

PHOENIX CITY COUNCIL FORMAL AGENDA



Mayor
Kate Gallego

Vice Mayor
District 2
Jim Waring

District 1
Thelda Williams

District 3
Debra Stark

District 4
Laura Pastor

District 5
Betty Guardado

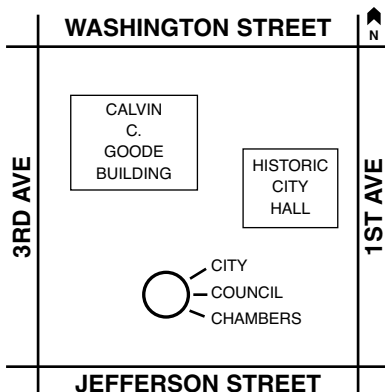
District 6
Sal DiCiccio

District 7
Michael Nowakowski

District 8
Carlos Garcia

*Online agendas and
results available at
www.phoenix.gov*

City Council Chambers
200 W. Jefferson St.
Phoenix, AZ 85003



WELCOME!

Thank you for participating in the process of representative local government. We welcome your interest and hope you and your neighbors will often attend Phoenix City Council meetings. Democracy cannot endure without an informed and involved electorate.

Phoenix operates under a Council-Manager form of local government. Policy is set by the Mayor and Council, and the City Manager, who is appointed by the Council, directs staff to carry out the policies. This separation of policy-making and policy administration is considered the most economical and efficient form of city government.

FORMAL CITY COUNCIL MEETINGS

The Council generally holds formal meetings at 2:30 p.m. on Wednesdays to take official action on Ordinances, Resolutions, and other items on the agenda. Although the formal agenda is subject to change, all changes to the printed agenda will be available at least 24 hours prior to the meeting. Visit <https://www.phoenix.gov/cityclerk/publicmeetings> to view the agenda and meeting schedule.

The formal meeting may appear to proceed very quickly, with important decisions reached with little discussion. However, councilmembers receive the agenda the week prior to the meeting, giving them the opportunity to study every item and to ask questions of City staff members. If no additional information is presented at the meeting, action may be taken without discussion.

HOW CITIZENS CAN PARTICIPATE

The public may request to address the Council regarding an agenda item by submitting a yellow Request to Speak card at the meeting, or may submit a white card to state their support or opposition to an item for the record without speaking. Individuals should arrive and submit a card by the beginning of the meeting, before action is taken on the item. After action has been taken on an item, cards will not be accepted.

In addition, Citizen comments will be heard for up to 30 minutes (unless extended by the Chair) before adjournment or recess of the formal meeting provided a quorum of the Council is present. Additional time for Citizen Comments may be allowed at the discretion of the presiding officer. Any member of the public may address the Council to comment on issues of interest or concern to them. Citizen comments will be televised as part of the formal meeting. Members of the public will be given a maximum of three minutes each to address the Council. In compliance with the Arizona Open Meeting Law, the City Council cannot discuss or take formal action on any matter raised during citizen comments.

If you have an individual concern involving the City, you are encouraged to contact your District councilmember at 602-262-7029 or the City Manager's Office at 602-262-4449. To reach the Mayor's Office, call 602-262-7111. We will do everything possible to be responsive to your individual requests.

REGISTERED LOBBYISTS

Individuals paid to lobby on behalf of persons or organizations other than themselves must register with the City Clerk prior to lobbying or within five business days thereafter and must re-register annually. If you have any questions about registration or whether or not you must register, visit <https://www.phoenix.gov/cityclerk/publicmeetings> or contact the City Clerk's Office at 602-256-3186.

ACCESSIBILITY

An assistive listening system is available in the Council Chambers for individuals with hearing loss. Obtain a headset unit at the entrance table in the Chambers. In addition, the City Clerk's Office will provide sign language interpreting services. Please call 602-256-3186 or Relay 7-1-1 as early as possible to coordinate needed arrangements.

Si necesita asistencia o traducción en español, favor de llamar lo mas pronto posible a la oficina de la Secretaría Municipal de Phoenix al 602-256-3186.

City of Phoenix Council members and district boundaries



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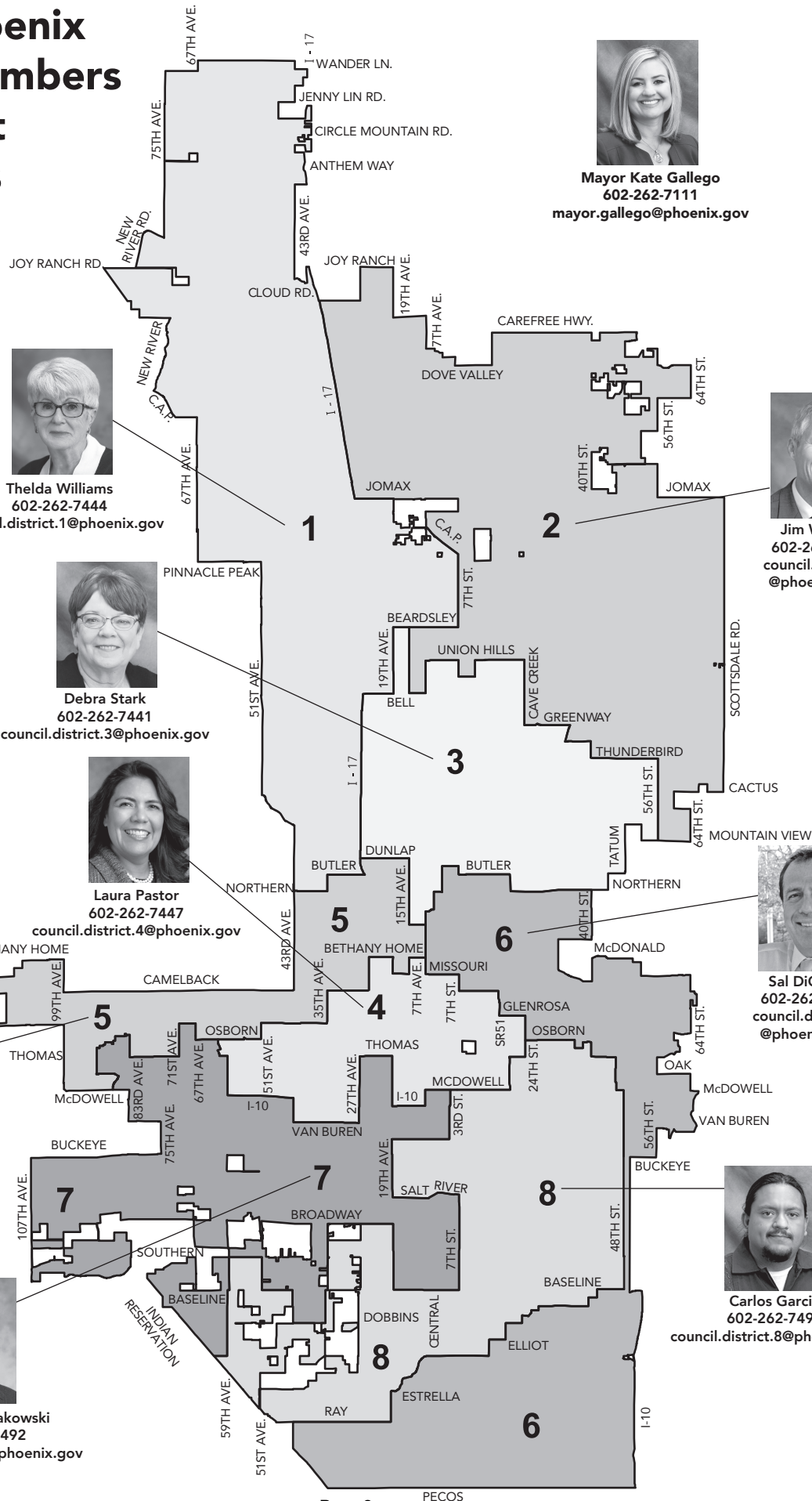
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Agenda

City Council Formal Meeting

Wednesday, June 26, 2019

2:30 PM

phoenix.gov

CALL TO ORDER AND ROLL CALL

MINUTES OF MEETINGS

BOARDS AND COMMISSIONS

- | | | |
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| 1 | Mayor and Council Appointments to Boards and Commissions | Page 11 |
| 2 | Swearing in of Chief Presiding Judge and Municipal Court Judge | Page 13 |

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

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| 3 | Liquor License - Clarendon Hotel & Spa | District 4 - Page 14 |
| 4 | Liquor License - Special Event - St. Joseph Maronite Catholic Church | District 6 - Page 20 |
| 5 | Liquor License - Breakfast Club Biltmore | District 6 - Page 21 |
| 6 | Liquor License - Flint | District 6 - Page 27 |
| 7 | Liquor License - Pointe Hilton Squaw Peak Resort | District 6 - Page 33 |
| 8 | Liquor License - Boom Boom Room | District 7 - Page 38 |
| 9 | Liquor License - Dressing Room | District 7 - Page 44 |
| 10 | Liquor License - Fry's Food & Drug #88 | District 7 - Page 50 |
| 11 | Liquor License - Fry's Food & Drug #88 | District 7 - Page 55 |
| 12 | Liquor License - MC Mini Mart | District 4 - Page 60 |
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PAYMENT ORDINANCE (Ordinance S-45845) (Items 13-43)

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- 13 **Test Equipment Distributors doing business as InnerVision Security**
 - 14 **Tata Consultancy Services Limited**
 - 15 **SAP Public Services, Inc. - Annual Payment Authority**
 - 16 **Ottosen Propeller & Accessories, Inc.**
 - 17 **Pinnacle Actuarial Resources, Inc**
 - 18 **Motorola Solutions, Inc.**
 - 19 **Envision, LLC**
 - 20 **Ghormley Design & Consulting, LLC**
 - 21 **Hunter Contracting Co.**
 - 22 **Arizona Public Service Company**
 - 23 **City of Glendale - Annual Payment Authority**
 - 24 **Solar Star Arizona III, LLC**
 - 25 **Empire Pump Corp doing business as Duncan Pump**
 - 26 **Arizona Blue Stake, Inc., doing business as Arizona 811**
 - 27 **Salt River Project Agricultural Improvement and Power District doing business as SRP**
 - 28 **Roosevelt Irrigation District**
 - 29 **Salt River Valley Water Users' Association**
 - 30 **Salt River Valley Water Users' Association**
 - 31 **Salt River Project Agricultural Improvement and Power District doing business as SRP**
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- 32 **Salt River Valley Water Users' Association**
- 33 **Central Arizona Water Conservation District doing
business as Central Arizona Project**
- 34 **State of Arizona doing business as Arizona Department
of Water Resources**
- 35 **Arizona Municipal Water Users Association - Annual
Payment Authorization**
- 36 **Association of Metropolitan Water Agencies - Annual
Payment Authorization**
- 37 **American Water Works Association - Annual Payment
Authorization**
- 38 **National Association of Clean Water Agencies - Annual
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- 39 **Rural Water Association of Arizona**
- 40 **WaterReuse Association - Annual Payment Authority**
- 41 **Water Research Foundation - Annual Payment
Authority**
- 42 **Western Urban Water Coalition - Annual Payment
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- 43 **Various Vendors to Provide for Legal Services for
the City of Phoenix**

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| 47 | Acquisition of Real Property for Mandan Street Flood Mitigation Project (Ordinance S-45848) | District 6 - Page 79 |
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| 51 | Acceptance and Dedication of Deeds and Easements for Multi-Use Trail, Sidewalk, Public Utility and Roadway Purposes (Ordinance S-45860) | District 1 - Page 87
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| 53 | Sports Lighting, Scoreboard and Area Lighting Repair and Maintenance Services - Requirements Contract (Ordinance S-45872) | Citywide - Page 93 |
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| 86 | Parts and Services for CUES-brand Equipment Contract (Ordinance S-45851) | Citywide - Page 187 |
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- 91 **U.S. Bureau of Reclamation 'WaterSMART Water Marketing Strategy' Grant (Ordinance S-45870)** Citywide - Page 194

PLANNING AND ZONING MATTERS

- 92 **Map of Dedication for City North - 190002 - Deer Valley Drive and 56th Street** District 2 - Page 195
- 93 **Final Plat - Happy Valley Road and 15th Avenue - 180123 - Southeast Corner of Happy Valley Road and 15th Avenue** District 1 - Page 196
- 94 **Final Plat - Anderson ROW - 180128 - South of Osborn Road and West of 15th Street** District 4 - Page 197
- 95 **Final Plat - 30th Street Townhomes Replat - 180111 - Southwest Corner of Fairmount Avenue and 30th Street** District 6 - Page 198
- 96 **Final Plat - Las Palmas Inn - 180096 - Southwest Corner of Grand Avenue and Polk Street** District 7 - Page 199
- 97 **Final Plat - Ellison Trails - 190015 - Southwest Corner of 55th Avenue and Elliot Road** District 8 - Page 200
- 98 **Abandonment of Easement - V180062F - 24855 N. 15th Ave. (Resolution 21760)** District 1 - Page 201

ADD-ON ITEMS

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

CITIZEN COMMENTS

ADJOURN

Upon request, the City Clerk Department will make this publication available through appropriate auxiliary aids or services to accommodate an individual with a disability by calling the Council Support Section, 602-256-3186; faxing a request to 602-495-5847; or Relay 7-1-1.



City of Phoenix

City Council Formal Meeting

City Council Report

Agenda Date: 6/26/2019, Item No. 1

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.

Responsible Department

This item is submitted by the Mayor's Office.

ATTACHMENT A



City of Phoenix

To: City Council
From: Kate Gallego
Mayor

Date: June 26, 2019

Subject: BOARDS AND COMMISSIONS – APPOINTEES

The purpose of this memo is to provide recommendations for appointments to the following Boards and Commissions:

Census Complete Count Committee

I recommend the following individual for appointment:

Kristin Kobasic

Ms. Kobasic is a Case Manager with Visiting Angels. She will serve a term to expire July 1, 2020.

Environmental Quality and Sustainability Commission

I recommend the following individual for appointment:

Park Howell

Mr. Howell is the Founder and President of Park & Co. and a resident of District 6. He fills a vacancy created by the resignation of Kimberly Ruht and will fulfill that term to expire August 31, 2021.

Phoenix Business and Workforce Development Board

I recommend the following individuals for appointment:

Melissa Trujillo

Ms. Trujillo is the President & CEO of the Be A Leader Foundation and will represent Community Based Organizations on the board for a term to expire June 30, 2022.

Steven Cramer

Mr. Cramer is the Senior Vice President of Operations at Newbridge Technology Solutions LLC and will represent the Business category on the board. He fills a vacancy created by the resignation of Jeff Kulaga and will fulfill that term to expire June 30, 2020.



Swearing in of Chief Presiding Judge and Municipal Court Judge

Request to permit the swearing in of the Chief Presiding Judge and Municipal Court Judge.

Summary

Administer the oath of office for the Honorable B. Don Taylor III as Chief Presiding Judge of the Phoenix Municipal Court for an annual term to expire on June 30, 2020.

Administer the oath of office for the Honorable Wilbur N. Hudson to a four-year term as Judge of the Phoenix Municipal Court to end on May 24, 2023.

Concurrence/Previous Council Action

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

On May 14, 2019 the Public Safety and Veterans Subcommittee recommended approval to the City Council by a vote of 3-0.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the City Council Office.



Liquor License - Clarendon Hotel & Spa

Request for a liquor license. Arizona State License Application 63312.

Summary

Applicant

Kevin Kramber, Agent

License Type

Series 11 - Hotel/Motel

Location

401 W. Clarendon Ave.

Zoning Classification: C-2

Council District: 4

This request is for a new liquor license for a hotel/motel. 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 July 5, 2019.

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

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Greentree Inn & Suites (Series 11)
240 W. Hwy. 287, Florence
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Greentree Inn & Suites (Series 6)
431 E. White Mountain Blvd., Pinetop
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"1. I currently am Agent on 120+ licenses state wide. 2. controlling members have / or currently own other liquor licenses statewide. 3. controlling members have no Title IV Violations. 4. management on site will have certified Title IV liquor Training."

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

"As a series 11, Hotel/motel, liquor license our Primary Purpose is that of a Restaurant where liquor is an accessory, we believe that it will allow our adult clients the opportunity to enjoy an adult beverage in the Restaurant, Hotel, SPA And Pool."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Clarendon Hotel & Spa
Liquor License Map - Clarendon Hotel & Spa

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: CLARENDON HOTEL & SPA

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	12	4
Beer and Wine Bar	7	2	0
Liquor Store	9	6	2
Beer and Wine Store	10	13	3
Hotel	11	3	2
Restaurant	12	22	7

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	27.58	89.96	150.42
Violent Crimes	4.73	15.55	22.71

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

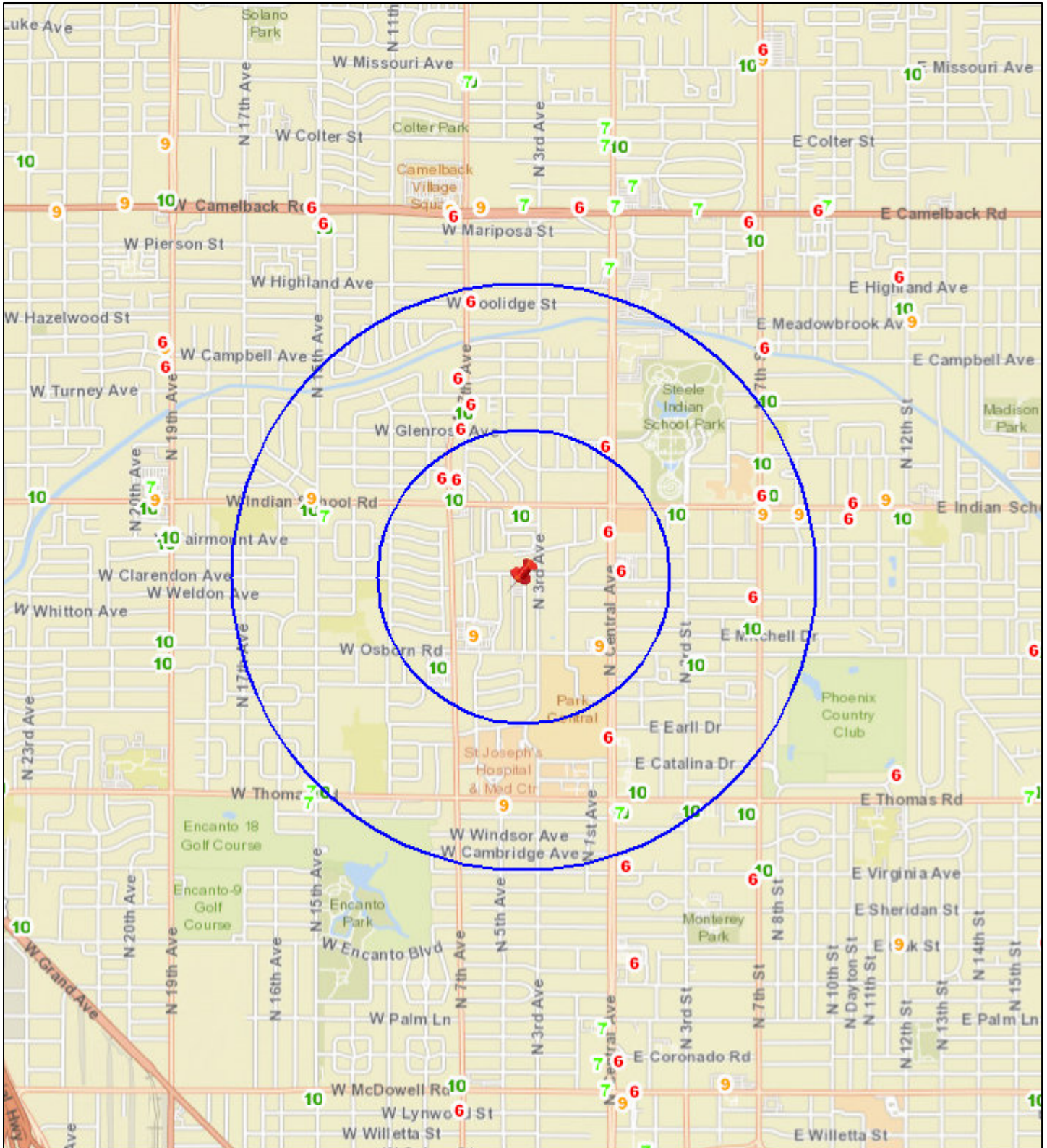
Description	Average	1/2 Mile Average
Parcels w/Violations	72	109
Total Violations	130	191

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1089011	988	36 %	15 %	30 %
1104001	1724	53 %	6 %	33 %
1104002	778	35 %	16 %	12 %
1105011	551	49 %	20 %	14 %
1105012	1249	13 %	23 %	11 %
1105013	824	16 %	17 %	40 %
1105021	1057	13 %	34 %	30 %
1105022	1216	28 %	19 %	23 %
1171001	2126	10 %	15 %	10 %
1171002	703	57 %	27 %	12 %
Average		61 %	13 %	19 %

Liquor License Map: CLARENDON HOTEL & SPA

401 W CLARENDON AVE



Date: 5/8/2019

0 0.2 0.4 0.8 1.2 1.6 mi



Liquor License - Special Event - St. Joseph Maronite Catholic Church

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

Summary

Applicant

Wissam Akiki

Location

5406 E. Virginia Ave.
Council District: 6

Function

Cultural Celebration

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

Nov. 1, 2019 - 5 p.m. to 10 p.m. / 400 attendees

Nov. 2, 2019 - Noon to 10 p.m. / 600 attendees

Nov. 3, 2019 - Noon to 7 p.m. / 400 attendees

Staff Recommendation

Staff recommends approval of this application.

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.



Liquor License - Breakfast Club Biltmore

Request for a liquor license. Arizona State License Application 63909.

Summary

Applicant

R Kyle Shivers, Agent

License Type

Series 12 - Restaurant

Location

2502 E. Camelback Road, Ste. 156
Zoning Classification: PSC CEPCSP
Council District: 6

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

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

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

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the

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

Breakfast Club (Series 12)
2 E. Jefferson St., Ste. 213, Phoenix
Calls for police service: 71
Liquor license violations: None

Breakfast Club (Series 12)
4400 N. Scottsdale Road, Ste. 1-6, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Tap & Bowl (Series 12)
4400 N. Scottsdale Road, Ste. 12 Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I currently hold three series 12 licenses. The oldest series 12 has been used and renewed for the past eleven years. The two other series 12 licenses have been used and renewed for the past nine years. We have had zero liquor license violations in this time."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"My Breakfast Club concepts have been a consistent and reliable community destination for almost sixteen years. My team and I look forward to bringing the same consistency and reliability to our new neighbors in the Biltmore area."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Breakfast Club Biltmore

Liquor License Map - Breakfast Club Biltmore

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: BREAKFAST CLUB BILTMORE

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	4	2
Beer and Wine Bar	7	3	1
Liquor Store	9	3	0
Beer and Wine Store	10	6	0
Hotel	11	3	2
Restaurant	12	36	16

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	26.92	52.07	46.49
Violent Crimes	4.61	3.55	3.39

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

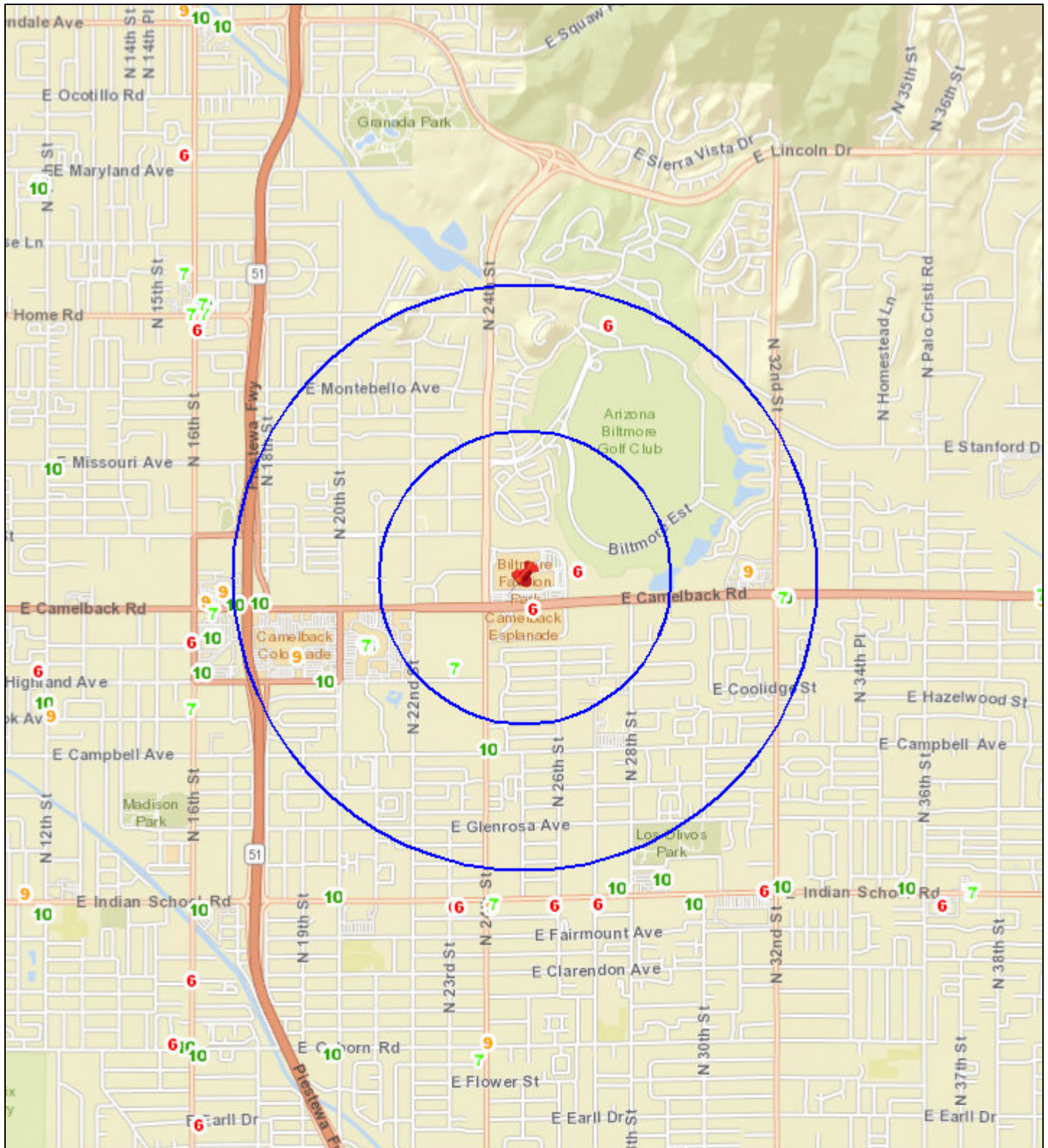
Description	Average	1/2 Mile Average
Parcels w/Violations	72	30
Total Violations	128	41

Census 2010 Data 1/2 Mile Radius

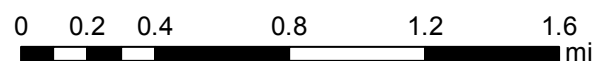
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1077001	1222	100 %	2 %	3 %
1077002	738	57 %	10 %	8 %
1078002	1477	63 %	28 %	5 %
1084004	1641	65 %	7 %	19 %
1085022	732	23 %	28 %	12 %
1085024	549	43 %	31 %	15 %
Average		61 %	13 %	19 %

Liquor License Map: BREAKFAST CLUB BILTMORE

2502 E CAMELBACK RD



Date: 5/3/2019





Liquor License - Flint

Request for a liquor license. Arizona State License Application 64176.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 12 - Restaurant

Location

2425 E. Camelback Road, Ste. 109-110

Zoning Classification: C-2 H-R SP CEPCSP

Council District: 6

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption. This business is currently being remodeled with plans to open in July 2019.

The 60-day limit for processing this application is July 5, 2019.

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

Other Active Liquor License Interest in Arizona

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

W Scottsdale (Series 6)
7277 E. Camelback Road, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Aloft Scottsdale (Series 11)
4415 N. Civic Center Plaza, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"All of our employees will be trained in responsible liquor training. Regular audits will be conducted to ensure they comply."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"We would like the ability to offer our patrons an adult beverage with their meal if they choose to have one."

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 - Flint
Liquor License Map - Flint

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: FLINT

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	5	2
Beer and Wine Bar	7	4	1
Liquor Store	9	4	0
Beer and Wine Store	10	7	1
Hotel	11	3	2
Restaurant	12	41	16

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	27.58	59.71	56.68
Violent Crimes	4.73	4.56	5.20

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

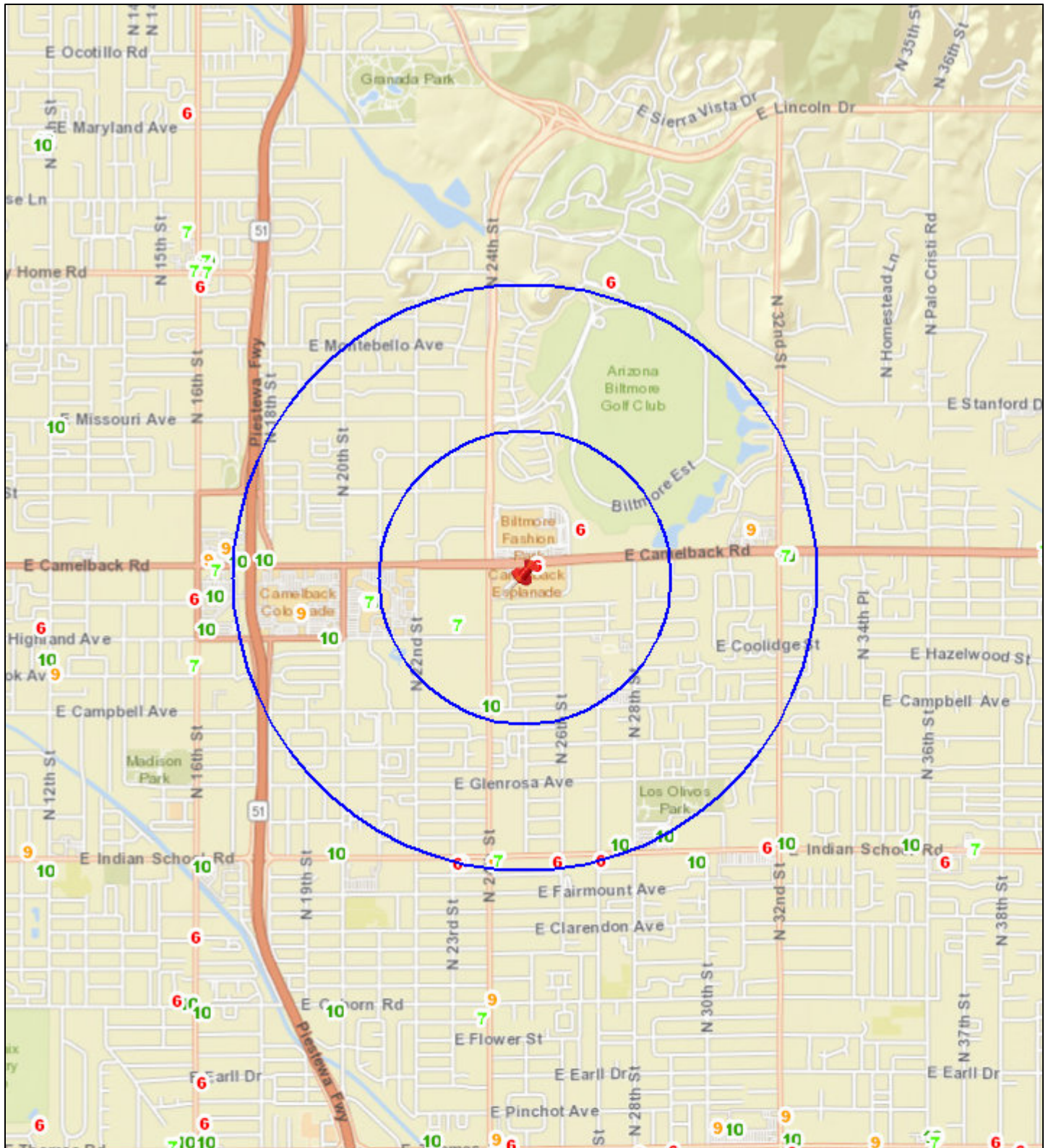
Description	Average	1/2 Mile Average
Parcels w/Violations	71	36
Total Violations	128	50

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1077002	738	57 %	10 %	8 %
1078002	1477	63 %	28 %	5 %
1084003	1071	34 %	8 %	40 %
1084004	1641	65 %	7 %	19 %
1084005	422	16 %	37 %	13 %
1085022	732	23 %	28 %	12 %
1085023	1475	42 %	20 %	7 %
1085024	549	43 %	31 %	15 %
Average		61 %	13 %	19 %

Liquor License Map: FLINT

2425 E CAMELBACK RD



Date: 5/7/2019

0 0.2 0.4 0.8 1.2 1.6 mi



Liquor License - Pointe Hilton Squaw Peak Resort

Request for a liquor license. Arizona State License Application 06070410.

Summary

Applicant

Camila Alarcon, Agent

License Type

Series 6 - Bar

Location

7677 N. 16th St.

Zoning Classification: C-2 PCD

Council District: 6

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

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

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

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations

on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Element Skysong Scottsdale (Series 11)
1345 N. Scottsdale Road, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant manages over 100 hotels properties across the United States and Canada. It has years of experience in the hospitality business and in alcohol regulation. Applicant is fully committed to upholding the highest standards with all applicable laws. All relevant staff will be fully trained in Title 4."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This application is for a Series 6 liquor license for the Pointe Hilton Squaw Peak Resort premises. The resort has served a demonstrative need in the community since the 1970s, and will continue to do so under new management."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Pointe Hilton Squaw Peak Resort
Liquor License Map - Pointe Hilton Squaw Peak Resort

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: POINTE HILTON SQUAW PEAK RESORT

Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	2	1
Beer and Wine Bar	7	2	1
Liquor Store	9	1	0
Beer and Wine Store	10	4	0
Restaurant	12	14	3
Club	14	2	1

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	26.92	25.95	39.38
Violent Crimes	4.61	2.49	2.22

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

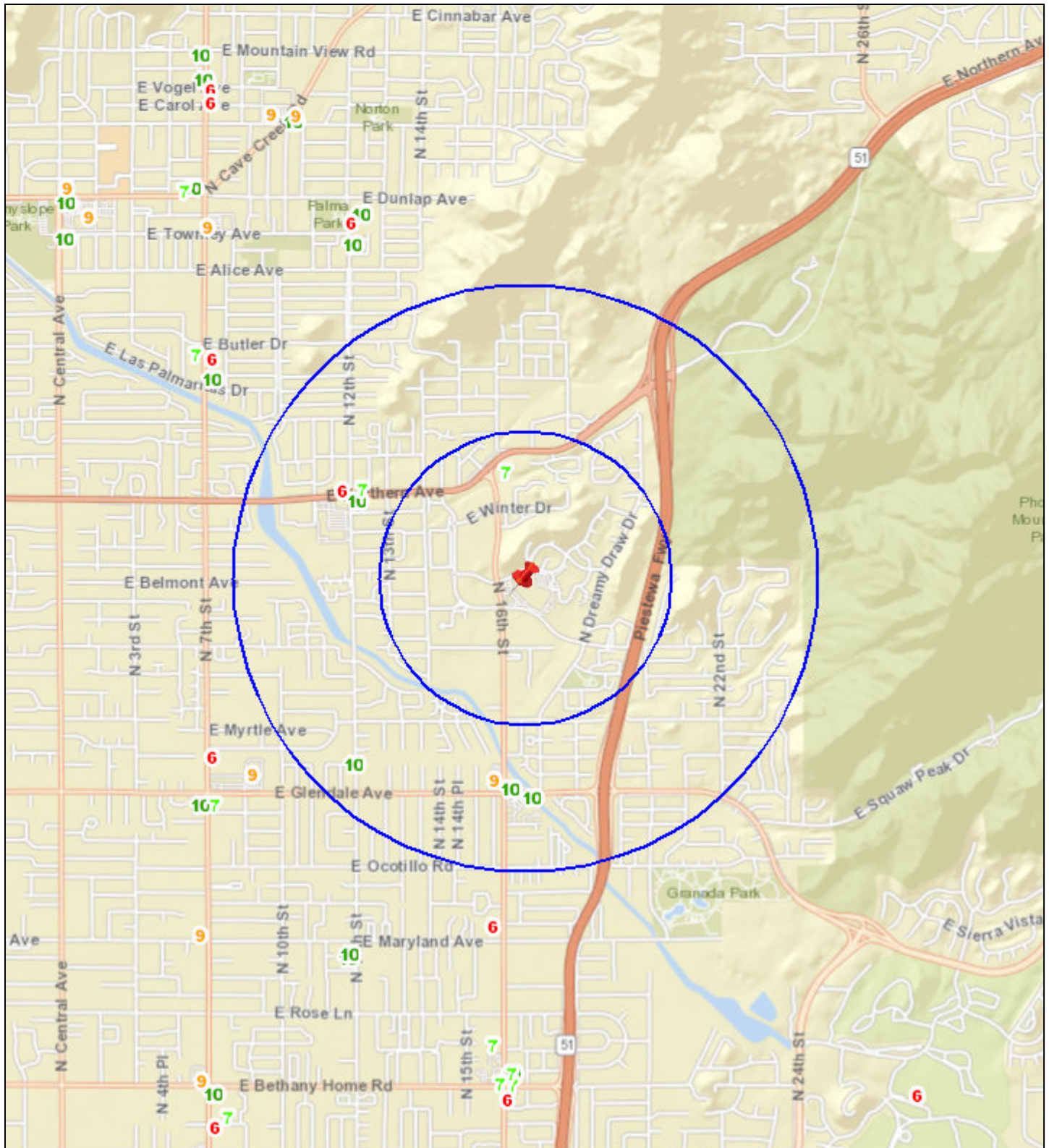
Description	Average	1/2 Mile Average
Parcels w/Violations	71	41
Total Violations	127	71

Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1051021	746	94 %	7 %	0 %
1051022	1655	87 %	8 %	3 %
1051023	1135	72 %	23 %	12 %
1051024	525	49 %	14 %	10 %
1052001	877	71 %	25 %	24 %
1052004	2577	44 %	5 %	15 %
1063001	867	51 %	40 %	17 %
1063002	1099	67 %	24 %	17 %
Average		61 %	13 %	19 %

Liquor License Map: POINTE HILTON SQUAW PEAK RESORT

7677 N 16TH ST



Date: 5/6/2019

0 0.2 0.4 0.8 1.2 1.6 mi



Liquor License - Boom Boom Room

Request for a liquor license. Arizona State License Application 06070678.

Summary

Applicant

Rasheda Worthy, Agent

License Type

Series 6 - Bar

Location

1501 W. Pierce St.

Zoning Classification: C-2

Council District: 7

This request is for an ownership and location transfer of a liquor license for a bar. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption when located within 500 feet of a residential district. This business is currently being remodeled with plans to open in September 2019.

The 60-day limit for processing this application was June 25, 2019. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

Two letters protesting and two letters supporting the issuance of this license have been received and are on file in the Office of the City Clerk. The protest letters are from local residents. They feel that there are sufficient liquor licenses in the area and adding another liquor license in a residential area will not benefit the community's quality of life. The support letters are from local residents. They feel that the opening of the bar will encourage other business activity in the area.

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 a resident of Phoenix, Arizona for 25 years. I am very comfortable and familiar w/ the diverse central phoenix community. I have been a business owner in various businesses in Phoenix including retail, community health and worked for COP Parks & Rec. I have a masters degree in social work & education in doctoral studies in public health. I have the resources and support of family and other business owners including liquor license owners."

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

"The Boom Boom Room will enhance the community bringing a safe culturally diverse social venue to a community w/ limited social gathering places. The Boom Boom Room will offer the community a place to dine, celebrate, host private events and gather near home."

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 - Boom Boom Room
Liquor License Map - Boom Boom Room

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: BOOM BOOM ROOM

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	3	1
Government	5	1	0
Bar	6	9	1
Beer and Wine Bar	7	4	0
Liquor Store	9	1	1
Beer and Wine Store	10	11	2
Restaurant	12	22	7
Club	14	1	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	27.58	55.70	53.82
Violent Crimes	4.73	18.36	22.82

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

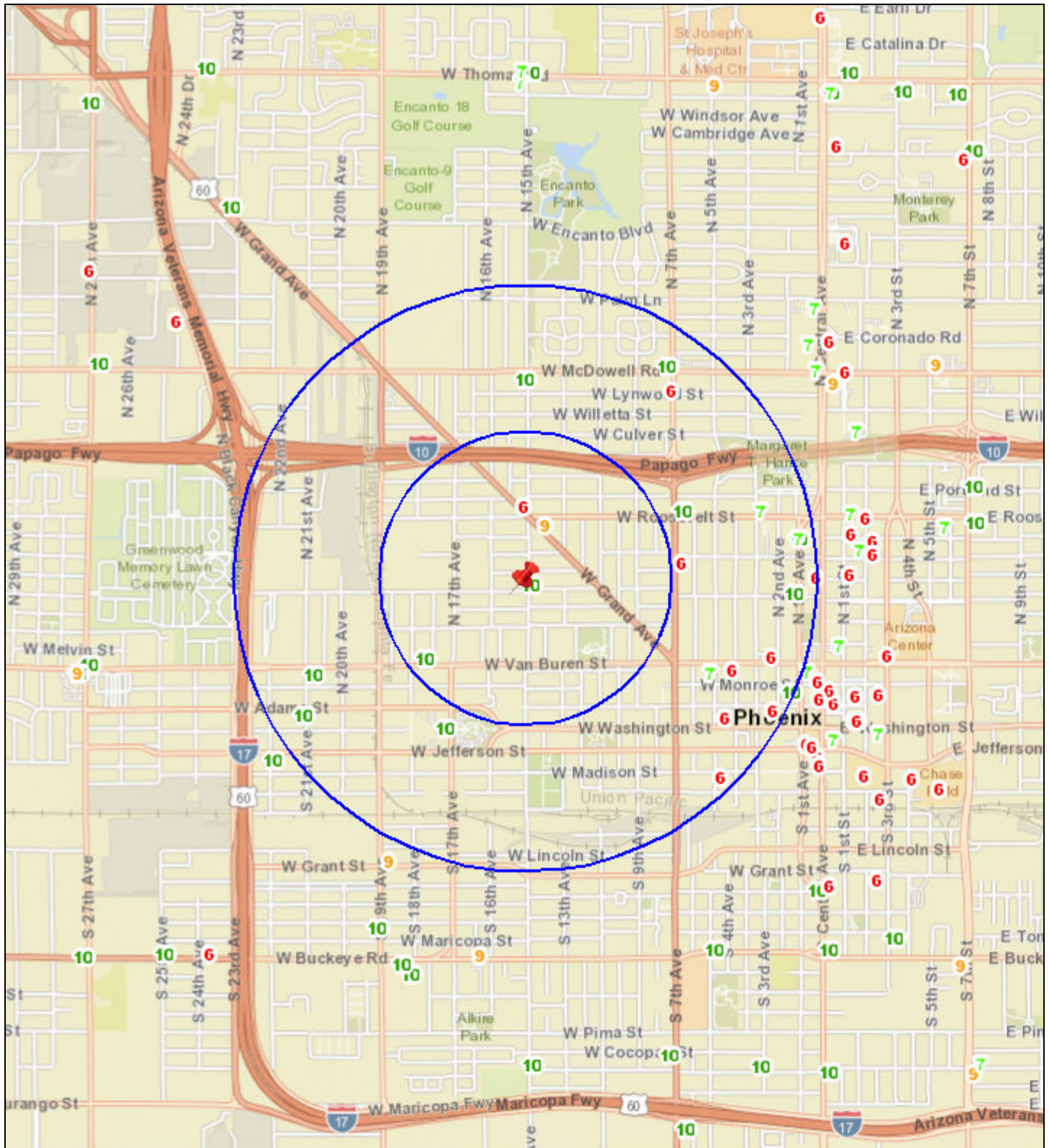
Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	72	270
Total Violations	130	687

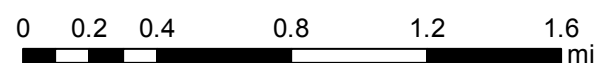
Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1129001	1670	70 %	4 %	19 %
1129002	815	37 %	22 %	24 %
1129003	1372	4 %	18 %	40 %
1129004	1325	47 %	24 %	52 %
1143011	1389	22 %	15 %	57 %
1168001	1178	33 %	22 %	40 %
Average		61 %	13 %	19 %

1501 W PIERCE ST



Date: 6/5/2019





Liquor License - Dressing Room

Request for a liquor license. Arizona State License Application 06070420.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 6 - Bar

Location

214 E. Roosevelt St.

Zoning Classification: DTC-West Evans Churchill

Council District: 7

This request is for an ownership and location transfer of a liquor license for a bar. This location is currently licensed for liquor sales with a Series 12 - Restaurant, liquor license. This location requires a Use Permit to allow a bar and outdoor liquor service as an accessory use to a bar.

The 60-day limit for processing this application is July 5, 2019.

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

Other Active Liquor License Interest in Arizona

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

Dressing Room (Series 12)
220 E. Roosevelt St., Phoenix
Calls for police service: 46
Liquor license violations: None

Larry (Series 12)
515 E. Grant St., 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:
"We have been operating under a Series 12 and have decided to purchase a Series 6."

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

"We would like to continue to offer our customer a place to come and enjoy a nice atmosphere and an adult beverage if they choose."

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 - Dressing Room
Liquor License Map - Dressing Room

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: DRESSING ROOM

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	2	1
Government	5	8	4
Bar	6	33	8
Beer and Wine Bar	7	15	8
Liquor Store	9	3	1
Beer and Wine Store	10	9	4
Hotel	11	5	2
Restaurant	12	91	34
Club	14	2	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	27.58	96.01	152.86
Violent Crimes	4.73	22.45	32.59

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

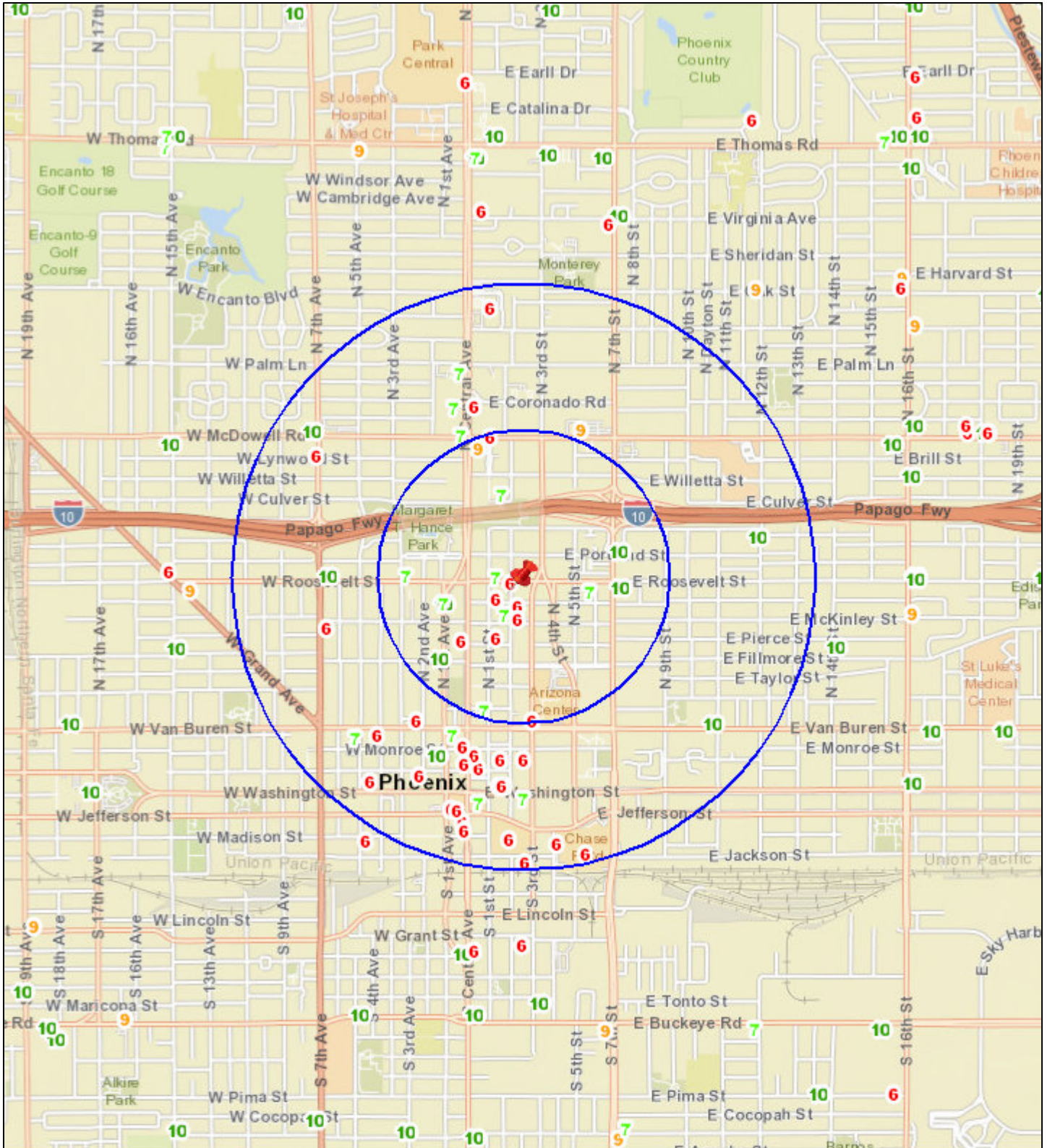
Description	Average	1/2 Mile Average
Parcels w/Violations	71	86
Total Violations	128	203

Census 2010 Data 1/2 Mile Radius

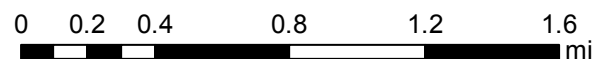
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1118004	671	62 %	6 %	6 %
1130001	1218	23 %	16 %	11 %
1130002	873	29 %	21 %	38 %
1131001	1015	7 %	8 %	28 %
1131002	1242	3 %	7 %	33 %
1132021	731	33 %	20 %	74 %
1132022	1257	47 %	29 %	55 %
1132031	1473	30 %	20 %	57 %
1132032	638	28 %	7 %	70 %
Average		61 %	13 %	19 %

Liquor License Map: DRESSING ROOM

214 E ROOSEVELT ST



Date: 5/7/2019





Liquor License - Fry's Food & Drug #88

Request for a liquor license. Arizona State License Application 07073626.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 7 - Beer and Wine Bar

Location

100 E. Jefferson St.

Zoning Classification: DTC - Business Core

Council District: 7

This request is for a new liquor license for a beer and wine bar. 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 August 2019.

The 60-day limit for processing this application is July 1, 2019.

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

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the

applicant in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Fry's owns and operates multiple licenses throughout Arizona and other states. We send our staff through training."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location will have all the amenities of a typical Fry's, including it's online ordering and pick-up system, made to order sushi and deli. This is the first Fry's store in a downtown environment that will really have an urban feel."

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 - Frys Food & Drug #88

Liquor License Map - Frys Food & Drug #88

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: FRYS FOOD & DRUG #88

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	3	1
Wholesaler	4	1	0
Government	5	8	5
Bar	6	32	25
Beer and Wine Bar	7	12	4
Liquor Store	9	2	1
Beer and Wine Store	10	11	2
Hotel	11	5	4
Restaurant	12	80	44
Club	14	3	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	27.58	81.68	91.40
Violent Crimes	4.73	24.81	23.56

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

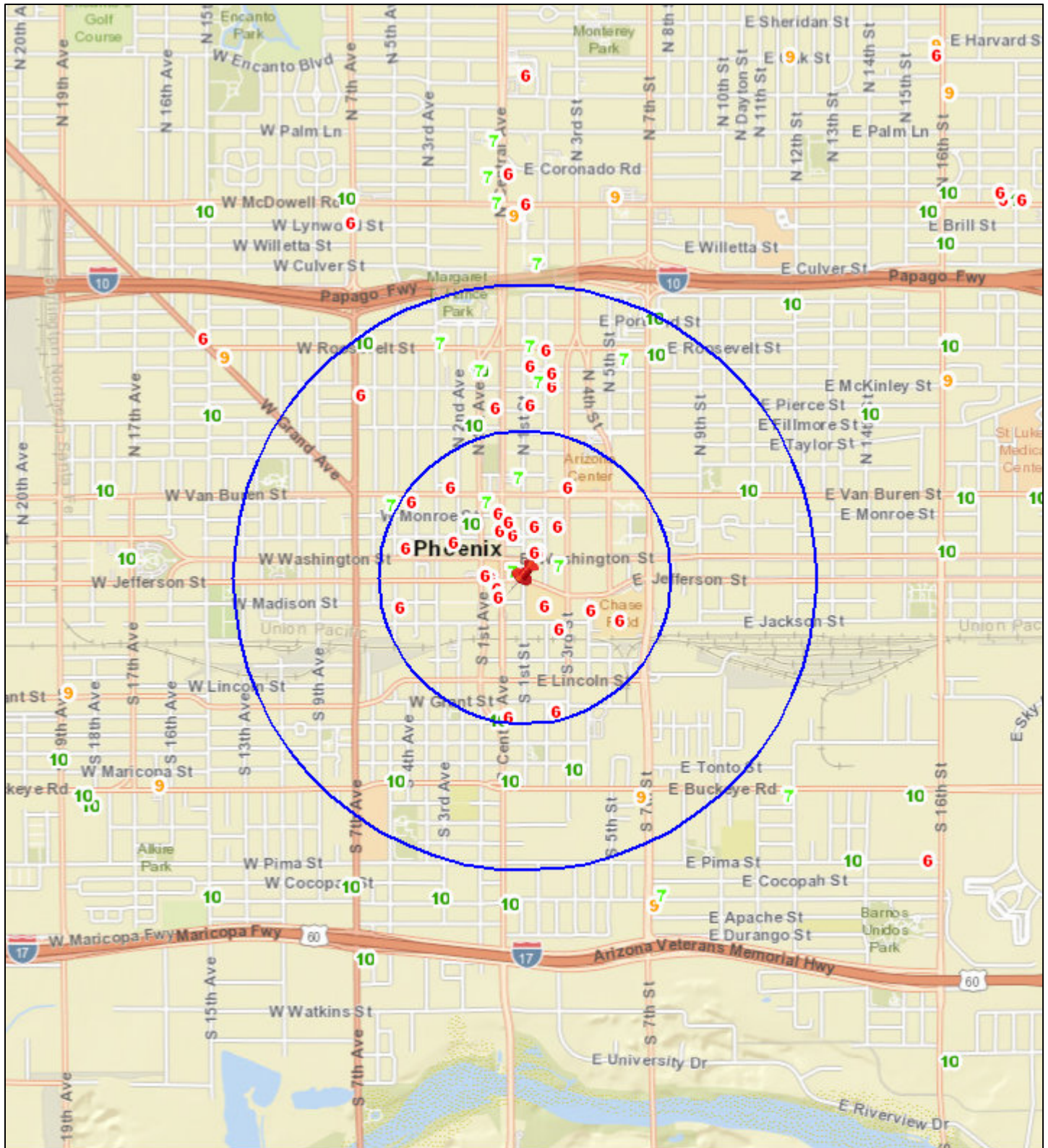
Description	Average	1/2 Mile Average
Parcels w/Violations	72	39
Total Violations	130	67

Census 2010 Data 1/2 Mile Radius

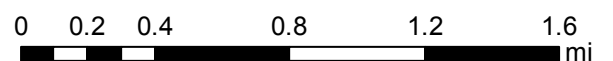
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1131001	1015	7 %	8 %	28 %
1131002	1242	3 %	7 %	33 %
1140001	1831	25 %	20 %	47 %
1140002	78	77 %	0 %	32 %
1141001	2299	16 %	37 %	44 %
1142001	1321	36 %	22 %	50 %
Average		61 %	13 %	19 %

Liquor License Map: FRY'S FOOD & DRUG #88

100 E JEFFERSON ST



Date: 5/6/2019





Liquor License - Fry's Food & Drug #88

Request for a liquor license. Arizona State License Application 09070315 & 09070315S.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 9 & 9S - Liquor Store with Sampling Privileges

Location

100 E. Jefferson St.

Zoning Classification: DTC - Business Core

Council District: 7

This request is for a location transfer of a liquor license for a liquor store with sampling privileges. 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 August 2019.

The 60-day limit for processing this application is July 1, 2019.

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

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Fry's owns and operates multiple licenses throughout Arizona and other states. We send our staff through training."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location will have all the amenities of a typical Fry's, including it's online ordering and pick-up system, made to order sushi and deli. This is the first Fry's store in a downtown environment that will really have an urban feel."

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 - Frys Food & Drug #88

Liquor License Map - Frys Food & Drug #88

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: FRYS FOOD & DRUG #88

Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	3	1
Wholesaler	4	1	0
Government	5	8	5
Bar	6	32	25
Beer and Wine Bar	7	12	4
Liquor Store	9	2	1
Beer and Wine Store	10	11	2
Hotel	11	5	4
Restaurant	12	80	44
Club	14	3	0

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	27.58	81.68	91.40
Violent Crimes	4.73	24.81	23.56

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

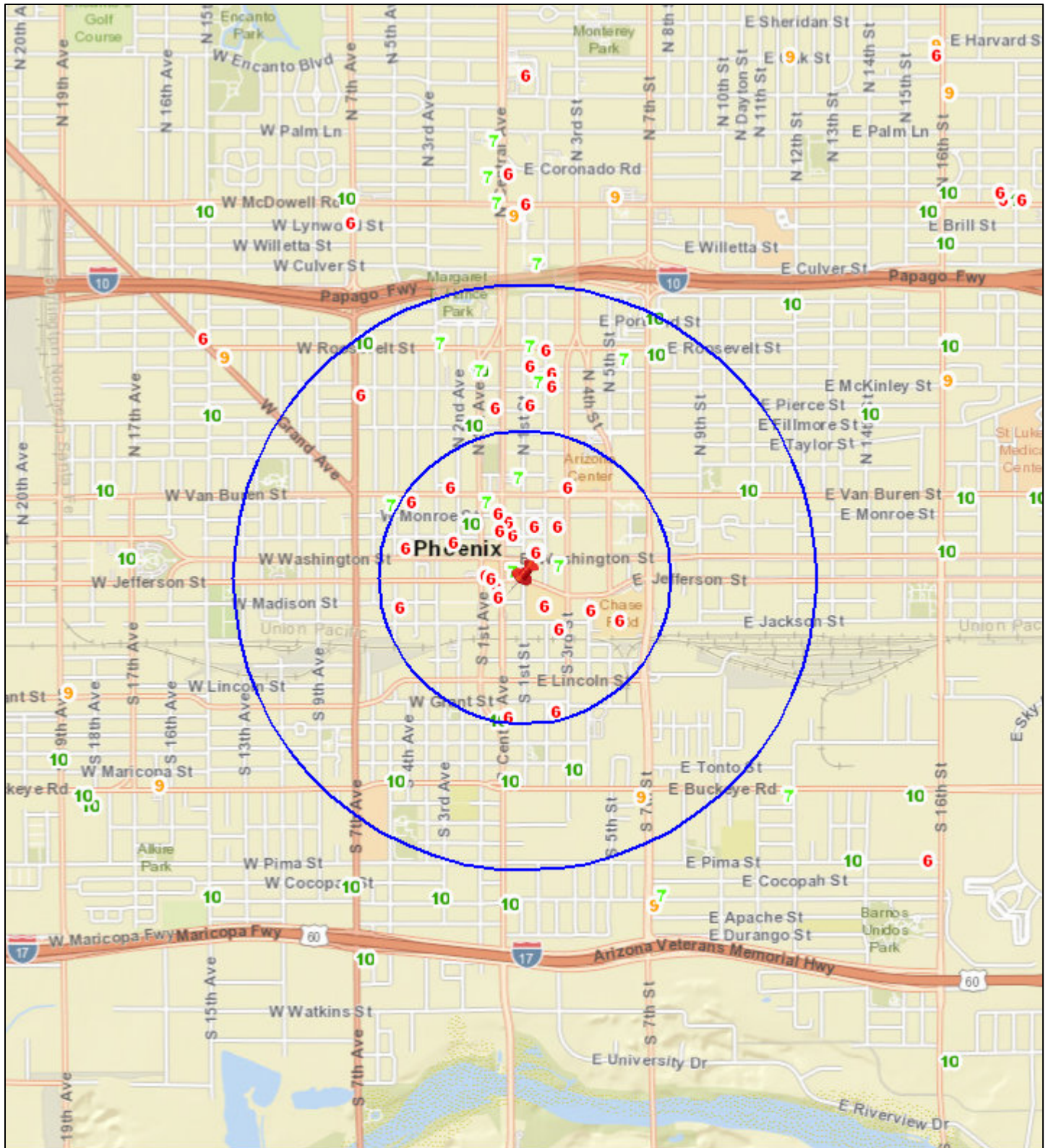
Description	Average	1/2 Mile Average
Parcels w/Violations	72	39
Total Violations	130	67

Census 2010 Data 1/2 Mile Radius

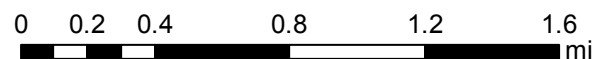
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1131001	1015	7 %	8 %	28 %
1131002	1242	3 %	7 %	33 %
1140001	1831	25 %	20 %	47 %
1140002	78	77 %	0 %	32 %
1141001	2299	16 %	37 %	44 %
1142001	1321	36 %	22 %	50 %
Average		61 %	13 %	19 %

Liquor License Map: FRY'S FOOD & DRUG #88

100 E JEFFERSON ST



Date: 5/7/2019





Liquor License - MC Mini Mart

Request for a liquor license. Arizona State License Application 63363.

Summary

Applicant

Mark Dinkha, Agent

License Type

Series 10 - Beer and Wine Store

Location

2720 W. Indian School Road

Zoning Classification: DTC - Downtown Gateway

Council District: 4

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

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

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I hold a certificate for "The Basic Liquor Law Training". This training provided me the opportunity of learning the importance and significance of obtaining a beer and wine license. I am assured to uphold the laws and regulations about beer and wine license."

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

"This store will provide a safe and secure place for the neighborhood to buy beer and wine. The location will be convenient for the people in neighborhood who may not have access to transportation. Adding the long time experience of the owner with running a store while upholding all the laws and regulations, the store will be a safe, secure and convenience place for the customers to purchase quality liquor."

Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on the applicant's criminal history, failure to obey State laws and potential hidden ownership. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments

Liquor License Data - MC Mini Mart

Liquor License Map - MC Mini Mart

Liquor License Police Department Recommendation - MC Mini Mart

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk Department.

Liquor License Data: MC MINI MART

Liquor License

Description	Series	1 Mile	1/2 Mile
Wholesaler	4	1	1
Bar	6	4	0
Beer and Wine Bar	7	1	0
Liquor Store	9	5	1
Beer and Wine Store	10	16	5
Restaurant	12	4	2

Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	26.92	92.86	103.82
Violent Crimes	4.61	31.36	44.16

*Citywide average per square mile **Average per square mile within 1 mile radius ***Average per square mile within 1/2 mile radius

Property Violation Data

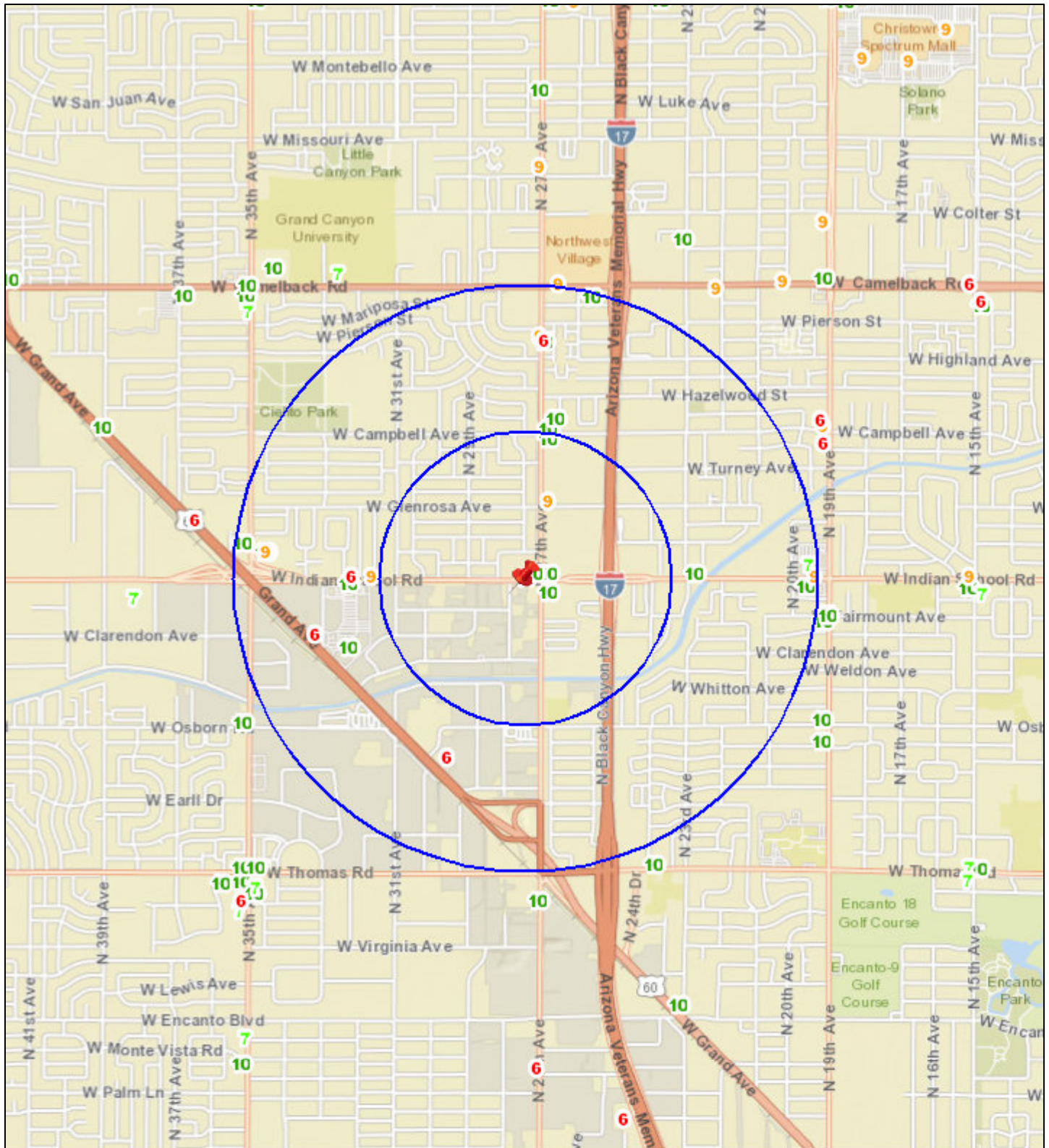
Description	Average	1/2 Mile Average
Parcels w/Violations	72	132
Total Violations	128	244

Census 2010 Data 1/2 Mile Radius

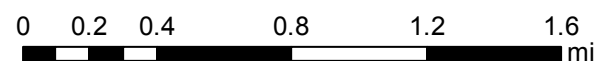
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1090011	1552	19 %	22 %	42 %
1090012	3369	0 %	11 %	59 %
1090033	1600	22 %	13 %	68 %
1090034	583	5 %	26 %	49 %
1091012	2067	85 %	10 %	30 %
1091022	2966	78 %	14 %	50 %
1091023	1085	28 %	19 %	21 %
1169001	2535	66 %	12 %	50 %
1170002	1845	32 %	9 %	34 %
Average		61 %	13 %	19 %

Liquor License Map: MC MINI MART

2720 W INDIAN SCHOOL RD



Date: 4/30/2019



Police Department Liquor License Disapproval Recommendation

Application Information

Business Name	MC MINI MART	District	4
Business Location	2720 West Indian School Road		
Applicant Names	Mark Dinkha	Series Type	10

The Police Department recommends disapproval of this liquor license application for the following reasons:

Mr. Mark Dinkha in accordance with Arizona Revised Statute 4-203.A is not capable, qualified and reliable to own and operate a Series 10 liquor license due to his criminal history, capability to obey State laws and failure to provide documentation related to his funding source.

According to Mr. Dinkha's previous state liquor application he responded "no" to question #14 "have you ever been cited, arrested, indicted, convicted or summoned into court for violation of any criminal law or ordinance, regardless of the disposition, even if dismissed or expunged within the past five years". Arizona Supreme court records revealed that Mr. Dinkha was arrested on 4/15/17 for Criminal Trespassing, Assault and Disorderly Conduct in the City of Scottsdale. Mr. Dinkha, on 6/2/17 pleaded guilty to the charge of Disorderly Conduct. In addition, Mr. Dinkha was cited on 3/19/19 by the City of Surprise for operating a vehicle without a hands-free device.

Only after being observed omitting this on his previous application and being directed to comply did Mr. Dinkha disclose his criminal history on his current application. It is of great concern since the violation involved the consumption of alcohol and an act of violence "fighting".

This license, if granted, would make him responsible for operating a liquor related business within the confines of the law. Mr. Dinkha also indicated on his state application that he has yet to take the required Title 4 liquor training, even though he has been in the process of applying for months.

In addition to Mr. Dinkha's criminal history, there is the concern whether he and his employees would operate the business in accordance with all State and City laws. On 5/8/19 Detective Gokool, Officer Zigler and Officer Carnahan visited the store to speak with Mr. Dinkha reference his new liquor application. At that time, they observed several sexual materials (magazines and CDs) displayed in the center of the front store shelf. There was no cover on the material and it was in full view from the candy isle.

In accordance with Arizona Revised Statute **13-3507. Public display of sexual materials; classification; definitions:**

- A. It is unlawful for any person knowingly to place explicit material upon public display, or knowingly to fail to take prompt action to remove such a display from property in his possession or under his control after learning of its existence.*
- B. A person who violates any provision of this section is guilty of a class 6 felony.*

Mr. Dinka was not present, but his brother Christopher Dinkha was operating the store and stated that he was the temporary manager in his brother's absence. Det. Gokool stated that

LIQUOR LICENSE DISAPPROVAL FORM

Police Department Liquor License Disapproval Recommendation

Application Information

Business Name	MC MINI MART	District	4
Business Location	2720 West Indian School Road		
Applicant Names	Mark Dinkha	Series Type	10

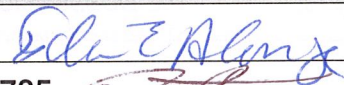
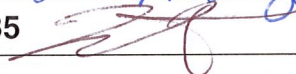
each time he has visited, the owner was not available, but that Christopher Dinkha has been there. The brother has not been disclosed as a manager on the application nor has he attended Title 4 training.

Det. Gokool told Christopher Dinkha that it was illegal to display the magazines in public and it was a class 6 felony offense. Christopher Dinkha then stated that he was unaware and moved the material just one shelf down. He was told again that the material was still visible to the public. It is the applicant, Mr. Dinkha's, responsibility that he and all his employees comply with all laws. Failure to do so would put the community at risk.

As it relates to Mr. Dinkha's financial disclosure he stated on his City of Phoenix Questionnaire that he paid \$47,000.00 for the business, including start-up fees. Mr. Dinkha stated on the questionnaire that the funding source was his parents. Mr. Dinkha was asked a second time to provide banks statements, tax statements and written documentation of the \$47,000.00 gift he received from his parents. Mr. Dinkha failed to provide any of the requested documentation, and therefore the possibility of hidden ownership may exist.

Due to the above listed facts it is the belief of the Phoenix Police Department that Mr. Mark Dinkha is not capable, qualified and reliable to own and operate a Series 10 liquor license.

This recommendation for disapproval is submitted by: Det. R. Gokool 7605

SIGNATURES	
Administrative Licensing Investigator	I. Alonge A4289 
Liquor Enforcement Detail Supervisor	Sgt. Mark Doty 5785 



PAYMENT ORDINANCE (Ordinance S-45845) (Items 13-43)

13 Test Equipment Distributors doing business as InnerVision Security

For \$90,000.00 in payment authority for a one-time purchase of a NOVO Portable X-Ray Machine for the Aviation Department. The NOVO Portable X-Ray Machine will support the Transportation Security Administration operations with the inspection of unidentified and/or suspicious items and to enhance the security level at Phoenix Sky Harbor International Airport.

14 Tata Consultancy Services Limited

For \$413,214.00 in additional payment authority for Contract 122332 for required software support and maintenance services for the Finance Department. The Tax Mantra system holds historical taxpayer information used by the Tax Division in Finance for research and reporting. The City Clerk Department relies on Tax Mantra to manage all regulatory license services for citizens and businesses. The additional funds are required to extend the Tax Mantra system software services for three years until the KIVA replacement system is implemented.

15 SAP Public Services, Inc. - Annual Payment Authority

For \$2,500,000.00 in annual payment authority for Contract 75108 for SAP support and maintenance services for the Finance Department. This will provide continued support and maintenance of the citywide financial and procurement system through June 30, 2020, including ongoing and additional licensing as needed for system users.

16 Ottosen Propeller & Accessories, Inc.

For \$16,167.00 in payment authority for propeller overhaul repairs for the Police Department, Air Support Unit. Propeller overhauls are an essential part of maintaining the safety and performance of the aircraft. The inspection and overhaul of the Cessna P210 propeller is necessary along

with the electric boots and deicer lead wires on installation. The propeller is among the most highly stressed components on an aircraft and the Federal Aviation Administration regulations require preventative maintenance in addition to complying with the manufacturer's regular overhaul schedule.

17 Pinnacle Actuarial Resources, Inc

For \$9,000.00 in additional payment authority for Contract 140674 for actuarial services to determine financial impacts related to the Workers Compensation and Self Insurance Funds. Additional payment authority is requested for additional, unanticipated actuarial studies.

18 Motorola Solutions, Inc.

For \$18,000.00 in payment authority for Motorola Solutions, Inc. to provide support and preventative maintenance for the City's Fixed Network Equipment (FNE) for the Regional Wireless Cooperative. Certified Motorola field service technicians will perform hands-on examinations and diagnostics of network equipment and components on a routine and prescribed basis. Support will also include operational tests, repairs, and software updates to the key management facility infrastructure to facilitate compatibility and functionality with the City's FNE.

19 Envision, LLC

For \$180,000.00 in additional payment authority for Contract 142571 for PeopleSoft application development services for the Human Resources and Information Technology Services departments. The City utilizes the PeopleSoft Human Capital Management application for the management of Citywide Human Resources functions including recruitment, performance management and payroll. Previous funding was granted for the implementation of the employee on-boarding process and development and implementation of the employee total compensation strategies. Additional funds are needed for a new project to create dashboards and reporting functions for the new vehicle accident reporting program, which is one of the recommendations the City Manager's Driver Education and Discipline Review Committee, as well as design and development tasks for eCHRIS PeopleSoft. This new reporting module will track vehicle accident cost and claims and provide other tracking data

that currently is not available.

20 Ghormley Design & Consulting, LLC

For \$25,000.00 in payment authority to purchase graphic design services to update the City's Graphic Standards Manual for the Communications Office. The Manual provides guidance on the proper use of the City's copyrighted logo and design requirements for City departments and outside partners for street signage, uniforms, printed material and forms that protect the City's logo. The City will work with the original designer of the copyrighted logo to update the Manual, which has not been revised since 1992. The Manual will be revised to include updated guidelines for fleet vehicles and signage for the City's current website, social media platforms and how the logo can be appropriately used by third parties while protecting the City's trademark and copyright.

21 Hunter Contracting Co.

For \$550,000.00 in additional payment authority for Contract 140324 for Change Order 3, Project WS85200010-1 for the Verde Water Treatment Plant facilities demolition and site restoration for the Water Services Department. The project was delayed while the City negotiated with the Fort McDowell Yavapai Nation for approval to access a road they own to haul demolition debris. The City of Phoenix and the Yavapai Nation recently signed an agreement for use of the road. The additional funding is needed to address costs associated with the extended construction change schedule.

22 Arizona Public Service Company

For \$95,000.00 in payment authority for electrical construction services on 27th Avenue, Lower Buckeye Road to Buckeye Road for roadway widening Project No. ST8510034 for the Street Transportation Department. Work includes relocating above-ground electrical poles and conduits to below-ground electrical poles and conduits along 27th Avenue between Durango Street to Buckeye Road.

23 City of Glendale - Annual Payment Authority

For \$77,000.00 in payment authority for Intergovernmental Agreements 114154 and 114155 to provide water service to the area of Arizona State Route 101 and 51st Avenue located within the boundaries of the city of

Phoenix but outside the City's water distribution system, for the Water Services Department.

24 Solar Star Arizona III, LLC

For \$1,350,000.00 in payment authority for Contract 132993 to provide solar power services to the Lake Pleasant Water Treatment Plant for the Water Services Department. The 7.5 megawatt solar facility produces approximately 75 percent of the Plant's power needs.

25 Empire Pump Corp doing business as Duncan Pump

For \$50,000.00 in additional payment authority for Contract 143856 for groundwater well cleaning disinfection services for the Water Services Department. The service is required to clean and disinfect groundwater wells as needed so they operate efficiently, effectively and within regulatory requirements to maintain groundwater quality. Due to the advanced age of several groundwater wells and the increase in bacteria entering the groundwater wells, additional payment authority is needed for additional cleanings.

26 Arizona Blue Stake, Inc., doing business as Arizona 811

For \$120,000.00 in payment authority to continue pre-excavation notification services for underground utilities in Fiscal Year 2019-20 for the Water Services Department (WSD). The contractor works with professional excavators and homeowners throughout Arizona to notify WSD Utility Locating staff of excavations near WSD underground utilities. WSD staff responds to notices by locating infrastructure and marking the street to prevent possible damage to the underground infrastructure.

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

For \$300,000.00 in payment authority for Contract 63846 for Fiscal Year 2019-20 for annual operation and maintenance costs for the Granite Reef Underground Storage Project (GRUSP) for the Water Services Department. GRUSP operates under an Intergovernmental Agreement between SRP and the cities of Chandler, Gilbert, Phoenix, Mesa, Scottsdale, and Tempe. Phoenix owns 25.755 percent of the underground water storage capacity of GRUSP and pays its proportional share of GRUSP costs.

28 Roosevelt Irrigation District

For \$1,025,000.00 in payment authority for Fiscal Year 2019-20 water rights settlement claim costs for Contract 54170, for the Water Services Department (WSD). In 1998, the City of Phoenix entered into a comprehensive settlement agreement with Salt River Pima Maricopa Indian Community (SRPMIC), and others, to settle SRPMIC water rights claims. Part of that settlement included an ongoing three-way water exchange among the City of Phoenix, Salt River Project and the Roosevelt Irrigation District. WSD is responsible to pay a portion of costs associated with the ongoing annual exchange.

29 Salt River Valley Water Users' Association

For \$120,000.00 in payment authority for Agreement 107647 for delivery, ordering, accounting and reporting of the Peninsula - Horowitz Water Entitlement for Fiscal Year 2019-20 for the Water Services Department. Peninsula, Horowitz, and Champion Irrigation Districts are located in the southwest portion of the city of Phoenix and are in the initial stages of conversion from farm land to urban usage. Under this agreement, the City receives water from the Salt River Valley Water Users' Association, treats it, and delivers it to urban customers within these irrigation districts.

30 Salt River Valley Water Users' Association

For \$400,000.00 in payment authority for Contract 59580 for the Water Transportation Agreement to transfer water from the Salt River Valley Water Users' Association (Association) to the City and for Salt and Verde Rivers water delivery pursuant to water rights held by the City for Fiscal Year 2019-20 for the Water Services Department (WSD). WSD treats and delivers water for lands within the Salt River Reservoir District which have rights to the water stored and developed by the Association.

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

For \$224,000.00 in payment authority for Contract 53453 for operation and maintenance of the Central Arizona Project Salt River Project interconnection facility for the Water Services Department. This Intergovernmental Agreement between the Salt River Valley Water Users' Association, the Salt River Project Agricultural Improvement and Power

District, cities of Chandler, Gilbert, Glendale, Mesa, Peoria, Phoenix, Scottsdale, and Tempe allows the City of Phoenix to transport water from the Central Arizona Project aqueduct to the Granite Reef Dam. The Water Services Department is responsible for 38.425 percent of the operating and maintenance expenses for Fiscal Year 2019-20.

32 Salt River Valley Water Users' Association

For \$4,000,000.00 in payment authority for Contract 100353 for water delivery and use agreement with the Salt River Valley Water Users' Association (Association) to provide wholesale water for resale by the Water Services Department within the Salt River Reservoir District for Fiscal Year 2019-20. The water delivered to the City by the Association from the Salt and Verde Rivers represents approximately 60 percent of the City's water supply.

33 Central Arizona Water Conservation District doing business as Central Arizona Project

For \$35,176,065.00 in payment authority for Contract 132409 for Fiscal Year 2019-20 for delivery of Colorado River water to the City of Phoenix for the Water Services Department. This agreement provides irrigation, municipal, and industrial water to the Phoenix service area.

34 State of Arizona doing business as Arizona Department of Water Resources

For \$23,500.00 in payment authority for Fiscal Year 2019-20 to pay fees associated with water storage permit applications, groundwater withdrawal, groundwater production, long-term storage credit recovery and dewatering for the Water Services and the Parks and Recreation departments. To responsibly manage the water portfolio for current use and future generations, it is necessary to have available funds to legally withdraw additional groundwater and to apply for water storage permits to prepare for potential shortage.

35 Arizona Municipal Water Users Association - Annual Payment Authorization

For \$457,493.00 in payment authority for membership renewal to the Arizona Municipal Water Users Association (AMWUA) for the Water Services Department. AMWUA supports the development of urban water

policy and works collaboratively with water stakeholders to devise practical solutions to water problems to ensure sustainable growth for Arizona. This membership was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

36 Association of Metropolitan Water Agencies - Annual Payment Authorization

For \$11,118.00 in payment authority for membership renewal to the Association of Metropolitan Water Agencies for the Water Services Department. The Association of Metropolitan Water Agencies conducts financial surveys across the major utilities in the country which allows Water Services to benchmark its performance on various issues. The Association also advocates at the federal level for the use of science-based drinking water quality standards. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

37 American Water Works Association - Annual Payment Authorization

For \$21,052.00 in payment authority for membership renewal to the American Water Works Association for the Water Services Department. American Water Works Association develops most of the standards and specifications used in the drinking water industry. Membership allows access to these standards, as well as current water industry research reports, professional training opportunities, public outreach efforts, access to a network of industry leaders, and ongoing updates regarding regulatory issues. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

38 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 (NACWA) for the Water Services Department. NACWA 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 national 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 Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

39 Rural Water Association of Arizona

For \$15,000.00 in payment authority for membership renewal to the Rural Water Association of Arizona (RWAA) for the Water Services Department. RWAA will provide operators of the department's water and wastewater systems with operator certification trainings. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

40 WaterReuse Association - Annual Payment Authority

For \$11,000.00 in payment authority for membership renewal to the WaterReuse Association for the Water Services Department. Participation in the WaterReuse Association allows Water Services access to a variety of research and information addressing drinking water, wastewater, water reclamation, watershed quality, and storm water issues. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

41 Water Research Foundation - Annual Payment Authority

For \$256,057.00 in payment authority for membership renewal to the Water Research Foundation for the Water Services Department. The Water Research Foundation sponsors research to assist water utilities in providing safe and affordable drinking water. Membership in this organization allows Water Services staff access to the latest research and technical information used to address drinking water, wastewater, and water reclamation issues. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

42 Western Urban Water Coalition - Annual Payment Authority

For \$35,000.00 in payment authority for membership renewal to the Western Urban Water Coalition (WUWC) for the Water Services Department. The WUWC is an organization of the western United States' largest urban water utilities. It helps secure sound national water policies,

programs, and regulations impacting the unique challenges facing urban water supplies in the West. This item was approved by the Water, Wastewater, Infrastructure and Sustainability Subcommittee on June 5, 2019.

43 Various Vendors to Provide for Legal Services for the City of Phoenix

For \$516,000.00 in additional payment authority for outside legal counsel during Fiscal Year 2017-19 for the Law Department. Additional funds are needed due to an increase in unusual, complex number of cases, including cases that went to trial.



Annual Expenditure Limitation Report Designee to the Arizona Auditor General (Resolution 21761)

Request City Council approval to designate Chief Financial Officer (CFO) Denise M. Olson to annually submit the Annual Expenditure Limitation Report (AELR) to the Arizona Auditor General each year.

Summary

Request City Council adoption of a resolution granting approval to officially designate CFO, Denise M. Olson of the City of Phoenix, to annually submit the AELR.

Arizona Revised Statutes 41-1279.07(E) was revised in August 2018 to require each county, city, town and community college district to annually provide to the Auditor General by July 31, the name of the CFO the governing board designates to submit the current year's AELR and certify to the accuracy of the report.

Responsible Department

This item is submitted by City Manager Ed Zuercher and the Finance Department.



Traffic Paint - Requirements Contract - IFB 19-139 (Ordinance S-45875)

Request to authorize the City Manager, or his designee, to enter into a contract with Ennis-Flint, Inc. to purchase high build and fast dry traffic paint for the Street Transportation Department in an amount not to exceed \$6,460,337. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Street Transportation Department Signing and Striping Section uses high build and fast dry paint that meets the Manual on Uniform Traffic Control Devices (MUTCD) specifications. The high build and fast dry paint will be used to install and maintain traffic lane stripes or street markings on public roadways which include lane lines, turn pockets, bike lanes and stencils throughout the city. In addition to standard white and yellow paint, this contract will also include colored paint for specialized applications.

Procurement Information

Invitation for Bid IFB 19-139 was conducted in accordance with Administrative Regulation 3.10. One offer was received by the Finance Department Procurement Division on May 24, 2019. The offer submitted by Ennis-Flint, Inc. was evaluated based on price, responsiveness to specifications and responsibility to provide the required goods and/or services. The notice of bid was sent to 134 registered vendors and was publicly posted and available for download on the City website. The price offered was determined to be fair and reasonable based on a comparison with previous contracts. The Deputy Finance Director recommends that the contract with Ennis-Flint, Inc. be accepted.

Contract Term

The five-year contract term will begin on or about Sept. 15, 2019.

Financial Impact

The aggregate contract value will not exceed \$6,460,337. Funds are available in the Street Transportation Department's capital and operating budgets.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.



Arizona Uniform & Apparel Non-Safety Uniform Items (Ordinance S-45847)

Request to authorize the City Manager, or his designee, to add additional funds to Arizona Uniform & Apparel Contract (140152) in the amount of \$150,000 to provide uniforms for the Parks and Recreation Department. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The contract with Arizona Uniform & Apparel is a Citywide contract utilized by multiple City departments. Currently, there is approximately \$41,000 remaining on the Citywide contract, which does not expire until February 2020. The Parks and Recreation Department is requesting to add additional funds to the contract to provide annual replacement uniforms for maintenance staff. The current Citywide contract balance of \$41,000 is insufficient to cover the Parks and Recreation Department's need through February 2020.

Financial Impact

The request of \$150,000 is for the period ending Feb. 27, 2020. Funds are available in the Parks and Recreation Department's budget.

Concurrence/Previous Council Action

This contract is a result of IFB 15-027, Ordinance S-41459, adopted at the Feb. 18, 2015 Formal Council meeting.

Responsible Department

This item is submitted by City Manager Ed Zuercher, Acting Deputy City Manager Toni Maccarone, and the Finance and Parks and Recreation departments.



Acquisition of Real Property for Mandan Street Flood Mitigation Project (Ordinance S-45848)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests required for the Mandan Street Flood Mitigation Project by donation, purchase within the City's appraised value, or by the power of eminent domain. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City, in partnership with the Flood Control District of Maricopa County (FCDMC), is undertaking the Mandan Street Flood Mitigation Project to alleviate flooding problems impacting the nearby Ahwatukee neighborhood. The project area is located at the base of the South Mountain Park and Preserve, within the vicinity of the Mandan Street and Sacaton Street intersection. Chapter 26, Section 3(c) of the City Charter permits flood control facilities within a City Mountain Preserve Area. FCDMC has worked with the Street Transportation and Parks and Recreation departments to reach a design solution to lessen the effect of flooding while minimizing negative impacts to South Mountain Park and Preserve. The Parks and Recreation Board approved the project on April 26, 2016, and the current design on April, 26, 2018. Acquisition of real property rights from private property owners are necessary for the construction of permanent infrastructure improvements.

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

Financial Impact

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

Concurrence/Previous Council Action

- An Intergovernmental Agreement (IGA) with the FCDMC for this project was recommended for approval at the Transportation and Infrastructure Subcommittee on May 9, 2017, by a vote of 4-0.
- City Council adopted Ordinance S-43645 on June 21, 2017, authorizing the IGA with FCDMC for this project.

Location

Vicinity of Mandan and Sacaton streets

Council District: 6

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.

Attachment A
Property Identification

City of Phoenix Street Improvement Project: ST83120058 – Mandan Street Flood Mitigation Project

The following improved and/or unimproved parcels affected by acquisition and included in this request are identified by the Maricopa County Assessor's parcel number (APN) and the address or location.

APN	Address / Location
301-55-155	11602 S. Mandan St.
301-55-156	11464 S. Mandan St.
301-55-157	11460 S. Mandan St.
301-55-158	11454 S. Mandan St.
301-55-159	11448 S. Mandan St.
301-55-160	11444 S. Mandan St.
301-55-168	11244 S. Mandan St.
301-55-169	11238 S. Mandan St.
301-55-170	11232 S. Mandan St.
301-55-171	11228 S. Mandan St.
301-55-725F	11820 S. Warner Elliot Loop
301-55-950	11820 S. Warner Elliot Loop
301-56-260	11601 S. Appaloosa Drive
301-56-261	3926 E. Bronco Trail



Acquisition of Real Property For a Sidewalk Improvement Project Along Van Buren Street at 3rd and 5th Avenues (Ordinance S-45852)

Request to authorize the City Manager, or designee, to acquire all real property and related property interests required for a sidewalk improvement project by donation, purchase within the City's appraised value, or by the power of eminent domain. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The acquisitions are required to expand and upgrade the existing sidewalks to accommodate new traffic control equipment and to meet Americans with Disabilities Act (ADA) requirements. Improvements will be constructed at the northeast corner of Van Buren Street and 3rd Avenue and the southeast corner of Van Buren Street and 5th Avenue.

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

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program using Arizona Highway User Revenue Funds (AHUR).

Location

Van Buren Street, at 3rd and 5th avenues
Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua, and the Street Transportation and Finance departments.

Attachment A
Property Identification

City of Phoenix Street Improvement Project: ST87100164

Van Buren Street, 3rd and 5th Avenues

The following improved and/or unimproved parcels affected by acquisition and included in this request are identified by the Maricopa County Assessor's parcel number (APN) and the address or location.

APN	Address / Location
111-42-005A	252 W. Van Buren St.
112-20-088C	401 W. Van Buren St.



Acquisition of Real Property for Storm Drain Improvement Project Located at Northeast Corner of 107th Avenue and Indian School Road (Ordinance S-45857)

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain required for a storm drain improvement project at the northeast corner of 107th Avenue and Indian School Road. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The storm drain improvement project will convey storm water from an existing swale to a new underground storm drain pipe under 107th Avenue. Acquisition of drainage and temporary construction easements are required for construction of a new junction structure and two underground 12-inch storm drain connector pipes. The properties are owned by the Roosevelt Irrigation District (RID).

The parcels affected by acquisition and included in this request are owned by RID and include an unassessed parcel and a parcel identified by Maricopa County Assessor's parcel number 102-17-002D. Both are located near the northeast corner of 107th Avenue and Indian School Road.

Financial Impact

Funding is available in the Street Transportation Department's Capital Improvement Program budget using Federal and Arizona Highway User Revenue (AHUR) funds.

Location

Northeast corner of 107th Avenue and Indian School Road
Council District: 5

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.



Acceptance of Easements for Water and Drainage Purposes (Ordinance S-45858)

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

Summary

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

Easement (a)

Applicant: Majestic Partners, L.L.C., its successor and assigns

Purpose: Water

Location: 13002 N. Pointe Golf Club Drive

File: FN190002

Council District: 3

Easement (b)

Applicant: VDP Property Holdings, LLC, its successor and assigns

Purpose: Drainage

Location: 4220 N. 103rd Ave.

File: FN190039

Council District: 5

Easement (c)

Applicant: VDP Property Holdings, LLC, its successor and assigns

Purpose: Water

Location: 4220 N. 103rd Ave.

File: FN190039

Council District: 5

Easement (d)

Applicant: Lines Brothers Land & Cattle, L.L.C, its successor and assigns

Purpose: Drainage

Location: 59th Avenue and Baseline Road

File: FN180116
Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development and Finance departments.



Agenda Date: 6/26/2019, Item No. 51

Acceptance and Dedication of Deeds and Easements for Multi-Use Trail, Sidewalk, Public Utility and Roadway Purposes (Ordinance S-45860)

Request for the City Council to accept and dedicate deeds and easements for multi-use trail, sidewalk, public utility and roadway purposes; further ordering the ordinance recorded.

Summary

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

Easement (a)

Applicant: Evening Light Fellowship, Inc., its successor and assigns

Purpose: Multi-use trail

Location: 19555 N. 43rd Ave.

File: FN 180106

Council District: 1

Easement (b)

Applicant: Evening Light Fellowship, Inc., its successor and assigns

Purpose: Multi-use trail

Location: 19555 N. 43rd Ave.

File: FN 180106

Council District: 1

Deed (c)

Applicant: Three Js 43rd & McDowell, L.L.C., its successor and assigns

Purpose: Roadway

Location: 1601 N. 43rd Ave.

File: FN 170092

Council District: 4

Easement (d)

Applicant: Iridius Income Fund Real Estate Holdings II, LLC, its successor and assigns

Purpose: Sidewalk
Location: 2245 N. Dayton St.
File: FN 190042
Council District: 4

Deed (e)

Applicant: Iridius Income Fund Real Estate Holdings II, LLC, its successor and assigns
Purpose: Roadway
Location: 2245 N. Dayton St.
File: FN 190042
Council District: 4

Easement (f)

Applicant: Point B 16 North, LLC, its successor and assigns
Purpose: Sidewalk
Location: 6043 and 6045 N. 16th St.
File: FN 190046
Council District: 6

Easement (g)

Applicant: Christian J. Hoffmann III and Sally J. Roof, its successor and assigns
Purpose: Public Utility
Location: 48 W. Glenn Drive
File: FN 190037
Council District: 6

Easement (h)

Applicant: VLP Investments, LLC, its successor and assigns
Purpose: Public Utility
Location: 5602 S. 36th Drive
File: FN 190036
Council District: 7

Easement (i)

Applicant: VIP Fund II LLC, its successor and assigns
Purpose: Sidewalk
Location: 1601 N. 21st Place
File: FN 190051
Council District: 8

Deed (j)

Applicant: Lines Brothers Land & Cattle, L.L.C., its successor and assigns
Purpose: Roadway
Location: Northwest Corner of 59th Avenue and Baseline Road
File: FN180116
Council District: 7

Easement (k)

Applicant: Lines Brothers Land & Cattle, L.L.C., its successor and assigns
Purpose: Sidewalk
Location: Northwest Corner of 59th Avenue and Baseline Road
File: FN180116
Council District: 7

Easement (l)

Applicant: Intertchob, LLC, its successor and assigns
Purpose: Public Utility
Location: 4828 S. 16th St.
File: FN180070
Council District: 8

Easement (m)

Applicant: Mission Five Holdings, LLC, its successor and assigns
Purpose: Public Utility
Location: 5000 S. 16th St.
File: FN180070
Council District: 8

Easement (n)

Applicant: Matthew Cheadle, its successor and assigns
Purpose: Public Utility
Location: 2816 N. 29th Place
File: FN190045
Council District: 8

Easement (o)

Applicant: Mary Withington Milliman, as Trustee of the Mary Milliman Revocable Trust, its successor and assigns
Purpose: Public Utility
Location: 4308 N. 36th St.
File: FN190057
Council District: 6

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development and Finance departments.



Election Technology Consulting Services (Ordinance S-45869)

Request to authorize the City Manager, or his designee, to enter into a contract with George Piazza dba GPiazza, LLC, to provide election technology consulting services for the City Clerk Department in an aggregate amount not to exceed \$80,000 over a four-year period, with an estimated annual expenditure of \$20,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This professional services contract will allow GPiazza to continue providing professional technology consulting services for election and records management systems software programming. GPiazza programmed, developed and implemented the various custom election applications used by City Clerk staff to conduct City of Phoenix elections. The City Clerk and Information Technology Services (ITS) departments' staff are currently working with GPiazza to transition the maintenance and support of the election applications over to ITS staff.

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

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing GPiazza meeting all of the City Clerk's business requirements.

Contract Term

The initial two-year contract term shall begin on or about July 1, 2019. Provisions of the contract include an option to extend the term of the contract up to two additional years, in one-year increments, which may be exercised by the City Manager or his designee.

Financial Impact

The aggregate contract value shall not exceed \$80,000 (including applicable taxes), with an estimated annual expenditure of \$20,000. Funds are available in the City Clerk Department's budget.

Concurrence/Previous Council Action

On Dec. 4, 2013, City Council awarded City Clerk Contract 137565 to George Piazza to provide the City Clerk Department with professional technology consulting services for election and records management systems software programming.

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the City Clerk and Information Technology Services departments.



Sports Lighting, Scoreboard and Area Lighting Repair and Maintenance Services - Requirements Contract (Ordinance S-45872)

Request to authorize the City Manager, or his designee, to enter into a contract with Fluoresco Services, LLC for the maintenance and repair of area and sports lighting and scoreboards for the Parks and Recreation Department. The aggregate contract value will not exceed \$96,000, with an estimated annual expenditure of \$19,200. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This contract will provide repair and maintenance services, as needed, for more than 180 parks, mountain preserves and golf courses throughout the City of Phoenix. The contract services include periodic scheduled maintenance visits and as-needed repair services to ensure all sports and area lighting and scoreboards are working properly for the Parks and Recreation Department.

Procurement Information

IFB 19-073 was conducted in accordance with Administrative Regulation 3.10. There were two offers received by the Procurement Division on Dec. 28, 2018.

The Deputy Finance Director recommends that the offer from Fluoresco Services, LLC be accepted as the lowest-priced, responsive and responsible offer.

Contract Term

The five-year contract term will begin on or about July 1, 2019.

Concurrence/Previous Council Action

On March 6, 2019, City Council approved the award of a contract for these services to Hawkeye Electric, Inc. That contract has since been terminated.

Financial Impact

The aggregate contract value will not exceed \$96,000, with an estimated annual expenditure of \$19,200. Funds are available in the Parks and Recreation Department's budget.

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the Parks and Recreation Department.



Contract Amendment for Health and Benefits Consultant Agreement (Ordinance S-45874)

Request authorization to amend the contract with Mercer Health and Benefits, LLC (Contract No. 142138) to provide consulting services to implement and oversee benefit strategies intended to improve employee health, plan performance, and utilization in an amount not to exceed \$1,400,000. There is no impact to the General Fund. The costs for these services are paid by the Health Care Benefits Trust Fund. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City entered into contract with Mercer Health and Benefits, LLC on Jan. 5, 2016 to provide benefits consulting and actuarial services on an as-needed basis for the City's health care and related benefits programs. These services include developing comprehensive benefit strategies; assessing and measuring the effectiveness of current plan offerings; evaluating utilization patterns and recommending plan modifications; projecting plan costs and developing funding scenarios; and, negotiating contractual terms and performance standards for benefits programs. Additional funding is needed to pursue a Data Warehouse Wellness Initiative, Request for Proposals (RFP) support, Employee Benefits Microsite Management, benefits claims audit, and a Health Care Benefits Trust Fund reserves study, all of which are anticipated to produce cost savings for the employees and the Health Care Trust Fund.

Procurement Information

In 2015, a formal RFP was conducted and Mercer Health and Benefits, LLC. was awarded the contract.

Contract Term

The existing Agreement began on Jan. 5, 2016 for a three-year period with the option to extend the Agreement for two one-year terms totaling \$1.1 million. The first amendment, executed Aug. 19, 2016, expanded the scope of work to include the Retiree Medical Rate Setting Project and associated costs including approval to spend \$50,000 per year. The second amendment exercised the first option to extend the Agreement for one year which will terminate on Jan. 4, 2020. The second option to extend the Agreement for the final year is anticipated to be effective Jan. 5, 2020, terminating on Jan. 4, 2021.

Financial Impact

There is no impact to the General Fund. The costs for these services are paid by the Health Care Benefits Trust Fund.

Concurrence/Previous Council Action

The Health Care Benefits Trust Board approved these strategies on March 28, 2019.

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the Human Resources Department.



Workers' Compensation Bill Review Services Contract (Ordinance S-45880)

Request to authorize the City Manager, or his designee, to enter into a contract with Corvel to provide workers' compensation bill review services. Further request authorization for the City Controller to disburse all funds related to this item over the life of the contract, as necessary. The aggregate contract value including all option years will not exceed \$1,200,000 per year. Funding for this contract is available in the Workers' Compensation Program Trust Account.

Summary

A Request for Proposals (RFP) for Workers' Compensation Bill Review services was conducted in accordance with Administrative Regulation 3.10. Bill Review Services include reviewing and re-pricing bills associated with medical and indemnity benefits payments for City of Phoenix employees who have sustained an injury arising out of or in the course of their work, while employed with the City.

Procurement Information

An RFP for Workers' Compensation Bill Review services was issued on April 30, 2019, with a deadline of May 21, 2019, to submit responses. In addition to the solicitation post on the City of Phoenix website, direct email notification was sent to vendors who submitted in the past, vendors who stated their interest, and vendors who requested information from Human Resources.

Five proposals were received and found to be responsive; and, therefore submitted to the RFP selection committee (three employees from Human Resources, one representative of LIUNA 777, and one representative of PLEA) for evaluation and selection.

The RFP Selection Committee met on June 3, 2019, to review and evaluate proposals from the following: CCMSI, Corvel, Innovative Claims Strategies, LLC, InterMed Cost Containment Services, and Rising Medical Solutions. Proposals were scored based on the following criteria: qualifications and experience; other qualifications; and pricing.

After much discussion, the Committee selected Corvel for the following reasons: ability to meet the scope of work, industry experience, and price. Based on the information

provided above and the recommendation of the selection committee, staff is recommending approval to enter into contract negotiations with Corvel.

The scores, out of 1,000 available points, for the top three proposers are:

Corvel: 956

CCMSI: 860

Rising Medical Solutions: 822

Contract Term

The initial contract term will be three years, effective on about July 1, 2019, with the option to renew for two additional years in one-year increments, which may be exercised by the City Manager or his designee.

Financial Impact

The aggregate contract value including all option years will not exceed \$1,200,000 per year. Funding for this contract is available in the Workers' Compensation Program Trust Account.

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the Human Resources Department.



Contract Amendment for Pharmacy Benefit Management Consultant Agreement (Ordinance S-45883)

Request authorization to amend the contract with Towers Watson Delaware Inc., City Contract 143398, to provide one year of management oversight of the new pharmacy vendor, EnvisionRx, in an amount not to exceed \$130,000. There is no impact to the General Fund. The costs for these services are paid by the Health Care Benefits Trust Fund. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City entered into contract with Towers Watson Delaware Inc. on May 1, 2016 to provide pharmacy benefit consulting services, Ordinance S-41814. The scope of work amendments include pharmacy post-implementation auditing to ensure plan administration and contractual compliance; creating and implementing a strategic plan including a review of the EnvisionRx system set-up and formulary structure to ensure alignment with the City's intent; and evaluating recorded calls between EnvisionRx and City plan members to provide feedback.

Procurement Information

In 2015, a formal Request for Proposals was conducted with Towers Watson Delaware Inc. being awarded the contract.

Contract Term

The existing contract is for a three-year period, with the option to extend the contract for two, one-year terms totaling \$510,000. The first amendment is effective May 1, 2019.

Financial Impact

There is no impact to the General Fund. The costs for these services are paid by the Health Care Benefits Trust Fund.

Concurrence/Previous Council Action

The Health Care Benefits Trust Board approved this expenditure on March 28, 2019.

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the Human Resources Department.



Extend Employee Benefit Consulting Services - Cooperative Purchasing Agreement with Mercer Health Benefits LLC (Ordinance S-45884)

Request authorization to extend the Employee Benefit Consulting Services - Cooperative Purchasing Agreement with Mercer Health Benefits, LLC (Contract No. 148738-0) for six months, through March 4, 2020. No additional funds are being requested. Further request authorization for the City Controller to extend all funds through the new expiration date of March 4, 2020.

Summary

The Human Resources Department requests approval for a six-month extension of the current cooperative purchasing agreement with Mercer Health Benefits, LLC, which took effect on Sept. 5, 2018. The current cooperative purchasing agreement expires Sept. 4, 2019.

The City's one-year agreement with Mercer Health Benefits, LLC cited three work phases: Phase I-Total Compensation Study, Phase II-Labor Negotiations Support, and Phase III-Total Compensation Rewards Strategy. Based on the Phase I results, the Total Compensation Study, it has been determined that the three months scheduled for Phase III will be insufficient to complete the Scope of Work. An additional six months is required to conduct the research, document, analyze and propose the Total Compensation Rewards Strategy.

Procurement Information

In accordance with Administrative Regulation 3.10, the City entered into the one-year cooperative purchasing agreement with Mercer Health Benefits, LLC by means of a State of Arizona contract. The State of Arizona conducted a bid solicitation awarding Mercer Health Benefits, LLC a one-year contract on July 11, 2018.

Contract Term

The expiration date shall be extended through March 4, 2020.

Financial Impact

No additional funds are being requested.

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the Human Resources Department.



Contract Extension for Employee Life Insurance (Ordinance S-45885)

Request authorization to amend the contract with Minnesota Life Insurance Company, Inc. Agreement (Contract No. 141100) by extending the term of the contract for one year in an amount not to exceed \$1,320,000. The amount requested represents the City-paid life insurance premiums: basic, accidental death and dismemberment, occupational, and commuter life insurance. Employees pay the full cost of optional life insurance. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City entered into contract with Minnesota Life Insurance Company, Inc. on Jan. 1, 2015 to provide employee life insurance benefits. The second extension expires Dec. 31, 2019. Due to an unusually high number of employee and family member deaths during 2015 and 2016, the City experienced a loss ratio of 609% for 2015 and 306% for 2016, which resulted in a rate increase. The loss ratios experienced in 2017 and 2018 were much lower, and 2019 is trending well. It is recommended that the City add one more year of experience before issuing an RFP to avoid having one or both of these abnormally high years reflected in the plan experience for rate setting purposes. An RFP will be conducted in early 2020.

Procurement Information

A Determination Memo was approved that states that in 2014, a formal RFP was conducted which resulted in four submittals, with Minnesota Life Insurance Company, Inc. being awarded the contract.

Contract Term

The existing agreement is for a three-year period with the option to extend the agreement for two one-year terms. This request would extend the current agreement until Dec. 31, 2020.

Financial Impact

Funds are available in the Life Insurance Trust.

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the Human Resources Department.



Aerial Ortho-Photography Imagery Contract (Ordinance S-45873)

Request authorization for the City Manager, or his designee, to enter into an agreement with Maricopa County's Office of Enterprise Technology for high resolution aerial ortho-photography in an amount not to exceed \$250,000 over a term of five years. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City's Information Technology Services Department's Geographical Information System hosts high resolution imagery for City department consumption. These images are critical for several departmental mapping applications and business operations to allow users to tightly zoom in, to identify items without distortion of the images. The images are provided by Maricopa County's Office of Enterprise Technology which coordinates annually with a third-party vendor to fly and deliver the aerial imagery, making it available for purchase by partners such as the City. Without the purchase of updated aerials, the City's business mapping application base maps would be out of date, requiring staff to go out in the field and manually verify the information. The City currently receives aerial ortho-photography from Maricopa County's Office of Enterprise Technology that coordinates with a vendor to fly and deliver high-quality aerial imagery annually.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived, as the images are provided as part of an agreement with Maricopa County's Office of Enterprise Technology, which partners with several agencies to share the cost for delivery of these services.

Contract Term

The contract term is for five years, beginning on or about June 27, 2019 and ending on or about June 26, 2024.

Financial Impact

The total cost over the contract term is an amount not to exceed \$250,000. After the first year, the total annual amount for the following four years is expected to be

approximately \$50,000. Funds are available in the Information Technology Services, Street Transportation, and Aviation departments' budgets.

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the Information Technology Services Department.



Wireless Communications Services, Accessories, and Equipment (Ordinance S-45887)

Request to authorize the City Manager, or his designee, to extend and add additional expenditures for Contracts ADSP013-032444 with AT&T Mobility, ADSP013-034209 with Sprint Solutions, Inc., ADSP013-034339 with T-Mobile USA, Inc., and ADSP013-034099 with Verizon Wireless for the purchase of wireless communications services, accessories, and equipment for departments Citywide in an amount not to exceed \$2,300,000. The State of Arizona has extended their cooperative agreements until Dec. 31, 2019 while they complete a new solicitation. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

City departments utilize mobile devices, wireless services, equipment and accessories to conduct City business every day. Equipment and services are procured utilizing State of Arizona cooperative agreements, which have been extended until Dec. 31, 2019 and offer significant cost savings. This request is for authorization to continue to utilize these contracts, and for additional payment authority to cover the period of the extension.

Contract Term

This request is to extend the contract term until Dec. 31, 2019 to allow time for the State of Arizona to complete a new solicitation.

Financial Impact

These contracts were approved by City Council on Feb. 19, 2014 and have an aggregate value of \$20,019,290. With the \$2,300,000 in additional funds, the revised aggregate value is now \$22,319,290 (including applicable taxes). The additional funds are needed to continue to utilize wireless communications services, accessories, and equipment for the remaining six months of the contracts. Funds are available in the various departments' budgets.

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the Information Technology Services Department.



Request for City Council to Meet in Executive Session on the Following Dates through December 2019

Request for the City Council to call meetings for the purpose of holding an Executive Session pursuant to Arizona Revised Statutes, Section 38-431.03.A, on the following dates in the East Conference Room, 12th Floor of Phoenix City Hall, 200 W. Washington St., Phoenix, Arizona.

- 1 p.m., Sept. 10, 2019
- 1 p.m., Sept. 24, 2019
- 1 p.m., Oct. 8, 2019
- 1 p.m., Oct. 22, 2019
- 1 p.m., Nov. 12, 2019
- 1 p.m., Dec. 10, 2019

Public Outreach

The Notice and Agenda for these Executive Sessions will be posted no later than 24 hours before each scheduled meeting.

Responsible Department

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Law Department.



Authorization to Apply for Grant Funding to Modify and Enhance Protective Order Module (Ordinance S-45882)

Request authorization for the Phoenix Municipal Court (PMC) to apply for Judicial Collection Enhancement Funds (JCEF) in an amount not exceeding \$145,000 for professional IT services related to the Protective Order Module (POM) modification and enhancement project. Further request authorization for PMC to enter into a contract with Akal Tech for these professional IT services and for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

PMC is seeking professional IT services from Akal Tech to complete the programming needed for enhancements and modifications to the POM. New legislative changes (Arizona Revised Statutes, sections 12-1809 and 12-1810) mandate a statewide project to commence in January 2020. These changes require the Court to enhance the data feeds to and from the Arizona Supreme Court Administrative Office of the Courts' data warehouse and statewide web portal.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition Determination Memo due to the time restriction to complete this project and Akal Tech's previous experience working with POM.

Contract Term

The three-year contract period for this vendor will begin on or about June 26, 2019.

Financial Impact

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

Responsible Department

This item is submitted by Chief Presiding Judge B. Don Taylor III and Deputy City Manager Karen Peters.



Fire Life Safety System Services (Ordinance S-45889)

Request to authorize the City Manager, or his designee, to allow additional expenditures with Cintas Corporation No. 2 to continue to provide Fire Life Safety System Services for the Housing Department. Further request authorization for the City Controller to disburse all funds related to this item. These services are funded with U.S. Department of Housing and Urban Development (HUD) funds. There is no impact to the General Fund. The additional funds will not exceed \$51,000 and the aggregate of the contract will not exceed \$146,000.

Summary

The Public Works Department is conducting a procurement for a citywide contract for Fire Life Safety System Services based on the revised City of Phoenix Fire Code, as approved by the City Council on June 19, 2019. The Housing Department is requesting additional funds to the existing contract to ensure all Housing sites are covered for Fire Life Safety System Services until a new procurement/solicitation can be completed and awarded.

Contract Term

The contract term began on Sept. 6, 2017 and will end on Sept. 5, 2020.

Financial Impact

The additional funds will not exceed \$51,000 and the aggregate of the contract will not exceed \$146,000. These services are funded with HUD funds. There is no impact to the General Fund.

Concurrence/Previous Council Action

Contract 145960 was awarded by a payment ordinance on Aug. 30, 2017.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Housing Department.



Housing Department Electrical Services - Federally Funded (Ordinance S-45854)

Request to authorize the City Manager, or his designee, to enter into contracts with Arizona Energy Pros, Inc. and LightDay Solar, Inc. to provide electrical services for the Housing Department. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund. The aggregate contract value will not exceed \$600,000.

Summary

The contractors will provide electrical services, on an as-needed basis, for Housing Department locations. Electrical services will include 120 through 240 voltage equipments, parts and lines. All electrical work shall conform to the standards of the National Electrical Code.

Procurement Information

Invitation for Bids FY19-086-03 was conducted in accordance with Administrative Regulation 3.10. Five offers were received by Housing Department Procurement on April 16, 2019. One offer was determined to be non-responsive. Offers were evaluated and the award recommendation is for the lowest cost of the 66 line items. Multiple awards are recommended to meet volume requirements and the wide variety of needs outlined in the solicitation.

Arizona Energy Pros, Inc.: \$55,310

LightDay Solar, Inc.: \$69,870

Woodruff Construction: \$81,845

Contractors Incorporated: \$147,360

The Housing Department Director recommends that the offers of Arizona Energy Pros, Inc. and LightDay Solar, Inc. be accepted as the lowest priced, responsive and responsible offers.

Contract Term

The five year contract term will begin on July 1, 2019 and end on June 30, 2024.

Financial Impact

The aggregate contract value will not exceed \$600,000 (including applicable taxes). These contracts are funded with U.S. Department of Housing and Urban Development (HUD) funds. There is no impact to the General Fund.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Housing Department.



Landscape and Ground Maintenance Services - Requirements Contract (Ordinance S-45855)

Request to authorize the City Manager, or his designee, to add additional funds to Citywide contracts for landscape and ground maintenance services for the Housing Department in the amount of \$455,000. Further request authorization for the City Controller to disburse all funds related to this item. There is no impact to the General Fund.

Summary

Due to termination of the existing contract with the current vendor used by the Housing Department, the additional funds to the Citywide contracts will ensure continued services to Housing Department properties. The additional funding to existing Citywide contracts 140550 Mariposa Landscape Arizona, Inc. and 140552 United Right of Way, Inc. will provide landscape maintenance and repair services to Housing Department residential, public, and senior housing locations.

Financial Impact

With the \$455,000 in additional funds, the contracts' revised aggregate value is now \$18,240,280 (including applicable taxes). The additional funding is federally funded through the U.S. Department of Housing and Urban Development (HUD). There is no impact to the General Fund.

Concurrence/Previous Council Action

These contracts are the result of RFP 15-088, awarded by Formal Council Action on May 13, 2015, with an original aggregate value of \$17,785,280. These contracts have had no increases since the initial award.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Housing Department.



Early Head Start Child Care Partnerships Qualified Vendor List (Ordinance S-45878)

Request to authorize the City Manager, or designee, to approve a Qualified Vendor List (QVL) and enter into contracts with eligible contractors to provide child care services for the Human Services Department Head Start Birth to Five Program. Expenditures will not exceed \$9,146,540 over the life of the QVL. Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. No additional General Funds are required. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Human Services Department is seeking to establish a QVL to provide child care services for the Head Start Birth to Five Program.

Head Start programs prepare America's most vulnerable young children to succeed in school and in life beyond school. To achieve this, Head Start programs deliver services to children and families in core areas of early learning, health, and family well-being while engaging parents as partners. The City of Phoenix (City) Head Start Birth to Five program is a comprehensive school readiness program with multiple service options. The overall goal is to increase the social competence and school readiness of young children living in poverty and facing other risk factors. Utilizing a two-generational approach, the City program provides educational services and tiered case working supports to stabilize families.

Early Head Start-Child Care Partnerships (EHS-CCP) will increase access to high-quality, comprehensive early learning services for low-income infants and toddlers and their families through full-day, full-year child care. EHS-CCP brings together the best of Early Head Start and child care through layering of funding. All infants and toddlers attending an EHS-CCP program benefit. Children in vulnerable families have access to child care settings that meet their needs. Parents in eligible low-income families who are working or in training receive help paying for child care. Child Care Partners receive support to improve quality of care. Funding is currently available to serve a maximum of 188 infants and toddlers in multiple locations.

Procurement Information

A Request for Qualifications, RFQu-19-EDU-29, was issued in accordance with City of Phoenix Administrative Regulation 3.10 to establish a QVL. The Human Services Department received seven offers on March 1, 2019 and all seven were determined to be responsive and responsible to the solicitation requirements.

The Committee evaluated all offers based on the following criteria: Method of Approach, Financial Capacity, Professional Development Plan, and Organization Chart. Offerors within a competitive range are eligible for inclusion in the QVL. The Evaluation Committee scores are as follows (500 points possible):

- Kindertots: 488 points.
- Twinkling Stars dba Cactus Kids Preschool: 430 points.
- Out of This World Christian Child Care: 423 points.
- Fusion Minds dba Immanuel Care for Children: 365 points.
- Kidz Kampus: 285 points.
- A Kiddie's Kingdom: 158 points.
- Valley Learning Centers dba Robin's Nest: 115 points.

In accordance to the Evaluation Committee, the following offerors are recommended to be added to the QVL:

- Fusion Minds dba Immanuel Care for Children.
- Kidz Kampus.
- Kindertots.
- Out of This World Christian Child Care.
- Twinkling Stars dba Cactus Kids Preschool.

Contract Term

The term of the QVL will be from July 1, 2020 through June 30, 2024. During the term of the QVL, contracts, including any extensions, will be executed on an as-needed basis in the discretion of the City Manager, or his designee.

Financial Impact

The aggregate amount of all contracts resulting from the QVL will not to exceed \$9,146,540 over the life of the QVL. Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. No additional general funds are required.

Concurrence/Previous Council Action

- The Head Start Birth to Five Parent Policy Council approved the request to release the Child Care Partnerships RFP on Feb. 12, 2018.
- The Parks, Arts, Education and Equality Subcommittee, as the Head Start Governing Body, approved the request to release the Child Care Partnerships RFP on March 14, 2018.
- The Head Start Birth to Five Policy Council approved the award recommendation of the QVL on May 13, 2019.

Responsible Department

This item is submitted by Assistant City Manager Deanna Jonovich and the Human Services Department.



Head Start Birth to Five Program Educational Service Providers Qualified Vendor List (Ordinance S-45881)

Request to authorize the City Manager, or his designee, to approve a Qualified Vendor List (QVL) and enter into contracts with eligible contractors to provide educational services for the Human Services Department Head Start Birth to Five Program. Expenditures shall not exceed \$79,148,870 over the life of the QVL. Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families and restricted funding from the Phoenix Suns organization. No additional General Funds are required. Further request authorization for the City Controller to disburse all funds related to this item for the life of the contracts.

Summary

The Human Services Department is seeking to establish a QVL to provide educational services for the Head Start Birth to Five Program.

Head Start programs prepare America's most vulnerable young children to succeed in school and in life beyond school. To achieve this, Head Start programs deliver services to children and families in core areas of early learning, health, and family well-being while engaging parents as partners. The City of Phoenix (City) Head Start Birth to Five program is a comprehensive school readiness program with multiple service options. The overall goal is to increase the social competence and school readiness of young children living in poverty and facing other risk factors. Utilizing a two-generational approach, the City program provides educational services and tiered case working supports to stabilize families.

Head Start - Birth to Five Program Educational Service Providers (ESP) will increase access to high-quality, comprehensive early learning services for low-income preschool children and their families in a center-based model. Funding is currently available to serve 2,963 children in multiple locations.

Procurement Information

A Request for Qualifications, RFQu-19-EDU-26, was issued in accordance with City of Phoenix Administrative Regulation 3.10 to establish a QVL. The Human Services

Department received 11 offers on Feb. 15, 2019. All offers were determined to be responsive and responsible to the solicitation requirements.

The five-person committee evaluated all offers based on the following criteria: Method of Approach, Financial Capacity, Professional Development Plan, and Organization Chart. Offerors within a competitive range are eligible for inclusion in the QVL. The Evaluation Committee scores are as follows (500 points possible):

- Deer Valley Unified School District: 488 Points.
- Wilson Elementary School District: 475 Points.
- Fowler Elementary School District: 418 Points.
- Washington Elementary School District: 433 Points.
- Greater Phoenix Urban League: 411 Points.
- Roosevelt Elementary School District: 373 Points.
- Alhambra Elementary School District: 360 Points.
- Booker T. Washington Child Care Development Center: 331 Points.
- Murphy Elementary School District: 185 Points.
- Neighborhood Ministries - Katy's Kids Preschool: 184 Points.
- Tutor Time Learning Center: 131 Points.

In accordance to the Evaluation Committee, the following offerors are recommended to be added to the QVL:

- Alhambra Elementary School District.
- Booker T. Washington Child Care Development Center.
- Deer Valley Unified School District.
- Fowler Elementary School District.
- Greater Phoenix Urban League.
- Roosevelt Elementary School District.
- Washington Elementary School District.
- Wilson Elementary School District.

Contract Term

This term of the QVL will be from July 1, 2020 through June 30, 2024. During the term of the QVL, contracts, including any extensions, will be executed on an as-needed basis in the discretion of the City Manager, or his designee.

Financial Impact

The aggregate amount of all contracts resulting from this QVL will not exceed \$79,148,870 over the life of the QVL. Funding is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families and restricted funding from the Suns organization. No additional general funds are required.

Concurrence/Previous Council Action

- The Head Start Birth to Five Policy Council approved the request to release the Educational Service Providers RFP on Feb. 12, 2018.
- Parks, Arts, Education and Equality Subcommittee, as the Head Start Governing Body, approved the request to release the Educational Service Providers RFP on March 14, 2018.
- The Head Start Birth to Five Policy Council approved the award recommendation of the QVL on June 13, 2019.

Responsible Department

This item is submitted by Assistant City Manager Deanna Jonovich and the Human Services Department.



Phoenix Public Library Yavapai County Consulting Services Contract Request (Ordinance S-45849)

Request to authorize City Manager, or his designee, to enter into a contract with Yavapai County through the Yavapai County School Superintendent (YCSS) to provide Phoenix Public Library (PPL) assistance in identifying and applying for funds, equipment, vendors and service providers in order to support PPL's participation in the federal E-Rate program. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate value of the contract's term will not exceed \$60,000.

Summary

Phoenix Public Library is a participant in the federal E-Rate program, the commonly used name for the Schools and Libraries Service Fund, which is administered by the Universal Service Administrative Company under the direction of the Federal Communications Commission. The E-Rate Program provides discounts and financial support for telecommunications services, internet access, internal connections and basic maintenance of the internal connections for schools and libraries. In order to be eligible for the significant discount, Phoenix Public Library must provide certain resources such as: computers, telephones, software, and other elements necessary to fully utilize the connectivity funded by the E-Rate Program. The E-Rate Program assures that library customers have access to advanced telecommunication services at reasonable rates regardless of their location.

Yavapai County School Superintendent is an independent consulting firm that specializes in helping libraries apply for funding under the E-Rate Program; identifying the appropriate funds available; and selecting the necessary equipment, vendors, and service providers to qualify for E-Rate Program funding and utilizing them in a manner that achieves the goals of the E-Rate Program and the Library.

Contract Term

The term of the contract is for a one-year term, with four one-year renewal options.

Financial Impact

The value of the contract term shall not exceed \$60,000, with payment terms up to \$12,000 each year.

Responsible Department

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and Phoenix Public Library.



Sky Train Stage 2 Rental Car Center Station Weather Fence Fabrication Oversight Contract (Ordinance S-45877)

Request to authorize the City Manager, or his designee, to enter into a contract with R&R Studios, LLC, or its City-approved designee, for an amount not to exceed \$115,000 to work with an Aviation Department design and construction team to oversee fabrication and installation of approximately 460 feet of protective weather fencing for the Phoenix Sky Harbor International Airport (PHX) Rental Car Center Sky Train Station. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Fiscal Year 2018-23 Public Art Project Plan includes a project to commission an artist to work with an Aviation Department design and construction team to create weather fencing for the Rental Car Center Sky Train Station.

On Nov. 15, 2017, City Council approved a \$220,000 design contract for artists Rosario Marquardt and Roberto Behar (FL), doing business as R&R Studios, LLC, to work with an Aviation Design Team to design and engineer protective weather fencing for the new Rental Car Center Sky Train Station platform as part of the Sky Train Stage 2 project. Since then, the artists and team have finalized construction documents for the fence and its associated lighting. The multi-colored fence will include approximately 460 feet of tubular posts in 112 panels along the north and south sides of the station platform, and will include lighting at night. As part of this contract, R&R Studios will provide fabrication and installation oversight to complete the project.

Financial Impact

The PHX Sky Train Rental Car Center Weather Fence is one of 31 projects in the Fiscal Year 2018-23 Public Art Project Plan that City Council approved on June 28, 2018. The Art Plan includes \$1,484,787 for this project. The proposed \$115,000 contract will cover all costs related to the artist to oversee the fabrication and installation of the work. The remaining project funds will cover project fabrication, installation and administration. The percent-for-art funds for this project come from the Aviation Department Capital Improvement Program.

Concurrence/Previous Council Action

The Phoenix Arts and Culture Commission reviewed and recommended approval of this item at its June 18, 2019, meeting.

Location

1805 Sky Harbor Circle
Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Office of Arts and Culture.



Artist Design Contract for Community Lift Stations - Water Services West Yard Public Art Project (Ordinance S-45879)

Request to authorize the City Manager, or his designee, to enter into a contract with the artist team of Gabriel and Isaac Fortoul, doing business as the Fortoul Brothers, LLC., or its City-approved designee, for an amount not to exceed \$95,000 to work with a project architectural team to design safety and aesthetic enhancements for fences, gates and pedestrian approaches from nearby transit to the Water Services Department's new West Service Yard, at 47th Avenue and Camelback Road. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Fiscal Year 2018-23 Public Art Project Plan includes a project to commission artists to work with landscape architects and other design professionals to enhance the security and appearance of community lift stations, well sites and other water facilities Citywide. These sites play an essential role in the City's water delivery and service system. The West Service Yard will encompass 36 acres and require design and construction of approximately 3,500 linear feet of wall and fences, three large rolling security gates, and easy pedestrian access to and from a transit stop on Camelback Road. The site's customer service center is expected to accommodate 1,000 customers a day, 500 of whom are expected to arrive on foot or by bus.

On June 7, 2019, a five-person artist selection panel recommended the Fortoul Brothers from a qualified pool of 30 artists who had responded to a City-issued Request for Qualifications. The panel based its decision on the team's ability to work well with the community and project design team, its expertise in creating successful works of community-based public art, and its potential to create highly durable enhancements that suit the needs of the community and site.

The selection panel included Raymundo Cabrera, Community Outreach Specialist, ASU Herberger Institute for Design and the Arts; Jamie Johnson, Sevilla Neighborhood Association community representative; Raphael Ngotie, Public Art Specialist and United States Embassy Facility Manager, Abidjan, Cote d'Ivoire; Rebecca Rothman, Tempe Public Art Director; and Can Xiao, Water Services Department Project Manager. Project Architect Sergio Martinez served as an adviser to the panel.

Financial Impact

The Community Lift Stations project is one of 31 projects in the Fiscal Year 2018-23 Public Art Project Plan that City Council approved on June 28, 2018. The Art Plan includes \$180,604 this fiscal year to begin design for this project. The proposed \$95,000 contract will cover all costs related to the artists' working with the overall project team to develop the the project's design concepts and construction documents. Funds for project construction would be requested once the design phase is completed successfully. Funds for this project come from the Water Services Department Capital Improvement Program budget.

Concurrence/Previous Council Action

The Phoenix Arts and Culture Commission reviewed and recommended approval of this item at its June 18, 2019, meeting.

Location

West Service Yard located at 47th Avenue and Camelback Road
Council District: 5

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Office of Arts and Culture.



Aquatic Venue, Splash Pad and Commercial Swimming Pool Repair Services (Ordinance S-45866)

Request to authorize the City Manager, or his designee, to enter into contracts with Shasta Industries, Inc. and Waternuts Aquatic Enterprises, Inc. dba Commercial Pool Repair to provide aquatic venue, splash pad and commercial swimming pool repair services for the Parks and Recreation Department in an amount not to exceed \$300,000 over the three-year term of the contract. Further request authorization for the City Controller to disburse funds related to this item.

Summary

These contracts will provide a wide variety of repair and maintenance services, as needed, to ensure proper operations at current aquatic venues that include both splash pads and commercial swimming pools throughout the City. These facilities are heavily utilized by residents of Phoenix during the summer months and these contracts will ensure that the department can repair and maintain the equipment at these facilities to enhance and support the quality of the equipment and the customer experience.

Procurement Information

Request for Qualifications (RFQu) 19-023 was conducted in accordance with Administrative Regulation 3.10, with the intent of establishing a Qualified Vendor List (QVL) of qualified vendors to provide aquatic venue, splash pads and commercial swimming pool repair services. There were two offers received by the Finance Department's Procurement Division on May 3, 2019.

The following vendors are being recommended to be included in the QVL:

- Shasta Industries, Inc.
- Waternuts Aquatic Enterprises, Inc. dba Commercial Pool Repair

The Deputy Finance Director recommends that the offers from the above vendors be accepted as responsive and responsible offers that are most advantageous to the City.

Contract Term

The three-year contract term shall begin on or about July 1, 2019.

Financial Impact

The combined aggregate value of the contracts will not exceed \$300,000 over the contract term. Funds are available in the Parks and Recreation Department's budget.

Responsible Department

This item is submitted by Acting Deputy City Manager Toni Maccarone and the Parks and Recreation Department.



Authorization to Issue Request for Proposals for Disposition and Redevelopment of City-Owned Property at 723 W. Polk St.

Request to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) to select a development team and begin negotiations for the disposition and redevelopment of a City-owned parcel located at 723 W. Polk St.

Summary

The City owns a parcel located in the Downtown Phoenix Redevelopment Area, comprised of approximately 73,220 square feet (SF), or 1.68 acres, at 723 W. Polk St., at the southwest corner of 7th Avenue and Polk Street (the Site). The Site is zoned C-3 (General Commercial) and is within the Arts, Culture and Small Business and the Capital Mall overlays. The Site was deeded to the City in 1920 to allow the establishment of the American Legion Post Number No. 1 (Legion). The original agreement allowed the Legion to use the Site, subject to certain limitations and contract provisions, for 99-years with an end date of Feb. 20, 2019. In September 2018, City Council approved an 18-month lease extension to allow the Legion to celebrate its 100-year anniversary in its original location. The property is not designated on the Phoenix Historic Property Register or the National Register of Historic Places. A National Register Nomination has been prepared by representatives not associated with the Legion, but the Site is owned by the City and the Legion does not support the nomination moving forward. Staff has been in ongoing meetings with the Legion regarding the future of this Site and the Legion would remain a tenant on the Site until the successful proposer begins development. Staff has commissioned an appraisal of the Site and acknowledges the Site will likely need to be rezoned prior to redevelopment occurring, and this would need to be done prior to disposition of the Site.

With approval, staff will issue an RFP seeking offers for the disposition and redevelopment of the Site for a compatible, infill, mixed-use, mixed-income development. Up to 25 Veterans Affairs Supportive Housing Project-Based Vouchers under the Housing Choice Vouchers Program will be made available for the project. The successful proposer will be required to:

- Provide at least 3,000 SF for community support services for veterans.

- Include an interpretive feature documenting the history of Luke-Greenway American Legion Post No. 1.

Each proposer will be required to:

- Include mixed-income residential units, with at least 30 percent affordable or workforce housing with a preference for veterans.
- Demonstrate experience completing at least three mixed-use projects and at least one veterans or affordable housing development.

The RFP will require proposers to consider incorporating elements of the Site's existing buildings in the proposed development and will include standard terms, conditions and other necessary requirements, and will include the following evaluation criteria (1,000 possible points):

1. Concept to Activate the Site (0-400 points).
2. Return to the City (0-350 points).
3. Proposer's Qualifications and Experience (0-250 points).

The Return to the City criterion will include payments and other consideration that provide public benefits.

Staff anticipates the RFP will be issued in Summer 2019 and will remain open for at least 60 days. Responsive proposals will be evaluated by a panel including City staff and community representatives. Following negotiations with the recommended proposer, business terms will be presented to the Planning and Economic Development Subcommittee for review and recommendation, and then to the full City Council for approval.

Concurrence/Previous Council Action

This item was recommended for approval at the Planning and Economic Development Subcommittee meeting on June 4, 2019, by a vote of 4-0.

Public Outreach

Staff presented to the Downtown Voices Coalition on May 11, 2019; the Grand Avenue Members Association, Inc. and the Grand Avenue Arts & Preservation group on May 16, 2019; the Historic Preservation Commission on May 20, 2019 and the Roosevelt Action Association on May 21, 2019. Staff also reached out to the Capitol Neighborhood Coalition and the Triangle Neighborhood Association to provide information.

Location

723 W. Polk St.
Council District: 7

Responsible Department

This item is submitted by Assistant City Manager Deanna Jonovich and the Community and Economic Development Department.



Authorization to Extend Professional Services Agreement with Molera Alvarez, LLC (Ordinance S-45888)

Request to authorize the City Manager, or his designee, to extend the Professional Services Agreement 139598-3 with Molera Alvarez, LLC, for 60 days, and authorize the City Controller to disburse funds in an amount not to exceed \$41,172 for the duration of the 60-day extension. There is no impact to the General Fund. Funding is available in the Downtown Community Reinvestment Fund.

Summary

The City has established a recognized leadership position in Mexico as it relates to key relationships and economic opportunity. Maintaining this leadership position requires a sustained effort to leverage the success to date and position Phoenix for increased economic opportunity as Mexico remains the top trading partner for both the City and State of Arizona.

On March 20, 2019, City Council authorized staff to issue a Request for Proposals (RFP) for Mexico Trade Development Consulting Services to facilitate economic activity between Mexico and Phoenix in anticipation of the July 31, 2019 expiration of the current contract for similar services. The RFP was issued on March 21, 2019 and an award recommendation was posted on June 10, 2019. On June 17, 2019, the City received two protests of the award recommendation. Staff is unable to submit the award recommendation for City Council consideration until the protest process and any subsequent appeal process have been completed.

To avoid any lapse in these important economic development consulting services, staff requests authorization to extend the current Mexico trade development representative professional services agreement 139598-3, with Molera Alvarez, LLC, which expires on July 31, 2019, for an additional 60 days. If approved, the contract extension would be in effect until City Council has approved an award recommendation for the current RFP or Sept. 30, 2019, whichever occurs first. Without this extension, trade development activities conducted by the consultant will cease and the City will no longer have contract staff in the Mexico City and Hermosillo offices. This could have a negative impact on the progress the City has made to establish its leadership position regarding Mexico trade.

Contract Term

The term of the contract extension is for a maximum of 60 days.

Financial Impact

Funding for this contract extension will not exceed \$20,585.56 monthly, for a maximum total cost of \$41,172. There is no impact to the General Fund. Funding is available in the Downtown Community Reinvestment Fund.

Responsible Department

This item is submitted by Assistant City Manager Deanna Jonovich and the Community and Economic Development Department.



Phoenix Convention Center Exclusive Event Utility Services - Requirements Contract - RCS 19-002 (Ordinance S-45853)

Request to authorize the City Manager, or his designee, to enter into a five-year contract with Commonwealth Electric Company of the Midwest for exclusive event utility services at the Phoenix Convention Center Department (PCCD). This is a revenue generating contract anticipated to result in approximately \$5 million in revenue over the life of the contract, and a capital investment of \$24,100. Further request authorization for the Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

On Feb. 20, 2019, Phoenix City Council authorized the issuance of a Revenue Contract Solicitation (RCS) for Exclusive Event Utility Services at PCCD. PCCD event utility services are a critical component of the department's overall operations. An important goal of the PCCD is to maintain its distinctive brand by offering premium level services. The event utility services include: electric, non-potable water, compressed air and natural gas. The successful respondent will provide PCCD with commissions from revenue-generating activity conducted at PCCD for the rights of exclusivity for providing utility services.

Procurement Information

On Feb. 21, 2019, the PCCD issued RCS 19-002 for exclusive event utility services, with responses due on April 10, 2019. The procurement was conducted in accordance with Administrative Regulation 3.10. Two firms attended the pre-proposal conference. One response was received and was reviewed for minimum qualifications. The response was found to be responsive and responsible.

The evaluation committee consisted of qualified staff from the PCCD, the Planning and Development Department and Aventura. On April 25, 2019, the members met, reviewed and scored the submitted proposal based on the following criteria:

- Qualifications of Proposer (400 points)
 - Financial Return to the City (300 points)
 - Operations Plan (200 points)
 - Business Plan (100 points)
-

One proposal was received, accepted and scored:

Commonwealth Electric Company of the Midwest: 950 points (out of a possible 1,000)

The City Transparency policy is in effect until the resultant Agreement from this RCS is awarded.

Contract Term

The contract term is for five years covering Oct. 1, 2019, through Sept. 30, 2024, with no extension options.

Financial Impact

This is a revenue-generating contract and is anticipated to result in approximately \$5 million in revenue over the life of the contract and a capital investment of \$24,100.

Concurrence/Previous Council Action

The Planning and Economic Development Subcommittee recommended approval of this item by a 4-0 vote at its June 4, 2019 meeting.

Public Outreach

The RCS was advertised on the City of Phoenix website and in the Arizona Business Gazette.

Responsible Department

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Phoenix Convention Center Department.



Arizona Task Force One Uniforms and Clothing - Requirements Contract - IFB 19-090 (Ordinance S-45850)

Request to authorize the City Manager, or his designee, to enter into a contract with International Corporate Apparel, Inc. to provide the Fire Department with Arizona Task Force One (AZ-TF1) clothing. Further request authorization for the City Controller to disburse all funds related to these items. The aggregate contract value will not exceed \$348,050.

Summary

The City of Phoenix is the sponsoring agency for Arizona Task Force One (AZ-TF1), a Federal Emergency Management Agency (FEMA) and Urban Search and Rescue (US&R) Task Force. Per the requirements in the FEMA/US&R Cooperative Agreement and in accordance with the FEMA/US&R Program Office, the City agrees to maintain a cache of equipment, which includes uniforms and AZ-TF1 clothing for the Fire Department. The department is one of 28 national US&R response system task forces that can rapidly deploy skilled personnel and state-of-the-art equipment to sites of natural disasters, terrorist attacks, and building collapses. The Fire Department must maintain standardized equipment, including uniforms, for deployment to national incidents at the request of the Federal Emergency Management Agency (FEMA).

Procurement Information

IFB 19-090 was conducted in accordance with Administrative Regulation 3.10. Three offers were received by the Procurement Division on Jan. 25, 2019. The Deputy Finance Director recommends that the offer from International Corporate Apparel, Inc. be accepted as the most responsive and responsible bidder, which is the most advantageous to the City.

Contract Term

The five-year contract term will begin on or about July 1, 2019 and end on or about June 30, 2024.

Financial Impact

The expenditures against this contract shall not exceed the aggregate amount of \$348,050. Funds are available in the Fire Department's budget.

Responsible Department

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire Department.



Provide Fire Protection Services to Laveen Fire District (Ordinance S-45886)

Request authorization for the City Manager, or his designee, to enter into an agreement for the provision of fire protection services to the Laveen Fire District. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The purpose of this agreement is for the Phoenix Fire Department (PFD) to provide fire protection services to the Laveen Fire District. Under the agreement, PFD will continue to provide fire protection and suppression services, basic life support (BLS) and advanced life support (ALS) emergency medical services, ambulance transportation services, and fire, medical, and ambulance dispatch services.

Contract Term

The agreement shall be effective upon approval and execution and shall remain in effect for a period of three years.

Financial Impact

Laveen Fire District will reimburse the City of Phoenix for all services performed.

Responsible Department

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire Department.



Authorization to Enter Into Purchase Order Agreement with Med-Eng, LLC (Ordinance S-45865)

Request to authorize the City Manager, or his designee, to proceed with a one-time purchase of two Explosive Ordnance Disposal (EOD) 9 bomb suits and one helmet for the Phoenix Police Department, Homeland Defense Bureau and to waive, or make an exception to PCC 42-18 (Phoenix City Code, Chapter 42 Risk Management, Contract provisions; indemnification prohibition) in order to enter into purchase order agreement. The aggregate value of this purchase will not exceed \$51,325. Further request authorization for the City Controller to disburse all funds related to this item.

Summary The Police Department requires the purchase of Explosive Ordnance Disposal (EOD) 9 bomb suits and one helmet for the Phoenix Police Department Homeland Defense Bureau. Currently, the department has two EOD 9 suits and one helmet, which are reaching the end of their life cycles. The purchase of the suits and helmet will provide the critical equipment required to safely enter an area with an explosive device. The equipment is designed to provide superior protection while also being ergonomically designed to allow the bomb technicians to move, climb and bend to safely and swiftly approach explosive devices.

Med-Eng, LLC submitted exceptions to the Purchase Order Terms and Conditions, Item 5, Indemnification. The exceptions do not foreclose all liability on the part of the vendor. The exception merely limits certain claims that may be brought against the vendor that may result from the use of the equipment. It does not release the vendor from its obligations under warranty for uniforms or equipment that are or may be defective.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition Determination Memo citing Med-Eng, LLC as the supplier of the EOD 9 bomb suit and helmet that best meets the specification and performance standards of the Police Department. A Special Circumstance Without Competition Determination Memo was completed and approved by the Deputy Finance Director recommending the procurement with Med-Eng, LLC be accepted.

Financial Impact

The total cost of this equipment will not exceed \$51,325. Funds are available in the Police Department's budget.

Concurrence/Previous Council Action

The one-time payment of \$51,325 was adopted at the City Council Formal Agenda meeting on April 17, 2019 (Ordinance S-45539-23).

Responsible Department

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.



National Vehicle Location Service Database - Requirements Contract (Ordinance S-45846)

Request to authorize the City Manager, or his designee, to enter into a contract with Vigilant, Inc. (or its City-approved designee) to provide the Automatic License Plate Recognition System equipment, National Vehicle Location Service (NVLS) database application and support services for the Phoenix Police Department (PPD). The aggregate contract value shall not exceed \$1,155,000 (including applicable taxes). Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This contract will provide the PPD with automatic license plate reader equipment and subscription services to the National Vehicle Location Service (NVLS) database. The service also includes the Law Enforcement Archival and Reporting Network (LEARN) database, an online analytic platform that allows license plate data and images to be aggregated and analyzed for law enforcement. LEARN provides agencies with a way to manage vehicle hotlists, query historical license plate reader data and use advanced analytics for enhanced investigations. LEARN is a hosted solution that allows data sharing and interoperability with other law enforcement agencies nationwide. Together, NVLS-LEARN subscription service helps the department reduce auto thefts and related crimes involving vehicles, increases auto theft vehicle recovery rates and increases investigative leads to reduce auto thefts and vehicles used in gateway crimes (i.e. robbery, burglary of residence).

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

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing continuity of service to support PPD's public safety efforts.

Contract Term

The five-year contract term shall begin on or about June 19, 2019.

Financial Impact

The aggregate contract value shall not exceed \$1,155,000 (including applicable taxes); with \$25,000 for subscription services from March 1, 2019 - May 31, 2019, and an estimated annual expenditure of \$226,000 thereafter. Funds are available in the Police Department's budget.

Responsible Department

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.



Utilize State of Arizona Cooperative Contract for Ammunition Products Statewide - CTR043473 (Ordinance S-45871)

Request to authorize the City Manager, or his designee, to allow the use of the State of Arizona Cooperative Contract CTR043473 with Diamondback Police Supply Co., Inc. for the supply of ammunition products statewide. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value is \$425,000.

Summary

The Police Department's Special Assignment Unit, Downtown Operations Unit and Firearms Training Detail utilize Combined Tactical Systems (CTS) ammunition and less-lethal products on a routine basis. The CTS products include flash bang diversionary devices, flash bang diversionary training device components, chemical agents, riot control agents, smoke and less-lethal impact products. The less-lethal products have been extensively tested by all three units of the Police Department.

Procurement Information

In accordance with Administrative Regulation 3.10, a participation agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement process, as set forth in the Phoenix City Code, chapter 43. The State of Arizona's contract covers the purchase of ammunition products statewide for the officers of the Police Department. The contract was awarded on March 30, 2019. The use of this cooperative agreement will provide the City with national government pricing and volume discounts on these products.

Contract Term

The contract term will begin on or about June 20, 2019 and end on or about June 19, 2024.

Financial Impact

The aggregate contract value will not exceed \$425,000. Funds are available in the Police Department's budget.

Responsible Department

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.



Preliminary Engineering Services for Railroad Relocation Project (Ordinance S-45876)

Request to authorize the City Manager, or his designee, to enter into a contract with Union Pacific Railroad Company (UPRR) to provide preliminary engineering review of concepts and design plans for the relocation of the UPRR railroad north of Air Lane and adjacent to Phoenix Sky Harbor International Airport (PHX). The cost of the contract will not exceed \$200,000 over the two-year term of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Aviation Department's PHX Comprehensive Asset Management Plan (CAMP) recommends the relocation of the railroad so that PHX may use its land north of Air Lane to develop new cargo, aero-biz, and support facilities, which are needed to meet current and future anticipated business demands.

This request is specific and limited to reimbursing UPRR for its costs in an engineering review of the Aviation Department's proposed concepts and plans. This request does not seek funding for City of Phoenix engineering costs or services related to the railroad project. These services and costs are covered under the Aviation Department's Planning On-Call contract.

Contract Term

The term of the contract is two years and will begin on or about July 1, 2019.

Financial Impact

The contract amount will not exceed \$200,000 over the two-year term of the contract. Funds are available in the Aviation Department's budget.

Concurrence/Previous Council Action

On June 11, 2019, the City Council approved the CAMP and directed staff to forward the plan to the Federal Aviation Administration for review.

Location

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

Council District: 8

Responsible Department

This item is submitted by Assistant City Manager Deanna Jonovich and the Aviation Department.



Proposed Downtown Shared Electric Scooter Pilot Program (Ordinance G-6602)

Request to authorize approval for the City Manager, or his designee, to implement a proposed Shared eScooter Pilot Program within the downtown area to provide additional mobility options to Phoenix residents, employees, students and visitors, and to demonstrate and evaluate the feasibility of a citywide Shared eScooter Program. Further request to amend chapters 4, 23, 24, 31, 36 and 39 of the Phoenix City Code to establish the Downtown Shared eScooter Pilot Program and update the related civil and criminal violations sections effective Aug. 1, 2019. Program costs will be recovered through the proposed pilot program fees and revocable operating permit requirements.

Summary

Shared electric scooters (eScooters) are a micro-mobility service made available to the public for a fee through private vendors, and are stored and used within the public right-of-way. Users of shared eScooter services typically use a smartphone to locate and pay to use the eScooters on a short-term basis.

In January 2019, the City of Phoenix received a letter from the Phoenix Community Alliance (PCA), encouraging and supporting the implementation of a shared eScooter pilot program in the downtown area. The City has also received inquiries from the public requesting eScooters be made available in Phoenix. The City currently has existing ordinances in effect that ban the use of motorized scooters within City limits.

Proposed Pilot Program

Staff proposes a Downtown Shared eScooter Pilot Program within the downtown area to demonstrate and evaluate whether a citywide Shared eScooter Program is feasible. The proposed pilot program enables deployment of this multi-modal transportation option with requirements that help ensure order and aesthetics, minimize potential visual blight, and maintain safety for all users of the right-of-way. An ordinance change would be required as part of the proposed pilot program to allow the use of eScooters legally within the City. The proposed pilot program requires the vendor to obtain a permit to operate eScooters within the public right-of-way, as well as comply with proposed regulations for parking, operations, data sharing, and rider safety and education. At the Jan. 22, 2019 meeting, the Aviation and Transportation

Subcommittee (A&T) recommended Council approval of the Shared eScooter Pilot Program for downtown Phoenix.

Based on the letter from PCA with some revisions based on community feedback, the initial boundaries of the proposed pilot program were to be from 7th Avenue to 7th Street and from Buckeye Road to McDowell Road. However, based on feedback from Council members, the proposed pilot program boundary will be modified slightly west to include the area bounded by Roosevelt Street and Grand Avenue, and a reduction of the northern boundary to Portland Street between 7th Avenue and Central Avenue. Inside the pilot program boundary area, City-identified staging/parking locations would be delineated. These locations are where vendors would deploy eScooters each day and where riders would be expected to return them. Geofencing would be used to manage the riding of eScooters outside of the pilot program boundary area. Crossing the geofenced boundary would cause the eScooter to alert the rider and slow to no more than four miles per hour.

Other proposed pilot program elements would include:

- Pilot program will include the following fees: \$500 application fee, \$5,000 permit fee for six months, \$0.10 per ride surcharge fee and \$80 relocation fee.
- Riders shall be at least 18 years of age and have a valid drivers license.
- Helmets are encouraged but not required.
- Vendors shall limit the maximum speed of eScooters to 15 mph.
- Riding on sidewalks will be prohibited.
- Each vendor will not be allowed more than 300 eScooters total for the pilot program (unless a revised maximum is authorized by the Street Transportation Director).
- All eScooter staging/parking within the boundary area must be at designated locations (**Attachment A - eScooter Parking Locations**).
- Vendors are required to pickup and relocate to an authorized parking location any scooter that is improperly parked or discarded within two hours of being notified. Any scooters not picked up by the vendors will be picked up by the City and the \$80 relocation fee for each scooter will be assessed to the vendor.
- Vendors must implement geofencing at required locations that alerts rider and slows the eScooters to no more than four miles per hour within designated areas (**Attachment B - eScooter Geofencing Map**).
- Vendors and users will be required to indemnify, defend, and release the City of Phoenix (**Attachment C - Dockless Scooter Release Agreements**).
- Vendors will be required to provide insurance coverage that meets or exceeds City of Phoenix insurance requirements (**Attachment D - Standard Insurance Requirements**).
- Vendors will be required to provide staff during the pilot program to proactively

monitor and relocate eScooters to appropriate parking areas during normal operating hours.

- Vendors and their representatives will be required to park in legal vehicle parking spaces during pickup and drop-off of eScooters.
- Vendors are required to have staff on hand to relocate eScooters to appropriate parking areas for events with greater than 5,000 persons.
- Vendors will provide an appropriate data-sharing format for use by the City.
- Vendors are responsible to adhere to all industry-wide safety and maintenance standards.
- Regulations are subject to change per the direction of the Street Transportation Director.

The proposed ordinance (**Attachment E**) changes would incorporate a definition for an electric standup scooter and legalize electric scooter operation as part of the proposed pilot program. Additionally, the ordinance will authorize the City of Phoenix Police Department or peace officer to issue civil traffic citations for among other things, speed limit violations, yielding the right of way, parking violations, and riding on the sidewalk. This ordinance change will have a one-year sunset clause to accommodate the proposed pilot program and additional review and vetting period.

Staff proposes a six-month pilot program to monitor vendor operations, assess user demand and evaluate the impacts to the City. Some of the performance data collected would include ridership trends, safety incidents, complaints, vendor collected rider surveys, general operator compliance, or other relevant data. The pilot program will assist the City in determining the future steps for the expansion and/or continuance of a shared eScooter program. The proposed fees for the pilot program are intended to recover the costs for administering the program and will be evaluated during the pilot program. After three months of pilot program operations, staff will report back to both the A&T Subcommittee and the Planning and Economic Development (PED) Subcommittee.

Community Engagement

Based on guidance from the A&T and PED Subcommittees, Street Transportation staff held 10 community meetings with neighborhood associations in and around the pilot program boundary to provide information, answer questions, address concerns, and collect feedback (**Attachment F - Community Responses**). Although the dialogue encompassed a number of areas, the top five comments focused on enforcement, general safety, riding on sidewalks, parking concerns, and need for bicycle infrastructure.

Street Transportation staff also held several stakeholder meetings with internal and external agencies within the pilot program boundary area, including Arizona State University, the Arizona Diamondbacks, Maricopa County, the Phoenix Suns, and public safety representatives. Major concerns included parking of eScooters, blocking access to transit stops and other facilities, riding eScooters into buildings and through pedestrian thoroughfares, and enforcement.

The details and provisions in the proposed pilot program outlined above incorporate the input and feedback received from both the community groups and downtown stakeholders. Further, in response to requests from both the PED Subcommittee and the community, City staff will provide additional bicycle facilities prior to the start of any pilot program and will also monitor eScooter usage patterns and identify locations for additional bicycle facilities to be implemented after the initial pilot program. Initial staff assessments have identified existing and potential future bicycle facilities (**Attachment G - Bicycle Facilities Map**).

State Legislative Changes

Senate Bill 1398, which was approved by the State of Arizona on April 22, 2019, defines what an electric standup scooter is. Under the bill, electric standup scooters are excluded from the definitions of moped, motorcycle, motor driven cycle, motor vehicle, and vehicle. The bill specifies that electric standup scooters are subject to the same statutory requirements and local regulations as a bicycle. There are legal arguments under which impaired standup scooter riders may be held accountable under state statutes. The application of state DUI laws to bicycles is currently under review in the Arizona Court of Appeals.

Financial Impact

The following vendor fees are proposed under the pilot program: \$500 application fee, \$5,000 permit fee for six months, \$0.10 per ride surcharge fee and \$80 relocation fee. In accordance with A.R.S. 9-499.15, the proposed fees will be properly posted to the City's website and will remain posted for a minimum of 60 days prior to Council action.

Concurrence/Previous Council Action

- The Aviation and Transportation Subcommittee recommended this item for approval on Jan. 22, 2019, by a vote of 3-0.
- The Planning and Economic Development Subcommittee heard this item for information and discussion on Feb. 5, 2019, and also received an update for information and discussion on June 4, 2019.
- The Aviation and Transportation Subcommittee is scheduled to review this item on June 25, 2019.

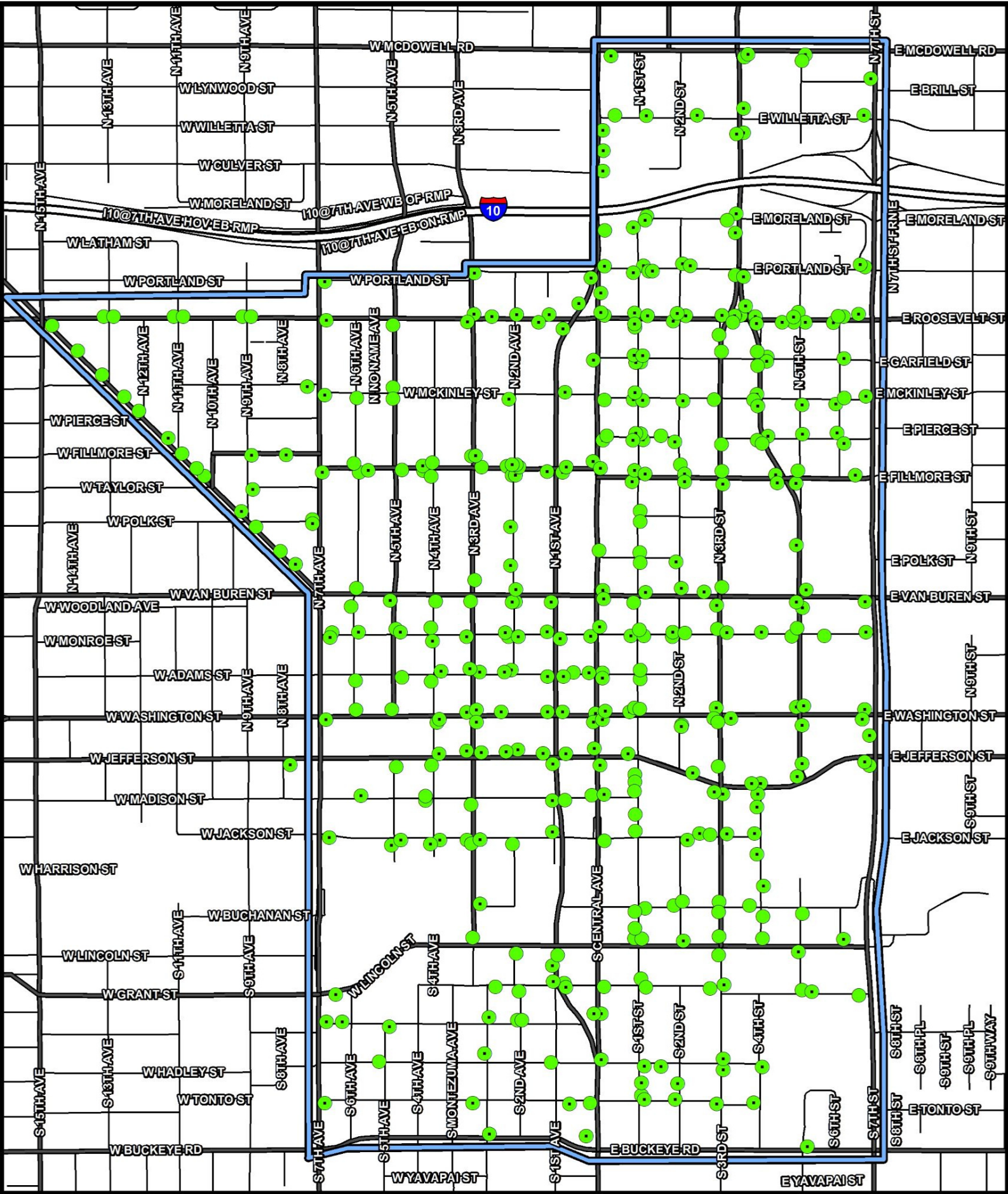
Location

The initial boundary of the proposed pilot program was to be from 7th Avenue to 7th Street and from Buckeye Road to McDowell Road. Based on feedback from Council members, the proposed pilot program boundary will be modified slightly west to include the area bounded by Roosevelt Street and Grand Avenue, and a reduction of the northern boundary to Portland Street between 7th Avenue and Central Avenue.
Council Districts: 4, 7 and 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.

Attachment A
eScooter Parking Locations

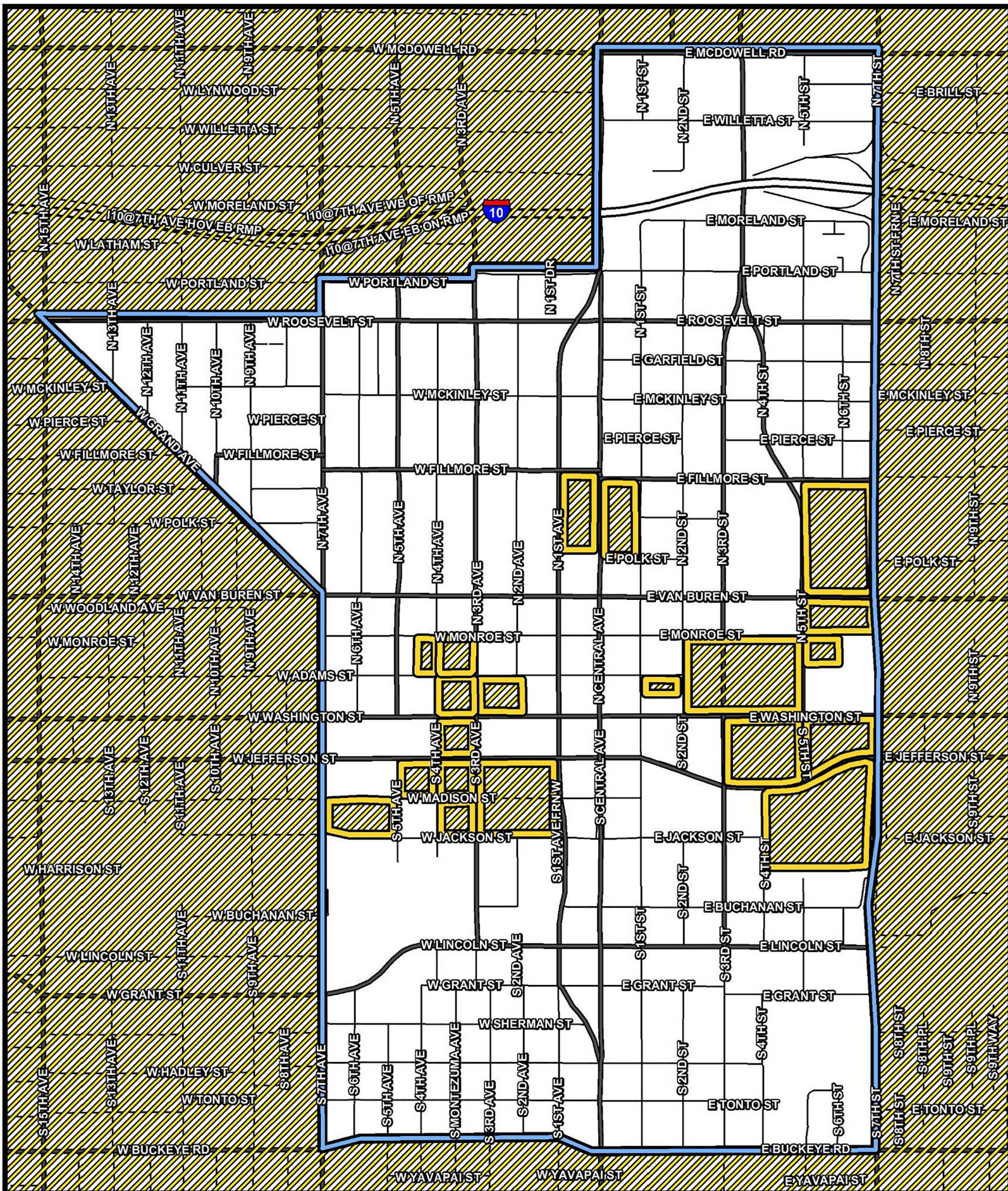


0 800 1,600 Feet

- In-Street Electric Scooter Parking
- Off-Street Electric Scooter Parking



Attachment B eScooter Geofencing Map



0 800 1,600 Feet



Attachment C

Dockless Scooter Release Agreements

Section I

INDEMNIFICATION AGREEMENT FOR DOCKLESS ELECTRIC STANDUP SCOOTER SHARE OPERATOR BETWEEN [NAME OF OPERATOR] AND CITY OF PHOENIX

RECITALS

WHEREAS [NAME OF OPERATOR], a Dockless Electric Standup Scooter Share Operator, (“Operator”) seeks to provide a Dockless Electric Standup Scooter Share System (“System”) in the City of Phoenix, Arizona; and

WHEREAS the City of Phoenix (“City”) has agreed to issue a Revocable Dockless Electric Standup Scooter Share Permit (“Permit”) for the System during a pilot program; and

WHEREAS the Operator is uniquely positioned to understand and address risks and liabilities associated with the System and its users; and

WHEREAS the Operator understands that the System is potentially hazardous and that the Operator and its users may be exposed to dangers and hazards, including but not limited to the following: falls; fractures; concussions; dangerous weather; overexertion; overheating; injuries from a lack of fitness or conditioning; hyperthermia; hostile or aggressive pedestrians, bicyclists, scooterists, or vehicle drivers; death; equipment failures; losing control of or crashing the scooter; traffic; collisions with moving or parked vehicles, bicycles, scooters, or pedestrians; road and or trail hazards (such as sewer gratings, gravel, uneven or unlevel terrain, washouts and debris); failure to wear a helmet and or other protective equipment; and the negligence of others; and

WHEREAS as a consequence of the above risks and others not identified, the Operator and its users may be seriously hurt, disabled, or may die from the resulting injuries; and

WHEREAS the Operator and the its users’ property may be damaged as a result of the above risks;

NOW, THEREFORE, in consideration of the recitals stated above and for the grant of a Revocable Dockless Electric Standup Scooter Share Permit (“Permit”), the Operator agrees to the terms contained in this agreement:

AGREEMENT

1. **ASSUMPTION OF THE RISKS:** Operator hereby freely and voluntarily assumes the risks for any harm, injury or loss that may occur to the Operator or its property or the Operator’s users or the Operator’s users’ property as a result of the participation in the System – including, to the extent permitted by law, any injury or loss caused or alleged to be caused by the negligence of the City, its employees and officers, officials and agents and other System participants. Operator also understands that any equipment used, provided or rented from the Operator, or any other provider, is done so at the Operator’s own risk and that any such equipment is provided without any warranty from the City of Phoenix about its condition or suitability.

2. **RELEASE OF LIABILITY:** Operator hereby RELEASES the City of Phoenix, its employees and officers, officials and agents, the providers of any right-of-way, land owners, the State of Arizona and its departments, municipal or governmental providers of use permits, and their respective employees and officers, officials and agents (the “Released Parties”) FROM ALL LIABILITIES, CAUSES OF ACTION, CLAIMS AND DEMANDS that arise in any way from injury, death, loss or harm that occurs to the Operator, its users, or any other person, or to any property related to the System. This RELEASE includes claims for the negligence of the Released Parties and claims for strict liability. This RELEASE does not extend to

claims or any other liabilities that Arizona law does not permit to be excluded by agreement. Operator also agrees not to sue or make a claim against the Released Parties for death, injuries, loss, or harm, or damage to tangible or intangible property.

3. INDEMNIFICATION: Operator promises to INDEMNIFY, HOLD HARMLESS, AND DEFEND the City, its employees, agents, officials ("The City of Phoenix") from and against any and all alleged claims, actions, liabilities, damages, losses or expenses (including court costs, attorney's fees, costs of claim processing, investigation, and litigation) asserted against it for: violations of the Americans with Disabilities Act; bodily or personal injury including death; loss or damage to tangible or intangible property; or loss of business or economic loss caused or alleged to be caused in whole or in part, by anyone using or alleged to be using any and all dockless electric standup scooters provided or maintained by Operator in connection with the System. To the extent permitted by law, Operator also promises to INDEMNIFY, HOLD HARMLESS AND DEFEND The City of Phoenix from and against any and all claims for its own negligence or alleged to be caused by its own negligence, and any other claim arising from its conduct related to the System. In accordance with these promises, Operator will reimburse the Released Parties for any judgments, damages, reasonable settlements and defense costs, including attorney's fees, that the Released Parties may incur because of any such claims made against them. Operator agrees that the terms of the Permit, including the indemnifications obligation, will be binding on any of Operator's successors in interest who will be obligated to respect and enforce them.

4. INDEPENDENT CONTRACTORS: I acknowledge that the City has no control over and assumes no responsibility for the actions of the Operator or any independent contractors providing any services for the System.

5. SEVERABILITY: Operator agrees that the purpose of this agreement is that it shall be an enforceable ASSUMPTION OF RISKS, RELEASE OF LIABILITY, AND INDEMNITY as broad and inclusive as permitted by law. Operator agrees that if any portion or provision of this agreement is found to be invalid or unenforceable, then the remainder will continue in full force and effect. Operator also agrees that any invalid provision will be modified or partially enforced to the maximum extent permitted by law to carry out the purpose of the agreement.

7. APPLICABLE LAW AND FORUM: This agreement is governed by and shall be construed in accordance with the laws of the state of Arizona, without reference to its choice of law rules. Operator agrees that any dispute arising from this Agreement or in any way associated with the Activity shall be brought only in a state or federal court located in Maricopa County, Arizona, and Operator agrees to the jurisdiction and venue of those courts for any such dispute.

OPERATOR HAS FULLY INFORMED ITSELF OF THE CONTENTS OF THIS AGREEMENT BY READING IT BEFORE SIGNING IT. NO ORAL REPRESENTATIONS, STATEMENTS, OR OTHER INDUCEMENTS TO SIGN THIS RELEASE HAVE BEEN MADE APART FROM WHAT IS CONTAINED IN THIS DOCUMENT. OPERATOR UNDERSTANDS THIS IS A CONTRACT THAT AFFECTS LEGAL RIGHTS AND OPERATOR SIGNS IT VOLUNTARILY.

Signature of Operator: _____
Name, Title: _____
Date: _____

Section 2
RELEASE OF LIABILITY BY
DOCKLESS ELECTRIC STANDUP SCOOTER SHARE USER

RECITALS

WHEREAS I have chosen to participate in a Dockless Electric Standup Scooter Share System in Phoenix, Arizona ("System") with [NAME OF OPERATOR] ("Operator") during the City of Phoenix ("City") pilot program;

WHEREAS I understand that the Operator is uniquely positioned to understand and address risks and liabilities associated with the System and its users; and

WHEREAS I understand that the System is potentially hazardous and that I may be exposed to dangers and hazards, including but not limited to the following: falls; fractures; concussions; dangerous weather; overexertion; overheating; injuries from a lack of fitness or conditioning; hyperthermia; hostile or aggressive pedestrians, bicyclists, scooterists, or vehicle drivers; death; equipment failures; losing control of or crashing the scooter; traffic; collisions with moving or parked vehicles, bicycles, scooters, or pedestrians; road and or trail hazards (such as sewer gratings, gravel, uneven or unlevel terrain, washouts and debris); failure to wear a helmet and or other protective equipment; and the negligence of others; and

WHEREAS as a consequence of the above risks and others not identified, I may be seriously hurt, disabled, or may die from the resulting injuries; and

WHEREAS my property may be damaged as a result of the above risks;

NOW, THEREFORE, in consideration of the above recitals and for permission to participate in the System, I agree to the terms contained in this agreement:

AGREEMENT

1. ASSUMPTION OF THE RISKS: I hereby freely and voluntarily assume the risks of use including, but not limited to bodily injury, personal injury, including death, or loss or damage to tangible or intangible property, loss of business or economic loss, as well as other risks not listed, and any harm, injury or loss that may occur to me or my property as a result of my participation in the System, including any injury or loss caused or alleged to be caused by the City, its employees and officers, officials and agents and other System participants. I also understand that any equipment that I provide or rent from the Operator, or any other provider, I use at my own risk and that any such equipment is provided without any warranty from the City about its condition or suitability.

2. RELEASE OF LIABILITY: I hereby RELEASE the City, its employees and officers, officials and agents, the providers of any right of way (the "Released Parties"), FROM AND AGAINST ALL LIABILITIES, CAUSES OF ACTION, CLAIMS AND DEMANDS that arise in any way from injury, death, loss or harm that occurs to me or any other person or to any property related to the System. This RELEASE includes claims that are, or can be asserted, including, but not limited to, negligence, gross negligence, premises liability, products liability, breach of contract or any other legally recognized cause of action or theory of recovery. This RELEASE does not extend to claims or any other liabilities that Arizona law does not permit to be excluded by agreement. I also agree not to sue or make a claim against the Released Parties for death, injuries, loss or harm that occur while engaging in the System or that are related in any way to use of the System.

3. INDEPENDENT CONTRACTORS: I acknowledge that the City has no control over and assumes no responsibility for the actions of any Operator or any independent contractors providing any services for the System.

4. SEVERABILITY: I agree that the purpose of this agreement is that it shall be an enforceable ASSUMPTION OF RISK AND RELEASE OF LIABILITY as broad and inclusive as permitted by law. I agree that if any portion or provision of this agreement is found to be invalid or unenforceable, then the remainder will continue in full force and effect. I also agree that any invalid provision will be modified or partially enforced to the maximum extent permitted by law to carry out the purpose of the agreement.

5. APPLICABLE LAW AND FORUM: This agreement is governed by and shall be construed in accordance with the laws of the state of Arizona, without reference to its choice of law rules. I agree that any dispute arising from this agreement or in any way associated with the System shall be brought only in a state or federal court located in Maricopa County, Arizona, and I agree to the jurisdiction and venue of those courts for any such dispute.

I HAVE FULLY INFORMED MYSELF OF THE CONTENTS OF THIS AGREEMENT BY READING IT BEFORE SIGNING IT. NO ORAL REPRESENTATIONS, STATEMENTS, OR OTHER INDUCEMENTS TO SIGN THIS RELEASE HAVE BEEN MADE APART FROM WHAT IS CONTAINED IN THIS DOCUMENT. I UNDERSTAND THIS IS A CONTRACT THAT AFFECTS MY LEGAL RIGHTS AND I SIGN IT OF MY OWN FREE WILL.

Signature of user:

Name printed:

Date:

Attachment D

Standard Insurance Requirements

Operators and their subcontractors shall procure and maintain until all of their obligations have been discharged insurance against claims for injury to persons or damage to property which may arise from or in connection with the Marathon Events.

The insurance requirements herein are minimum requirements and in no way limit the indemnity covenants contained in this agreement. The City in no way warrants that the minimum limits contained herein are sufficient to protect the Operator and their subcontractors from liabilities that might arise out of the activities encompassed by this agreement by the Operator, its agents, representatives, employees or subcontractors and the Operator is free to purchase additional insurance as may be determined necessary.

a. **MINIMUM SCOPE AND LIMITS OF INSURANCE:** Operator shall provide coverage with limits of liability not less than those stated below. An excess liability policy or umbrella liability policy may be used to meet the minimum liability requirements provided that the coverage is written on a "following form" basis.

i. Commercial General Liability — Occurrence Form Policy shall include bodily injury, property damage and broad form contractual liability coverage.

General Aggregate \$5,000,000

Products — Completed Operations Aggregate \$2,000,000

Personal and Advertising Injury \$2,000,000

Each Occurrence \$5,000,000

Fire Damage \$100,000

- The policy shall be endorsed to include the following additional insured language: "The City of Phoenix shall be named as an additional insured with respect to liability arising out of the activities performed by, or on behalf of Operator, Inc."
- The policy shall be endorsed to include Broad Form Property Damage coverage. The exclusion relating to damage to property in the care, custody and control of the insured shall be deleted.
- The policy shall be endorsed to include Broad Form Bodily Injury, including bodily injury as a result of the use of reasonable force to protect persons or property.
- The policy shall be endorsed to include Broad Form Personal Injury Coverage.
- The policy shall be endorsed to include Spectator Liability Coverage.
- The policy shall be endorsed to include separate limits for legal liability to participants.
- The policy shall be endorsed to include Errors and Omissions coverage.

Attachment E

THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL, ADOPTED ORDINANCE.

ORDINANCE NO. G-####

AN ORDINANCE AMENDING PHOENIX CITY CODE CHAPTER 4, ARTICLE I, SECTION 4-1; CHAPTER 23, ARTICLE I, SECTIONS 23-1 AND 23-15; ARTICLE X, SECTIONS 23-120 AND 23-128; CHAPTER 24, ARTICLE II, SECTIONS 24-43 AND 24-51(F); CHAPTER 31, ARTICLE VII, SECTION 31-80(B); AND TO ESTABLISH A PILOT DOCKLESS ELECTRIC STANDUP SCOOTER PROGRAM BY ADDING SECTIONS 31-85 AND 31-86; AND AMENDING CHAPTER 36, ARTICLE I, SECTION 36-1; ARTICLE II, SECTIONS 36-29, 36-40.1, AND 36-40.2; AND TO ESTABLISH REGULATIONS FOR ELECTRIC STANDUP SCOOTERS BY ADDING ARTICLE XV; AND AMENDING ARTICLE XVI, SECTION 36-403; AND AMENDING CHAPTER 39, ARTICLE II, SECTION 39-7(A); AND ESTABLISHING A SUNSET DATE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as

follows:

SECTION 1. Phoenix City Code, Section 4-1, is amended to read as

follows:

4-1 Definitions.

In this chapter, unless the context otherwise requires, the following definitions shall apply. In addition, all definitions contained within the Federal Aviation Act of 1958 and all subsequent amendments shall be included and all definitions shall be interpreted on the basis and intention of the FAA Act and its amendments. A supplemental set of definitions is provided in Section 4-67 that relate only to Article IV. A second supplemental set of definitions is provided in Section 4-138(A) that relates only to Section 4-138. A third supplemental set of definitions is provided in Section 4-22 that only relates to Section 4-22.

Accident means a collision between an aircraft or a vehicle, and an aircraft, vehicle, person, stationary object or other thing which results in property damage, personal injury, or death; or an entry into or emerging from a moving aircraft or vehicle by a person which results in personal injury or death to such person or some other person, or which results in property damage.

Air carrier means a person who is certificated by the Federal Aviation Administration to engage in air transportation directly by lease or by other arrangement.

Aircraft means a device that is used or intended to be used for flight in the air.

Aircraft movement area means any restricted portion of the airport specifically meant for the ground operation of an aircraft including runways, ramps, aprons, parking and loading areas.

Aircraft operation means an aircraft landing, takeoff or maneuver.

Aircraft parking and storage area means the open areas of an airport to be used for aircraft parking.

Airport means all of the land, buildings, and facilities comprising Phoenix Sky Harbor International Airport (PSHIA), Phoenix Deer Valley Airport (PDVA), or Phoenix Goodyear Airport (PGA), including the Rental Car Center, as now existing or as the same may hereafter be expanded and developed, unless otherwise designated.

Air terminal means any building owned and operated by the City of Phoenix with designated aircraft loading gates.

Air traffic means aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

Air transportation means intrastate, interstate, overseas, or foreign air commerce or the transportation of mail by aircraft.

Aviation Director means the Aviation Director of the City of Phoenix or his designee.

Best management practices means any program technology, process, siting criteria, operating method, measure, or device that controls, removes, or reduces pollution.

Business or concession means the sale, offering for sale, or the furnishing of any commodity, article, facility or service.

Cargo means personal property transported or intended to be transported by air transportation.

City means the City of Phoenix, Arizona.

Commercial activity means the conduct of any aspect of a business or concession on the airport for revenue.

Council means the City Council of the City of Phoenix, Arizona.

Disabled services vehicle means a van or any other motor vehicle that is designated by the Aviation Director as a disabled services vehicle authorized to operate on an airport in accordance with this chapter. +1

Environmental laws includes, without limitation, local, State and Federal laws now in effect or enacted hereafter which control or regulate substances or materials that may be detrimental to human health, safety or the environment, including hazardous substances, hazardous wastes, pollutants and petroleum products.

Fixed base operator means a person, firm or corporation that, subject to the provisions of a lease at the airport, is providing or offering general aviation services to the public.

Flying club means any partnership, corporation or group of individuals which neither for profit nor reward possesses one or more aircraft for the purpose of rental to its members and is in compliance with other rules and regulations adopted by the Aviation Director.

Fuel dispenser means the authorized storage, transfer or other handling of aviation petroleum products in quantities greater than 100 U.S. gallons.

Fuel handling means the transportation, delivery, fueling, and draining of fuel or fuel waste products.

Fuel storage area means any portion of an airport temporarily or permanently designated by the Aviation Director as areas where gasoline, and any other type of fuel, may be stored or loaded in compliance with applicable environmental laws.

General aviation services means:

1. Aircraft accessories: Sales, services, repair, exchange and installation of new or used aircraft accessories such as alternators, generators, starters and oil coolers.
2. Aircraft fuel and lubricant retail sale.
3. Aircraft maintenance: Inspection, repair, service, modification and replacement of airframes, power plants, components and accessories.
4. Aircraft parts: Purchase, sales and exchange of new, used or rebuilt aircraft parts, accessories equipment or tools at retail or wholesale.
5. Aircraft refinishing: Installation, replacement, modification or repair of aircraft interior upholstery and furnishings, and aircraft painting.
6. Aircraft rental: Allowing the use of aircraft in return for payment.
7. Aircraft sales: Purchase, sales, exchange and brokerage of new or used aircraft.
8. Aircraft storage: Rental of tiedowns or hangar space.
9. Contract operations: Special contractual services such as helicopter sling operations, firefighting, aerial photography and aerial advertising.
10. Pilot training: Instruction by qualified ground school and flight instructors to prepare students to take written, oral and flight examinations for a pilot's license, aircraft rating or periodic review; and aircraft rental for dual or solo flight training, pilot proficiency and currency.
11. Any other activities approved in writing by the Aviation Director.

Itinerant operations means all aircraft operations at a site other than its designated base.

Loading gate means that terminal space reserved for the loading and unloading of aircraft.

Loading ramp means the aircraft area used for the loading and unloading of aircraft.

Loading zone means that space adjacent to a curb reserved for loading or unloading passengers, baggage or materials from vehicles.

Off-airport rental car company means a person or business entity that rents vehicles to airport customers but does not lease space from the City at the airport.

On-airport rental car company means a person or business entity that rents vehicles to airport customers from space at the airport that has been leased from the City.

Operator means the person, firm or corporation in possession of an aircraft or vehicle; or, any person who has rented such for the purpose of operation by himself or his agent.

Over-height vehicle means a vehicle which exceeds a height of six feet ten inches above the level surface on which the vehicle stands.

Park or parking means an aircraft, bicycle, ELECTRIC STANDUP SCOOTER or motor vehicle standing attended or unattended.

Pedestrian means any person afoot.

Permission or permit means permission granted by the Aviation Director unless otherwise herein specifically provided.

Pilot means the person responsible for the operation and control of an aircraft.

Regulated substance includes without limitation, any substance, materials or wastes that are or become regulated under, or that are classified as hazardous or toxic under any environmental law, including petroleum.

Rental Car Center or RCC means the ground area and improvements to the site within Sky Harbor Center from which all on-airport airport rental car companies serve airport customers.

Roadway means any street or roadway whether improved or unimproved within the boundaries of the airport set aside or designated for use by vehicles whether dedicated or not.

Sky Harbor Center means The Sky Harbor Center Redevelopment Area as identified in The Sky Harbor Center Redevelopment Area Redevelopment Plan adopted by the Phoenix City Council on April 24, 1985, by Resolution Number 16569.

Stormwater Enforcement Procedures and Civil Penalty Policy means a policy enacted by the City to achieve compliance with Phoenix City Code

Chapter 32C and to prevent pollution of the waters of the United States via the public storm drain system by airport users.

Traffic means pedestrians and vehicles, either singly or together while using any airport area.

Vehicle means a device in, upon or by which any person or property is or may be propelled, moved, or drawn upon a roadway or other ground surface.

Vehicle parking area means any portion of an airport designated and made available, temporarily or permanently, by the Aviation Director for the parking of vehicles.

Walkway means any sidewalk, crosswalk, ramp, dock, concourse, lobby area or other such area designed for pedestrian traffic.

SECTION 2. Phoenix City Code, Section 23-1(c), is amended to read as follows:

23-1 Assault and battery—Defined.

(c) An assault or battery or both may be committed by the use of any part of the body of the person committing the offense, as of the hand, foot, head, or by the use of any inanimate object, capable of inflicting the slightest injury, or by the use of any animate object, as by throwing or violently pushing one person against another, or driving a horse or other animal, automobile, bicycle, ~~or~~ motor-bicycle, OR ELECTRIC STANDUP SCOOTER against a person.

SECTION 3. Phoenix City Code, Section 23-120, is amended to read as follows:

23-120 Definitions.

In this article, unless the context otherwise requires:

1. *Bicycle* means a device that is propelled by human power and on which a person may ride and that has either:

- a. Two tandem wheels, either of which is more than sixteen inches in diameter.
 - b. Three wheels in contact with the ground, any of which is more than sixteen inches in diameter.
2. *Daytime* means the period between sunrise and sunset.
3. *For hire* means to provide, or offer to provide, a service in exchange for any form of payment, whether monetary or otherwise, or gratuity.
4. *Knowingly* means, with respect to conduct or a circumstance described in this article, that a person is aware or believes that his or her conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.
5. *Motorized electric or gas powered bicycle or tricycle* means a bicycle or tricycle that is equipped with a helper motor.
6. *Nighttime* means the period between sunset and sunrise.
7. *Operator* means the person who is in actual physical control of the pedicab.
8. *Pedicab* means either a bicycle or a motorized electric or gas powered bicycle or tricycle that transports or is held out to the public as available to transport passengers for hire, including a bicycle or a motorized electric or gas powered bicycle or tricycle that pulls, or to which is attached, a trailer, sidecar, or similar device.
9. *Person* means a corporation, firm, partnership, limited liability company, association, organization and any other group acting as a unit, as well as an individual.
10. **ELECTRIC STANDUP SCOOTER MEANS A DEVICE THAT WEIGHS LESS THAN SEVENTY-FIVE POUNDS, HAS TWO OR THREE WHEELS, HAS HANDLEBARS, HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING, IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH, AND HAS A MAXIMUM SPEED THAT DOES NOT EXCEED FIFTEEN MILES PER HOURS, WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.**

SECTION 4. Phoenix City Code, Section 23-120, is amended to read as

follows:

23-128 Pedicab operation.

- A. It is unlawful for any person propelling a pedicab to ride other than on or astride a permanent and regular seat attached to the pedicab.
- B. It is unlawful for any person propelling a pedicab to carry at any one time a number of persons in excess of the number of seats available, provided that a passenger under five years of age shall not be considered a person for purposes of this subsection.
- C. It is unlawful for any person to operate a pedicab in a manner that results in damage to public property.
- D. It is unlawful for any person operating a pedicab to fail to exercise due care to avoid colliding with a pedestrian on any roadway or sidewalk.
- E. It is unlawful for any person to operate a pedicab equipped with a siren or whistle.
- F. It is unlawful for any person operating a pedicab to knowingly permit a person riding on a bicycle, ELECTRIC STANDUP SCOOTER, coaster, sled, toy vehicle or roller skates to attach the bicycle, ELECTRIC STANDUP SCOOTER, coaster, sled, toy vehicle, roller skates or that person to the pedicab.
- G. It is unlawful for any person to operate a pedicab while carrying a package, bundle or article if the package, bundle or article prevents the operator from keeping at least one hand on the handlebars.
- H. It is unlawful for any person to knowingly operate AN ELECTRIC STANDUP SCOOTER OR a motorized electric or gas powered bicycle or tricycle on any street or adjoining sidewalk that has been closed by the Police Department to general motor vehicle traffic by barricade or similar barrier while the helper motor is in operation.
- I. It is unlawful for any person to operate a pedicab on a street with a posted speed limit of 35 miles per hour or greater, except for the purpose of crossing that street.
- J. It is unlawful for any person, while operating a pedicab, to stop on a street with a posted speed limit of 35 miles per hour or greater in order to pick up or drop off passengers.

K. It is unlawful for any person, while operating a pedicab, to obstruct the flow of pedestrian traffic by remaining stopped on a sidewalk, except for the time period necessary to pick up or drop off passengers.

L. It is unlawful to operate a pedicab that does not have a clearly visible manufacturer's serial or identification number. In the case of a pedicab that is not of unibody design, it is sufficient for purposes of this subsection that either the operator's portion or the passenger's portion of the pedicab contain the manufacturer's serial or identification number.

M. It is unlawful to knowingly remove, deface, alter or destroy the manufacturer's serial or identification number on a pedicab.

SECTION 5. Phoenix City Code, Section 24-43, is amended to read as follows:

24-43 Prohibition of wheeled devices in public parks.

A. No person shall operate a skateboard, conventional or in-line roller skates, bicycle, wagon, or other wheeled vehicle or device in a public park where one or more signs are posted prohibiting such activity, or in a manner which causes injury to any person or damage to public or private property.

B. NO PERSON SHALL OPERATE AN ELECTRIC STANDUP SCOOTER IN A PUBLIC PARK WHERE ONE OR MORE SIGNS ARE POSTED PROHIBITING THE OPERATION OF ANY WHEELED VEHICLE OR DEVICE LISTED IN SUBSECTION A.

SECTION 6. Phoenix City Code, Section 24-51(F), is amended to read as follows:

24-51 Operation and parking of vehicles in parks; posting and exemptions; penalties.

F. For the purposes of this Section, "vehicle" means any motor-powered or self-propelled vehicle, except a motorized wheelchair, bicycle, ELECTRIC STANDUP SCOOTER or animal-drawn conveyance.

SECTION 7. Phoenix City Code, Section 31-80(B), is amended to read as

follows:

31-80 Authority and administration.

B. *Definitions.* For the purposes of this article, unless the context requires otherwise, the following terms, phrases, words, and their derivatives shall have the meanings given herein:

Applicant means a person, its contractors, agents, officers, employees, subsidiaries, affiliates, parent organization, successor-in-interest, predecessor-in-interest, or joint ventures who apply for a right-of-way permit under this article.

DOCKLESS ELECTRIC STANDUP SCOOTER SHARE OPERATOR MEANS A PERSON THAT OPERATES A DOCKLESS ELECTRIC STANDUP SCOOTER SHARE SYSTEM, WHETHER FOR PROFIT OR NOT FOR PROFIT.

DOCKLESS ELECTRIC STANDUP SCOOTER SHARE SYSTEM MEANS A SYSTEM THAT PROVIDES ELECTRIC STANDUP SCOOTERS FOR SHORT-TERM RENTALS AND WHICH MAY BE LOCKED AND UNLOCKED WITHOUT THE REQUIREMENT OF AN ELECTRIC STANDUP SCOOTER RACK OR OTHER DOCKING STATION INSTALLED WITHIN THE CITY OF PHOENIX CORPORATE BOUNDARIES.

Minor encroachment means those underground facilities whose cross-sectional areas are less than two feet across; and those encroachments whose surface and aerial uses are easily removed from the right-of-way as determined by the Street Transportation Director including, but not limited to, the following: fences, surface parking, awnings, wells, overhangs, aerial cables, poles, bus shelters, or small temporary structures without foundations.

~~Permittee~~ *PERMITTEE* or *permit holder* means a person holding a current and valid permit issued under this article.

Person means a person or business association organized as provided by law.

REVOCABLE DOCKLESS ELECTRIC STANDUP SCOOTER SHARE PERMIT MEANS A PERMIT AUTHORIZING A DOCKLESS ELECTRIC STANDUP SCOOTER SHARE OPERATOR TO OPERATE A DOCKLESS ELECTRIC STANDUP SCOOTER SHARE SYSTEM IN THE PUBLIC RIGHT-OF-WAY AND SETTING FORTH THE CONDITIONS AND REQUIREMENTS FOR PERMITTEES TO PLACE DOCKLESS ELECTRIC STANDUP SCOOTERS IN THE PUBLIC RIGHT-OF-WAY.

Revocable permit means any permit issued to allow minor encroachments for an indefinite period within the public right-of-way.

Right-of-way temporary use permit means a permit issued to allow the temporary use or restriction of the public right-of-way including, but not limited to, a street, sidewalk, or designated bicycle lane.

Right-of-way use permits means, collectively, revocable permits, and right-of-way temporary use permits, AND REVOCABLE DOCKLESS ELECTRIC STANDUP SCOOTER SHARE PERMITS.

SECTION 8. Phoenix City Code, Article VII is amended to add Sections 31-85 and 31-86 as follows:

31-85 REVOCABLE DOCKLESS ELECTRIC STANDUP SCOOTER SHARE PERMIT.

A. THE CITY MANAGER IS AUTHORIZED TO ISSUE AND ADMINISTER A REVOCABLE DOCKLESS ELECTRIC STANDUP SCOOTER SHARE PERMIT TO A DOCKLESS ELECTRIC STANDUP SCOOTER SHARE OPERATOR FOR THE TERM OF SIX MONTHS AND SET FEES TO OPERATE A DOCKLESS ELECTRIC STANDUP SCOOTER SHARE SYSTEM IN THE PUBLIC-RIGHT-OF-WAY.

31-86 REVOCABLE DOCKLESS ELECTRIC STANDUP SCOOTER SHARE PERMIT REQUIRED.

A. A DOCKLESS ELECTRIC STANDUP SCOOTER SHARE OPERATOR MUST APPLY FOR, OBTAIN, COMPLY WITH, AND BE BOUND BY ALL REVOCABLE DOCKLESS ELECTRIC STANDUP SCOOTER SHARE SYSTEM PERMIT TERMS AND CONDITIONS.

SECTION 9. Phoenix City Code, Section 36-1, is amended to read as follows:

36-1 Definitions.

Whenever any words or phrases used in this chapter are not defined but are defined in the Motor Vehicle Laws of Arizona, Title 28, Arizona Revised Statutes, as amended, such definitions shall apply. In this chapter, unless the context otherwise requires:

Alley and alleyways mean lanes or passageways for use as a means of access to the rear of lots or buildings. Alleys and alleyways shall not be considered thoroughfares.

Arterial streets means all major arterial streets and arterial streets as designated on the existing street classification map.

Collector streets means all streets designated as collector streets and minor collector streets on the existing street classification map.

Curb loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

ELECTRIC STANDUP SCOOTER MEANS A DEVICE THAT WEIGHS LESS THAN SEVENTY-FIVE POUNDS, HAS TWO OR THREE WHEELS, HAS HANDLEBARS, HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING, IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH, AND HAS A MAXIMUM SPEED THAT DOES NOT EXCEED FIFTEEN MILES PER HOURS, WITH OR WITHOUT HUMAN PROPULSION, ON A PAVED LEVEL SURFACE.

Flammable liquid means any liquid having a flash point below two hundred degrees Fahrenheit and having a vapor pressure not exceeding forty pounds per square inch (absolute). Flammable liquids shall be divided into classes and shall include combustible liquids as defined in the Fire Code of the City of Phoenix.

Freeway or expressway means a freeway or expressway as designated on the existing street classification map.

Frontage or access road means a local street or road, auxiliary to and located adjacent to an arterial street or freeway for access to abutting properties and adjacent areas.

Interchange means the system of interconnecting roadways in conjunction with a grade separation or separations, including the points of access for vehicles to enter and to leave a freeway, providing for the interchange of traffic between two or more roadways.

Local streets means all streets that provide direct access to residential, commercial, industrial, or other abutting land and for local traffic movements, and that connect to collector or arterial streets or both.

Metered parking space means a designated area used for parking a motorized vehicle upon a public street, sidewalk or other City property and regulated by operation of a parking meter.

Motorized play vehicle means a coaster, scooter, any other alternatively fueled device, or other motorized vehicle that is self-propelled by a motor or engine, gas or electric, and which is not otherwise defined in Title 28, Arizona Revised Statutes, as a motor vehicle, motorcycle, motor-driven cycle, ELECTRIC STANDUP SCOOTER, motorized wheelchair or electric personal assistive mobility device.

Motorized skateboard means a self-propelled device that has a motor, gas or electric, a deck on which a person may ride and at least two tandem wheels in contact with the ground and which is not otherwise defined in Title 28, Arizona Revised Statutes, as a motor vehicle, motorcycle, motor-driven cycle, ELECTRIC STANDUP SCOOTER, motorized wheelchair or electric personal assistive mobility device.

Official traffic control devices means all signs, signals, parking meters, markings, and devices not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Owners' service station means a place where flammable liquids are kept or stored in bulk for the sole purpose of distributing such liquids into the owners' own vehicles. No owners' service station shall be constructed, maintained or operated for a fleet less than five vehicles.

Parking meter means (A) a device located upon a public street, sidewalk or other City property that displays the period of parking time for an individual metered parking space; or (B) a pay station located upon a public street, sidewalk or other City property that may issue a receipt displaying the period of parking time for an individual metered parking space within a multi-space station. A parking meter monitors the period of parking time purchased through the use of legal United States coins, credit cards or other acceptable forms or methods of payment that are used to operate it.

Parkway means a street or highway that is designated as such on the existing street classification map to provide a scenic or intensively landscaped appearance to any street individually or in combination with other streets. The parkway system may provide access to and connect the parks and scenic areas and traffic services through such areas.

Pay station means a device that accepts payment for use of more than one metered parking space.

Private emergency vehicles means authorized emergency vehicles other than those defined by Section 28-101, Arizona Revised Statutes, and including private ambulances, private escort vehicles of funeral and other processions, emergency vehicles of public service corporations, and such others as may be designated by the City Council. All traffic laws and ordinances are applicable to such private emergency vehicles when they are not proceeding under an emergency situation.

Procession means an orderly file of six or more vehicles with suitable escort, such escort being approved by the Director of the Police Department.

Street classification map means the street classification map in the form as last adopted and amended by the City Council.

Tank semi-trailer means a vehicle designed for transporting flammable liquids and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

Tank trailer means a vehicle without motive power designed for transporting flammable liquids and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Tank truck means a truck having a tank for the transportation of flammable liquids.

Truck means a vehicle with motive power other than a bus, having three or more axles and measuring thirty-six feet or longer in overall length, including truck and load.

SECTION 10. Phoenix City Code, Section 36-29, is amended to read as follows:

36-29 Restrictions upon use of streets.

The City Traffic Engineer shall prohibit the use of the roadway to motor-driven cycles, bicycles, ELECTRIC STANDUP SCOOTERS, horse-drawn vehicles or other non-motorized traffic upon designated streets and shall erect appropriate signs giving notice thereof.

SECTION 11. Phoenix City Code, Section 36-40.1, is amended to read as

follows:

36-40.1 Designation of civil traffic offenses.

Any violation or refusal to do or perform any act required by an operator of a motor vehicle, AN ELECTRIC STANDUP SCOOTER, a bicycle or a pedestrian in this chapter constitutes a civil traffic offense unless the ordinance defining the violation provides for a different classification.

SECTION 12. Phoenix City Code, Section 36-40.2, is amended to read as

follows:

36-40.2 Authority to detain persons to serve civil traffic complaint.

A peace officer or duly authorized agent of the City of Phoenix Police Department may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of any civil traffic offense and to serve a copy of the traffic complaint for any alleged civil or criminal violation of the Phoenix City Code pertaining to the regulation and control of a motor vehicle, a bicycle, AN ELECTRIC STANDUP SCOOTER, or a pedestrian.

SECTION 13. Phoenix City Code Chapter 36, is amended by adding new Article XV as follows:

ARTICLE XV. ELECTRIC STANDUP SCOOTERS

36-300 SPEED LIMIT.

NO PERSON SHALL OPERATE AN ELECTRIC STANDUP SCOOTER AT A SPEED GREATER THAN IS REASONABLE AND PRUDENT UNDER THE CONDITIONS THEN EXISTING.

36-301 TURNING MOVEMENT AND PEDESTRIAN REGULATIONS.

WHENEVER AUTHORIZED SIGNS ARE ERECTED INDICATING THAT NO RIGHT OR LEFT OR U-TURN IS PERMITTED, NO PERSON OPERATING AN ELECTRIC STANDUP SCOOTER SHALL DISOBEY THE DIRECTION OF ANY SUCH SIGN, EXCEPT WHERE SUCH PERSON DISMOUNTS FROM THE ELECTRIC STANDUP

SCOOTER TO MAKE ANY SUCH TURN, IN WHICH EVENT HE SHALL DO SO AT THE CURB AND SHALL THEN OBEY THE REGULATIONS APPLICABLE TO PEDESTRIANS.

36-302 YIELDING RIGHT-OF-WAY.

THE OPERATOR OF AN ELECTRIC STANDUP SCOOTER EMERGING FROM AN ALLEY, DRIVEWAY, OR BUILDING SHALL, UPON APPROACHING A SIDEWALK OR THE SIDEWALK AREA EXTENDING ACROSS SUCH ALLEY, DRIVEWAY, OR BUILDING EXIT, YIELD THE RIGHT-OF-WAY TO ALL PEDESTRIANS APPROACHING ON SAID SIDEWALK OR SIDEWALK AREA, AND UPON ENTERING THE ROADWAY SHALL YIELD THE RIGHT-OF-WAY TO ALL VEHICLES AND BICYCLES APPROACHING ON SAID ROADWAY.

36-303 SIGNS PROHIBITING BICYCLES ARE APPLICABLE TO ELECTRIC STANDUP SCOOTERS.

WHERE AUTHORIZED SIGNS ARE ERECTED ON A SIDEWALK OR ROADWAY PROHIBITING THE RIDING OF BICYCLES, NO PERSON SHALL OPERATE AN ELECTRIC SCOOTER THEREON.

36-304 ELECTRIC STANDUP SCOOTERS PROHIBITED ON SIDEWALKS. NO PERSON MAY OPERATE AN ELECTRIC STANDUP SCOOTER UPON A SIDEWALK.

36-305 PARKING OF ELECTRIC STANDUP SCOOTERS.

A. A PERSON VIOLATES THIS SECTION IF A PERSON FAILS TO PARK AN ELECTRIC STANDUP SCOOTER:

1. IN AN UPRIGHT POSITION ON ASPHALT PAVEMENT, CONCRETE, OR A SIMILAR HARD SURFACE; OR
2. TO MAINTAIN A MINIMUM WIDTH OF 48 INCHES FOR PEDESTRIAN TRAVEL; OR
3. TO MAINTAIN UNIMPEDED ACCESS TO PUBLIC OR PRIVATE ENTRANCES; OR
4. TO MAINTAIN UNIMPEDED ACCESS TO ANY DESIGNATED BICYCLE DOCKING STATION TO PARK AND LOCK BICYCLES; OR
5. TO MAINTAIN VEHICULAR TRAVEL; OR

6. IN AN AREA OR LOCATION DESIGNATED BY THE STREET TRANSPORTATION DIRECTOR OR DESIGNEE; OR

7. ON STREETS WITHOUT SIDEWALKS, ELECTRIC STANDUP SCOOTERS MAY BE PARKED IF THE TRAVEL LANE(S) AND A MINIMUM 48-INCH PEDESTRIAN CLEAR ZONE ARE NOT IMPEDED.

B. A PERSON VIOLATES THIS SECTION IF A PERSON PARKS AN ELECTRIC STANDUP SCOOTER:

1. AT THE INTERSECTION OF TWO OR MORE SIDEWALKS; OR

2. ON STREETS WHERE THE FURNITURE ZONE IS LESS THAN THREE FEET WIDE, OR WHERE THERE IS NO FURNITURE ZONE; OR

3. ADJACENT TO OR WITHIN:

A. PARKLETS OR STREET EATERIES; OR

B. TRANSIT ZONES, INCLUDING BUS STOPS, SHELTERS, PASSENGER WAITING AREAS, BUS LAYOVER, AND STAGING ZONES, EXCEPT AT EXISTING BICYCLE RACKS; OR

C. LOADING ZONES; OR

D. DISABLED PARKING ZONES; OR

E. STREET FURNITURE THAT REQUIRES PEDESTRIAN ACCESS (BENCHES, PARKING PAY STATIONS, BUS SHELTERS, TRANSIT INFORMATION SIGNS, OR KIOSKS); OR

F. LANDSCAPED AREAS ADJACENT TO OR WITHIN THE PUBLIC RIGHT-OF-WAY; OR

G. CURB RAMPS; OR

H. WITHIN TEN FEET OF ENTRYWAYS AND EXITS.

C. ANY PARKED ELECTRIC STANDUP SCOOTER VIOLATING SUBSECTION A OR B OF THIS SECTION, OR PARKED IN ONE LOCATION FOR MORE THAN SEVEN CONSECUTIVE DAYS, MAY BE REMOVED BY THE CITY AND STORED AT THE EXPENSE OF THE ELECTRIC STANDUP SCOOTER OWNER.

D. AN ELECTRIC STANDUP SCOOTER OWNER MUST REMOVE ANY PARKED ELECTRIC STANDUP SCOOTER VIOLATING THIS SECTION WITHIN TWO HOURS OF THE CITY SENDING NOTICE.

E. THE CITY MAY ASSESS A FEE AGAINST THE ELECTRIC STANDUP SCOOTER OWNER TO RECOVER THE CITY'S COSTS AND EXPENSES TO REMOVE OR RELOCATE THE ELECTRIC STANDUP SCOOTER IF THE ELECTRIC STANDUP SCOOTER IS PARKED IN A PROHIBITED AREA.

F. THE STREET TRANSPORTATION DIRECTOR OR DESIGNEE MAY DESIGNATE AREAS WHERE ELECTRIC STANDUP SCOOTER PARKING IS PROHIBITED AND PERMITTED.

G. IF AN ELECTRIC STANDUP SCOOTER HAS NO IDENTIFYING INFORMATION AFFIXED TO IT THAT WOULD ALLOW THE CITY TO IDENTIFY THE OWNER OF THE ELECTRIC STANDUP SCOOTER, THE ELECTRIC STANDUP SCOOTER WILL BE CONSIDERED TO BE ABANDONED.

36-306 UNAUTHORIZED USE.

THE PENALTY FOR USING AN ELECTRIC STANDUP SCOOTER WITHOUT THE OWNER'S CONSENT SHALL BE IN ACCORDANCE WITH STATE LAW.

36-307 ELECTRIC STANDUP SCOOTER EQUIPMENT REQUIRED.

A. AN ELECTRIC STANDUP SCOOTER THAT IS USED AT NIGHTTIME SHALL HAVE A LAMP ON THE FRONT THAT EMITS A WHITE LIGHT VISIBLE FROM A DISTANCE OF AT LEAST FIVE HUNDRED FEET TO THE FRONT AND A RED REFLECTOR ON THE REAR OF A TYPE THAT IS VISIBLE FROM ALL DISTANCES FROM FIFTY FEET TO THREE HUNDRED FEET TO THE REAR WHEN THE REFLECTOR IS DIRECTLY IN FRONT OF LAWFUL UPPER BEAMS OF HEAD LAMPS ON A MOTOR VEHICLE. AN ELECTRIC STANDUP SCOOTER MAY HAVE A LAMP THAT EMITS A RED LIGHT VISIBLE FROM A DISTANCE OF FIVE HUNDRED FEET TO THE REAR IN ADDITION TO THE RED REFLECTOR.

B. AN ELECTRIC STANDUP SCOOTER SHALL BE EQUIPPED WITH A BRAKE THAT ALLOWS THE OPERATOR TO MAKE THE BRAKED WHEELS SKID ON DRY, LEVEL, CLEAN PAVEMENT.

36-308 ELECTRIC STANDUP SCOOTER AGE REQUIREMENTS.

A. NO PERSON MAY OPERATE AN ELECTRIC STANDUP SCOOTER WHO IS UNDER THE AGE OF 18.

SECTION 15. Phoenix City Code, Section 36-403, is amended to read as follows:

36-403 Prohibited Conduct.

No person shall:

1. Place an item that blocks the aisle or the areas of the transit vehicle reserved for passengers in wheelchairs or who use mobility aids;
2. Possess an open container of or consume an alcoholic beverage in a transit vehicle or on transit property;
3. Carry any flammable or explosive substance, or hazardous materials onto or aboard a transit vehicle or transit property;
4. Hang onto or attach his or her body to any exterior part of a transit vehicle or touch a moving transit vehicle in any manner;
5. Walk between coupled light-rail vehicles;
6. Enter on, occupy, or remain upon the guideway except as necessary to board or alight a transit vehicle unless authorized by a valid permit;
7. Throw an object at or from any transit vehicle or at any person or thing on or in any transit vehicle, or at or from transit property;
8. Travel in any mode, including pedestrian, bicycle, ELECTRIC STANDUP SCOOTER, equestrian, roller skate, rollerblade, on or across any guideway, except within a marked crosswalk at a signalized intersection;
9. Travel on or across a light-rail station platform or paid zone via bicycle, ELECTRIC STANDUP SCOOTER, skateboard, roller blade, motorized vehicle or equipment. This subsection shall not apply to wheelchairs or other equipment used to assist a person with a disability;
10. Place any object on any portion of the guideway;

11. Interfere with the operation of a transit vehicle, transit facility, or ticket vending machine;
12. Interfere with embarking or disembarking of any passenger on a transit vehicle or entering or leaving transit property;
13. Use tobacco products, or carry any lighted or smoldering substance, in any form, aboard a transit vehicle or within any space where posted signage prohibits smoking;
14. Operate a sound-emitting device, unless the only sound produced by such item is emitted by a personal-listening attachment (earphone or headphone) audible only to the person carrying the device producing the sound: this provision shall not apply to a Peace Officer, Firefighter, Transit Employee, or Emergency Response Professional in the course of employment;
15. Light a flashlight, scope light, laser light or object that projects a flashing light or beams of light while inside a transit vehicle or towards a transit vehicle, except in an emergency;
16. Place his or her feet on, or lie down on the seat of a transit vehicle or place any article on the seat which would leave grease, oil, paint, dirt, or any other substance on the seat;
17. Spit, defecate, urinate, or litter in or on a transit vehicle, transit property, or transit facility;
18. Light or detonate sparklers, firecrackers, or other types of pyrotechnic devices in or on a transit vehicle, transit property, or transit facility;
19. Injure, mutilate, deface, alter, change, displace, remove, or destroy any sign, notice, or advertisement on or in any transit vehicle, or transit property;
20. Disobey the instructions of any traffic signal, security notice, sign or marker unless otherwise directed by a fare inspector, peace officer, or authorized transit representative;
21. Recklessly damage, deface, mutilate, or tamper with transit property so as to impair its function or value;
22. Post signs or notices, or draw or inscribe a message, slogan, sign, mark, or symbol on transit property without written permission from applicable transit entities.

SECTION 16. Phoenix City Code, Section 39-7(A), is amended to read as

follows:

39-7 Exterior Premises and vacant land.

A. *General.* All land including exterior premises and vacant land, whether improved or unimproved, shall be maintained free from any hazard or accumulation of garbage, debris, rubble, hazardous waste, litter, rubbish, refuse, waste material, or blight, which includes, but is not limited to, graffiti on walls, fences, mail boxes, etc., bottles, papers, glass, cans, organic or inorganic material, the exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, fencing or wall covering upon a residential lot, an accumulation of inoperable vehicles, discarded, broken, or inoperable appliances, discarded or broken furniture, broken glass, discarded, broken or inoperable equipment, discarded or broken bicycles, DISCARDED OR BROKEN ELECTRIC STANDUP SCOOTERS, an accumulation of vehicle, bicycle, ELECTRIC STANDUP SCOOTER or appliance parts, piles of mixed materials, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing straw, packing hay or other packing material, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled or anything whatsoever in which insects, rodents, snakes or other harmful pests may live, breed or multiply or which may otherwise create a fire hazard. A single inoperable vehicle in combination with any of the above described conditions shall be deemed a violation of this subsection. It is an affirmative defense to a violation of this subsection based on the presence of an inoperable vehicle that the vehicle was registered to a resident of the property, that the vehicle was undergoing repair, and that the total period during which the vehicle was inoperable did not exceed fifteen days. This affirmative defense may not be raised more than three times in any combination of civil or criminal proceedings in any one calendar year.

SECTION 17. Sunset Provision. This Ordinance will automatically terminate one year from the effective date. Upon termination, the amended Code provisions shall revert to their pre-amended forms.

PASSED by the Council of the City of Phoenix this ____ day of _____,
_____, _____.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

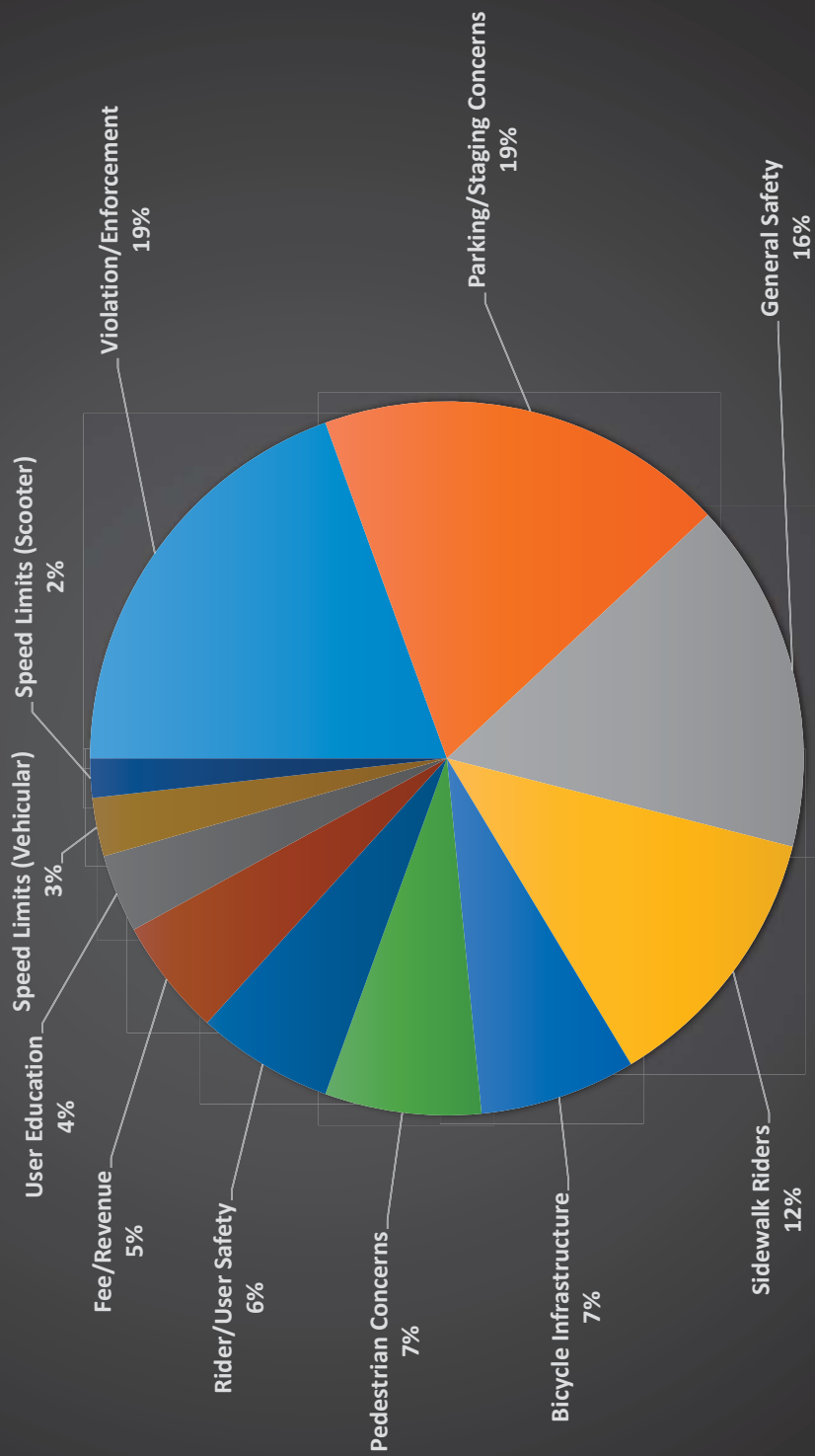
_____ City Attorney

REVIEWED BY:

_____ City Manager

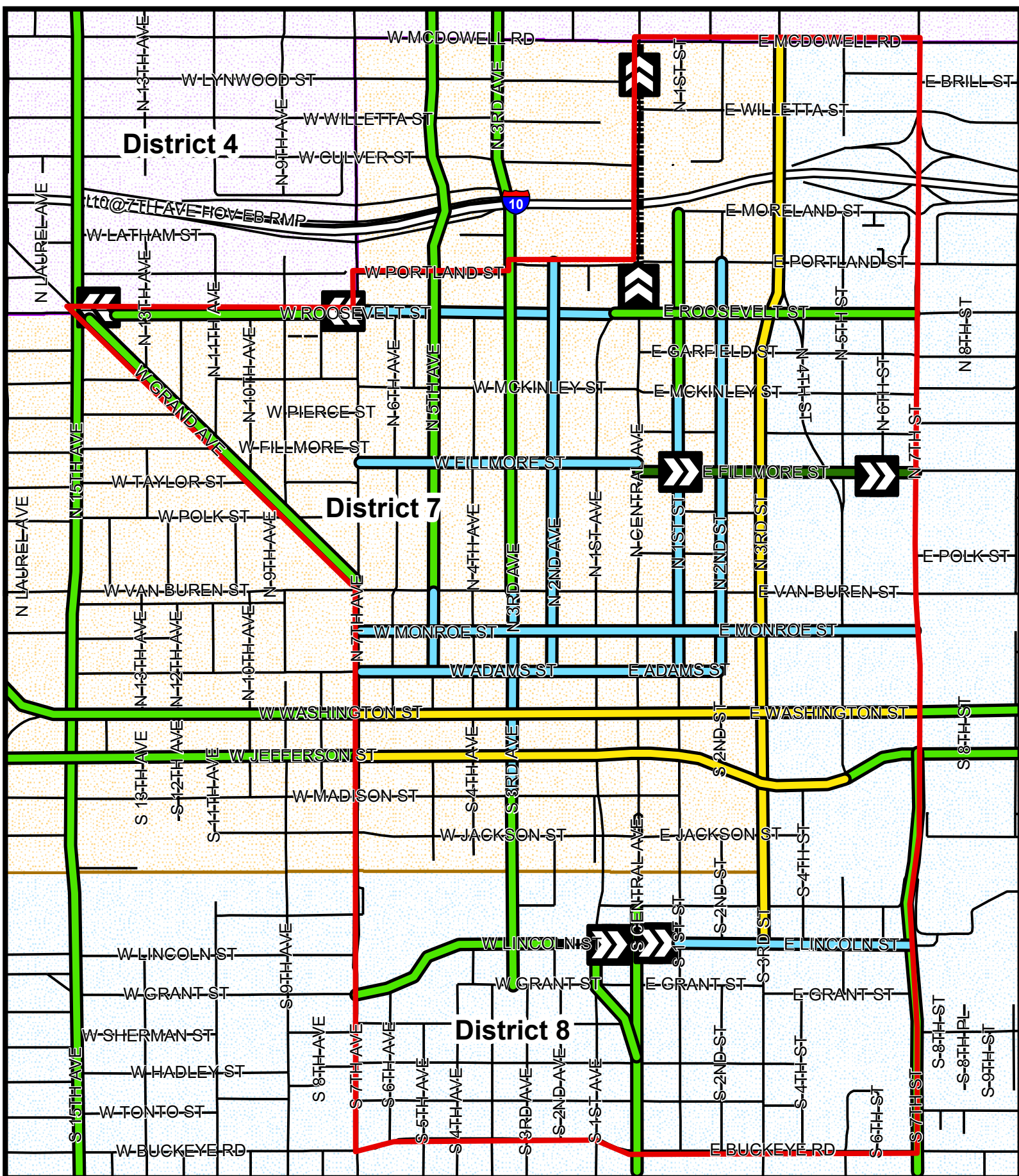
DRAFT

Attachment F Community Responses



Attachment G

Bicycle Facilities Map



-  Existing Bike Lanes
  Pilot Boundary
-  Proposed Bike Lanes or Sharrows
  Existing Bike Sharrow
-  Future CIP Projects
  Existing Green Lane w/ Sharrows





Street Transportation Department Asbestos and Lead Paint On-Call Consulting Services (Ordinance S-45859)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the eight consultants listed below to provide Asbestos and Lead Paint On-Call Consulting Services for the Street Transportation Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed \$750,000 for each agreement.

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

Summary

The On-Call consultants will be responsible for providing Asbestos and Lead Paint On-Call Consulting Services citywide to various City departments that include, but are not limited to: survey of designated City facilities and/or facility components for asbestos containing materials; production of National Emissions Standards for Hazardous Air Pollutants; complaint 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; laboratory analysis; development of plans and specifications; construction administration and inspection services to manage abatement activities; air monitoring; monitoring and evaluation of Contractor performance; final clearance; and other 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. Ten firms submitted proposals and are listed below:

Selected Firms

Rank 1: Adams and Wendt, Inc.

Rank 2: FM Group Inc.

Rank 3: Terracon Consultants, Inc.

Rank 4: Ninyo & Moore, Geotechnical Consultants Inc.

Rank 5: Dominion Environmental Consultants, Inc.

Rank 6: ATC Group Services LLC

Rank 7: Partner Assessment Corporation

Rank 8: Geotek, Inc.

Additional Proposers

Rank 9: Western Technologies, Inc.

Rank 10: Arizona Environmental Specialist, L.L.C.

Contract Term

The term of each agreement is up to three years, 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 values for each of the On-Call consultants will not exceed \$750,000, including all subconsultants and reimbursable costs. Funding is available in citywide Capital Improvement Program and operating budgets. The Budget and Research Department will review and approve funding availability prior to issuance of any On-Call task order of \$100,000 or more. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department, and the City Engineer.



Intergovernmental Agreement with Arizona State University for Services Associated with Transportation Engineering Projects (Ordinance S-45863)

Request to authorize the City Manager, or his designee, to enter into a Master Intergovernmental Agreement (IGA) with the Arizona Board of Regents, Arizona State University (ASU), for services associated with transportation engineering projects for a total not to exceed \$500,000. Further request authorization to enter into project agreements as necessary within the Council-approved expenditure authority, and for the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix Street Transportation Department would like to partner with ASU on various transportation projects involving design, construction, maintenance, operations or research. ASU would make its qualified personnel and students available to the City on an as-needed basis to address the City's needs by providing opportunities for engineering work on specific projects. City funding would cover costs to pay personnel and students for their time on the projects. The City recognizes the importance of allowing students the opportunity to access engineering work experience as a part of their learning experience. ASU's research and engineering services can offer to improve processes and approaches that save resources or improve the allocation of resources.

Contract Term

After Council approval, the term of the IGA will be five years. Provisions of this agreement include an option to renew the agreement for an additional five years, which may be exercised by the City Manager or designee.

Financial Impact

The cost to fund this agreement is \$500,000. Funding is available in the Street Transportation Department's Capital Improvement Program.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



Intergovernmental Agreement with University of Arizona for Services Associated with Transportation Engineering Projects (Ordinance S-45867)

Request to authorize the City Manager, or his designee, to enter into a Master Intergovernmental Agreement (IGA) with the Arizona Board of Regents, University of Arizona (UA), for services associated with transportation engineering projects for a total not exceed \$500,000. Further request authorization to enter into project management agreements as necessary within the Council-approved expenditure authority, and for the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix Street Transportation Department would like to partner with UA on various transportation projects involving design, construction, maintenance, operations or research. UA would make its qualified personnel and students available to the City on an as-needed basis to address the City's needs by providing opportunities for engineering work on specific projects. City funding would cover costs to pay personnel and students for their time on the projects. The City recognizes the importance of allowing students the opportunity to access engineering work experience as part of their learning experience. UA's research and engineering services can offer to improve processes and approaches that save resources or improve the allocation of resources.

Contract Term

After Council approval, the term of the IGA will be five years. Provisions of this agreement include an option to renew the agreement for an additional five years, which may be exercised by the City Manager or designee.

Financial Impact

The cost to fund this agreement is \$500,000. Funding is available in the Street Transportation Department's Capital Improvement Program.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



Intergovernmental Agreement with Northern Arizona University for Services Associated with Transportation Engineering Projects (Ordinance S-45868)

Request to authorize the City Manager, or his designee, to enter into a Master Intergovernmental Agreement (IGA) with the Arizona Board of Regents, Northern Arizona University (NAU), for services associated with transportation engineering projects for a total not to exceed \$500,000. Further request authorization to enter into project agreements as necessary within the Council-approved expenditure authority, and for the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix Street Transportation Department would like to partner with NAU on various transportation projects involving design, construction, maintenance, operations or research. NAU would make its qualified personnel and students available to the City on an as-needed basis to address the City's needs by providing opportunities for engineering work on specific projects. City funding would cover costs to pay personnel and students for their time on the projects. The City recognizes the importance of allowing students the opportunity to access engineering work experience as a part of their learning experience. NAU's research and engineering services can offer to improve processes and approaches that save resources or improve the allocation of resources.

Contract Term

After Council approval, the term of the IGA will be five years. Provisions of this agreement include an option to renew the agreement for an additional five years, which may be exercised by the City Manager or designee.

Financial Impact

The cost to fund this agreement is \$500,000. Funding is available in the Street Transportation Department's Capital Improvement Program.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



Parts and Services for CUES-brand Equipment Contract (Ordinance S-45851)

Request to authorize the City Manager, or his designee, to add funds to Contract 144417, AZ Wastewater Industries Inc., for the purchase of three new closed circuit television cameras. The additional funds are not to exceed \$73,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Water Services Department uses CUES-brand equipment to inspect and assess the condition of existing sanitary sewer pipeline using closed circuit television and zoom cameras, variable weight tracked transporters, single/multi-conductor cables and Granite XP video software. The reason for additional funding is the unforeseen failure and replacement of closed-circuit television cameras used in the inspection of sewer pipe.

Financial Impact

With the additional funds of \$73,000, the total contract expenditure will not exceed \$423,000 over the life of the contract including the two option years to extend. Funds are available in the Water Services Department's budget.

Concurrence/Previous Council Action

The City Council approved Ordinance S-43202 on Jan. 25, 2017 in the amount of \$350,000 to include the initial three-year term and the two, one-year option years to extend.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Purchase Replacement Actuators for 91st Avenue Wastewater Treatment Plant (Ordinance S-45856)

Request to authorize the City Manager, or his designee, to purchase three replacement actuators for the Water Services Department (WSD) to be used for blowers at the 91st Avenue Wastewater Treatment Plant (WWTP). Further request to authorize the City Controller to disburse all funds related to this item. The aggregate contract amount will not exceed \$56,775.

Summary

REXA brand actuators are critical for controlling the guide vanes on blowers at WWTPs to maintain constant intake air pressure. The three existing actuators have been reliable; however, they are approximately 15 years old and their constant movement causes parts such as circuit boards, gear pumps, motor and seals to deteriorate. It is important that the actuators are operating properly to conserve energy and control blower pressures. Without constant intake air pressure from the blowers, the 91st Avenue WWTP will lose the ability to process or treat raw sewage. Due to the importance, cost, age and the unavailability of replacement parts, it is recommended to procure new actuators rather than rebuild the existing units.

Procurement Information

A Request for Quotes (RFQ) was conducted in accordance with Phoenix City Code 43-11.D and 43-40. The RFQ was sent to three vendors and three responses were received.

#1 - Industrial Automation Services: \$56,775.00

#2 - Alb Piping Products & Services: \$65,500.00

#3 - Core & Main: \$77,800.02

The procurement officer recommends the offer from Industrial Automation Services be accepted as the best value and most advantageous to the City.

Contract Term

This is a one-time purchase.

Financial Impact

One-time purchase in the amount of \$56,775.

Location

91st Avenue Wastewater Treatment Plant

Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Add Funds to Manhole Covers, Rings, and Meter Boxes Contract (Ordinance S-45861)

Request to authorize the City Manager, or his designee, to add funds to Contract 144688, Arizona Water Works Supply for purchase of manhole covers, rings, and meter boxes. Further request to authorize the City Controller to disburse all funds related to this item. The additional funds will not exceed \$275,000.

Summary

The Water Services Department uses manhole covers, rings, and meter boxes for new installation as well as repair and replacement of the current City infrastructure. This amendment is necessary to accommodate the increased rate of replacement of existing infrastructure as a result of both increased inspections from the Water Services Department and the Council approved Accelerated Pavement Maintenance Program which enabled rehabilitation of City streets sooner than previously anticipated.

Financial Impact

The initial aggregate contract was executed for value not to exceed \$350,000 with a later amendment that increased the contract value by an additional \$25,000. This amendment will increase the contract by an additional \$275,000, for a new total not-to-exceed \$650,000.

Concurrence/Previous Council Action

The City Council approved:

- Manhole Covers, Rings, and Meter Boxes Contract 144688 (Ordinance S-43122) on Dec. 14, 2016
- Manhole Covers, Rings, and Meter Boxes Contract 144688 (Payment Ordinance 44957) on Sept. 5, 2018

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Intergovernmental Agreement for Diverting, Treating, Storing, Recovering, and Transporting the Town of Cave Creek's Water and for Supplying Water to the Town Under Emergency Conditions (Ordinance S-45862)

Request to authorize the City Manager, or his designee, to execute an Intergovernmental Agreement (IGA) between the City of Phoenix (Phoenix) and the Town of Cave Creek (Cave Creek) for Phoenix to: divert, treat, and transport Cave Creek's water through Phoenix's water infrastructure; store and recover Cave Creek's water in groundwater aquifers via Phoenix's groundwater recharge wells; and supply Cave Creek with water under emergency conditions. Further request to authorize the City Treasurer to accept all funds related to this item.

Summary

Under a separate IGA with Cave Creek, City Contract 149354, Phoenix is constructing capital improvements and accepting funds/infrastructure from Cave Creek to provide all domestic water and fire flow service for Phoenix's service area within Cave Creek. That IGA required Phoenix and Cave Creek to negotiate this new IGA now before the City Council. After Phoenix's construction of the necessary improvements and Cave Creek's completion of the required connections, Phoenix will have the necessary infrastructure to assist Cave Creek with water delivery.

This second IGA with Cave Creek will allow Phoenix to divert, treat, store, recover, and transport Cave Creek's water and, if/when needed, supply water to Cave Creek under emergency conditions. Cave Creek will pay Phoenix for the cost of service to divert, treat, store, recover, and transport Cave Creek's water. Under emergency water supply conditions, Cave Creek will pay the standard outside City rates established by Code. Cave Creek will be responsible for all costs associated with construction and operation of an interconnection with Phoenix's existing water distribution system.

Contract Term

The term is for 10 years, with an option to extend the term for another 10 years.

Financial Impact

There is no net financial impact to the City.

Concurrence/Previous Council Action

The City Council approved Water Service Infrastructure IGA Contract 149354 (Ordinance S-45329) on Jan. 23, 2019.

Location

In the area between Carefree Highway to south of Tapekim Road, from 40th to 56th streets.

Council District: Out of City

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Stormwater and Wastewater Sampling Equipment (Ordinance S-45864)

Request to authorize the City Manager, or his designee, to enter into a contract with Western Environmental Equipment Co., for stormwater and wastewater sampling equipment for the Water Services Department (WSD). Further request to authorize the City Controller to disburse all funds related to this item. The contract value will not exceed \$750,000.

Summary

WSD utilizes Teledyne ISCO stormwater and wastewater sampling equipment, distributed by Western Environmental Co., to collect, analyze and test water samples to satisfy the requirements for various regulatory permits, including Phoenix's Municipal Separate Storm Sewer System and National and Arizona Pollutant Discharge Elimination System Permits. The sampling systems include the equipment, associated system software licenses, and repair services.

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

Procurement Information

Under Phoenix City Code Section 43.11(d) and the City's Administrative Regulation 3.10, the competitive procurement process was waived as a result of a Determination Memo citing Western Environmental Equipment Co., as the sole source distributor for Teledyne ISCO equipment. Teledyne ISCO does not certify other vendors to supply or maintain its proprietary equipment.

Contract Term

The contract term is for five years effective from July 1, 2019, through June 30, 2024.

Financial Impact

The value of the contract is not to exceed \$750,000. Funding for this contract is available in the WSD Operating budget.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



U.S. Bureau of Reclamation 'WaterSMART Water Marketing Strategy' Grant (Ordinance S-45870)

Request to authorize the City Manager, or his designee, to apply for, accept, and if awarded, disburse funding for U.S. Bureau of Reclamation (BOR) (grant opportunity announcement BOR-DO-19-F006) 'WaterSMART Water Marketing Strategy' Grant opportunity. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. If awarded, this grant would provide funding for an amount not to exceed \$200,000.

Summary

The Central Arizona Water Clearinghouse (Clearinghouse) is a collaborative project first developed by the City of Phoenix and a team of water professionals, academics, and non-profit organizations. The purpose of the Clearinghouse is to create water management tools to facilitate market-based transactions that will advance water resources sustainability of the City and other water users in Central Arizona.

The Water Services Department is seeking to advance development of the Clearinghouse with funding from the BOR 'WaterSMART Water Marketing Strategy' Grant for Fiscal Year 2019. The grant application would be for up to \$200,000 to develop a project that can be completed in two years and will proactively address water supply reliability and increase water management flexibility among water users, especially during times of shortage, thereby helping to prevent water conflicts and increasing resiliency.

The City would use this grant funding to advance the development of the Clearinghouse. There is no matching required by the City.

Financial Impact

The anticipated grant from the BOR will provide funding up to \$200,000. No matching funds are required by the City and would require in-kind resources only.

Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



Map of Dedication for City North - 190002 - Deer Valley Drive and 56th Street

Plat: 190002

Project: 04-4082

Name of Map of Dedication: Map of Dedication for City North

Owner(s): CPF Vaseo Associates, LLC

Engineer(s): Coe & Van Loo Consultants, Inc.

Request: A Commercial MOD

Reviewed by Staff: May 30, 2019

Summary

Staff requests that the above map of dedication (MOD) be approved by the City Council and certified by the City Clerk. Recording of the MOD dedicates the easements as shown to the public.

Location

Deer Valley Drive and 56th Street

Council District: 2

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.



Final Plat - Happy Valley Road and 15th Avenue - 180123 - Southeast Corner of Happy Valley Road and 15th Avenue

Plat: 180123

Project: 18-1700

Name of Plat: SEC Happy Valley Road and 15th Avenue

Owner(s): Red Hawk Partners, LLC and Deer Valley Venture, LLC

Engineer(s): Superior Surveying Services, Inc.

Request: A 3 Lot Commercial Subdivision Plat

Reviewed by Staff: May 28, 2019

Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment V180062.

Location

Generally located at the southeast corner of Happy Valley Road and 15th Avenue.

Council District: 1

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.



Final Plat - Anderson ROW - 180128 - South of Osborn Road and West of 15th Street

Plat: 180128
Project: 16-3372
Name of Plat: Anderson ROW
Owner(s): Tepe, LLC
Engineer(s): Jacobs Wallace, LLC
Request: A 8-Lot Residential Plat
Reviewed by Staff: May 30, 2019

Summary

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

Location

South of Osborn Road and west of 15th Street
Council District: 4

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.



Final Plat - 30th Street Townhomes Replat - 180111 - Southwest Corner of Fairmount Avenue and 30th Street

Plat: 180111
Project: 16-1679
Name of Plat: 30th Street Townhomes Replat
Owner(s): 3900 N. 30th St., LLC
Engineer(s): DRW Engineering, Inc.
Request: 1-Lot Commercial Subdivision Plat
Reviewed by Staff: April 10, 2019
Final Plat requires Formal Action Only

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat amends the prior plat (Book 1379, Page 11, MCR) and dedicates an additional public utility easement.

Location

Southwest corner of Fairmount Avenue and 30th Street
Council District: 6

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.



Final Plat - Las Palmas Inn - 180096 - Southwest Corner of Grand Avenue and Polk Street

Plat: 180096
Project: 17-3707
Name of Plat: Las Palmas Inn
Owner(s): 765 NW Grand Avenue, LLC
Engineer(s): Superior Surveying Services, Inc.
Request: A 1 Lot Commercial Plat
Reviewed by Staff: May 29, 2019
Final Plat requires Formal Action Only

Summary

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

Location

Generally located at the southwest corner of Grand Avenue and Polk Street.
Council District: 7

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.



Final Plat - Ellison Trails - 190015 - Southwest Corner of 55th Avenue and Elliot Road

Plat: 190015

Project: 18-1138

Name of Plat: Ellison Trails

Owner(s): Northside Hay Company, Inc.

Engineer(s): James A. Loftis, Registered Land Surveyor

Request: A 174-Lot Residential Plat

Reviewed by Staff: May 29, 2019

Final Plat requires Formal Action Only

Summary

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

Location

Southwest corner 55th Avenue and Elliot Road

Council District: 8

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.



Abandonment of Easement - V180062F - 24855 N. 15th Ave. (Resolution 21760)

Abandonment: V180062F

Project: 18-1700

Applicant: Charles Eckert, Jr.; Red Hawk Development Corporation

Request: To abandon two patent easements on common boundary line between parcels APN 210-08-026A and 210-08-026B on the west and APN 210-08-021 on the east of property.

Date of Decision: Nov. 27, 2018

Summary

The resolution of the abandonment and the commercial subdivision plat Final Plat for "SEC of Happy Valley Road and 15th Avenue," Plat 180123 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

24855 N. 15th Ave.

Council District: 1

Financial Impact

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

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.