

City Council Formal Meeting

Wednesday, June 3, 2020

2:30 PM

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*****Items appear in the order action was taken by Council.*****

*****Once finalized, the approved minuted will supersede this document and serve as the permanent record of this meeting and results.*****

CALL TO ORDER AND ROLL CALL

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

BOARDS AND COMMISSIONS

1 Mayor and Council Appointments to Boards and Commissions

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

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

No: 0

2 Appointment of Municipal Court Judge

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

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

No: 0

3 Reappointment of Municipal Court Chief Presiding Judge

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

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

No: 0

Absent: 2 - Councilwoman Stark and Councilman Waring

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

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Williams, that Items 4 through 16 be recommended for approval, except Items 12 and 14. The motion carried by the following voice vote:

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

No: 0

4 Liquor License - PF Chang's China Bistro

This item was recommended for approval.

5 Liquor License - Tikka Shack

This item was recommended for approval.

6 Liquor License - PF Chang's China Bistro

This item was recommended for approval.

7 Liquor License - Bad Habits

This item was recommended for approval.

8 Liquor License - Lookout Tavern

This item was recommended for approval.

9 Liquor License - QuikTrip #1412

This item was recommended for approval.

- 10 Liquor License - Ramen Kagawa

This item was recommended for approval.

- 11 Liquor License - Wingstop

This item was recommended for approval.

- 13 Liquor License - Superstition Meadery

This item was recommended for approval.

- 15 Bingo License - American Legion Pat Tillman Post #117

This item was recommended for approval.

- 16 Bingo License - Knights of Columbus Council #9287

This item was recommended for approval.

- 12 Liquor License - South Mountain Distillery, LLC

A motion was made by Councilmember Garcia, seconded by Councilwoman Williams, that this item be continued to the June 17, 2020 City Council Formal Meeting. The motion carried by the following voice vote:

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

No: 0

- 14 Liquor License - Rocky Point Restaurant & Bar

A motion was made by Councilman Waring, seconded by Councilwoman Williams, that this item be recommended for disapproval. The motion carried by the following vote:

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

No: 1 - Councilman Nowakowski

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

A motion was made by Vice Mayor Guardado, seconded by Councilwoman Stark, that Items 17 through 128 be approved or adopted, except Items 41, 42, 43, 44, 45, 46, 56, 58, 60, 62, 67, 97, 126, and 127; continuing Item 128 to the June 24, 2020 City Council Formal Meeting; and noting that Items 22, 55, 99, and 110 are withdrawn and Item 75 is as corrected. The motion carried by the following vote:

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

No: 0

17 Springshare, LLC

This item was adopted.

18 Varsity Brands Holding Company Inc. dba BSN Sports, LLC

This item was adopted.

19 Zero Point Incorporated

This item was adopted.

20 Van Winkle Aviation, LLC.

This item was adopted.

21 Settlement of Claim(s) The Society of Mount Carmel v. City of Phoenix

This item was adopted.

22 Ski-Pro Inc.

This item was withdrawn.

23 Stock Enterprises, LLC

This item was adopted.

24 Zayo Group Holdings, Inc. doing business as Allstream Business US, LLC

This item was adopted.

25 CenturyLink, Inc. dba CenturyLink

This item was adopted.

26 Cox Communications

This item was adopted.

27 Sprint, Inc.

This item was adopted.

28 International Public Safety Data Institute

This item was adopted.

29 Dunlap & Magee Property Management

This item was adopted.

30 Salt River Project Agricultural Improvement and Power District dba SRP

This item was adopted.

31 Arizona Parks and Recreation Association

This item was adopted.

32 Rosson House - Heritage Square Foundation and Guild

This item was adopted.

33 Arizona Department of Health Services

This item was adopted.

34 Arizona Department of Environmental Quality

This item was adopted.

35 Phoenix Newspapers, Inc., doing business as Republic Media, The Arizona Republic, AZ Business Gazette

This item was adopted.

36 Oregon Health Authority, Public Health, Financial Services

This item was adopted.

37 City of Glendale

This item was adopted.

38 City of Glendale

This item was adopted.

39 City of Mesa

This item was adopted.

40 Solar Star Arizona III, LLC

This item was adopted.

47 Mayor and Council Election to be Held on Nov. 3, 2020, Conducted by Maricopa County (Ordinance S-46672)

This item was adopted.

48 Acceptance and Dedication of Easements for Public Utility Purposes (Ordinance S-46668)

This item was adopted.

49 Amend Ordinance S-46088 for Acquisition of Real Property for Street Improvement Project along Earll Drive from 50th Place to 52nd Street (Ordinance S-46677)

This item was adopted.

50 Acquisition of Real Property for the 43rd Avenue Roadway Widening Project, North of Old West Trail (Ordinance S-46676)

This item was adopted.

51 Acquisition of Real Property for Cave Creek Road and Contention Mine Road Widening Project (Ordinance S-46654)

This item was adopted.

52 Annual Expenditure Limitation Report Designee to Arizona Auditor General (Resolution 21834)

This item was adopted.

53 Intelligent Transportation System Devices and Communication Equipment - Maricopa County Department of Transportation Cooperative Contract - 180252-C (Ordinance S-46649)

This item was adopted.

54 Electrical Safety Training - RFQu HR 20-109 (Ordinance S-46705)

This item was adopted.

55 Amend Pay Ordinance S-45840 in Accordance with Human Resources Committee 605 Recommendations (Ordinance S-46707)

This item was withdrawn.

- 57** Fort McDowell Yavapai Nation Gaming Grants (Ordinance S-46665)

This item was adopted.

- 59** Request Authorization to Amend Contract with Area Agency on Aging, Region One Due to COVID-19 Pandemic (Ordinance S-46685)

This item was adopted.

- 61** Request Authorization to Enter Into Contracts with Arizona Food Bank Network, The Society of St. Vincent de Paul, St. Mary's Food Bank Alliance, Salvation Army and Amend Contract 147513 with Selrico Services, Inc. (Ordinance S-46709)

This item was adopted.

- 63** Request to Accept CARES Act Provider Relief Funds (Ordinance S-46693)

This item was adopted.

- 64** Request to Apply for and Accept Federal Fiscal Year 2020 Assistance to Firefighters Grant Program COVID-19 Supplemental Funds (Ordinance S-46699)

This item was adopted.

- 65** Enter into Contract with Battelle Memorial Institute for Personal Protective Equipment (PPE) Decontamination Services and Authorize Exceptions to Phoenix Code Section 42-18 - Indemnification and Liability Provisions (Ordinance S-46675)

This item was adopted.

- 66** Emergency Management and Public Safety Consulting (Ordinance S-46711)

This item was adopted.

- 68** Tenant Background Screening Services Contract Amendment (Ordinance S-46669)

This item was adopted.

- 69** APS Solar Communities Program Implementation at Affordable Housing Properties (Ordinance S-46695)

This item was adopted.

- 70** 2020-24 Consolidated Plan, 2020-21 Annual Action Plan and Analysis of Impediments to Fair Housing Choice Study - Submission to HUD (Ordinance

S-46657)

This item was adopted.

- 71 Authorization to Amend Contract with Teaching Strategies, LLC (Ordinance S-46682)

This item was adopted.

- 72 Fiscal Year 2020-21 Neighborhood Services Department Infrastructure and Enhancement Programs (Ordinance S-46659)

This item was adopted.

- 73 Fiscal Year 2020-21 Neighborhood Services Department Neighborhood Economic Development Programs (Ordinance S-46663)

This item was adopted.

- 74 Fiscal Year 2020-21 Neighborhood Services Department Housing Rehabilitation Programs (Ordinance S-46656)

This item was adopted.

- 75 Authorization to Enter into a License Agreement with Arizona Fresh Holdings, LLC (Ordinance S-46706)

This item was adopted as amended.

- 76 Issuance of Multifamily Housing Revenue Bonds (Foothills Village Apartments Project) for Purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended (Resolution 21836)

This item was adopted.

- 77 Criminal Case Management System - Requirements Contract - RFP 19-118 (Ordinance S-46686)

This item was adopted.

- 78 Electronic Patient Care Reporting (ePCR) System - Requirements Contract EXC 20-046 (Ordinance S-46648)

This item was adopted.

- 79 Fire Department Health Services Agreements (Ordinance S-46688)

This item was adopted.

- 80 Request to Apply for and Accept 2019 Staffing for Adequate Fire and Emergency Response (SAFER) Grant (Ordinance S-46701)

This item was adopted.

- 81 Intergovernmental Agreement with Maricopa County for Regional Emergency Operations Management and Disaster Services (Ordinance S-46702)

This item was adopted.

- 82 FY 2020 Prosecuting Cold Cases Using DNA Grant (Ordinance S-46703)

This item was adopted.

- 83 FY 2020 Paul Coverdell Forensic Science Improvement Formula Grant Program (Ordinance S-46704)

This item was adopted.

- 84 Federal Aviation Administration Reimbursable Agreement Amendment for Additional Design and Construction Plan Review and Temporary Relocation of Communication Frequencies (Ordinance S-46670)

This item was adopted.

- 85 Trailer-Mounted Water Pumps - Contract Recommendation (Ordinance S-46652)

This item was adopted.

- 86 Agreement with Arizona Department of Economic Security for Vending Machine Services (Ordinance S-46692)

This item was adopted.

- 87 Purchase of Vacuum Excavator (Ordinance S-46684)

This item was adopted.

- 88 Val Vista Transmission Main Rehabilitation 2018 - Construction Manager at Risk Construction Services - WS85500438 (Ordinance S-46653)

This item was adopted.

- 89 Remote Telemetry Units Replacement - Phase 6 - Engineering Services - WS85100031 (Ordinance S-46655)

This item was adopted.

- 90 Edison Park Activity Hub - Design-Bid-Build Services - 8640600010 (Ordinance S-46658)

This item was adopted.

- 91 Water Main Replacement: Area Bounded By Camelback Road from 26th to

40th Streets, 36th Street from Campbell Avenue to Colter Street, and 40th Street from Hazelwood Street to Camelback Road - Construction Manager at Risk Construction Services - WS85509055 (Ordinance S-46662)

This item was adopted.

- 92** Cost Participation Agreement for Post-Design Construction Observation and Oversight Services with Roosevelt Irrigation District - ST85100341 (Ordinance S-46679)

This item was adopted.

- 93** Salt River Project Land Use License - Grand Canal Pathway Westwood - ST87600126 (Ordinance S-46680)

This item was adopted.

- 94** Val Vista Transmission Main Rehabilitation 2018 - Construction Administration and Inspection Services - WS85500438 (Ordinance S-46683)

This item was adopted.

- 95** Closed Circuit Television Expansion - Design-Bid-Build Services - ST89360025 (Ordinance S-46690)

This item was adopted.

- 96** Water Main Replacement Quarter Sections: 10-33, 10-24 and 2-29 - Construction Manager at Risk Preconstruction Services - WS85509026, WS85509029 and WS85509061 (Ordinance S-46694)

This item was adopted.

- 98** Sanitary Sewer and Storm Drain Cleaning and Inspection Services Contract (Ordinance S-46660)

This item was adopted.

- 99** Agreement with Valley Metro Rail, Inc. for South Central Light Rail Train Extension Project Utility Relocation Services - WS85500330 and WS90500224 (Ordinance S-46661)

This item was withdrawn.

- 100** Authorization to Enter Into Agreement with Enel X North America, Inc. and Enroll in Salt River Project Business Demand Program (Ordinance S-46689)

This item was adopted.

- 101** HVAC Maintenance and Repair Services for Water Services Department

(Ordinance S-46664)

This item was adopted.

- 102** Supply of Sodium Chlorite 25% Solution - Invitation for Bids (Ordinance S-46666)

This item was adopted.

- 103** Maintenance and Supply Services for Ferrous Chloride Modular Storage and Dosing Systems (Ordinance S-46667)

This item was adopted.

- 104** Siemens Non-Contact Level Meters Contract (Ordinance S-46671)

This item was adopted.

- 105** Variable Frequency Drives Contracts (Ordinance S-46674)

This item was adopted.

- 106** Centrifuge Equipment Maintenance Contract - Amendment 1 (Ordinance S-46678)

This item was adopted.

- 107** Calcium Hypochlorite Contract (Ordinance S-46681)

This item was adopted.

- 108** Intergovernmental Agreement with City of Scottsdale - Reciprocal Emergency Backup Water Service - Amendment 3 (Ordinance S-46687)

This item was adopted.

- 109** Odor Scrubber Media Contract (Ordinance S-46691)

This item was adopted.

- 110** (CONTINUED FROM MARCH 18, 2020) - Modification of Stipulation Request for Ratification of Feb. 19, 2020 Planning Hearing Officer Action - Z-180-04-7 - Southwest Corner of the 65th Avenue and South Mountain Avenue Alignments

This item was withdrawn.

- 111** Final Plat - Norterra PUD Parcel 20 - 190057 - Southwest Corner of Jomax Road and 19th Avenue

This item was approved.

- 112** Final Plat - Norterra PUD Parcel 21 - 190092 - Southwest Corner of Jomax Road and 19th Avenue
- This item was approved.**
- 113** Final Plat - Stetson Village Two - 190114 - West of 35th Avenue and North of Happy Valley Road
- This item was approved.**
- 114** Final Plat - 23rd Street Development - 190094 - East of 23rd Street and South of Avenida Del Sol Avenue
- This item was approved.**
- 115** Final Plat - The Willo Residences Subdivision - 190087 - 2650 N. 1st Ave.
- This item was approved.**
- 116** Final Plat - Lot 1 Banyan Washington Apartments - 200513 - East of Loop 202 and South of Washington Street
- This item was approved.**
- 117** Final Plat - Nirvana at Colter - 190066 - South of Colter Street East of 13th Place
- This item was approved.**
- 118** Final Plat - Sunland Ranch - 190060 - East of 13th Avenue and North of Southern Avenue
- This item was approved.**
- 119** Final Plat - Tracts L, M & Lots 71-73 of Tierra Montana, Phase 1, Parcel 17 - 190112 - Southeast Corner of Farmhand Drive and 55th Avenue
- This item was approved.**
- 120** Abandonment of Right-of-Way - V190004A - Southwest Corner of Jomax Road and 19th Avenue (Resolution 21831)
- This item was adopted.**
- 121** Abandonment of Easement - V190084A - Southeast Corner of Carver Road and 55th Avenue (Resolution 21833)
- This item was adopted.**
- 122** Partial Conservation Easement Release for Temple Beth Israel - 122 E. Culver St. (Ordinance S-46698)

This item was adopted.

- 123** Warehouse and Threatened Building Grant - 324 W. Lynwood St.
(Ordinance S-46696)

This item was adopted.

- 124** Warehouse and Threatened Building Grant - Arizona Building Company
House #9 - 816 S. 3rd Ave. (Ordinance S-46697)

This item was adopted.

- 125** Amend City Code - Ordinance Adoption - Rezoning Application PHO-5-19-
-Z-50-08-5- Northeast Corner of 23rd Avenue and Royal Palm Road
(Ordinance G-6704)

This item was adopted.

- 128** Public Hearing - Amend City Code and Ordinance Adoption - Off-Premise
Signs for Schools Text Amendment - Z-TA-1-19 (Ordinance G-6703)

This item was continued to the June 24, 2020 City Council Formal Meeting

- 41** Public Hearing on the 2020-25 Capital Improvement

The hearing was held.

- 42** Adoption of the 2020-25 Capital Improvement Program (Resolution 21835)

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

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

No: 1 - Councilman Waring

- 43** Public Hearing on Adoption of the Tentative 2020-21 Annual Budget
Ordinances

The hearing was held.

- 44** Adoption of the Tentative 2020-21 Annual Budget (Ordinance S-46650)

A motion was made by Councilmember Garcia that this item be adopted with \$2.5 million added to the Office of Accountability and Transparency.

A substitute motion was made by Councilwoman Williams, seconded by Councilman Nowakowski, that this item be adopted. The motion failed by the following vote:

- Yes:** 4 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark and Councilwoman Williams
- No:** 5 - Councilmember Garcia, Councilwoman Pastor, Councilman Waring, Vice Mayor Guardado and Mayor Gallego

Councilmember Garcia's motion to adopt this item with \$2.5 million added to the Office of Accountability and Transparency was seconded by Vice Mayor Guardado. The motion failed by the following vote:

- Yes:** 4 - Councilmember Garcia, Councilwoman Pastor, Vice Mayor Guardado and Mayor Gallego
- No:** 5 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Waring and Councilwoman Williams

A motion was made by Councilwoman Stark, seconded by Councilwoman Williams, that this item be adopted with direction for staff to immediately look at ways to find funding for the Civilian Review Board. The motion failed by the following vote:

- Yes:** 4 - Councilman Nowakowski, Councilwoman Stark, Councilwoman Williams and Mayor Gallego
- No:** 5 - Councilman DiCiccio, Councilmember Garcia, Councilwoman Pastor, Councilman Waring and Vice Mayor Guardado

A motion was made by Mayor Gallego, seconded by Councilwoman Stark, that Items 45 and 46 be continued to the June 8, 2020 City Council Formal Meeting. The motion carried by the following vote:

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

No: 0

Absent: 1 - Councilman Nowakowski

- 45** Adoption of the Tentative 2020-21 Capital Funds Budget (Ordinance S-46700)

This item was continued to the June 8, 2020 City Council Formal Meeting.

- 46** Adoption of the Tentative 2020-21 Reappropriated Funds Budget (Ordinance S-46651)

This item was continued to the June 8, 2020 City Council Formal Meeting.

A motion was made by Vice Mayor Guardado, seconded by Councilmember Garcia, that Items 56, 58, 60, 62, 67, 97, 126, and 127 be continued to the June 8, 2020 City Council Formal Meeting. The motion carried by the following vote:

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

No: 2 - Councilwoman Stark and Councilman Waring

- 56** Public Hearing and Resolution Adopting Legal Findings to Recertify and Update the Downtown Redevelopment Area Boundaries (Resolution 21832)

This item was continued to the June 8, 2020 City Council Formal Meeting.

- 58** Additional Federal HOME Investment Partnerships Program Funding for Stepping Stone Phase III (Ordinance S-46673)

This item was continued to the June 8, 2020 City Council Formal Meeting.

- 60** Request Authorization to Enter into Contracts with the Arizona Community Foundation and International Rescue Committee for COVID-19 Microbusiness Grant Funds and Technical Assistance (Ordinance S-46710)

This item was continued to the June 8, 2020 City Council Formal Meeting.

- 62** Request Authorization to Enter into Contracts with LISC Phoenix and Local

First Arizona Foundation (Ordinance S-46712)

This item was continued to the June 8, 2020 City Council Formal Meeting.

- 67** Phoenix Sky Harbor International Airport Concessionaire Financial Relief (Ordinance S-46708)

This item was continued to the June 8, 2020 City Council Formal Meeting.

- 97** (CONTINUED FROM MAY 6 AND 20, 2020) - Water Remote Facilities General Construction - Job Order Contracting Services - 4108JOC173 (Ordinance S-46551)

This item was continued to the June 8, 2020 City Council Formal Meeting.

- 126** Amend City Code - Ordinance Adoption - Rezoning Application Z-60-19-4 - Northwest Corner of 15th Avenue and Indian School Road (Ordinance G-6705)

This item was continued to the June 8, 2020 City Council Formal Meeting.

- 127** Public Hearing - Biennial Certified Audit of Land Use Assumptions, Infrastructure Improvement Plan and Development Fees

This item was continued to the June 8, 2020 City Council Formal Meeting.

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

CITIZEN COMMENTS

ADJOURN