourism. Therefore, if the City of Phoenix continues to lead the State of Arizona by approving quality and diverse businesses (restaurants, bars, microbreweries, distilleries, hotels, resorts, golf courses, special events, conveniece/grocery stores & gas stations) similar to this proposed liquor licensed business, all businesses will prosper."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Gus's New York Pizza
Liquor License Map - Gus's New York Pizza

This item was recommended for approval.

19 Liquor License - The Desmond

Request for a liquor license. Arizona State License Application 154954.

Summary

Applicant
Steven Montgomery, Agent

License Type
Series 12 - Restaurant

Location
1 N. 1st St., Ste. 103
Zoning Classification: DTC-Business Core
Council District: 7

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 Sept. 10, 2021.

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

Other Active Liquor License Interest in Arizona
The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor

Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Kettle Black (Series 12)
1 N. 1st. St., Ste. 108, Phoenix
Calls for police service: 22
Liquor license violations: In October 2018, a fine of $1,250 was paid for an employee being intoxicated/disorderly while on duty.

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 assert this view because I have studied and prepared, in order to receive all necessary State certifications. These studies include high level knowledge of state & federal guidelines when serving spiritous beverages, as well as preparing and serving food in a full service restaurant. I have many years experience in the food industry and look forward to partnering with other members of the community to ensure a safe and clean social setting."

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 an active member in community groups and other organizations. I plan to have an open door policy where guest, staff, business partners & community members can communicate & thrive together. By providing a socially conscious & inclusive space for a wide array of citizens, this restaurant will undoubtedly be a positive addition to the downtown Phoenix community."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - The Desmond
Liquor License Map - The Desmond

This item was recommended for approval.

20 Liquor License - Special Event - Roosevelt Row Community Development Corporation

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

Summary

Applicant
Amy Otto

Location
707 N. 3rd St., Ste. 130
Council District: 8

Function
Cocktail Event

Date(s) - Time(s) / Expected Attendance
Sept. 21, 2021 - 6 p.m. to 9 p.m. / 130 attendees

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

21 Liquor License - Quench Fine Wines

Request for a liquor license. Arizona State License Application 148846.

Summary

Applicant
Robert Delgado, Agent

License Type
Series 4 - Wholesaler

Location
4250 E. Superior Ave., Bldg. B, Ste. 200
Zoning Classification: A-1
Council District: 8

This request is for a new liquor license for a wholesaler. 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 October 2021.

The 60-day limit for processing this application is Sept. 11, 2021.

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 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 liquor distribution business for 46 years, serving as the CEO of the largest beer distributor in Arizona for the last 20 years."

Staff Recommendation
Staff recommends approval of this application.

This item was recommended for approval.

22 Liquor License - D's Jerk Hut

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

Summary

Applicant
Celeste Reytor, Agent

License Type
Series 12 - Restaurant

Location
15220 N. Cave Creek Road
Zoning Classification: C-2
Council District: 3

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

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

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

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

in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have attended multiple liquor law classes furthermore I currently run a successful cleaning business. I have ensured that all employees attend a certified liquor law course and will terminate employees who do not abide by the law. Additionally, I'm committed to upholding the highest standards for my business and maintaining compliance with applicable laws."

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

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

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

This item was continued to the Sept. 15, 2021 City Council Formal

Meeting.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Note: Councilman DiCiccio connected to the meeting and joined the voting body.

A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that Items 23-74 be approved or adopted, except Items 28-29, 34, 46-47, 49, 51, 56, 63 and 72-74. The motion carried by the following vote:

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

Items 23-27, Ordinance S-47905 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.

23 Gans & Pugh Associates, Inc.

For $18,341.00 in payment authority to purchase a MicroIP audio transmitter kit for the Police Department. The MicroIP audio transmitter is a high-quality miniature digital audio recorder system used by the Drug Enforcement Bureau's Technical Surveillance Squad. The audio transmitter is designed specifically for covert operations providing external audio to investigators away from the target location. The equipment can be worn by undercover detectives or placed in locations such as the interior of a home or a vehicle. The rescue team will monitor real time audio from an appropriate distance that does not compromise the undercover detective. The audio transmitter will provide a life preserving measure and increase the safety of the officer. The item will be purchased with funding from the 2019 Edward Byrne Memorial Justice Assistance Grant.

This item was adopted.

24 Sirchie Acquisition Company LLC

For $83,700.00 in payment authority for a new contract, entered on or about Sept. 15, 2021 for a term of five years for sexual assault kits for the Police Department. The kits are vital to test victims that have been sexually assaulted. The kits contain evidence collection tools that can collect and safely store evidence. The equipment is a critical part of the Police Department's effort to process crime scenes accurately and efficiently; collect and impound evidence and analyze evidence to assist in criminal investigations.

This item was adopted.

25 Settlement of Claim(s) Gutierrez v. City of Phoenix

To make payment of $30,000.00 in settlement of claim(s) in *Gutierrez v. City of Phoenix*, 19-1265-001, AU, BI, PD, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement of bodily injury and property damage claim arising out of a motor vehicle accident on May 20, 2020 involving the Police Department.

This item was adopted.

26 AJP Electric, Inc.

For $42,500.00 in additional payment authority for Agreement 148621, for Change Order 1 Project ST89330183 for FY2018 Federal TAP HAWK Installation for the Street Transportation Department. The additional funds cover additional construction work and additional time necessary to complete the project as the contractor encountered several issues that included: conflicts with design plans, unforeseen field conditions, right-of-way restrictions outside the normal practices, water leaks, up-sizing of traffic signal poles; and utility relocation and, or coordination.

This item was adopted.

27 National Association of Clean Water Agencies - Annual Payment

For $57,325.00 in payment authority for membership renewal to the

National Association of Clean Water Agencies for the Water Services Department. The National Association of Clean Water Agencies conducts a financial survey of the wastewater industry that Water Services uses to benchmark its operations, provides information used by Water Services to formulate policy recommendations on Clean Water Act issues and offers opportunities to collaborate with colleagues around the country to help shape national policy. This item was approved by the Transportation, Infrastructure and Innovation Subcommittee on April 7, 2021.

This item was adopted.

30 Grant of Public Utility Easement on City-owned Property for Relocation of Light Pole at Washington Park (Ordinance S-47909)

Request City Council to grant a public utility easement, for consideration of $1.00 and/or other valuable consideration, for the installation of an underground distribution electrical line and pole on City-owned property within the Salt River Project (SRP) service area; and further ordering the Ordinance recorded.

Summary

This public utility easement will be for the area more fully described in the legal description to be recorded with the Ordinance ("Easement Premises") and will be granted to all public service corporations, agricultural improvement districts, and telecommunication corporations providing utility service (collectively "Grantee") to Well 304 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:

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."

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.

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 the 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.

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 12 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.

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.

Grantor reserves the right to require the 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.

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 the 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.

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.

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 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
6655 N. 23rd Ave., identified by Maricopa County assessor parcel Number 156-10-001A.
Council District: 5

This item was adopted.

31 Authorization to Extinguish Easement for Abandoned Water Line (Ordinance S-47911)

Request to authorize the City Manager, or his designee, to terminate and extinguish an easement located at 8726 E. Monterey Way in Scottsdale, Ariz., recorded Oct. 1, 1949 in Docket 443, Page 280.

Summary
The water main located within the easement was removed from the City of Phoenix water distribution system in December 2011. As a result, the 33-foot easement is no longer needed by the Water Services Department and can be terminated upon removal or backfilling of the water main. As consideration for termination of the easement at this location, the property owners excavated, crushed in place, and backfilled the water line within their property boundaries. Water Services Department staff confirmed that this work was completed in March 2021.

Location
8726 E. Monterey Way, Scottsdale, Ariz., identified by Maricopa County Assessor's parcel number 130-40-178.
Council District: Out of City

This item was adopted.

32 Acceptance of Easements for Preservation and Drainage Purposes (Ordinance S-47912)

Request for the City Council to accept easements for preservation 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.

<u>Easement (a)</u>

Applicant: Andrew Robert Chace and Megan Duty, its successor and assigns
Purpose: Preservation
Location: 8436 N. 14th St.
File: FN 210060
Council District: 6

Easement (b)
Applicant: Exeter 39th Land, LLC, its successor and assigns
Purpose: Drainage
Location: 4065 W. Lower Buckeye Road
File: FN 210053
Council District: 7

This item was adopted.

33 Acceptance and Dedication of a Deed and Easements for Roadway, Public Utility, and Sidewalk Purposes (Ordinance S-47918)

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

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

Deed (a)
Applicant: Hammer Homes, Inc., its successor and assigns
Purpose: Roadway
Location: 18809 N. 30th St.
File: FN 210051
Council
District: 2

Easement (b)
Applicant: Benjamin Beltran, its successor and assigns

Purpose: Public Utility
Location: 736 W. Harwell Road
File: FN 210048
Council
District: 7

Easement (c)
Applicant: 4221 Thomas LLC, its successor and assigns
Purpose: Sidewalk
Location: 4221 E. Thomas Road
File: FN 210062
Council
District: 8

This item was adopted.

35 Laboratory Equipment and Supplies Cooperative Contract Agreements - Amendment 2 (Ordinance S-47913)

Request to authorize the City Manager, or his designee, to execute amendments to Agreements 145692 with VWR International, LLC and 145861 with Fisher Scientific Company, LLC, to provide additional funding for the purchase of laboratory equipment and supplies for the Police Department's business continuity. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in this amendment will not exceed $175,000.

Summary

The agreements for laboratory equipment and supplies are vital for the daily operations of the Water Services and Police departments. The National Association of State Procurement Officials (NASPO) ValuePoint Cooperative was adopted to obtain best value, and in some cases, achieve more favorable pricing than what is obtainable by an individual state or local government agency.

The additional funding requested in this amendment is necessary to allow the Police Department to continue to purchase items essential for use in the forensic labs. As a result of increased pricing, attributed to the COVID-19 pandemic, funding was exhausted sooner than anticipated.

Contract Term

The agreement terms will remain unchanged, ending on March 31, 2022.

Financial Impact

The initial authorization for Laboratory Equipment and Supplies Cooperative Contract Agreements was for an aggregate expenditure not-to-exceed $4.4 million. Amendment 1 increased the authorization for the agreements by an additional $1.1 million. This amendment will increase the authorization for the agreements by an additional $175,000, for a new total not-to-exceed agreement value of $5,675,000.

Funding for this amendment is available in the Police Department's budget.

Concurrence/Previous Council Action

The City Council approved:

Laboratory Equipment and Supplies Cooperative Contract Agreements 145962 and 145861 (Ordinance S-43659) on June 21, 2017; and

Laboratory Equipment and Supplies Cooperative Contract Agreements 145962 and 145861 - Amendment 1 (Ordinance S-47395) on March 17, 2021.

This item was adopted.

36 Property Management Services Agreement for Village Shopping Center - Amendment 2 (Ordinance S-47915)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 142612 with Newmark Knight Frank Management for property management services to extend the agreement's term an additional nine months and pay the monthly fees for that extension. Further request to authorize the City Controller to disburse all funds related to this item. The expenditures for services included in this amendment will not exceed $31,500.

Summary

In April 2016, a property management services agreement was awarded via a Request for Proposals (RFP) process to Newmark Knight Frank Management (Newmark) for the Village Shopping Center (VSC), a multi-use shopping center located at 19th and Dunlap avenues owned by the Public Transit Department (PTD.) The initial agreement expired April 13, 2021, with no remaining options to extend. On March 17, 2021, City Council authorized amending the agreement to extend the term through Sept. 30, 2021 to provide time to re-solicit, but it was subsequently determined that a significant restructuring of this solicitation will be necessary to encourage more competition, so additional time will be required for the re-solicitation. The City intends to issue the restructured solicitation this fall.

RFP PTD20-009 was issued in January 2021 for property management services of VSC and the Public Transit Building. That solicitation was canceled on April 2 after the only two bidders were disqualified due to being found non-responsive and non-responsible. This amendment will provide a further nine-month extension, which will enable PTD staff to issue a new RFP and ensure seamless customer service for tenants at VSC and the Public Transit Building.

Procurement Information

The initial agreement with Newmark was procured in accordance with Phoenix City Code Chapter 43 and Administrative Regulation 3.10. An exception to the procurement process was determined for this extension as set forth in the City of Phoenix's Administrative Regulation 3.10.

Contract Term

This further extension will be for the period from Oct. 1, 2021, to June 30, 2022.

Financial Impact

Newmark's current monthly management fee will continue at the current rate of $3,500, not to exceed a total of $31,500 for this amendment's nine-month extension period. It is anticipated that lease revenues from the Village Shopping Center will offset all expenses associated with this amendment. Funds exceeding the lease revenues are available in the Public Transit Department's Operating budget.

Concurrence/Previous Council Action

The City Council approved:

Property Management Services Agreement 142612 (Ordinance

S-42427) on April 6, 2016; and
Property Management Services Agreement 142612 - Amendment 1 (Ordinance S-47376) on March 17, 2021.

Location
1945 W. Dunlap Ave.
Council District: 5

This item was adopted.

37 3M Equipment Maintenance and Support - Requirements Contract MCC 16015C (B) (Ordinance S-47917)

Request to authorize the City Manager, or his designee, to extend and continue using Ordinances S-42384 and S-47172 under Contract 147966 with BIBLIOTHECA LLC for the purchase of products, annual maintenance and services for library-specific hardware and software from Bibliotheca. Further request authorization for the City Controller to disburse all funds related to this item. No additional funds are needed.

Summary
This contract provides Bibliotheca products and services and annual maintenance which the Library Department utilizes to support and maintain self-checkout stations, Open+ count sensors and occupancy software, RFID security gates, automated materials handler hardware and software, and RFID staff workstations. Additionally, the contract provides annual libraryConnect reporting software subscriptions and RFID tags for library materials. Lack of a contract would negatively impact operations, potentially resulting in manual check-in and sorting of books and materials, and book material unavailability or loss.

Approval of this extension will allow time to complete a new procurement process and ensure current city services are not interrupted.

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

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

Financial Impact

The contract was approved with an original aggregate value of $1,800,000 and additional funds of $807,000 were added for a total aggregate amount of $2,607,000. No additional funds are needed for this extension. Any remaining funds authorized by previous Council action will be applied to the extended contract term. Funds are available in the Library Department's budget.

Concurrence/Previous Council Action

This contract was originally approved by City Council on March 24, 2016; and additional expenditures were authorized on Dec. 16, 2020.

This item was adopted.

38 Information Technology Professional Services - Requirements Contract ADPSO17-0006933D (Ordinance S-47922)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 148480 with Guidesoft, Inc. for the purchase of managed services provider Information Technology professional services for citywide use. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $3,810,000.

Summary

This contract provides IT professional services through a managed service provider for technology projects and initiatives throughout the City, such as project management, system implementation, data conversion, and hardware and software configuration. Additional funds are needed due to usage that has been higher than originally anticipated and to support projects including Information Technology Services' enterprise-wide network and firewall improvements project; positions to support the Finance Department's SAP infrastructure; the Fire Department's Electronic Patient Care Reporting and CAD Modernization projects; migration of legacy data that is no longer supported; End User Device Replacement Program; IT Asset Management and Unified Print Program; Police Records Management System project; and positions to support the Water Services Department's Permit and Compliance System and Technology Services Division. Additionally, this contract enables the City to obtain contracted IT staff to assist with ongoing work assignments when necessary. The departments currently utilizing these contract services include the Fire, Human Services, Information Technology Services, Parks and Recreation, Police, Street Transportation and Water Services departments.

Contract Term

The contract term is Sept. 6, 2018 through Aug. 31, 2023.

Financial Impact

Upon approval of $3,810,000 in additional funds, the revised aggregate value of the contract will not exceed $7,476,000. Funds are available in the various departments' budgets.

Concurrence/Previous Council Action

This contract was originally approved by City Council on Sept. 5, 2018 for an original aggregate value of $1,100,000. On Dec. 5, 2018, City Council authorized an additional expenditure in the amount of $200,000 and on Nov. 20, 2019 approved an additional expenditure in the amount of $2,366,000 increasing the aggregate value to $3,666,000.

This item was adopted.

39 Legal Processing, Notary, and Related Services Requirements Contract - COOP 21-035 (Ordinance S-47923)

Request to authorize the City Manager, or his designee, to enter into cooperative participating agreements with First Legal Network, LLC, Nationwide Legal Services, LLC, and On the Run Legal Solutions, LLC, to purchase legal processing, notary, and related services for citywide use. A cooperative contract was established by the State of Arizona under solicitation number BPM002577. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $350,000.

Summary

The City of Phoenix needs contracts with multiple vendors who can provide legal processing, notary, and related services in order to support all City Departments. These services are used by various departments citywide, but primarily by the Neighborhood Services Department and the Law Department to deliver a wide array of legal notices to residents and businesses. Notices include construction violations, investigations, court proceedings for both in-state and out-of-state addresses, public notices, notary services, court filings, and complete processing services.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contracts were awarded through a competitive process, consistent with the City's procurement process, as set forth in the Phoenix City Code, Chapter 43. The contracts cover the purchase of legal processing, notary, and related services as required by the City and were awarded Aug. 1, 2020. Upon City Council approval of this item, purchasing agreements incorporating the City’s terms and conditions will be fully executed between the referenced vendors and the City.

An established best practice in government procurement, Cooperative Agreements provide extensive benefits to procurement officials by leveraging volume purchasing for maximum cost benefit and ensuring best value.

The Assistant Finance Director recommends that agreements with First Legal Network, LLC, Nationwide Legal Services, LLC, and On the Run Legal Solutions, LLC be accepted.

Contract Term

The five-year contract term will begin on or about Sept. 20, 2021.

Financial Impact

The aggregate contract value will not exceed $350,000. Funds are available in various departments' budgets.

This item was adopted.

40 Digital Black and White Production Printers - Five Year Lease - COOP 21-119 (Ordinance S-47924)

Request to authorize the City Manager, or his designee, to enter into a cooperative participating agreement with Xerox Corporation to lease high volume digital black and white production printers for the City Clerk Department. A cooperative contract was established by the State of Arizona under solicitation number ADSPO18-00008023. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed $900,000.

Summary

The contract will provide the City Clerk Department black and white production printers used to complete high volume projects for all City departments. These projects include: City Council agendas, sex offender notifications, budget books, account statements, informational materials for the community and other large quantity printing for essential City operations each year. Access to Xerox's catalog for black and white production printers through the State's contract allows the City to leverage the benefits of an extensive competitive process previously completed by the State of Arizona which ensures competitive pricing.

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

Procurement Information

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

The State of Arizona contract covers the leasing of black and white production printers as required by the City Clerk Department. The State of Arizona contract was awarded on Oct. 5, 2018. The use of this cooperative will provide the City national discounts on these products. Additionally, review of pricing and availability from registered small and local businesses indicates that this cooperative contract offers the best value to the City.

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

Both the American Bar Association and the National Institute of Government Purchasing endorse the use of Cooperative Agreements by municipalities and other public institutions. An established best practice in government procurement, Cooperative Agreements provide extensive benefits to procurement officials by leveraging volume purchasing for maximum cost benefit and ensuring best value.

The Assistant Finance Director recommends that the cooperative agreement with Xerox Corporation be accepted.

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

Financial Impact
The aggregate contract value will not exceed $900,000. Funds are available in the City Clerk Department's budget.

This item was adopted.

41 Rye Grass Seed - Requirements Contract IFB 15-202 (C) (Ordinance S-47927)

Request to authorize the City Manager, or his designee, to allow additional expenditures and to extend Contract 141054 with Simplot Partners for the purchase of rye grass seed for the Parks and Recreation Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $66,000.

Summary
This contract provides rye grass seed, which is used each fall to over seed downtown/special event parks such as Margaret T. Hance Park, and athletic fields to maintain compliance with Major League Baseball standards, as well as national standards for tournaments played at Reach 11. These parks and athletic fields are operated and maintained by the Parks and Recreation Department. Industry-wide, there is currently an increase in price and limited availability for rye-grass seed; and other local organizations have confirmed experiencing the same issues obtaining seed. Due to this unexpected 100 percent price increase, the Parks and Recreation Department needs additional funds to continue daily operations for this upcoming seeding season. The addition funds should be sufficient to cover the seed costs through the end of this contract term.

Contract Term
The contract term is July 23, 2015 through Jan. 1, 2022.

Financial Impact
Upon approval of the $66,000 in additional funds, the revised aggregate value of the contract will not exceed $829,000. Funds are available in the Parks and Recreation Department's budget.

Concurrence/Previous Council Action
This contract was originally approved by City Council on July 1, 2015; and additional expenditures were authorized on April 20, 2016, May 6, 2020 and June 23, 2021.

This item was adopted.

42 Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 610 Recommendations - Utilities Service Specialist - Assignment for Water Services Department (Ordinance S-47933)

As part of a market analysis, the following amendments to the Pay Ordinance [S-47689] are recommended in accordance with the recommendation of Human Resources Committee 610, effective Sept. 20, 2021. The amendments also require the City’s Classification Ordinance [S-5815] to be updated. Those will be processed under a separate ordinance.

Establish the classification assignment of Utilities Service Specialist*Water, Job Code: 01372, Salary Plan: 006, Benefit Category: 003, Labor Unit Code:003, Grade: 325 ($17.11 - $24.92/hourly), EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt.

Modify the classification assignment of Utilities Service Specialist*Lead, Job Code: 01371, Salary Plan: 006, Benefit Category: 003, Labor Unit Code: 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt from Grade: 325 ($17.11 - $24.92/hourly) to Grade: 326 ($17.97 - $26.08/hourly).

Modify the classification of Utilities Credit Counselor, Job Code: 50160, Salary Plan 006, Grade: 328 ($19.59 - $28.75/hourly), Benefit Category: 003, Labor Unit Code: 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt to the new class title of Senior Utilities Services Specialist.

Summary

Background

The Utilities Service Specialist job family was evaluated for external market competitiveness in May/June 2020. At that time, the salary and range were determined to be competitive with the external labor market. Furthermore, the City was not experiencing turnover or retention issues at Step 4 and above. The recommendation at the time was to continue the practice of hiring new employees at Step 3 and recognize that this may be a “gateway” classification. Newly hired employees may view this classification/job family as their entryway into the City and plan to transfer and move to other jobs or departments in short order. The City, and the Water Services Department in particular, should plan for a high level of internal movement and a highly transitory workforce in the call center.

Findings

Further analysis of the job family, after the initial study results were shared, illuminated a concern with internal alignment of jobs and the relative complexity of the job duties in the Water Services Department compared with other positions located elsewhere in the City. To resolve this internal alignment issue, an “assignment” is proposed to provide a one-grade increase for those positions located in the Water Services Department.

Increasing the grade of the assignment would also necessitate a concurrent grade increase in the existing Lead assignment to maintain structural integrity, ensuring the Lead assignment is allocated to a higher grade than the subordinate classes.

The Water Department will also take this opportunity to retitle one of the classifications (Utilities Credit Counselor), to bring the title in line with the actual job duties and to better reflect the true nature of the job.

Conclusions

Providing an assignment for the Utilities Service Specialist positions in the Water Services Department will recognize the higher level of complexity and specialization in this Department. Because it is an assignment, there is no impact to the incumbents' "time in class" and no impact on seniority. The other actions (regrade the Lead assignment and retitle the Credit Counselor) will also result in no impact to seniority because there will be no change to the job codes for these actions.

Financial Impact

The estimated costs of these actions for a full fiscal year, including benefits, is approximately $116,200. Funding is available in the Water Services Department.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 610 on Aug. 10, 2021.

This item was adopted.

43 Amendments to Classification Ordinance S-5815 in Accordance with Human Resources Committee 610 Recommendations - Utilities Service Specialist - Assignment for Water Services Department (Ordinance S-47934)

As part of a market analysis the following amendments to the Classification Ordinance [S-5815] are recommended in accordance with the recommendation of Human Resources Committee 610, effective Sept. 20, 2021. The amendments also require the City's Pay Ordinance [S-47689] to be updated. Those will be processed under a separate ordinance.

Establish the classification assignment of Utilities Service Specialist*Water, Job Code: 01372, Salary Plan: 006, Benefit Category: 003, Labor Unit Code: 003, Grade: 325 ($17.11 - $24.92/hourly), EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt.

Modify the classification assignment of Utilities Service Specialist*Lead, Job Code: 01371, Salary Plan: 006, Benefit Category: 003, Labor Unit Code: 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt from Grade: 325 ($17.11 - $24.92/hourly) to Grade: 326

($17.97 - $26.08/hourly).

Modify the classification of Utilities Credit Counselor, Job Code: 50160, Salary Plan: 006, Grade: 328 ($19.59 - $28.75/hourly), Benefit Category: 003, Labor Unit Code: 003, EEO-4 Category: Administrative Support, FLSA Status: Non-Exempt to the new class title of Senior Utilities Services Specialist.

Summary

Background

The Utilities Service Specialist job family was evaluated for external market competitiveness in May/June 2020. At that time, the salary and range were determined to be competitive with the external labor market. Furthermore, the City was not experiencing turnover or retention issues at Step 4 and above. The recommendation at the time was to continue the practice of hiring new employees at Step 3 and recognize that this may be a “gateway” classification. Newly hired employees may view this classification/job family as their entryway into the City and plan to transfer and move to other jobs or departments in short order. The City, and the Water Services Department in particular, should plan for a high level of internal movement and a highly transitory workforce in the call center.

Findings

Further analysis of the job family, after the initial study results were shared, illuminated a concern with internal alignment of jobs and the relative complexity of the job duties in the Water Services Department compared with other positions located elsewhere in the City. To resolve this internal alignment issue, an “assignment” is proposed to provide a one-grade increase for those positions located in the Water Services Department.

Increasing the grade of the assignment would also necessitate a concurrent grade increase in the existing Lead assignment to maintain structural integrity, ensuring the Lead assignment is allocated to a higher grade than the subordinate classes.

The Water Department will also take this opportunity to retitle one of the classifications (Utilities Credit Counselor), to bring the title in line with the actual job duties and to better reflect the true nature of the job.

Conclusions
Providing an assignment for the Utilities Service Specialist positions in the Water Services Department will recognize the higher level of complexity and specialization in this department. Because it is an assignment, there is no impact to the incumbents' "time in class" and no impact on seniority. The other actions (regrade the Lead assignment and retitle the Credit Counselor) will also result in no impact to seniority because there will be no change to the job codes for these actions.

Financial Impact
The estimated costs of these actions for a full fiscal year, including benefits, is approximately $116,200. Funding is available in the Water Services Department.

Concurrence/Previous Council Action
This action was reviewed and recommended for approval by Human Resources Committee 610 on Aug. 10, 2021.

This item was adopted.

44 Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 610 Recommendations - Engineering Manager - Middle Manager (Ordinance S-47935)

As part of a technical positions review, the following amendments to the Pay Ordinance [S-47689] are recommended in accordance with the recommendation of Human Resources Committee 610, effective Sept. 20, 2021. The amendments also require the City's Classification Ordinance [S-5815] to be updated. Those will be processed under a separate ordinance.

Establish the classification of Engineering Manager, Job Code: 21150, Salary Plan: 013, Grade: 840 ($35.97 - $57.54/hourly), Benefit Category: 009, Labor Unit Code: 008, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt.

Modify the classification of Engineering Supervisor, Job Code: 20240, from Salary Plan: 013, Grade 840 ($35.97 - $57.54/hourly), Benefit Category: 009, Labor Unit Code: 008, EEO-4 Category: Officials and

Administrators, FLSA Status: Exempt to Salary Plan: 001, Grade: 041 ($37.14 - $56.39/hourly), Benefit Category: 007, Labor Unit Code: 007, EEO-4 Category: Professionals, FLSA Status: Exempt.

Abolish the classification assignment of Engineering Supervisor*U7, Job Code: 20241, Salary Plan: 001, Grade: 041 ($37.14 - $56.39/hourly), Benefit Category: 007, Labor Unit Code: 007, EEO-4 Category: Professionals, FLSA Status: Exempt.

Summary

Background

The City has gone through various changes in the role of Engineering Supervisor. Prior to 1987, there was only one classification for Engineering Supervisor, and it was allocated to Unit 7 - ASPTEA at a grade 040. In March 1987, an “assignment” was established at a middle manager level, grade 840 and positions were transitioned to this level over time through attrition. By 1992, all positions had been transitioned and the original base classification was modified from Unit 7 - ASPTEA, grade 040 to the middle manager, grade 840. Subsequently all positions and employees were moved from the assignment to the base classification.

In February 2012, it was determined that having a middle manager (Engineering Supervisor - grade 840) reporting to another middle manager (Deputy Director - grade 842) was an inefficient arrangement. A new “assignment” was established out of the middle manager level and allocated to Unit 7 at grade 041. Over time, all positions were moved to this assignment.

Current State

There are five employees in the “assignment” Engineering Supervisor*U7, grade 041. None of these employees have ever been in the base classification from which this assignment is associated. However, because they are in an assignment, they have rights back to the base classification. Furthermore, the base classification (840) and the assignment (041) have the same job description.

Conclusion

The recommended course of action is to follow the same methodology employed in 1992, effectively reversing the previous strategy and reestablishing a middle manager level at a grade 840 to serve as a career progression step toward the Deputy Director level at 842.

The base classification will be modified to reflect the allocation to Unit 7, and the grade maintained at 041. This is consistent with the employees' job history, so there will be no negative impact to the employees when they are reverted from the assignment to the base classification. Once those transactions have been processed, the assignment level will be abolished.

A new classification will be established at the middle manager level, grade 840. Thus, the association of the assignment will be separated, and each classification will have unique and separate job descriptions.

Financial Impact

There is no budgetary impact associated with these actions.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 610 on Aug. 10, 2021.

This item was adopted.

45 Amendments to Classification Ordinance S-5815 in Accordance with Human Resources Committee 610 Recommendations - Engineering Manager - Middle Manager (Ordinance S-47936)

As part of a technical positions review, the following amendments to the Classification Ordinance [S-5815] are recommended in accordance with the recommendation of Human Resources Committee 610, effective Sept. 20, 2021. The amendments also require the City's Pay Ordinance [S-47689] to be updated. Those will be processed under a separate ordinance.

Establish the classification of Engineering Manager, Job Code: 21150, Salary Plan: 013, Grade: 840 ($35.97 - $57.54/hourly), Benefit Category: 009, Labor Unit Code: 008, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt.

Modify the classification of Engineering Supervisor, Job Code: 20240, from Salary Plan: 013, Grade: 840 ($35.97 - $57.54/hourly), Benefit Category: 009, Labor Unit Code: 008, EEO-4 Category: Officials and Administrators, FLSA Status: Exempt to Salary Plan: 001, Grade 041 ($37.14 - $56.39/hourly), Benefit Category: 007, Labor Unit Code: 007, EEO-4 Category: Professionals, FLSA Status: Exempt.

Abolish the classification assignment of Engineering Supervisor*U7, Job Code: 20241, Salary Plan: 001, Grade: 041 ($37.14 - $56.39/hourly), Benefit Category: 007, Labor Unit Code: 007, EEO-4 Category: Professionals, FLSA Status: Exempt.

Summary

Background

The City has gone through various changes in the role of Engineering Supervisor. Prior to 1987, there was only one classification for Engineering Supervisor, and it was allocated to Unit 7 - ASPTEA at a grade 040. In March 1987 an “assignment” was established at a middle manager level, grade 840 and positions were transitioned to this level over time through attrition. By 1992, all positions had been transitioned and the original base classification was modified from Unit 7 - ASPTEA, grade 040 to the middle manager, grade 840. Subsequently all positions and employees were moved from the assignment to the base classification.

In February 2012, it was determined that having a middle manager (Engineering Supervisor - grade 840) reporting to another middle manager (Deputy Director - grade 842) was an inefficient arrangement. A new “assignment” was established out of the middle manager level and allocated to Unit 7 at grade 041. Over time, all positions were moved to this assignment.

Current State

There are five employees in the “assignment” Engineering Supervisor*U7, grade 041. None of these employees have ever been in the base classification from which this assignment is associated. However, because they are in an assignment, they have rights back to the base classification. Furthermore, the base classification (840) and the assignment (041) have the same job description.

Conclusion

The recommended course of action is to follow the same methodology employed in 1992, effectively reversing the previous strategy and reestablishing a middle manager level at a grade 840 to serve as a career progression step toward the Deputy Director level at 842.

The base classification will be modified to reflect the allocation to Unit 7, and the grade maintained at 041. This is consistent with the employees' job history, so there will be no negative impact to the employees when they are reverted from the assignment to the base classification. Once those transactions have been processed, the assignment level will be abolished.

A new classification will be established at the middle manager level, grade 840. Thus, the association of the assignment will be separated, and each classification will have unique and separate job descriptions.

Financial Impact

There is no budgetary impact associated with these actions.

Concurrence/Previous Council Action

This action was reviewed and recommended for approval by Human Resources Committee 610 on Aug. 10, 2021.

This item was adopted.

48 2021-22 Community Development Block Grant Public Facility Subrecipient Recommendations (Ordinance S-47926)

Request to authorize the City Manager, or his designee, to enter into 2021-22 Community Development Block Grant (CDBG) agreements for Public Facility projects for an amount not to exceed $383,241. Further request to authorize the City Controller to disburse all funds related to this item over the life of the agreements. These agreements will be funded by the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG).

Summary

On May 5, 2021 City Council approved the issuance of a Request for

Proposals (RFP) for CDBG funded Public Facility projects for Fiscal Year 2021-22. The Public Facility Program provides nonprofits an opportunity to apply for funding to implement facility improvements on nonprofit-owned buildings, that are open to the general public as a public facility and will provide critical programs and services serving low- and moderate-income communities in Phoenix. On June 2, 2021 an RFP was issued by the Neighborhood Services Department and closed on July 1, 2021. Six responsive applications, requesting more than $803,000, were received. Applications were evaluated and scored by the Community Development (CD) Review Committee; an 11-member committee appointed by the Mayor.

Each proposal was rated on a 1,000-point scale:

Project description/need (250 points);
Project feasibility (250 points);
Project budget (250 points) and;
Track record and capacity (250 points).

In August 2021, the CD Review Committee reviewed the combined scores and invited the six nonprofit organizations to make a brief presentation on their proposed projects. The proposal presentations were ranked individually by the committee. Funding recommendations were developed based on the overall committee's final ranking.

The following list identifies the three nonprofit organizations the CD Review Committee recommended funding for a total of $383,241.

CDBG Public Facility Grant Program Awardees

ACCEL - Phoenix ADA Enhancements: $150,000
Civitan Foundation, Inc. - Civitan MIDTOWN Construction Project: $150,000
VALLEYLIFE - Prep Kitchen to Prepare Healthy Meals to Reduce Illness in Group Homes: $83,241

Contract Term

Contract terms will commence on or about Sept. 8, 2021 through Oct. 31, 2022.

Financial Impact

These programs are funded through CDBG funding. There is no financial impact to the General Fund.

Concurrence/Previous Council Action

The 2021-22 CDBG Public Facility Request for Proposals was recommended for approval by the Land Use and Livability Subcommittee on April 21, 2021, by a vote of 3-0 and approved by the City Council on May 5, 2021.

This item was adopted.

50 Request Authorization for Sale of Canine Zeus (Ordinance S-47929)

Request to authorize the City Manager, or his designee, to approve the sale of Police canine Zeus to Det. Pablo De Santiago for $1.00. Currently, Det. De Santiago is assigned to the Commercial Narcotic Interdiction Unit (CNIU) and has requested to retire and purchase his assigned canine Zeus in accordance with A.R. 4.21. Det. De Santiago will be transferring out of CNIU in the near future.

Summary

Canine Zeus is 9.5 years old and has served the Phoenix Police Department and the citizens of Phoenix with unwavering bravery and distinction in his capacity as a police service dog for over seven years.

This request is for the authorization of the sale of Police canine Zeus for $1.00. Det. De Santiago has requested to retire and purchase canine Zeus and has agreed to accept full responsibility and liability for him until his death.

This item was adopted.

52 Lubrication Services - Contract Recommendation (Ordinance S-47908)

Request to authorize the City Manager, or his designee, to enter into separate contracts with: Lincoln Constructors, Inc. and Amrep Manufacturing Company, LLC, for as-needed lubrication services for fleet vehicles and equipment. Further request authorization for the City Controller to disburse all funds related to this item. This contract will have an aggregate amount of $1,305,000.

Summary

The Public Works Department is responsible for the weekly lubrication of over 300 pieces of equipment. The majority of this equipment includes solid waste refuse trucks consisting of automated side loaders, rear loaders, front loaders, and tippers with all equipment having strict requirements required by the manufacturer for scheduled lubrication intervals. This contract will be used on an as-needed basis to meet operational demands to manage time-sensitive requests and workload in the event staff is unable to perform the lubrication service.

Procurement Information

Invitation for Bid (IFB) 22-FSD-011 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department received two bids, both being deemed responsive and responsible. Due to the operational need for coverage at multiple service centers on multiple days, both vendors are being recommended for award with the below bids being evaluated as included:

Lincoln Constructors, Inc.: $457
Amrep Manufacturing Co, LLC: $530

Contract Term

This contract will begin on or about Oct. 1, 2021 with an initial one-year contract term, and four option years to be exercised in increments of up to one year, for a total contract term of five years.

Financial Impact

This contract will have an estimated $261,000 annual expenditure, with a total aggregate amount of $1,305,000 over the life of the contract. Funding is available in the Public Works Department's budget.

This item was adopted.

53 Solid Waste Container Yard Management Services - IFB 22-SW-001 - Requirements Contract (Ordinance S-47910)

Request to authorize the City Manager, or his designee, to enter into an agreement with Clean Bin Heroes, LLC., to provide container yard maintenance services for the Public Works Department. The contract term is for one year with up to four option years starting on or about Jan. 1, 2022. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the agreement will not exceed $750,000.

Summary

This agreement will provide services to the Public Works Department, Solid Waste Division to maintain up to four yards that house various sizes of residential containers. Currently more than 700,000 containers are in service. The vendor will be required to maintain the yards and clean, wash, and repair containers as needed to maintain quick turnaround times for staff to place them back out in service. Also, the vendor will maintain inventory of the containers and stack and sort the containers to either be covered under warranty or to recycled due to the lifecycle of the container or it being beyond repairs.

Procurement Information

Invitation for Bid (IFB) 22-SW-001 was conducted in accordance with Administrative Regulation 3.10. There were five offers received by the Public Works Department Procurement Services on May 12, 2021. The offers were evaluated based on price, responsiveness to all specifications, terms and conditions and responsibility to provide the required services. One offer was deemed non-responsive. Based on the bid submittal, the following offers were received.

Clean Bin Heroes, LLC: $143.25
Wash Monster, LLC: $144.00
Dirty Trash Bins, LLC: $152.25
Fleet Genius, LLC: $177.65

Public Works recommends that the offer from Clean Bin Heroes, LLC be accepted as the lowest-priced, responsive, and responsible offer.

Contract Term

The initial agreement term is for one year beginning on or about Jan 1, 2022. Provisions of the agreement may include an option to extend the term up to four years, to be taken in one-year increments, which may be exercised by the City Manager or his designee.

Financial Impact

The total agreement value will not exceed $750,000. Funding is available in the Public Works Department's budget.

This item was adopted.

54 Citywide Construction Project Management Information System Implementation Services (Ordinance S-47914)

Request to authorize the City Manager, or his designee, to enter into a contract with D.R. McNatty & Associates Inc. to provide discovery, design and implementation, and ongoing, long-term support for services of Oracle Primavera Unifier system for a Citywide Construction Project Management Information System (CCPMIS) for a five-year period. Further request to authorize the City Controller to disburse all funds related to this item. The total amount of the contract will not exceed $2,018,200.

Summary

A City audit identified the need for standardization and improvement of construction project management information systems. Existing systems like PROMIS, CM13, and Primavera P6, do not adequately support the business needs; hence a new solution is required to provide City staff and contractors adequate tools to capture, plan, maintain and manage projects effectively from inception through the life of the asset(s), or until the asset(s) no longer exist. In certain cases, the lifecycle is perpetual. This new solution will implement an enterprise-level system, Oracle Primavera Unifier, and provide portfolio, program, and project management across the organization for the entire lifecycle of Citywide construction projects to mitigate risk and ensure appropriate oversight. The City will be using a cloud-based solution for its Citywide Construction Project Management tool.

The Aviation Department has successfully used Oracle's Primavera Unifier solution to track and manage all construction projects regardless of funding source, and tenant improvement projects for the past 13 years. The Street Transportation and Water Services departments desire to leverage the same technology platform to build and support a Citywide construction project management solution.

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

Procurement Information
Due to the unique nature of the services required, the City chose to conduct an Agile procurement process. A Letter of Intent (LOI) 63-2105 was posted on the City of Phoenix solicitation website in accordance with Administrative Regulation 3.10. The LOI was emailed to 627 technology firms.

Six firms responded to the LOI for Implementation Services. A six-member panel evaluated and scored the proposals and demonstrations based on the following criteria with total points ranging from 0-1,000:
Company Qualifications and Experience (0-250 points);
References (0-50 points);
Method of Approach (0-250 points);
Interview Questions (0-300 points); and
Pricing (0-150 points).

Offeror Selected for Award
D.R. McNatty 906 points

Additional Proposers
Enstoa 880 points
Anser 855 points
Foresee 845 points
Accenture 617 points
C3IT 460 points

The Information Technology, Street Transportation, and Water Services Directors recommend the offer from D.R. McNatty be accepted as the most responsive and responsible offeror for the implementation.

Contract Term
The five-year contract shall begin on or about Aug. 26, 2021.

Financial Impact

The total contract amount is anticipated to be $2,018,200 over the life of the contract.

Funding is available in the Street Transportation and Water Services departments' Capital Improvement Program budgets.

This item was adopted.

55 Citywide Asbestos and Lead On-Call Consulting Services (Ordinance S-47916)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the seven selected consultants listed in **Attachment A**, to provide Asbestos and Lead On-Call Consulting services citywide 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 $5,250,000.

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

Summary

The On-Call consultants will be responsible for providing Asbestos and Lead services that include, but are not limited to: survey of designated facilities and/or facility components for asbestos containing materials (ACM); production of National Emissions Standards for Hazardous Air Pollutants compliant surveys and reports, compliant asbestos survey reports in accordance with Asbestos Hazard Emergency Response Act protocol; Housing and Urban Development type lead paint surveys and other related environmental services; timely laboratory analysis to identify the presence type and extent of ACM and lead paint; development of plans, specifications and computer aided design and drafting drawings;

construction administration services to manage abatement activities; air monitoring; monitoring and evaluation of contractor performance; final clearance; and other project related services as requested by the City.

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. Thirteen firms submitted proposals and are listed in **Attachment A**.

Contract Term

The term of each agreement is two years, with an option to extend for one additional year, or up to $750,000, whichever occurs first. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for each of the On-Call consultants will not exceed $750,000, including all subconsultant and reimbursable costs. The total fee for all services will not exceed $5,250,000.

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

This item was adopted.

57 Pinnacle Peak Road: 45th to 35th Avenues Paving and Storm Drain Improvements (REBID) - Design-Bid-Build Services - ST85100400 (Ordinance S-47928)

Request to authorize the City Manager, or his designee, to accept Combs Construction Company, Inc. as the lowest-priced, responsive and responsible bidder and to enter into an agreement with Combs Construction Company, Inc. for Design-Bid-Build Services for the Pinnacle Peak Road: 45th to 35th avenues Paving and Storm Drain Improvements (REBID) project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed $10,002,554.90.

Summary

The purpose of this project is to construct new roadway paving and storm drain improvements on Pinnacle Peak Road from 45th Avenue to just west of 35th Avenue, and to construct a new storm drain on 43rd Avenue extending north from Pinnacle Peak Road to Misty Willow Lane.

On June 20, 2018, the City entered into Agreement 147888 to provide Design-Bid-Build Services for the Pinnacle Peak Road: 45th to 35th avenues Paving and Storm Drain Improvements project. This agreement was terminated on Nov. 1, 2019 for convenience.

Combs Construction Company, Inc.'s services include, but are not limited to: subgrade preparation and constructing new asphaltic concrete roadway pavement; new concrete curb and gutter, ADA compliant concrete sidewalk, curb returns, concrete driveway entrances; new concrete box culvert crossings, concrete wing walls, concrete headwalls with brick veneer facing, concrete channel lining, new storm drain mainline pipe, storm drain manholes, storm drain connector pipes and catch basins; trenching for underground street light circuits; installation of new traffic signal poles, signal equipment, and traffic signal conduits; installation of new LED street lights and LED luminaries; new landscaping and irrigation system, decomposed granite landscape ground cover; and other required work items.

Procurement Information

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Five bids were received on Aug. 17, 2021 and the three lowest bids were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Small Business Enterprise program requirements.

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

Opinion of Probable Cost: $9,000,722.68
Combs Construction Company, Inc.: $10,002,554.90
Granite Construction Company: $10,900,510.00
J. Banicki Construction, Inc.: $11,672,357.32

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

The reason for the variance from the Opinion of Probable Cost to the lowest, responsive, responsible bid is due to the large diameter pipe and light poles; both products have long lead times and steel prices have soared recently.

Contract Term
The term of the agreement is 365 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact
The agreement value for Combs Construction Company, Inc. will not exceed $10,002,554.90, including all subcontractor and reimbursable costs.

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

Concurrence/Previous Council Action

The City Council approved Agreement 147888 (Ordinance S-44772 on June 20, 2018)

Location

Pinnacle Peak Road from 45th to 35th avenues.
Council District: 1

This item was adopted.

58 Revocable Permit with Jefferson Street Signage District, LLC for Off-site Advertising Structures in Right of Way (Ordinance S-47931)

Request to authorize the City Manager, or his designee, to issue or amend existing revocable permits authorized by Agreement 131850 with the Jefferson Street Signage District, LLC dba Legends Entertainment District (Legends), allowing special conditions for sign structures used for off-site (off-premise) advertising that encroach in public right-of-way. Further request exception to Phoenix City Code 3-8 for these revocable permits to allow off-site (off-premise) advertising on the sign structures encroaching into the public right-of-way.

Summary

In 2011, City Council authorized, via Ordinance S-37850, entering into Agreement 131850 with Legends Entertainment District (Legends), which is part of the greater Jefferson Street Master Sign Plan approved by the Planning and Development Department in 2009. As part of this Agreement, Legends is responsible for the operation and maintenance of static billboards, LED video boards, and unique custom 3D signs, and marketing and sales advertising for these signs. In addition, Legends is required to provide revenue sharing to the City and to adhere to the City's approved Advertising Guidelines.

With a few exceptions, Phoenix City Code 3-8 prohibits advertising in public right-of-way. The signs operated and maintained by Legends are mostly mounted on structures on private or City property, through a license agreement, and are completely outside of public right-of-way. However, a number of these signs are mounted on structures on private or City property that encroach into public right-of-way. If approved, the signs that encroach into public right-of-way would be granted an exception to Phoenix City Code 3-8 to allow off-site (off-premise) advertising.

The six impacted properties are listed below:
601 E. Washington St.;
201 E. Washington St.;
101 E. Washington St.;
11 W. Washington St.;
50 W. Washington St.; and
333 E. Jefferson St.

Financial Impact

Permit holders would be required to pay the annual fee associated with the issuance of a revocable permit for an encroachment in public right-of-way. The City would continue to participate in revenue sharing from its agreement with Legends.

Concurrence/Previous Council Action

The City Council approved Legends Entertainment District Agreement 131850 (Ordinance S-37850) on May 18, 2011.

Location

The Legends Entertainment District encompasses several blocks of downtown Phoenix along Jefferson Street from 1st Avenue to 7th Street.
Council Districts: 7 and 8

This item was adopted.

59 Automated Vehicle Locator Services - Amendment (Ordinance S-47906)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 148595 with Manhattan Telecommunications Corporation, dba MetTel Inc., to provide additional funding to the contract. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in this amendment will not exceed $794,000.

Summary

This contract provides telematic hardware and software for tracking vehicles and obtaining essential data for vehicle maintenance, routing and customer inquiries for the Public Works and Water Services departments.

The purpose of this amendment is to provide additional funding to the contract because the volume of City vehicles using the services has increased beyond the initial estimates and the existing spending authority is now anticipated to be depleted at the end of Fiscal Year 2022. It is necessary to request additional funding to maintain this software and continue to gather data that is essential for continuity of operations of both departments for the remaining term of the contract.

Contract Term

The contract term will remain unchanged, with potential options to extend ending on June 30, 2023.

Financial Impact

The initial authorization for Automated Vehicle Locator Services contract was for an expenditure not-to-exceed $1.75 million. This amendment will increase the authorization for the contract by an additional $794,000, for a new total not-to-exceed contract value of $2,544,000.

Funding for this amendment is available in the Public Works and Water Services departments' budgets.

Concurrence/Previous Council Action

The City Council approved Automated Vehicle Locator Service Contract 148595 (Ordinance S-44634) on June 6, 2018.

This item was adopted.

60 Digester Tank Cleaning Services Agreement - Request for Award (Ordinance S-47919)

Request to authorize the City Manager, or his designee, to enter into an agreement with Wastewater Solids Management to provide digester tank cleaning services for cleaning the interior of different size digester tanks and pumping the contents to the designated digester cleaning facility beds. Further request to authorize the City Controller to disburse all funds related to this item. The agreement will not exceed $593,600.

Summary

The purpose of this agreement is to provide digester tank cleaning services for different size digester tanks at the Water Services Department Wastewater Treatment Plants.

Wastewater Solids Management services include, but are not limited to: pumping the contents to the designated digester cleaning facility beds, lagoons or digester drains, back flush heated sludge lines, pump, heat exchanger, bottom draw-off legs, mixing pump(s) and mixing lines, and grit cleaning line with impure water, and to provide all spotting during the loading and unloading of equipment and materials.

Procurement Information
The recommendation was made using an Invitation for Bids procurement process in accordance with Administrative Regulation 3.10.

Four vendors submitted bids and are listed below. All bids were found to be responsive and responsible.

Selected Bidder:
Wastewater Solids Management: $359,200

Other Bidders:
Denali Water Solutions: $702,800
Riley Industrial Services: $1,456,180
Olcese Construction Co: $1,524,000

Agreement Term
The agreement will begin on or about Nov. 1, 2021, for a seven-year term with no options to extend.

Financial Impact
The agreement value for Wastewater Solids Management will not exceed $593,600.

Funding is available in the Water Services Department Operating budget.

This item was adopted.

61 Courier Services Agreement - Request for Award (Ordinance S-47921)

Request to authorize the City Manager, or his designee, to enter into an agreement with DCS Delivery to provide courier services for transporting laboratory samples. Further request to authorize the City Controller to disburse all funds related to this item. The total value of this agreement will not exceed $95,000.

Summary

The purpose of this agreement is to provide courier services on an as-needed basis.

DCS Delivery's services include but are not limited to transport of laboratory water samples to various Citywide locations. The contract provides scheduled and unscheduled deliveries on weekdays, weekends and City holidays.

Procurement Information

The recommendations were made using a Request for Quote procurement process in accordance with City of Phoenix Administrative Regulation 3.10.

Three vendors submitted bids and are listed below. Two bids were found to be responsive and responsible.

<u>Selected Bidder</u>
DCS Delivery: $17,428.86

<u>Other Bidders</u>
SWABS AZ, Inc.: $30,601

Contract Term

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

Financial Impact

The agreement value for DCS Delivery will not exceed $95,000.

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

This item was adopted.

62 Modification of Stipulation Request for Ratification of the Aug. 5, 2021 Planning Commission Action - PHO-1-21--Z-67-95-7 - Northeast Corner of 59th Avenue and Lower Buckeye Road

Request to authorize the City Manager, or his designee, to approve the Planning Commission recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on May 19, 2021 and the Planning Commission on Aug. 5, 2021. This ratification requires formal action only.

Summary

Application: PHO-1-21--Z-67-95-7
Existing Zoning: A-1
Acreage: 1.7

Applicant: Taylor C. Earl, Earl and Curley, P.C.
Owner: Glenda D. Massey
Representative: Taylor C. Earl, Earl and Curley, P.C.

Proposal:
Modification of Stipulation 1 regarding minimum landscape adjacent to any public street.
Modification of Stipulation 4 regarding general conformance to the site plan date stamped November 20, 1995.
Technical corrections to Stipulations 2 and 5.

Concurrence/Previous Council Action

Village Planning Committee Recommendation: The Estrella Village Planning Committee heard this case on May 18, 2021 and recommended approval, as requested by the applicant by a vote of 5-0.
PHO Action: The Planning Hearing Officer heard this case on May 19, 2021 and took the case under advisement. On June 3, 2021, the Planning Hearing Officer took the case out from under advisement and recommended approval with modifications and additional stipulations. See **Attachment C (Staff Report)** for the Planning Hearing Officer recommended stipulations.
PC Action: The Planning Commission heard this case on Aug. 5, 2021 and recommended approval, per the Planning Hearing Officer recommendation with modifications by a vote of 8-0.

Location
Northeast corner of 59th Avenue and Lower Buckeye Road
Council District: 7
Parcel Address: 5858 W. Lower Buckeye Road

This item was approved.

64 Abandonment of Right-of-Way - ABND 210018 - 1720 East Camelback Road (Resolution 21955)

Abandonment: ABND 210018
Project: 19-31
Applicant: Noel Griemsmann, AICP; Snell & Wilmer LLP
Request: To abandon the 155-square-foot excess right-of-way located in the northeastern corner of 164-57-023B.
Date of Decision/Hearing: May 13, 2021

Location
1720 East Camelback Road
Council District: 6

Financial Impact
A consideration fee also was collected as part of this abandonment in the amount of $2,300.

This item was adopted.

65 Abandonment of Easements - ABND 210032- East of 19th Avenue at Park Street (Resolution 21953)

Abandonment: ABND 210032
Project: 16-1529
Applicant: Nick Johnson, Sunrise Engineering Inc.
Request: All publicly dedicated easements within all tracts and lots 38, 39, 40, 153, 155, 156, 157, and 158 as shown on the Final Plat for “The Courtyards at Madison Ranch”, Recorded in Book 973, Page 46, MCR; those dedicated within all Tracts as shown on the Final Plat for “The Courtyards at Madison Ranch”, Recorded in Book 1326, Page 50, MCR.
Date of Decision/Hearing: June 30, 2021

Summary

The resolution of the abandonment and PLAT 200582 are to be recorded together with the Maricopa County Recorder on the same day at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

East of 19th Avenue at Park Street
Council District: 7

Financial Impact

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid. The purpose of this abandonment was to be able to replat the development and rededicate the easements in slightly different locations.

This item was adopted.

66 Amend City Code - Ordinance Adoption - Rezoning Application Z-43-20-4 (McDowell Hotel PUD) - Northwest Corner of 12th Street and McDowell Road (Ordinance G-6885)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-43-20-4 and rezone the site from C-2 CNSPD (Intermediate Commercial, Coronado Neighborhood Special Planning District) and P-1 CNSPD (Parking, Coronado Neighborhood Special Planning District) to PUD CNSPD (Planned Unit Development, Coronado Neighborhood Special Planning District) to allow a hotel and other commercial uses.

Summary

Current Zoning: C-2 CNSPD (1.13 acres) and P-1 CNSPD (0.46 acres)
Proposed Zoning: PUD CNSPD
Acreage: 1.59 acres
Proposed Use: Hotel and other commercial uses

Owner: 1144 McDowell Land, LLC
Applicant: Larry Lazarus, Lazarus & Silvyn, P.C.
Representative: Larry Lazarus, Lazarus & Silvyn, P.C.

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Encanto Village Planning Committee heard this case on April 5, 2021 for information only. The Encanto Village Planning Committee heard this case on June 7, 2021 and recommended denial by a vote of 5-4.
PC Action:The Planning Commission heard this case on Aug. 5, 2021 and recommended approval, per the Addendum A Staff Report, with an additional stipulation by a vote of 8-0.

Location
Northwest corner of 12th Street and McDowell Road
Council District: 4
Parcel Addresses: 1145 E. 12th St.; 1144, 1146, and 1148 E. McDowell Road; and 1135, 1137, and 1143 E. Almeria Road

This item was adopted.

67 Amend City Code - Ordinance Adoption - Rezoning Application Z-21-21-5 - Approximately 600 Feet West of the Northwest Corner of 91st Avenue and Indian School Road (Ordinance G-6888)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-21-21-5 and rezone the site from PSC (Planned Shopping Center District) to C-2 (Intermediate Commercial District) to allow commercial uses. This is a companion case to Z-SP-2-21-5 and should be heard first, followed by Z-SP-2-21-5.

Summary
Current Zoning: PSC
Proposed Zoning: C-2
Acreage: 4.99 acres
Proposed Use: Commercial uses

Owner: Prime Storage West Phoenix Land, LLC
Applicant: Neil Feaser, RKAA Architects Inc.
Representative: Thomas J. Richardson, EVP Construction

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Maryvale Village Planning Committee heard this case on July 14, 2021 and recommended approval, per the staff recommendation, by a vote of 7-1-1.
PC Action: The Planning Commission heard this case on Aug. 5, 2021 and recommended approval, per the Maryvale Village Planning Committee, by a vote of 7-0.

Location
Approximately 600 feet west of the northwest corner of 91st Avenue and Indian School Road
Council District: 5
Parcel Addresses: 9210 W. Indian School Road

This item was adopted.

68 Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-2-21-5 - Approximately 600 Feet West of the Northwest Corner of 91st Avenue and Indian School Road (Ordinance G-6889)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-2-21-5 and rezone the site from PSC (Pending C-2) (Planned Shopping Center, pending Intermediate Commercial District) to C-2 SP (Intermediate Commercial District, Special Permit) to allow self-service and RV storage, and all underlying C-2 uses. This is a companion case to Z-21-21-5 and should be heard immediately following.

Summary
Current Zoning: PSC (Pending C-2)
Proposed Zoning: C-2 SP
Acreage: 4.99 acres
Proposed Use: Self-service and RV storage, and all underlying C-2 uses

Owner: Prime Storage West Phoenix Land, LLC
Applicant: Neil Feaser, RKAA Architects Inc.
Representative: Thomas J. Richardson, EVP Construction

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Maryvale Village Planning Committee heard this case on July 14, 2021 and recommended approval, per the staff recommendation, by a vote of 7-1-1.
PC Action: The Planning Commission heard this case on Aug. 5, 2021 and recommended approval, per the Maryvale Village Planning Committee recommendation, by a vote of 7-0.

Location
Approximately 600 feet west of the northwest corner of 91st Avenue and Indian School Road
Council District: 5
Parcel Addresses: 9210 W. Indian School Road

This item was adopted.

69 Amend City Code - Ordinance Adoption - Application PHO-1-21--Z-9-08-7- Approximately 280 Feet North of the Northeast Corner of 59th Avenue and Lower Buckeye Road (Ordinance G-6884)

Request to authorize the City Manager, or his designee, to approve the Planning Commission recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on May 19, 2021 and the Planning Commission on Aug. 5, 2021.

Summary
Application: PHO-1-21--Z-9-08-7
Existing Zoning: A-2
Acreage: 13.79

Applicant: Taylor C. Earl, Earl and Curley, P.C.
Owner: Glenda D. Massey
Representative: Taylor C. Earl, Earl and Curley, P.C.

Proposal:
Modification of Stipulation 1 regarding general conformance to the site plan and elevations date stamped Feb. 5, 2008.
Modification of Stipulation 1.a regarding landscape setbacks widths and landscaping surrounding Lot 2.
Technical corrections to Stipulations 3, 5 and 6.

Concurrence/Previous Council Action

Village Planning Committee Recommendation: The Estrella Village Planning Committee heard this case on May 18, 2021 and recommended approval, as requested by the applicant by a vote of 6-0.
PHO Action: The Planning Hearing Officer heard this case on May 19, 2021 and took the case under advisement. On June 3, 2021, the Planning Hearing Officer took the case out from under advisement and recommended approval with modifications and additional stipulations. See **Attachment C (Staff Report)** for the Planning Hearing Officer recommended stipulations.
PC Action: The Planning Commission heard this case on Aug. 5, 2021 and recommended approval, per the Planning Hearing Officer recommendation with modifications, by a vote of 8-0.

Location

Approximately 280 feet north of the northeast corner of 59th Avenue and Lower Buckeye Road
Council District: 7
Parcel Address: 5858 W. Lower Buckeye Road

This item was adopted.

70 Amend City Code - Ordinance Adoption - Rezoning Application Z-22-21-8 - Approximately 375 Feet East of the Northeast Corner of 59th Avenue and Elliot Road (Ordinance G-6886)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-22-21-8 to rezone the site from S-1 (Ranch or Farm Residence District), S-1 (Approved C-1 PCD) (Ranch or Farm Residence District, Approved Neighborhood Retail District, Planned Community District), and S-1 (Approved R1-8 PCD) (Ranch or Farm Residence District, Approved Single-Family Residence District, Planned Community District) to R-3 (Multifamily Residence District).

Summary

Current Zoning: S-1 (0.67 acres), S-1 (Approved C-1 PCD) (0.62 acres), and S-1 (Approved R1-8 PCD) (3.97 acres)
Proposed Zoning: R-3
Acreage: 5.26 acres

Proposal: Multifamily residential development

Owner: AMED Partners, LLC
Applicant: Isola Elliot, LLC
Representative: Benjamin Tate, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Laveen Village Planning Committee heard this case on July 12, 2021 and recommended approval, per the staff recommendation with a modification and additional stipulations by a vote of 6-3.
PC Action: The Planning Commission heard this case on Aug. 5, 2021 and recommended approval, per the Laveen Village Planning Committee recommendation with an additional stipulation, a modified stipulation, and a deleted stipulation by a vote of 8-0.

Location
Approximately 375 feet east of the northeast corner of 59th Avenue and Elliot Road
Council District: 8
Parcel Address: N/A

This item was adopted.

71 Amend City Code - Ordinance Adoption - Rezoning Application Z-25-21-8 - Approximately 282 Feet West of the Northwest Corner of 23rd Street and Van Buren Street (Ordinance G-6887)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-25-21-8 and rezone the site from C-1 (Neighborhood Retail District) and C-3 (General Commercial District) to WU Code T5:5 GW (Walkable Urban Code, Transect 5:5 District, Transit Gateway Character Area) to allow multifamily residential with ground floor retail and office.

Summary
Current Zoning: C-1 (0.69 acres) and C-3 (4.54 acres)
Proposed Zoning: WU Code T5:5 GW
Acreage: 5.23
Proposed Use: Multifamily residential with ground floor retail and office

Owner: 2220 East Van Buren Street, LLC / L2 Capital, LLC
Applicant: Colin Kenyon
Representative: Colin Kenyon

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Central City Village Planning Committee heard this case on Jul. 12, 2021 and recommended approval, per the staff recommendation, by a vote of 12-0.
PC Action: The Planning Commission heard this case on Aug. 5, 2021 and recommended approval, per the Central City Village Planning Committee recommendation with an additional stipulation by a vote of 8-0.

Location
Approximately 282 feet west of the northwest corner of 23rd Street and Van Buren Street
Council District: 8
Parcel Addresses: 2220 and 2226 E. Van Buren St.

This item was adopted.

28 Resolution to Appoint the City Manager (Resolution 21956)

This item is a proposed Resolution for the City Council to appoint Assistant City Manager Jeff Barton as City Manager upon the retirement of City Manager Ed Zuercher on Oct. 8, 2021.

Summary
Jeff Barton has served as the Assistant City Manager since February 2021. Prior to that, Mr. Barton was a Deputy City Manager, and served as the Director of the Budget and Research Department.

Mr. Barton has served in the City of Phoenix for 22 years, starting as an internal auditor in the City Auditor Department. He has focused on the City's comprehensive budget and maintaining the City's sensible financial stewardship.

Mr. Barton holds a Bachelor of Arts degree in political science from Morehouse College and a Master of Public Administration from

Shippensburg University of Pennsylvania.

Discussion

Vice Mayor Garcia made a motion to adopt Item 28.

Councilwoman Stark seconded the motion.

Mayor Gallego mentioned this was one of the most important votes that Council takes, and said the city manager would help lead Phoenix into the future. She commented Assistant City Manager Jeff Barton was a strong applicant, and talked about his accomplishments leading the City through the pandemic.

Councilwoman Guardado commented this was a very exciting vote, and discussed how the appointment of Mr. Barton would start a new era for the City. She talked about how Mr. Barton started as an auditor for the City and worked his way up to this position, and added she learned about City budgets from Mr. Barton as a new councilmember. She stated the City continued to have a resilient budget every year because of Mr. Barton.

Councilwoman Ansari said she was thrilled to vote for Mr. Barton to become the next city manager, and mentioned when she first met Mr. Barton it was obvious that he had institutional knowledge, composure, and had a strategic approach to everything. She talked about the conversations she had with Mr. Barton about the City budget, and added having his knowledge and expertise would be amazing for the City. She noted it was historic that Mr. Barton would be the first black city manager in Phoenix.

Vice Mayor Garcia stated he was very excited for Mr. Barton and the City, and discussed how difficult it was for Mr. Barton to become the first black city manager in Phoenix. He said he was confident Mr. Barton would handle the deep-rooted issues in the City.

Councilwoman O'Brien suggested Mr. Barton was the epitome of a person who worked hard to achieve success, and talked about the challenges Mr. Barton faced growing up. She stated Mr. Barton had shown his ability to manage the City budget, and embraced innovation with his ability to use COVID-relief funds to implement new services and to enhance existing programs. She commented Mr. Barton understood the importance of resident engagement and feedback, specifically with FundPHX.

Councilwoman Stark said she was very excited to support Mr. Barton as the city manager, and added she first met Mr. Barton as a coworker and admired his work ethic.

Councilman DiCiccio mentioned Mr. Barton's family was very proud of him, and mentioned Mr. Barton would be an example for the youth in the city. He commented Mr. Barton was perseverant and would never give up, and added that was why he was so successful. He noted Mr. Barton had so many great ideas for the City, and concluded he was the right person for the job.

Councilman Waring said Mr. Barton was a problem-solver, hyper-responsive, and mentioned Mr. Barton's experience as the Budget and Research Director would help him when he becomes city manager. He commented Mr. Zuercher had been phenomenal for the City over the past eight years as the city manager, and added he was confident Mr. Barton would be able to fill his role.

Councilwoman Pastor congratulated Mr. Barton, and added she was confident he would lead in the same way in the past as well as embracing the future with innovation. She talked about Mr. Barton's experience as the Budget and Research Director, and mentioned he was trustworthy and honest with councilmembers in order for them to make decisions.

Mayor Gallego commented it was remarkable to hear all councilmembers in support of this appointment, and noted it was exciting for all councilmembers to come together from diverse backgrounds in support of Mr. Barton.

Former Councilmember Michael Nowakowski spoke in support, and mentioned he had the privilege of serving under three city managers. He thanked Mr. Zuercher for his leadership with the programs he allowed to happen and helping and listening to the community. He stated this was what the City would get with Mr. Barton, because he had integrity and his beliefs made him successful.

Rachel Aja spoke in favor on behalf of Cox Communications, and discussed the opportunities she had to work with Mr. Barton. She said Mr. Barton was always well-prepared and was able to answer any questions she had, and added she looked forward to working with him in the future.

Carolyn Chatman spoke in favor, and talked about results of Mr. Barton's work at the City through his career. She said Phoenix needed a professional city manager like Mr. Barton to continue the progress made.

Carole Coles Henry spoke in favor, and mentioned she worked with Mr. Barton during her tenure working for the City. She commented Mr. Barton's 20-year career at the City made him a stellar candidate for this position to lead Phoenix into the future. She noted Mr. Barton was always available, and added she was proud of him.

Victoria Elizalde spoke in favor, and noted she was the leader of a youth program in Phoenix. She talked about how she met with Mr. Barton during budget meetings over the past few years, and noted he always took the time to learn about the needs of the youth in the community. She commented Mr. Barton took the time to focus on the under-served areas of the community in the City budget, and said Mr. Barton would lead as city manager with compassion and understanding.

Anne Ender spoke in favor, and mentioned she was grateful to work with Mr. Zuercher over the past years. She commented Mr. Zuercher served the city well, and added Mr. Barton was the best choice to follow Mr. Zuercher's legacy. She discussed how Mr. Barton handled the budget meetings over the past year professionally, and kept an open mind to suggestions offered by the community.

Kurt Mangum spoke in favor, and commented he supported Mr. Barton 100 percent.

Luz Rodriguez spoke in favor, and noted she had worked with Mr. Barton in the past and was impressed with his knowledge of the City and his passion to serve the public. She stated his track record had shown proven results, and added Mr. Barton could handle complicated issues. She said the City was in good financial health because of Mr. Barton's actions and commented she was proud to see Mr. Barton serve the City as city manager.

Stephanie Romero spoke in favor, and mentioned she had worked in government communications over the past 14 years. She commented she was thrilled to see Mr. Barton be appointed as city manager, and said he had the skills and qualities to lead the fifth-largest city in the nation. She talked about how he was a hard worker with a humble background, and stated Mr. Barton was ready to lead the City into the future.

Loriandra Van Haren spoke in favor, and said she was a former City employee. She discussed how she was impressed by Mr. Barton's story and his incredible work ethic, and commented Mr. Barton cared about City employees and the community. She congratulated Mr. Zuercher for leading the City, and added she was very excited for Mr. Barton.

Aaron Wilson spoke in favor, and talked about how Mr. Barton was a leader who served the City for 22 years. He said Mr. Barton's strategic fiscal policies helped the City during the pandemic, and noted Mr. Barton made decisions based on facts and data. He explained Mr. Barton was a man of the community who operated with compassion, and commented Phoenix was blessed to have Mr. Barton become the next city manager.

After the vote, Mayor Gallego congratulated Mr. Barton for becoming the next city manager in Phoenix. She introduced Mr. Barton to provide comments.

Mr. Barton thanked Council for their belief and confidence in him to lead the City, and thanked his family in addition to his extended family and mentors including Mr. Zuercher. He acknowledged his grandmother who saw something in him that he did not see in himself, and said he took pride in his career through honesty, integrity, accountability, transparency and responsiveness. He stated his intent was for the City to commit to these same principles while enhancing the commitment and connection to the community. He commented being city manager was a decision he did not take lightly, and talked about a speech made by a former president at Moorehouse College that drove him to this decision today. He noted he was ready to work, and added he gave his commitment to the community that the City would be better.

Mayor Gallego commented the City looked forward to the transition date on October 8, and thanked Mr. Zuercher for all of the work he had done to get the City to this point.

Note: Nineteen electronic comments were submitted in favor of Item 28.

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

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

29 Enter into Employment Agreement with the City Manager (Ordinance S-47938)

Request to authorize the Mayor, on behalf of the City Council, to enter into an agreement with Jeff Barton as City Manager effective Oct. 8, 2021, with the following principal terms.

Summary

The agreement with the City Manager shall commence on Oct. 8, 2021 and shall continue for an indefinite term as provided in the City Charter.

The City Manager shall receive an annual salary of $370,011.20 paid bi-weekly, with annual increases equal to the total compensation percentage awarded by the City Council to employee groups, subject to City Council disapproval at the City Manager's annual performance review. The City Manager shall receive the same benefit and fringe benefit package as other City executives. The City Manager's pension will be calculated based solely upon his salary in accordance with Sec. 401(a)(17) of the Internal Revenue Code. This code provision currently limits pensionable compensation to $290,000.

The City Manager shall receive no honorariums for speaking engagements on his own time, but the City will pay appropriate and reasonable expenses related to such speaking engagements related to his position, leadership, equality, and similar topics.

The City Council recognizes the importance of the City Manager's participation in professional and civic organizations in the performance of his duties and the City shall reimburse the City Manager for ordinary and usual educational and membership expenses incurred by the City Manager not to exceed $2,500 annually.

The City Manager shall have until Dec. 31, 2023 to comply with the residency requirement for the position.

In the event the City Council removes the City Manager from the position prior to his retirement eligibility date, then the City Manager shall be assigned to his former position of Assistant City Manager at his former salary until he reaches retirement eligibility or shall be permitted to cash out all of his accrued sick leave at 100% of his base hourly salary if he leaves City employment prior to retirement eligibility.

Note: Three electronic comments were submitted in favor of Item 29.

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

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

34 Audio Video Equipment and Service Contract - COOP 21-064 (Ordinance S-47907)

Request to authorize the City Manager, or his designee, to enter into a cooperative participating agreement with IES Communications, LLC using existing spending authority provided by Ordinances S-44246 and S-46260, to purchase Audio Video Equipment and Service for the

Aviation Department. A cooperative contract ADSPO17-184598 was established by the State of Arizona under solicitation number ADSPO17-00007302. Further request to authorize the City Controller to disburse all funds related to this item. No additional spending authority is requested.

Summary

The City Council authorized multiple linking agreements for the purchase, installation, and service of Audio Video (AV) equipment on Jan. 24, 2018, utilizing the State of Arizona cooperative solicitation ADSPO17-00007302. At that time, the City inadvertently excluded IES Communications, LLC from that Council approval request.

The Aviation Department is requesting to use the cooperative agreement with IES Communications, LLC to service the AV equipment in various Aviation facilities because they were the vendor responsible for installing the equipment including but not limited to cameras, video conferencing and video recording equipment, in some of the department’s facilities. This AV equipment is now past the warranty and requires periodic servicing. The City will experience cost and time savings by utilizing the additional AV contract with IES Communications, LLC for repairs, maintenance and replacement parts to support the original equipment.

No additional funding is requested to add IES Communications, LLC as a vendor. Spending authority will be shared with the previously authorized Audio Video Equipment Service contracts authorized in Ordinances S-44246 and S-46260. AV equipment and service contracts are available for Citywide departments.

Procurement Information

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

The State of Arizona contract, which was awarded on Oct. 16, 2017, covers the purchase of AV equipment and service as required by the Aviation department. The use of this cooperative will provide the City national discounts on these products. Additionally, review of pricing and availability from registered small and local businesses indicates that this cooperative contract offers the best value to the City.

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

The Assistant Finance Director recommends that the cooperative participating agreement with IES Communications, LLC be accepted.

Contract Term
The contract term will begin on or about Sept. 8, 2021 and end Jan. 28, 2023.

Financial Impact
The initial aggregate authorization for Audio and Video Equipment and Service Contracts was for an expenditure not-to-exceed $3.6 million. Amendments 1 and 2 increased the aggregate authorization of the contracts by $3.85 million, for a new total not-to exceed contract value of $7.45 million.

No additional funding is requested. By adding IES Communications, LLC to Ordinance S-46260, previously authorized spending authority will be used. Funding is available in the Aviation Department's budget.

Concurrence/Previous Council Action
The City Council approved:
Audio Video Equipment and Service Contracts 147007-147011 and 147438 (Ordinance S-44246) on Jan. 24, 2018;
Audio Video Equipment and Service Contract 147010 - Amendment (Ordinance S-45757) on June 5, 2019; and
Audio Video Equipment and Service Contracts 147007-147011 and 147438 - Amendment (Ordinance S-46260) on Dec. 18, 2019.

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

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

No: 1 - Councilman Waring

46 Enter into Agreements for Phoenix Resilient Food System Programs (Ordinance S-47932)

Request to authorize the City Manager, or his designee, to enter into separate agreements with: Thrive Consultancy, Inc., Central Arizona Land Trust, NxT Horizon LLC, Lehr Innovations, LLC, and Tiger Mountain Foundation, to provide food assistance to vulnerable populations impacted by COVID-19; offer economic and business opportunities to establish new food businesses; and to preserve urban farmland in Phoenix. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Funding is available through the City’s allocation of the American Rescue Plan Act (ARPA) funding received from the federal government and is under the City’s Phoenix Resilient Food System category of the ARPA Strategic Plan approved by the Mayor and Council. The aggregate value of the agreements will not exceed $1,601,000.

Summary

In response to the COVID-19 pandemic, the Office of Environmental Programs (OEP) developed a food assistance plan to address the food needs of vulnerable populations and communities impacted by COVID-19. The plan provides: 1) access to healthy foods for impacted populations; 2) infrastructure assistance regarding transportation and delivery with a focus on home delivery; 3) support for food banks, food pantries, and community agencies; 4) support for increased local food production; and 5) business and employment opportunities throughout the food system spectrum.

The following programs will provide economic and business opportunities for residents and empower residents to grow healthy food in their own backyards to improve health, promote physical activity, and decrease food insecurity and hunger, and preserve urban farmland in Phoenix.

Economic Development and Innovation

Worker Cooperative Sustainable Food System Business Incubator and Training Program

Thrive Consultancy Inc. (Thrive) will provide training on sustainable cooperative food entrepreneurship, including the operational, legal, financial, and marketing practices for a cooperative food business. Thrive is an Arizona benefit corporation located in Phoenix that provides development services for businesses. Thrive will conduct workshops to educate food business owners, investors, and other stakeholders about the current state of the cooperative economy and the importance of a supportive worker cooperative business infrastructure. The 10-week training will be held in two cohorts for up to 50 individuals in a hybrid virtual/in-person format. Four tailored events and workshops will be held to educate on the cooperative business model. Thrive will serve as a subrecipient and will administer, manage, and develop the program.

Local Food Consumption/Production

The Backyard Food Production Pilot Project aka Backyard Garden Program

This program will empower residents to grow healthy food in their own backyards to improve health, promote physical activity, decrease food insecurity and hunger, and potentially decrease their food budget. The OEP will use the expertise of three local organizations experienced in growing food. Lehr Innovations, LLC, NxT Horizon LLC (NxT) and Tiger Mountain Foundation (TMF) will serve as subrecipients and will administer and manage their respective gardening system programs. Lehr Innovations, LLC is a Phoenix-based organization founded by Ed Williams, who invented the Linking Ecosystems and Hardware for Regeneration (LEHR) Gardens system as a sustainable, regenerative growing method for busy urban lifestyles. NxT is a Phoenix-based organization founded by Dr. George Brooks Jr., a nationally recognized aquaponics expert. TMF is a Phoenix-based nonprofit organization whose mission is to empower communities to better themselves through cultivating gardens.

Lehr Innovations, LLC, NxT, and TMF will install backyard gardens using aquaponics, growing produce and protein (fish and shrimp), and raised beds. The systems chosen are cost-effective and water-efficient growing methods and suitable for the Phoenix climate and growing seasons. These systems will be installed for up to 90 residents living in the South Mountain Village Planning and the Maryvale Village Planning areas. Applicants for the program must meet eligibility criteria, such as, low income; living within the program's geographic boundary; with preference for applicants living in food deserts and applicants that are Black, Indigenous or People of Color.

Homeowners or renters (with written permission from landlord) will be provided with the gardening system of their choice, which includes system installation, including equipment, materials, supplies and labor, and gardening training throughout the 12-month program. Program outreach materials, application, and training materials will be provided in English and Spanish.

Lehr Innovations, LLC, NxT, and TMF will serve as subrecipients and will administer and manage their respective gardening system programs with details on their responsibilities, schedule, and reporting requirements in the agreement. Below is a brief description of each gardening system:

LEHR Gardens - Lehr Innovations, LLC will provide installation of up to 30 LEHR Gardens (raised bed system), including all materials, supplies, equipment, and labor and will provide on-call training, maintenance, and repair services for 12 months;

Aquaponics Victory Gardens - NxT will provide installation of up to 30 aquaponics systems, including all materials, supplies, equipment and labor, 10 hours of education per system plus on-call training, maintenance, and repair services for 12 months.; and

Tiger Eye Gardens - TMF will provide up to 30 Tiger Eye Gardens (raised bed system), including all materials, supplies, equipment, and labor, on-call training, maintenance, and repair services for 12 months.

<u>Farmland Preservation Program</u>

Central Arizona Land Trust (CALT) will serve as a subrecipient and will administer and manage the program to conserve urban farmland within the boundaries of the City of Phoenix through conservation easements. CALT is a community-based, Arizona nonprofit dedicated to protecting open space, wildlife habitat, and working farms and ranches in perpetuity by working with private landowners to develop conservation easements. CALT will conduct outreach for the program, manage contractors providing services to support placement of conservation easements on qualified properties, and will award grant funding to eligible entities for placement of conservation easements on qualified properties. CALT will coordinate with City staff to develop eligibility criteria. Based on the services required and available budget, a maximum of three conservation easements are anticipated for this program.

The Office of Environmental Programs will assist Thrive, Lehr Innovations, LLC, NxT, TMF, and CALT to oversee the agreements and coordinate any needed services, such as program outreach and recruitment.

Procurement Information
Services may be procured, as needed, in accordance with Administrative Regulation 3.10 to implement and administer programs intended to prevent, prepare for, respond to, and recover from the COVID-19 national pandemic.

Contract Term
The term of the agreement will begin on or about Sept. 20, 2021 and continue through Oct. 31, 2022. Agreements may be extended based on continuous need and available funding, which may be exercised by the City Manager, or his designee.

Financial Impact
Funding for these programs will not exceed $1,601,000. There is no impact to the General Fund. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) funding received from the federal government and is under the City's Phoenix Resilient Food System category of the ARPA Strategic Plan approved by Mayor and Council.

The allocation breakdown is as follows:
Thrive Consultancy Inc. - $200,000;
Lehr Innovations, LLC - $118,000;

NxT Horizon LLC - $145,000;
Tiger Mountain Foundation - $138,000; and
Central Arizona Land Trust - $1 million.

Concurrence/Previous Council Action

The City Council approved the ARPA Strategic Plan on June 8, 2021.

Discussion

Councilwoman Ansari highlighted the work of the Office of Environmental Programs to strengthen the city's local food system. She commented this program helped everyone from farmers to small business owners and helped feed the most vulnerable residents. She said local farmers helped step up to feed the community during the start of the pandemic, and added the Feed Phoenix program was very successful. She talked about building a sustainable future by addressing the problems of food deserts in the community, and cited a few of the opportunities residents will have with this program. She stated food resiliency could not be an afterthought, and added she was proud to be able to vote for this today. She made a motion to adopt Item 46.

Vice Mayor Garcia seconded the motion. He stated this item would greatly impact Council District 8, and added he was excited for the Tiger Mountain collaboration because they did incredible work in the district.

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

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

47 Intergovernmental Agreement with Arizona Department of Education for College Depot at Phoenix Public Library Long-Term Laptop/WiFi Hotspot Lending Program (Ordinance S-47937)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement with Arizona Department of Education to offer a long-term laptop and WiFi hotspot lending program to College

Depot at Phoenix Public Library students. The term of the contract will begin on or about Oct. 1, 2021 and end on June 30, 2022, with one option to extend through June 30, 2023. The aggregate value of the contract will not exceed $853,000. Further request authorization for the City Controller to disburse all funds related to this item. Funding is one-time monies from the Arizona Department of Education. There is no impact to the General Fund.

Summary

In the spring of 2021, Phoenix Public Library began offering a laptop and Wi-Fi hotspot lending program with a fleet of 425 laptops and 200 Wi-Fi hotspots, which are lent to library customers for three-week lending periods. To better serve students in need of longer lending periods, Arizona Department of Education, City of Phoenix, and Phoenix Public Library proposes an expansion to double the number of laptops and Wi-Fi hotspots available. With funds totaling $853,000 and allocated to College Depot at Phoenix Public Library from the Arizona Department of Education, Phoenix Public Library will purchase an additional 425 laptops/200 Wi-Fi hotspots and specifically reserve the additional devices to meet the needs of students receiving assistance from College Depot at Phoenix Public Library. College Depot staff will identify students in need and provide allocated devices for semester-long and summer-long lending periods.

Contract Term

The term of the contract will begin on or about Oct. 1, 2021 and end on June 30, 2022, with an option to extend the term through June 30, 2023, which may be exercised by the City Manager or his designee.

Financial Impact

The aggregate value of the contract will not exceed $853,000. Funding is one-time monies from the Arizona Department of Education. There is no impact to the General Fund.

Discussion

Councilwoman O'Brien stated College Depot was an amazing program that worked with families to help with the post-secondary application process. She noted this program was originally only available in person at the Burton Barr Library, and due to the pandemic a pilot program was introduced to allow students to check out WiFi hotspots and laptops for virtual classes. She mentioned this item would allow College Depot to purchase an additional 425 laptops and 200 WiFi hotspots to close the digital divide. She said education was a gateway to a more prosperous future, and described the options for post-secondary education that were available. She made a motion to adopt Item 47.

Councilwoman Stark seconded the motion.

Mayor Gallego commented she was excited to see this item move forward, and talked about the money received from the federal government to the superintendent's office. She discussed meeting with several students who applied for college through this program, and noted there would be job openings in the future for College Depot. She said this was an important opportunity for Phoenix, and commented she appreciated the partnership with the State.

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

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

49 Purchase of Golf Merchandise for Direct Resale to the Public (Ordinance S-47925)

Request to authorize the City Manager, or his designee, to purchase various golf merchandise for direct resale to the public at pro shops located at Cave Creek, Encanto, Palo Verde and Aguila golf courses. Items may include, but are not limited to, golf balls, range balls, golf clothing, hats, golf clubs and golf shoes. Further request authorization for the City Controller to disburse all funds related to this item. The two-year aggregate value will not exceed $1 million, with an estimated annual expenditure of $500,000. There is no impact to the General Fund.

Revenue from the resale of merchandise at the pro shops funds the expenditure request.

Summary

The City operates four municipal golf courses, each of which has a pro shop where golfers have the ability to purchase golf merchandise such as golf balls, clothing and shoes. To supply the pro shops, the Parks and Recreation Department purchases merchandise for resale directly from more than 190 various wholesale and specialty manufacturers to obtain discounts and the lowest prices. Vendor pricing is based on a variety of factors and changes seasonally; therefore, a low-bid process is not suitable for the purchase of golf merchandise.

Financial Impact

Payment authority in the amount of $1 million for a two-year period, from Sept. 8, 2021, through Sept. 7, 2023, is requested. There is no impact to the General Fund. Revenue from the resale of merchandise at the pro shops funds the Parks and Recreation Department's purchase of golf merchandise.

Location

Cave Creek Golf Course - 15202 N. 19th Ave.
Encanto Golf Course - 2775 N. 15th Ave.
Palo Verde Golf Course - 6215 N. 15th Ave.
Aguila Golf Course - 8440 S. 35th Ave.
Council Districts: 3, 4, 5 and 7

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

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

51 Amend Agreements with Various School Districts for Funding of School Resource Officers (Ordinance S-47930)

Request to authorize the City Manager, or his designee, to amend the current ordinance (S-47537) with various school districts for the placement of School Resource Officers (SROs). Authorization of the amendment will add the Tempe Union High School District to the 2021-22 list of school districts. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The Police Department has entered into Intergovernmental Agreements with various school districts in the past to assist with the cost of SROs deployed in schools. Funding for these SROs is provided through partnerships with the Arizona Department of Education and individual school districts. Through this partnership, school district funds reimburse the City for 75 percent of the SRO's salary, while the remaining 25 percent is paid by the City.

The amended ordinance will add the Tempe Union High School District. All other terms will remain unchanged.

Contract Term

The terms of these agreements are one year, with varying start and end dates to coincide with each school's 2021-22 school year.

Financial Impact

Cost to the City is 25 percent match for the SRO salary and fringe benefits.

Concurrence/Previous Council Action

Ordinance S-47537 was approved by the City Council at the May 5, 2021 meeting.

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

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

56 **Citywide Construction Project Management Information Services - - Licensing Services (Ordinance S-47920)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Oracle America, Inc. under Oracle Master Agreement 142562-AR-001, to provide licensing services for Oracle Primavera Unifier system for the Citywide Construction Project Management Information System (CCPMIS) for a five-year period. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $3,565,179.

Summary

A City audit identified the need for standardization and improvement of construction project management information systems. Existing systems like PROMIS, CM13, and Primavera P6, do not adequately support the business needs; hence a new solution is required to provide City staff and contractors adequate tools to capture, plan, maintain and manage projects effectively from inception through the life of the asset(s), or until the asset(s) no longer exist. In certain cases, the lifecycle is perpetual. This new solution will implement an enterprise-level system, Oracle Primavera Unifier, and provide portfolio, program, and project management across the organization for the entire lifecycle of Citywide construction projects to mitigate risk and ensure appropriate oversight. The City will be using a cloud-based solution for its Citywide Construction Project Management tool.

The Aviation Department has successfully used Oracle's Primavera Unifier solution to track and manage all construction projects regardless of funding source, and tenant improvement projects for the past 13 years. The Street Transportation and Water Services departments desire to leverage the same technology platform to build and support a Citywide construction project management solution.

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

Procurement Information

Due to the unique nature of the services required, the City chose to conduct an Agile procurement process. A Letter of Intent (LOI) 63-2105 which included Licensing and Implementation services was posted on the City of Phoenix solicitation website in accordance with Administrative Regulation 3.10. The LOI was emailed to 627 technology firms.

One firm responded to the LOI for Licensing services. A six-member panel evaluated and scored the proposal based on the following criteria with total points ranging from 0-1,000:
Company Qualifications and Experience (0-300 points);
References (0-300 points);
Pricing (0-300 points); and
Acceptance of Terms and Conditions and the City's Conflict of Interest & Solicitation Transparency Disclosure Form (0-100 points).

Offeror Selected for Award
Oracle America, Inc. 750 points

The Information Technology Services, Street Transportation, and Water Directors recommend the offer from Oracle America Inc. be accepted as the most responsive and responsible offer or for the licensing services.

Contract Term
The five-year contract shall begin on or about Aug. 26, 2021.

Financial Impact
The total value is anticipated to be $3,565,179 over the life of the contract.

Funding is available in the Street Transportation Department's Operating and Capital Improvement Program and Water Services Department's Capital Improvement Program budgets.

Concurrence/Previous Council Action
The City Council approved Oracle Master Agreement 142562-AR-001 (Ordinance S-47326) on Feb. 17, 2021.

Discussion
Vice Mayor Garcia made a motion to adopt Item 56.

Councilwoman Stark seconded the motion.

Mayor Gallego thanked the City Engineer and others who would move this item forward.

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

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

No: 1 - Councilman Waring

63 Final Plat - Courtyards at Madison Ranch Amended - Plat 200582 - Northeast Corner of 19th Avenue and Baseline Road

Plat: 200582
Project: 06-1529
Name of Plat: Courtyards at Madison Ranch Amended
Owner: Courtyards at Madison Ranch HOA and Nineteen Commons, LLC
Engineer: Sunrise Engineering, Inc.
Request: A 152 Lot Residential Subdivision Plat
Reviewed by Staff: August 9, 2021
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat and the resolution of abandonment for ABND 210032 must be recorded concurrently with the Maricopa County Recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

Generally located at the northeast corner of 19th Ave. and Baseline Road.
Council District: 7

Discussion
Councilwoman Ansari made a motion to approve Item 63.

Councilwoman Stark seconded the motion.

Mark Rodriguez spoke in favor, and mentioned he visited the businesses in this area.

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

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

72 Public Hearing and Resolution Adoption - General Plan Amendment GPA-EST-1-21-4 - Southeast Corner of 35th Avenue and Interstate 10 (Resolution 21954)

Request to hold a public hearing for the following item to consider adopting the Planning Commission's recommendation and the related Resolution if approved. The file is a companion case to Z-2-21-4 and should be heard first, followed by Z-2-21-4.

Summary
Current Plan Designation: Public/Quasi-Public
Proposed Plan Designation: Mixed Use
Acreage: 8.94 acres
Proposed Use: Commercial and multifamily uses

Owner: Eplex Realty, LLC
Applicant: Charles Huellmantel, Huellmantel & Affiliates
Representative: Charles Huellmantel, Huellmantel & Affiliates

Staff Recommendation: Approval.
VPC Action: The Estrella Village Planning Committee heard the case on July 20, 2021 and recommended approval, by a vote of 7-0.

PC Action: The Planning Commission heard the case again on Aug. 5, 2021 and recommended approval, per the Estrella Village Planning Committee recommendation by a vote of 7-0.

Location

Southeast corner of 35th Avenue and Interstate 10
Council District: 4
Parcel Addresses: 1201 N. 35th Ave. and 1280 N. 34th Ave.

Discussion

Mayor Gallego introduced Planning and Development Director Alan Stephenson to give a brief staff presentation on items 72 and 73.

Mr. Stephenson explained Item 72 was a General Plan Amendment that dealt with the southeast corner of 35th Avenue and Interstate 10, and said staff recommended approval of this resolution to change the General Plan Land Use Designation from public-quasi-public to mixed-use to allow a commercial and multi-family project. He noted this case was approved by the Estrella Village Planning Committee and Planning Commission by a 7-0 vote. He commented Item 73 was the rezoning at that same site, and was a request to change the zoning from R1-6 to C-2 and R-4A to allow for the multi-family residential development and commercial uses that included a convenience store with a gas station. He cited this case was approved by the Estrella Village Planning Committee and Planning Commission by a 7-0 vote.

Mayor Gallego declared the public hearing open.

After noting there were no members of the public wishing to testify on these items, Mayor Gallego closed the public hearing.

Councilwoman Pastor thanked staff and those actively involved at 35th Avenue and Interstate 10. She said this area used to be an old military center that was blighted for the last 10 years, and added her office worked with the community to see what they would like at this location through many community meetings. She mentioned there would be a QT gas station in the front of the property, with affordable housing specifically for veterans on the site.

The hearing was held. A motion was made by Councilwoman Pastor, seconded by Councilwoman Stark, that this item be approved per the Planning Commission recommendation, with adoption of the related resolution. The motion carried by the following vote:

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

73 Public Hearing and Ordinance Adoption - Rezoning Application Z-2-21-4 - Southeast Corner of 35th Avenue and Interstate 10 (Ordinance G-6890)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-2-21-4 and rezone the site from R1-6 (Single-Family Residence District) and R-5 (Multifamily Residence District) to R-4A (Multifamily Residence District) and C-2 (Intermediate Commercial District) to allow multifamily residential and commercial uses including a convenience store with fuel station. This file is a companion case to GPA-EST-1-21-4 and should be heard immediately following.

Summary

Current Zoning: R1-6 (6.98 acres) and R-5 (2.41 acres)
Proposed Zoning: R-4A (5.67 acres) and C-2 (3.72 acres)
Acreage: 9.39 acres
Proposed Use: Multifamily residential and commercial uses including a convenience store with fuel station

Owner: Eplex Realty, LLC
Applicant: Charles Huellmantel, Huellmantel & Affiliates
Representative: Charles Huellmantel, Huellmantel & Affiliates

Staff Recommendation: Approval, subject to stipulations.
VPC Action: The Estrella Village Planning Committee heard this case on July 20, 2021 and recommended approval, per the staff recommendation in the Addendum A Staff Report by a vote of 7-0.

PC Action: The Planning Commission heard this case on Aug. 5, 2021 and recommended approval, per the Estrella Village Planning Committee recommendation with an additional stipulation by a vote of 7-0.

Location
Southeast corner of 35th Avenue and Interstate 10
Council District: 4
Parcel Addresses: 1201 N. 35th Ave. and 1280 N. 34th Ave.

Note: For discussion on Item 73, refer to discussion on Item 72.

The hearing was held. A motion was made by Councilwoman Pastor, seconded by Councilwoman Stark, that this item be approved per the Planning Commission recommendation, with adoption of the related ordinance. The motion carried by the following vote:

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

74 **Public Hearing and Ordinance Adoption - Rezoning Application Z-TA-7-19-8 - Amend Downtown Code Density Map, Buffer Alley Map and Townsend Park Character Area Development Standards (Ordinance G-6891)**

Request for a public hearing for a proposed text amendment to the Zoning Ordinance, Text Amendment Z-TA-7-19-8, amending Chapter 12, Section 1202.D. (Regulating Maps, Density Map) to amend the density provisions for a site located approximately 160 feet south of the southeast corner of 3rd Street and McDowell Road; amending Section 1202.F. (Regulating Maps, Buffer Alley Map) to remove the buffer alleys in an area generally bounded by 3rd and 5th streets, Willetta Street and McDowell Road; and amending Section 1220 (Townsend Park) to allow a height bonus.

Summary
The intent of this proposed text amendment is to amend Chapter 12, Section 1202.D. (Regulating Maps, Density Map) to increase the

allowable density from a maximum of 43.5 dwelling units per acre to 125 dwelling units per acre for a site located approximately 160 feet south of the southeast corner of 3rd Street and McDowell Road; amend Section 1202.F. (Regulating Maps, Buffer Alley Map) to remove the buffer alley designation in an area general bounded by 3rd and 5th streets, Willetta Street and McDowell Road; and amend Section 1220 (Townsend Park) to allow a height bonus up to 30 percent using the sustainability bonus.

Concurrence/Previous Council Action

Staff Recommendation: Approval, as shown in the recommended text in Exhibit A of the Staff Report **(Attachment B)**.
VPC Info: The Central City Village Planning Committee heard this case for information only on March 9, 2020 **(Attachment C)**.
DSC Action: The Design Standards Committee heard this case and recommend approval, per the staff recommendation with a modification to the density provisions to allow a maximum of 89 dwelling units per acre of this item on April 14, 2020 by a vote of 4-0 **(Attachment D)**.
VPC Action: The Central City Village Planning Committee heard this case on July 12, 2021 and recommend approval, per the staff recommendation by a vote of 10-1 **(Attachment E)**.
PC Action: The Planning Commission heard this case on Aug. 5, 2021 and recommended approval, per the Central City Village Planning Committee recommendation by a vote of 7-0 **(Attachment F)**.

Location

Approximately 160 feet south of the southeast corner of 3rd Street and McDowell Road.
Council District: 8
Parcel Addresses: 1411, 1419 and 1427 N. 3rd St.

Discussion

Mayor Gallego introduced Planning and Development Director Alan Stephenson to give a brief staff report on the item.

Mr. Stephenson explained this item was a text amendment for three portions of the Downtown Code related to the density map, buffer alley map, and Townsend Park Character Area Development Standards. He noted this was all related to a parcel that was 160 feet south of the southeast corner of 3rd Street and McDowell Road, and added the intent of this proposed text amendment would be to address the density map to increase the allowable density from 43.5 dwelling units per acre maximum to 125 dwelling units per acre. He stated the proposed text amendment would amend the regulating maps for buffer alleys to remove the buffer alley designation in the area between 3rd and 5th streets and the area between Willetta Street and McDowell Road. He stated the proposed text amendment would allow the Townsend Park Character Area to allow a height density bonus up to 30 percent for the sustainability bonus points. He mentioned the Central City Village Planning Committee approved this request by a 10-1 vote, and the Planning Commission by a 7-0 vote.

Mayor Gallego commented the Townsend Park Community had been great partners with the City, and declared the public hearing open.

After noting there were no members of the public wishing to testify, Mayor Gallego closed the public hearing.

The hearing was held. A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that this item be approved per the Planning Commission recommendation, with adoption of the related ordinance. The motion carried by the following vote:

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

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

000 CITIZEN COMMENTS

Note: Councilman DiCiccio disconnected from the meeting.

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

Ari Berong Huber mentioned he was an employee with HMS Host at Sky Harbor Airport, and talked about his concern having an elevated risk of COVID-19 while serving travelers at the airport while being understaffed. He talked about the additional tasks he had to take on at work because of the understaffing, and asked Council to not give HMS Host more rent relief at the airport.

Anne Ender said she was the President of Operation Blue Ribbon, and took issue with comments made by a councilmember at this morning's Public Safety and Justice Subcommittee related to police hiring and recruitment. She stated people with military backgrounds were less likely to have civilian complaints when serving in police departments. She inquired about having her organization work with the Police Department for recruiting new police officers.

Jon Forsythe talked about his issues with the Police Department, and asked councilmembers to ride along with police officers during their shifts to get a perspective on what they do.

April Hernandez noted she worked for HMS Host at Sky Harbor Airport for four years, and talked about her experience working short-staffed and the stress she would undertake at work. She asked Council to stand with workers and hold HMS Host accountable.

Ruby Hernandez commented she worked for HMS Host at Sky Harbor Airport for some years, and discussed her experience working while being under-staffed. She suggested she dealt with discrimination in the workplace, and asked the Council to support workers and hold HMS Host accountable.

Vivien Lavely mentioned she worked for HMS Host at Sky Harbor Airport for eight-and-a-half years, and suggested she was running into the same issues mentioned by others that work for HMS Host. She asked Council to assist the workers to help their families.

Mario Barajas translated for Maria Ocampo, and said she worked for HMS Host for 32 years at Sky Harbor Airport. She asked Council to support the workers at HMS Host, and said it was not fair that HMS Host was asking workers to quarantine if they did not have COVID-19.

Mr. Barajas translated for Maria Rios, and mentioned she worked for HMS Host for 17 years at Sky Harbor Airport. She said she was laid off in March 2020, and she waited a year for HMS Host to call her back to work. She talked about the struggle with losing health insurance during cancer treatments, and asked Council to tell HMS Host to negotiate a good contract with the union.

Victoria Stahl stated she worked for HMS Host for six months at Sky Harbor Airport, and described the issues she dealt with regarding understaffing. She talked about the amount of stress her coworkers have faced that have forced them to look for jobs elsewhere, and requested Council work with HMS Host to negotiate a new contract with the union.

Mateo Vargas noted he worked for HMS Host for six weeks at Sky Harbor Airport, and asked Council to not provide any more relief to HMS Host until there was a plan in place for the workers. He suggested this job was the most stressful job he has faced with the amount of understaffing, and asked Council to work with the workers and HMS Host to negotiate a good contract.

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 4:05 p.m.

MAYOR

ATTEST:

CITY CLERK

TS

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 8th day of September, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of April, 2024.

CITY CLERK