



City of Phoenix

Minutes

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

City Council Formal Meeting

Wednesday, May 31, 2023

2:30 PM

phoenix.gov

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, May 31, 2023 at 2:40 p.m. in the Council Chambers.

Present: 9 - Councilwoman Betty Guardado, Councilwoman Kesha Hodge Washington, Councilwoman Ann O'Brien, Councilwoman Laura Pastor, Councilman Kevin Robinson, Councilwoman Debra Stark, Councilman Jim Waring, Vice Mayor Yassamin Ansari and Mayor Kate Gallego

Councilwomen Guardado and Stark attended the meeting virtually. Councilman Waring left the voting body after discussion on Item 116, and returned to the voting body during discussion on Item 135. Councilwoman Guardado disconnected from the meeting and left the voting body during discussion on Item 175.

Mayor Gallego acknowledged the presence of Mario Barajas and Carmen Cota, Spanish interpreters. In Spanish, Mr. Barajas announced their availability to the audience.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-7112 through G-7117, S-49701 through S-49807, and Resolutions 22123 through 22128 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

City Attorney Julie Kriegh stated members of the public may speak for up to two

minutes on agenda items and gave director on appropriate decorum when providing comments.

BOARDS AND COMMISSIONS

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.

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

Fire Safety Advisory Board

Appoint Bryan Jeffries, representing Real Estate on the board for a term to expire May 31, 2027, as recommended by Mayor Gallego.

Appoint Jim Piotrowski, serving as a Resident of Phoenix for a term to expire May 31, 2027, as recommended by Mayor Gallego.

Laveen Village Planning Committee

Appoint Mixen Rubio-Raffin, filling a vacancy on the committee for a term to expire Nov. 19, 2024, as recommended by Vice Mayor Ansari.

North Mountain Village Planning Committee

Appoint Donna Kennedy, filling a vacancy on the committee for a term to expire Nov. 19, 2023, as recommended by Councilwoman Stark.

Appoint Kenneth Molfetta, replacing Donna Wiedoff on the committee for a term to expire Nov. 19, 2024, as recommended by Councilwoman Stark.

Phoenix Business and Workforce Development Board

Appoint Raghu Santanam, replacing Luke Tate for the remainder of his term on the board to expire June 30, 2024, as recommended by Mayor Gallego.

Phoenix Youth and Education Commission

Appoint Rabbanni FurQaan, filling a vacancy on the commission for a term to expire Aug. 31, 2026, as recommended by Mayor Gallego.

A motion was made by Vice Mayor Ansari, seconded by

Councilwoman Stark, that this item be approved as revised. The motion carried by the following voice vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

Mayor Gallego administered the oath of office to the following appointees:

Bryan Jeffries - Fire Safety Advisory Board;
Jim Piotrowski - Fire Safety Advisory Board;
Mixer Rubio-Raffin - Laveen Village Planning Committee;
Kenneth Molfetta - North Mountain Village Planning Committee; and
Rabbanni FurQaan - Phoenix Youth and Education Commission.

The above appointees were invited to approach the dais so Council could extend their appreciation.

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

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

A motion was made by Vice Mayor Ansari, seconded by Councilwoman O'Brien, that items 2-13 be recommended for approval. The motion carried by the following voice vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

2 Liquor License - Bonitas

Request for a liquor license. Arizona State License Application 239365.

Summary

Applicant

Theresa Morse, Agent

License Type

Series 12 - Restaurant

Location

4920 W. Thunderbird Road, Ste. 100

Zoning Classification: C-2

Council District: 1

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

The 60-day limit for processing this application is June 3, 2023.

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 am a reliable business owner and have staff that has obtained the Basic and Management liquor law training. I will also attend the liquor law training to ensure my staff is complying with all state, city and health department laws and regulations.”

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

“The public convenience will be served as there has been a restaurant at this location previously for approximately 4 years. My customers are in favor of a liquor license at this location as it complements the service of food. Our hours of operation are such that the restaurant will not interfere with traffic and noise in the neighborhood.”

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 - Bonitas

Liquor License Map - Bonitas

This item was recommended for approval.

3 Liquor License - Casa De Falafel

Request for a liquor license. Arizona State License Application 238656.

Summary

Applicant

Ali Shakir, Agent

License Type

Series 12 - Restaurant

Location

4920 W. Thunderbird Road, Ste. 119

Zoning Classification: C-2

Council District: 1

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

The 60-day limit for processing this application is June 10, 2023.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

“since 2021, I have operated a restaurant featuring Middle Eastern food.

I have complied with all laws and regulations pertaining to the operation of my restaurant. If a license is issued, I will comply with the liquor laws and regulations pertaining to the sale and service of alcohol.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “it will permit the sale of alcohol to the few patrons of the restaurant who wish to buy alcohol to accompany their meal.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Casa De Falafel

Liquor License Map - Casa De Falafel

This item was recommended for approval.

4 Liquor License - Mexcelente

Request for a liquor license. Arizona State License Application 244084.

Summary

Applicant

Alfredo Rodriguez, Agent

License Type

Series 12 - Restaurant

Location

4241 W. Thunderbird Road, Ste. B

Zoning Classification: PSC

Council District: 1

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

The 60-day limit for processing this application is June 13, 2023.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"I have taken the necessary Title IV Management Liquor Law Training, as well as, Title IV Basic Liquor Law Training and learned how to serve, monitor, control and manage the sale of alcoholic beverages. Furthermore, in the last thirty years, I have manage, administer, and led multiple restaurants that sold alcoholic beverages."

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

"It allows our patrons to enjoy their meal with an option of an alcoholic

beverage in a safe, controlled and monitored environment.”

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 - Mexcelente

Liquor License Map - Mexcelente

This item was recommended for approval.

5 Liquor License - Circle K Store #599

Request for a liquor license. Arizona State License Application 239296.

Summary

Applicant

Maria Burgess, Agent

License Type

Series 10 - Beer and Wine Store

Location

1440 W. Bell Road

Zoning Classification: C-1

Council District: 2

This request is for a new liquor license for a convenience store that sells gas. This location is currently licensed for liquor sales with Series 9 - Liquor Store, liquor license and does not have an interim permit.

The 60-day limit for processing this application is June 9, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

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

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

“Circle K's objective to provide a product, accessible in a convenient

manner that meets the need of the surrounding community. Circle K's success depends on us being able to provide products that are in demand.”

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Circle K Store #599

Liquor License Map - Circle K Store #599

This item was recommended for approval.

6 Liquor License - Dahlia Tapas Tequila and Wine

Request for a liquor license. Arizona State License Application 238187.

Summary

Applicant

Audrey Corley, Agent

License Type

Series 12 - Restaurant

Location

2221 N. 7th St.

Zoning Classification: C-1 CNSPD

Council District: 4

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption.

The 60-day limit for processing this application is June 9, 2023.

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.

Boycott (Series 6)

4301 N. 7th Ave., Phoenix

Calls for police service: 9

Liquor license violations: In June 2019, a fine of \$500 was paid for false or misleading information on application or other documents.

Public Opinion

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

Applicant's Statement

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

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

“We train all of our employees in responsible liquor service and conduct regular audits 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 to offer our patrons a place to enjoy some amazing food, a beautiful atmosphere and possibly an adult beverage for guests of legal drinking age.”

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 - Dahlia Tapas Tequila and Wine

Liquor License Map - Dahlia Tapas Tequila and Wine

This item was recommended for approval.

7 Liquor License - Kid Sister

Request for a liquor license. Arizona State License Application 244190.

Summary

Applicant

Courtney Lewandrowski, Agent

License Type

Series 12 - Restaurant

Location

4810 N. 7th St.

Zoning Classification: C-2

Council District: 4

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 as an accessory use to a restaurant. This business is currently being remodeled with plans to open in August 2023.

The 60-day limit for processing this application is June 16, 2023.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"I have 5+ years of experience in the food and beverage industry. Three of those years were spent at a winery intimately learning about alcohol production. I also have a background in tax and accounting and understand the great fiscal responsibility in following the law. I will create a training schedule for all employees so they are informed of applicable liquor laws and are responsible servers."

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

“Our goal is to be a good neighbor and be a welcoming place to the community for food and drinks. We are committed to social entrepreneurship where-in we operate a for-profit business with intentional operating practices to positively impact the local community. Examples of these include partnering with WasteNot to limit food waste and paying fair wages and offering benefits to all employees.”

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 - Kid Sister

Liquor License Map - Kid Sister

This item was recommended for approval.

8 Liquor License - Addis Ababa Rest & Cafe

Request for a liquor license. Arizona State License Application 244317.

Summary

Applicant

Nuria Omer, Agent

License Type

Series 12 - Restaurant

Location

3527 W. Bethany Home Road

Zoning Classification: C-2

Council District: 5

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

The 60-day limit for processing this application is June 17, 2023.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"I have the last five years experience and I have taken all the classes."

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

"for Safety and Security."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Addis Ababa Rest & Cafe
Liquor License Map - Addis Ababa Rest & Cafe

This item was recommended for approval.

9 Liquor License - Circle K Store #9580

Request for a liquor license. Arizona State License Application 239295.

Summary

Applicant

Maria Burgess, Agent

License Type

Series 10 - Beer and Wine Store

Location

2440 W. Bethany Home Road

Zoning Classification: C-2

Council District: 5

This request is for a new liquor license for a convenience store that sells gas. This location is currently licensed for liquor sales and has an interim permit.

The 60-day limit for processing this application is June 9, 2023.

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

Four letters protesting the issuance of this license have been received and are on file in the Office of the City Clerk. The letters are from the Desert Horizon Precinct Block Watch, Ocotillo Glen Neighborhood Association and two local residents. They feel that there are sufficient liquor licenses in the area, noting that they are primarily opposed to a Series 9 - Liquor Store liquor license the applicant had originally applied for at this location, which has since been withdrawn.

Applicant's Statement

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

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

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

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

“Circle K's objective to provide a product, accessible in a convenient manner that meets the need of the surrounding community. Circle K's success depends on us being able to provide products that are in demand.”

Staff Recommendation

Staff gave careful consideration to the protest letters received. However, after reviewing the application in its entirety, staff is recommending approval of this application.

Attachments

Liquor License Data - Circle K Store #9580

Liquor License Map - Circle K Store #9580

This item was recommended for approval.

10 Liquor License - Doughbird

Request for a liquor license. Arizona State License Application 233438.

SummaryApplicant

Samuel Fox, Agent

License Type

Series 12 - Restaurant

Location

5600 N. 7th St., Ste. 100

Zoning Classification: C-2

Council District: 6

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in August 2023.

The 60-day limit for processing this application is June 4, 2023.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application

is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

“I have the capability, reliability and qualifications to hold a liquor license because: I have owned and operated restaurants in Phoenix in compliance with all liquor laws over the last 24 years. I have completed the Department of Liquor and Licenses Control liquor service training.”

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

“Doughbird restaurant with serve roasted chicken, pizza, salads and a variety of sandwiches for casual dine in and for take out. We believe the public will benefit from having a glass of wine, cold beer or a mixed drink with their dine-in meal.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Doughbird

Liquor License Map - Doughbird

This item was recommended for approval.

11 Liquor License - Global Ambassador Hotel

Request for a liquor license. Arizona State License Application 06070459.

SummaryApplicant

Samuel Fox, Agent

License Type

Series 6 - Bar

Location

4360 E. Camelback Road

Zoning Classification: PUD

Council District: 6

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 business is currently under construction and has plans to open in November 2023.

The 60-day limit for processing this application is June 11, 2023.

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

use for more than 180 days.

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"I have the capability, reliability and qualifications to hold a liquor license because I have owned and operated restaurants in Phoenix in compliance with all liquor laws over the last 24 years. I have completed the Department of Liquor and Licenses Control liquor service training."

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

"The Global Ambassador Hotel will contain several restaurants for the guests and the public to enjoy. We will have four different restaurants on the hotel premises. Each restaurant serves food and we believe the public will benefit from having a glass of wine, cold beer and mixed drink with their meal."

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 - Global Ambassador Hotel

Liquor License Map - Global Ambassador Hotel

This item was recommended for approval.

12 Liquor License - 7-Eleven #23215A

Request for a liquor license. Arizona State License Application 239456.

Summary

Applicant

Jatinder Singh, Agent

License Type

Series 10 - Beer and Wine Store

Location

3948 E. Thomas Road

Zoning Classification: C-2

Council District: 8

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

The 60-day limit for processing this application is June 2, 2023.

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.

7-Eleven #24169D (Series 10)
850 E. Bell Road, Phoenix
Calls for police service: 75
Liquor license violations: None

7-Eleven #26086D (Series 10)
3201 E. Shea Boulevard, Phoenix
Calls for police service: 9
Liquor license violations: None

Mission Market (Series 9)
8818 S. Avenida Del Yaqui, Guadalupe
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 is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service.”

The public convenience requires and the best interest of the community

will be substantially served by the issuance of the liquor license because: “7-Eleven #23215A is a one-stop shop for convenience items and has been in operation for many years. Under new franchise ownership, applicant would like to continue to offer beer and wine to its customers 21 and over.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - 7-Eleven #23215A

Liquor License Map - 7-Eleven #23215A

This item was recommended for approval.

13 Liquor License - American Premium Vodka

Request for a liquor license. Arizona State License Application 239573.

Summary

Applicant

Mark Scott, Agent

License Type

Series 18 - Craft Distiller

Location

2841 E. Bell Road, Ste. 101

Zoning Classification: C-2

Council District: 2

This request is for a new liquor license for a craft distillery. This location was not previously licensed for liquor sales and does not have an interim permit. This business has plans to open in June 2023.

The 60-day limit for processing this application is June 6, 2023.

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:

“30+ Year Industry Leader (Resume Attached). Federal Liquor License/Permit Acquired harit New Brand Established to support American Legion and VFW Veteran Charities. AZ Title 4 Management Certificate (Attached).”

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

“American Premium Vodka Donates \$1 from every bottle sold to the American Legion and VFW Charities In Honor of Real American Heroes - Our Veterans! Facility Not Open to the Public.”

Staff Recommendation

Staff recommends disapproval of this application based on a Finance

Department recommendation for disapproval. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments

Liquor License Data - American Premium Vodka

Liquor License Map - American Premium Vodka

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

Discussion

Prior to the motion on the omnibus motion Mayor Gallego asked staff to confirm if the speaker for Item 25 was still present to provide comment.

Staff confirmed that the speaker was not present.

Mayor Gallego asked that the omnibus motion include Item 25 and asked if the Vice Mayor was in agreement.

Vice Mayor Ansari agreed.

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

A motion was made by Vice Mayor Ansari, seconded by Councilwoman Pastor, that items 14-178 be approved or adopted except items 40-45, 47, 66, 70, 73, 87, 93, 98, 116, 125-127, 135, 138, 144, 154, 157 and 174-178; noting Item 46 is continued to the June 14, 2023 City Council Formal Meeting; and Item 47 is as corrected. The motion carried by the following vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge
Washington, Councilwoman O'Brien,
Councilwoman Pastor, Councilman Robinson,
Councilwoman Stark, Councilman Waring, Vice
Mayor Ansari and Mayor Gallego

No: 0

Items 14-39, Ordinance S-49701 was a request to authorize the City Controller to disburse funds, up to amounts indicated for the purpose of paying vendors,

contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code section 42-13.

14 DS Griffen & Associates

For \$25,000 in payment authority to purchase strategic consulting services for the Phoenix Fire Department (PFD). The primary role will be to facilitate a series of stakeholder input sessions as well as a subsequent workshop to develop the overall strategic planning framework for the PFD. The process will include input sessions from key PFD staff members and operational professionals to provide their assessment of PFD today and the challenges ahead. Sessions with representatives from the Phoenix business community and a citizen-oriented session will provide understanding with the current views and reputation of the PFD . A final session will be held with City stakeholders and key department heads that will be interacting with the PFD in the future. Following the input sessions, the final analysis will be completed and returned to the PFD leadership team. Funding is available through the Phoenix Fire Department budget for Fiscal Year 2022-23.

This item was adopted.

15 Avolve Software Corporation

For \$80,691 in payment authority to purchase annual software maintenance and support renewal service for the Planning and Development Department. An electronic review process software known as ProjectDox will assist Planning and Development staff with workflow capability. Staff in Planning and Development are responsible for the intake, tracking and review process of construction plans. After hard copy plans are submitted, they go through a complex routing process for review to ensure that multiple disciplines and/or departments along with infrastructure providing outside entities can review and provide comments to minimize in the field construction problems. ProjectDox reduces process times and integrates with the existing KIVA system. Funding is available through the Planning and Development Department budget for Fiscal Year 2022-23.

This item was adopted.

16 MG Trust Investments, LLC doing business as American Bindery & Mailing

For \$20,000 in additional payment authority for Contract 149374 for mail service processing for the Police and City Clerk departments. Contractor provides all labor, transportation, equipment and supplies necessary for the processing of special, first class and bulk mailings on an as-needed basis at various City locations.

This item was adopted.

17 Healthy Outcomes, Inc., doing business as Balancing Act

For \$12,000 in payment authority to purchase simulation analysis services from Healthy Outcomes, Inc., doing business as Balancing Act, for the Planning and Development Department (PDD). PDD is kicking off an intense and varying series of public participation events to solicit feedback on the General Plan 2025 Update. This process is expected to facilitate conversations with all Phoenicians. Balancing Act provides a unique set of methods and approaches to ensure all citizens can engage and give input over the next several months. One aspect of the public participation plan is to enhance the online presence and input-gathering opportunities through interactive media beyond the typical department website and web presence. The City Council approved the General Plan Citizen Participation Plan in the fall of 2022. The proposed tool utilization will cover the time frame between May 31, 2023, and Dec. 28, 2023, and will be paid through PDD's Fiscal Year 2022-23 operating budget.

This item was adopted.

18 Smith's Detection Inc.

For \$15,940 in payment authority to purchase annual maintenance service for four X-ray machines for the Phoenix Police Department (PPD). PPD is responsible for on-site security for several critical infrastructure buildings within the downtown footprint (Calvin Goode, City Hall, Council Chambers, and 305 Mail Room). The X-Ray machines screen members of the public entering the buildings to detect prohibited items and ensure the safety of those within the buildings. The maintenance agreement and support guarantee immediate maintenance response when an issue is detected. The funds are available in the

Police Department operating budget.

This item was adopted.

19 Asset Security Tracking and Recovery, LLC

For \$96,317 in payment authority to purchase 10 LED covert camera heads for the Phoenix Police Department. The camera equipment sends a video signal to the Police Department server to allow detectives to review footage in felony criminal investigations. Utilizing the camera equipment minimizes risks to detectives, and allows more time for personnel to meet demands within the department. The funds are available in the Police Department operating budget.

This item was adopted.

20 Gabriel Roeder Smith & Company

For \$80,000 in additional payment authority on Contract 155166 for actuarial services for the Finance Department. The services are required to determine asset and liabilities for other post-employment benefits and compensated absences as required by Governmental Accounting Standards and other special studies as needed.

This item was adopted.

21 Standard Coating Company

For an additional \$43,000 in payment authority to purchase specialty art painting services for the Office of Arts and Culture. The funds will be used to paint the Cave Creek Tower Art Structure at Rose Mafford Sports Complex. Standard Coating Company is a qualified local vendor that originally coated and painted the existing outdoor art structures and other elements.

This item was adopted.

22 Demers Ambulance USA, Inc.

For \$96,600 in additional payment authority to purchase four ambulance chassis for the Fire Department. The additional funds are being requested to support a change order due to the original Dodge chassis no longer being available, requiring a change to a Ford chassis.

This item was adopted.

23 Hunter Contracting Co.

For \$1,146,180 in additional payment authority for Contract 153785 Change Order 1 (WS90500295-5), Relief Sewer Project - Van Buren and 52nd Streets, for the Water Services Department. The original contract included 500 lineal feet of hard rock trenching. The actual lineal footage of hard rock trenching encountered was 2,865 lineal feet. The increased quantity of hard rock trenching increased the project cost and project duration. This project uses Water Services Department Capital Improvement Program funds; no general funds are required.

This item was adopted.

24 City of Glendale

For \$65,000 in additional payment authority for Intergovernmental Agreements 114154 and 114155 pertaining to treated sewer service and treated water service to an area located in Phoenix. The Intergovernmental Agreements provide for sewer and 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 system, for the Water Services Department.

This item was adopted.

25 City of Scottsdale

For \$50,000.00 in payment authority for Contract 69310 with the City of Scottsdale, pursuant to the Memorandum of Understanding of Overlapping Retail Sewer Services for the Water Services Department. The City of Scottsdale provides sewer services at a wholesale rate to Phoenix customers for sewer areas within Phoenix boundaries but outside the Water Services Department's distribution and Wastewater Collection area.

This item was adopted.

26 City of Mesa

For \$100,000 for annual payment authority for the water, wastewater, solid waste and gas costs associated with the Val Vista Water Treatment Plant, including yearly maintenance and repair shutdown for the Water Services Department. During the shutdown, services are purchased from the City of Mesa for the site, including potable water, wastewater services, solid waste services for removing debris from the Salt River Project South Canal, and natural gas services to power standby

generators.

This item was adopted.

27 State of Arizona Department of Environmental Quality

For \$525,000 in annual payment authority for Fiscal Year 2023-24 permit fees and permit renewal fees for the Water Services Department. The funds will be used for annual operating permits, hazardous waste permits, quarterly disposal fees for all Water Services Department wastewater and water facilities, fees for acceptance and review of required compliance reports, fees for inspection of facilities for compliance with regulations, and fees for document review of paperwork necessary to make changes to permits.

This item was adopted.

28 Goldman Sachs Renewable Power Operating Company, LLC, doing business as Solar Star Arizona III, LLC

For \$1,400,000 for annual 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.

This item was adopted.

29 Salt River Project Agriculture Improvement and Power District doing business as SRP

For \$16,766.33 in payment authority for design and construction of electrical facilities for the 32nd Street and Thomas Road Signalized Intersection number T3376230 for project ST89340623 for the Street Transportation Department. SRP needs to make changes to their power design in order to install the signal.

This item was adopted.

30 Salt River Project Agriculture Improvement and Power District doing business as Salt River Project

For \$18,860 in payment authority for construction of a street light circuit T3081256 along Roeser Road between 32nd and 37th streets for project ST87100169-1. Salt River Project is to install junction boxes, lights and conductor for the Street Transportation Department.

This item was adopted.

31 Salt River Valley Water Users' Association Doing Business as Salt River Project

For \$3,100,000 in payment authority for Contract 59580 for the Water Transportation Agreement to transfer water from the Salt River Valley Water Users' Association dba Salt River Project to the City, and for Salt and Verde river water delivery pursuant to water rights held by the City for Fiscal Year 2023-24 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 Salt River Project.

This item was adopted.

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

For \$47,575,000 in payment authority for Contract 132409 and Contract 108079 for Fiscal Year 2023-24 for delivery of Colorado River water to the City of Phoenix for the Water Services Department. The agreement provides irrigation, municipal, and industrial water to the Phoenix service area.

This item was adopted.

33 EPCOR Water USA, Inc.

For \$70,000 for annual payment authority for Contract 93040 to provide water and wastewater treatment services for the West Anthem service area for the Water Services Department.

This item was adopted.

34 Arizona Department of Health Services

For \$20,000 in payment authority for State of Arizona regulatory laboratory license fees for the Water Services Department. The City is required to pay an annual renewal fee to maintain the Water Services laboratory compliance testing licensure and comply with state and federal regulations. Valid licensure is required for the laboratory to perform regulatory compliance testing.

This item was adopted.

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

For \$20,000 in payment authority to purchase Industrial Pretreatment Program Significant Noncompliance and Pretreatment Settlement Agreement publications for the Water Services Department. The publications are mandatory public notices that inform residents of industries that are in significant noncompliance with the Industrial Pretreatment program standards.

This item was adopted.

36 Regents of the University of California doing business as University of California, San Diego

For \$20,000 in payment authority to purchase professional training courses in Fiscal Year 2023-24 for the Water Services Department (WSD). WSD safety and training staff are required to maintain their Occupational Safety and Health Administration (OSHA) certification to ensure staff can train WSD employees on OSHA regulations.

This item was adopted.

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

To make payment of up to \$1,650,000 in settlement of claim(s) in *Sandberg v. City of Phoenix*, CV2022-016752, 21-1145-001, BI, GL, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of a claim involving the Fire Department that occurred on Dec. 31, 2021.

This item was adopted.

38 Settlement of Claim(s) State Farm v. City of Phoenix

To make payment of up to \$33,000 in settlement of claim(s) in *State Farm v. City of Phoenix*, 22-0059-001, AU, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of an automobile property damage claim involving the Police Department that occurred on Feb. 7, 2022.

This item was adopted.

39 Settlement of Claim(s) Velazquez Lopez v. City of Phoenix

To make payment of up to \$32,000 in settlement of claim(s) in *Velazquez Lopez v. City of Phoenix*, 22-0304-001, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement of an auto accident claim involving the Water Services

Department that occurred on April 7, 2022.

This item was adopted.

**46 Form of the Ballot for Nov. 7, 2023 Special Bond Election
(Ordinance S-49806)**

This report requests City Council approval of an ordinance establishing the form of the ballot for the City of Phoenix Special Bond Election to be held on Tuesday, Nov. 7, 2023.

Summary

This ordinance establishes the language that will be printed on the ballot. In this election registered voters who reside in the City of Phoenix will vote to approve or reject certain questions related to the selling and issuance of general obligation bonds. Four bond questions, if approved, would establish the authorization to sell up to \$214,000,000 general obligation bonds for fire, police, roadway and pedestrian infrastructure projects; up to \$108,615,000 general obligation bonds for library, parks and historic preservation projects; up to \$114,385,000 general obligation bonds for workforce and job creation, education, economic development, environment, sustainability, arts, and culture projects; and up to \$63,000,000 general obligation bonds for affordable housing and senior center projects.

At the May 3, 2023 Formal Council Meeting, the City Council ordered the Special Bond Election and approved the election to be a ballot by mail election conducted by Maricopa County. The form of the ballot for this election is consistent with the requirements of applicable State law, as Maricopa County will be conducting the election.

Public Outreach

All eligible registered voters in Phoenix will receive notification of the election and will automatically be sent a ballot by mail. Households with one or more registered voters will receive an Informational Pamphlet, which contains general information about the election, including key dates related to when ballots will be mailed and when ballot replacement sites will be open. Arguments supporting or opposing any of the bond questions must be filed with the City Clerk no later than ninety days prior to the election, at 5 p.m. on Aug. 9, 2023. Arguments are limited to 300 words and are printed in the Informational Pamphlet. Several publications

and news releases will be provided throughout the election process and shared on a variety of platforms, including print and social media. All election information will be provided in English and Spanish and will be available on phoenix.gov/elections.

This item was continued to the June 14, 2023 City Council Formal Meeting.

48 Reappointment of Municipal Court Judge and Chief Presiding Judge and Salary Consideration for Chief Presiding Judge

Request City Council to reappoint Judge Wilbur Hudson III to a four-year term as Judge of the Phoenix Municipal Court, expiring May 24, 2027, and Judge B. Don Taylor III to an annual term as Chief Presiding Judge, expiring June 30, 2024. Further request City Council to set the annual salary for the Chief Presiding Judge at \$224,328.

Summary

On May 5, 2023, the Judicial Selection Advisory Board recommended reappointment of Judge Wilbur Hudson III as a Judge of the Phoenix Municipal Court for a four-year term expiring May 24, 2027.

On May 5, 2023, the Judicial Selection Advisory Board also recommended reappointment of Judge B. Don Taylor III as Chief Presiding of the Phoenix Municipal Court for an annual term expiring June 30, 2024. Judge B. Don Taylor III is currently serving as a Judge of the Phoenix Municipal Court for a four-year term expiring Feb. 9, 2025.

Concurrence/Previous Council Action

On May 10, 2023, the Public Safety and Justice Committee recommended:

Reappointment of Judge Wilbur Hudson III as a Judge of the Phoenix Municipal Court for a four-year term expiring May 24, 2027.

Reappointment of Judge B. Don Taylor III as Chief Presiding Judge for an annual term expiring June 30, 2024.

This item was approved.

49 Authorization to Terminate an Access and Sewer Easement near McDowell Road and 40th Street (Ordinance S-49714)

Request to authorize the City Manager, or his designee, to terminate an access and sewer easement near McDowell Road and 40th Street. Termination of the easement will be recorded via separate instrument.

Summary

A permanent easement was conveyed to the City at no cost from the Arizona State Land Department for access and construction of an underground sewer transmission line. The sewer transmission line is to be abandoned and re-routed; therefore, the easement is no longer needed. The easement to be terminated was conveyed by Maricopa County recording number 2003-1549092.

Location

Near McDowell Road and 40th Street within Maricopa County Assessor's parcel number 121-01-639.
Council District: 8

This item was adopted.

50 Acceptance and Dedication of Easements and Deed for Public Utility, Sidewalk and Roadway Purposes (Ordinance S-49728)

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

Summary

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

Easement (a)

Applicant: The J Peterson Family Trust dated Dec. 26, 2014, its successor and assigns
Purpose: Public Utility
Location: 2350 E. Charlene Place
File: FN 220099
Council District: 2

Easement (b)

Applicant: The Village at Sonoran Vista, LLC, its successor and assigns

Purpose: Public Utility

Location: 30825 N. North Valley Parkway

File: FN 230018

Council District: 2

Easement (c)

Applicant: The Village at Sonoran Vista, LLC, its successor and assigns

Purpose: Sidewalk

Location: 30825 N. North Valley Parkway

File: FN 230018

Council District: 2

Easement (d)

Applicant: Copper House, LLC, its successor and assigns

Purpose: Sidewalk

Location: 2639 and 2645 N. 16th St.

File: FN 230010

Council District: 4

Easement (e)

Applicant: The Ahincos Living Trust, dated July 31, 2003, its successor and assigns

Purpose: Sidewalk

Location: 2637 N. 16th St.

File: FN 230010

Council District: 4

Easement (f)

Applicant: Merkos Chabad-Lubavitch Organization, Inc., its successor and assigns

Purpose: Sidewalk

Location: 2110 E. Lincoln Drive

File: FN 230028

Council District: 6

Deed (g)

Applicant: School District #48, of Maricopa County, its successor and assigns

Purpose: Roadway

Location: 4610 E. Osborn Road

File: FN 220091

Council District: 6

This item was adopted.

51 Acceptance and Dedication of Right-of-Way Abandoned by Arizona Department of Transportation Resolution 2023-04-A-012 (Ordinance S-49766)

Request for the City Council to accept and dedicate to public use right-of-way abandoned by Arizona Department of Transportation (ADOT) Resolution 2023-04-A-012; further ordering the ordinance recorded.

Summary

Pursuant to Intergovernmental Agreement (IGA) 141781 between the City and ADOT, ADOT will abandon ownership, jurisdiction and maintenance responsibilities of those City cross streets located outside of ADOT's access control limits and no longer needed for the construction of the Congressman Ed Pastor Freeway.

ADOT's Resolution of Abandonment 2023-04-A-012 recorded on April 21, 2023, Maricopa County Recorder number 20230205932, is for the portion of right-of-way depicted on Exhibit A, page 16 of the City's turnback area under IGA 141781-001. A map depicting the right-of-way is to be recorded with the ordinance.

Concurrence/Previous Council Action

IGA 141781 (Ordinance S-42094) adopted Oct. 21, 2015; and IGA 141781-001 (Ordinance S-47302) adopted Feb. 17, 2021.

Location

North of Congressman Ed Pastor Freeway, along Chandler Boulevard to 27th Avenue and along Cedarwood Lane and 27th Avenue.

Council District: 6

This item was adopted.

52 Acceptance of Easements for Access, Drainage and Water Purposes (Ordinance S-49724)

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

Summary

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

Easement (a)

Applicant: The Village at Sonoran Vista, LLC, its successor and assigns
Purpose: Drainage
Location: 30825 N. North Valley Parkway
File: FN 230018
Council District: 2

Easement (b)

Applicant: Streamliner Aldea, LLC, its successor and assigns
Purpose: Access for Ingress/Egress
Location: 5900 N. 99th Ave.
File: FN 230016
Council District: 5

Easement (c)

Applicant: Streamliner Aldea, LLC, its successor and assigns
Purpose: Water
Location: 5900 N. 99th Ave.
File: FN 230016
Council District: 5

Easement (d)

Applicant: Cabana Aldea, LLC, its successor and assigns
Purpose: Drainage
Location: 5900 N. 99th Ave.
File: FN 230016

Council District: 5

Easement (e)

Applicant: Cabana Aldea, LLC, its successor and assigns

Purpose: Water

Location: 5900 N. 99th Ave.

File: FN 230016

Council District: 5

This item was adopted.

53 Envelopes Contract - IFB 23-070 Request for Award (Ordinance S-49718)

Request to authorize the City Manager, or his designee, to enter into a contract with Southland Envelope Company to purchase various envelopes for the Finance, Police and City Clerk departments. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$171,600.

Summary

This contract will provide standard mailing envelopes and specialty printed envelopes for the Finance, Police and City Clerk departments. The various departments will use these envelopes to mail correspondence, invoices, and statements to City of Phoenix residents and vendors. Additionally, the contract will also provide printed envelopes, such as parking violation envelopes, citizen mail-in response envelopes, and self-addressed court payment plan envelopes.

Procurement Information

An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

One vendor submitted a bid deemed to be responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendor:

Selected Bidder

Southland Envelope Company

Contract Term

The contract will begin on or about June 15, 2023, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$171,600. Funding is available in the Finance, Police and City Clerk department budgets.

This item was adopted.

54 Authorization to Sell Approximately 4,900 Square Feet of Land Along the East Side of North 7th Street and Amend Lease Agreement 48385 (Ordinance S-49719)

Request to authorize the City Manager, or his designee, to sell approximately 4,900 square feet of City-owned land along the east side of north 7th Street, south of Thunderbird Road, to 11111 North 7th Street Property DE, LLC, its successors and/or assigns; and to amend Lease Agreement 48385 to modify the leased area to remove the portion of land sold. Further request to authorize the City Manager, or his designee, to dedicate an approximate 25-foot strip of land directly adjacent to the east side of 7th Street to public use for right-of-way purposes via separate recording instrument. Additionally request to authorize the City Treasurer to accept all funds related to sale of the real property.

Summary

The land to be sold is approximately 4,900 square feet and is part of a 65-year lease for 32 acres of City-owned land. The leased land, combined with the adjacent property currently owned by 11111 North 7th Street Property DE, LLC, (Lessor) was developed into Lookout Mountain Golf Course, operated by the Phoenix Tapatio Cliffs Resort. The 4,900 square feet of land is improved with a driveway and golf cart path that provides exclusive ingress and egress from north 7th Street to a private drive and golf course parking lot. The Lessor requested to purchase this portion of the leased site to maintain access in perpetuity to a driveway and parking lot on the privately-owned portion of the golf course property. Disposition of this land will have no adverse impact on the remainder of

the City-owned property and will alleviate any liability the City may have as underlying fee owner of the driveway.

The land will be sold "as-is." The City and buyer will enter into a purchase agreement with terms and conditions acceptable to the City for fee simple conveyance by special warranty deed. Upon conveyance of the land, the lease will be amended to exclude the approximate 4,900 square feet from the leased area. Excluded from disposition is a 25-foot strip of land along the 7th Street frontage to match the 65-foot right-of-way north and south of the City-owned property, to be dedicated as right-of-way by separate conveyance instrument.

Financial Impact

Revenue will be reflective of the market value of the property.

Concurrence/Previous Council Action

City Council approved Lease Agreement 48385 (Ordinance S-17616) on Feb. 24, 1988.

The Parks and Recreation Board recommended approval of the disposition on Feb. 23, 2023, as Agenda Item 3b by a vote of 6-0.

Location

Along the east side of north 7th Street; south of Thunderbird Road, identified by Maricopa County Assessor parcel number 159-01-004C.
Council District: 3

This item was adopted.

55 Unified Print Program Multifunction Copiers Contract - COOP 23-061- Request for Award (Ordinance S-49722)

Request to authorize the City Manager, or his designee, to enter into a contract with Toshiba America Business Solutions Inc., DBA Toshiba Business Solutions to provide multi-function print and scanning devices including supplies, maintenance and management of print services for Citywide departments. Further request an exception to the indemnity and assumption of liability provisions of Phoenix City Code section 42-18. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed

\$10,595,000.

Summary

This contract will provide the ability to continue contracting with Toshiba for support and purchase of multi-function print and scanning devices, including supplies, maintenance and management of print services. Toshiba will service over 1,100 copiers, will add service to 800 stand-alone printers and enable replacement of the majority of City of Phoenix's stand-alone printer fleet that is over 10 years old and experiences a high rate of failure due to wear and tear. The deployment of devices are managed through the City's Unified Print Program, which involves analysis of printer usage at various locations, and an annual review to ensure devices are deployed in the most efficient and cost-effective manner. The requested products and services are critical to citywide facility operations.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances - Alternative Competition. The Information Technology Systems (ITS) Department has researched cooperative contract programs with other agencies such as Omnia Partners, Mohave Cooperative, Sourcewell, and a local Arizona business to find alternative contractor options. ITS has determined that the contract with Toshiba America Business Solutions Inc., DBA Toshiba Business Solutions from Omnia Partners, which was competitively solicited, best aligns with the City's needs.

Contract Term

The five-year contract term will begin on or about July 1, 2023, and includes one two-year option to extend.

Financial Impact

The aggregate contract value will not exceed \$10,595,000 for the five-year aggregate term. Funding is available in the various departments' budgets.

This item was adopted.

56 Citywide Moving Services - RFQu 23-0061 Request for Award (Ordinance S-49726)

Request to authorize the City Manager, or his designee, to enter into contracts with Atmosphere Commercial Interiors, LLC; Coleman Worldwide Moving, LLC; Daniels Moving & Storage, Inc.; and Sunshine Moving Company, LLC, to provide Citywide moving services. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed \$1,892,000.

Summary

These contracts will provide comprehensive moving services for all City departments and facilities. These contracts will include services such as packing, loading, transportation, unloading and unpacking of equipment, furniture and supplies. The contracts will also be used to facilitate the relocation of the City of Phoenix Police Department to their newly purchased building.

Procurement Information

A Request for Qualifications procurement was processed in accordance with Administrative Regulation 3.10 to establish a Qualified Vendor List (QVL).

Four offerors submitted qualifications and were deemed to be responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following minimum qualifications:

- Method of Approach
- Experience and Capacity
- Price

After reaching consensus, the evaluation committee recommends award to the following offeror(s):

- Atmosphere Commercial Interiors, LLC
- Coleman Worldwide Moving, LLC
- Daniels Moving & Storage, Inc.
- Sunshine Moving Company, LLC

Contract Term

The contracts will begin on or about June 15, 2023 for a five-year term with no options to extend.

Financial Impact

The aggregate value of the contracts will not exceed \$1,892,000. Funding is available in various department budgets.

This item was adopted.

57 One-Year Subscription for CoStar Realty Information, Inc. (Ordinance S-49741)

Request to authorize the City Manager, or his designee, to enter into an agreement with CoStar Realty Information, Inc., (CoStar) to provide a one-year subscription for online access to real property market data. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

CoStar is a comprehensive online database for commercial real estate market data, statistics and reporting. CoStar provides staff the tools necessary to complete appraisals, appraisal reviews and valuation services, manage existing contracts and develop new business transactions for revenue contract services, and assist developers, investors and companies interested in relocating to or investing in Phoenix. The subscription enables staff to conduct market research and market-based valuations to ensure compliance with applicable federal, state and City regulations and requirements related to real estate transactions.

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

Procurement Information

An exception to the procurement process was determined to select the vendor set forth in City of Phoenix Administrative Regulation 3.10. A direct selection was made because there is only one known capable supplier of goods and services due to the unique nature of the

requirement.

Contract Term

The agreement will begin on or about June 1, 2023, for a one-year term.

Financial Impact

The fee for the one-year agreement is \$147,660, plus applicable taxes. Funding is available in the Finance, Community and Economic Development, Aviation, Neighborhood Services and Housing department budgets.

This item was adopted.

58 Uninterruptible Power Supply Equipment, Service and Maintenance - IFB 17-171 - Amendment (Ordinance S-49753)

Request to authorize the City Manager, or his designee, to execute amendments to Contract 145554 with Titan Power, Inc., and Contract 145555 with Gruber Technical, Inc., to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$600,000.

Summary

This contract will provide uninterruptible power supply (UPS) equipment and associated services and maintenance, which are vital for various City services that require constant, uninterrupted power. The UPS units supply power in the event of an outage, which allows continued operations until power resumes. Some critical operations include 911 call centers, Citywide data rooms, and water production and distribution functions. This extension is needed to ensure continued services and allow more time for completion of a full procurement process.

Contract Term

Upon approval the contract will be extended through June 30, 2024, with an option to extend through June 30, 2025.

Financial Impact

Upon approval of \$600,000 in additional funds, the revised aggregate value of the contract will not exceed \$3,240,000. Funds are available in various departments' budgets.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Uninterruptible Power Supply Equipment, Service and Maintenance 145554, 145555 Ordinance S-43740 on June 28, 2017;
- Uninterruptible Power Supply Equipment, Service and Maintenance 145554, 145555 Ordinance S-45948 on Aug. 28, 2019;
- Uninterruptible Power Supply Equipment, Service and Maintenance 145554, 145555 Ordinance S-48753 on June 15, 2022.

This item was adopted.

59 Office Supplies and Services - ADSP015-088800 - Amendment (Ordinance S-49756)

Request to authorize the City Manager, or his designee to allow additional expenditures under Contract 151720 with Wist Business Supplies and Equipment for the purchase of toner, paper, recycled-content/green products and various other products for citywide use. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$4,000,000.

Summary

This contract will provide the City with office supplies, which support the needs of City employees, facilities, warehouses and the public. Office supplies include, but are not limited to: toner, paper, recycled-content/green products and other miscellaneous supplies required for the City to remain operational on a daily basis. The primary users of this contract include the Aviation, Finance, Fire, Human Services, Library, Parks and Recreation, Police, Public Works, Street Transportation, and Water Services departments as well as the Municipal Court. The additional funds are needed to purchase office supplies through the end of the contract term.

Contract Term

The contract term remains unchanged, ending on March 31, 2025.

Financial Impact

Upon approval of \$4,000,000 in additional funds, the revised aggregate value of the contract will not exceed \$10,500,000. Funds are available in

the various departments' budgets.

Concurrence/Previous Council Action

The City Council previously reviewed and approved this request:

- Office Supplies and Services Contract 151720 (Ordinance S-46367) on March 3, 2020.

This item was adopted.

60 Software Value-Added Reseller Services - ADSPO16-130652 - Amendment (Ordinance S-49758)

Request to authorize the City Manager, or his designee, to execute amendments to Contracts 144228 and 151721 with CDW Government, LLC, and SHI International Corp, to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$34,000,000.

Summary

These contracts will provide commercial off-the-shelf-software, license agreements, and maintenance agreements to departments Citywide. Purchases of critical software solutions and services under these contracts support City email, internet and intranet, servers and other information technology infrastructure, and provide database software and critical security tools for protecting, monitoring, and responding to threats to the City's network or data. In addition to providing cost savings from volume discounts, utilizing the value-added reseller contracts provides the City with additional benefits for implementing and upgrading software solutions, including providing evaluation copies, product comparisons, proofs-of-concept, needs analysis, product information and application recommendation.

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

Contract Term

Upon approval, the contracts will be extended through Aug. 30, 2024, with an option to extend through Aug. 30, 2025.

Financial Impact

Upon approval of \$34,000,000 in additional funds, the revised aggregate value of the contracts will not exceed \$138,327,330. Funds are available in the various departments' budgets.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Software Value-Added Reseller Services Contract 144228 and 151721 (Ordinance S-43077) on Dec. 14, 2016;
- Software Value-Added Reseller Services Contract 144228 and 151721 (Ordinance S-46331) on Feb. 19, 2020;
- Software Value-Added Reseller Services Contract 144228 and 151721 (Ordinance S-47903) on Aug. 25, 2021;
- Software Value-Added Reseller Services Contract 144228 and 151721 (Ordinance S-48848) on July 1, 2022;

This item was adopted.

61 Telephone and Data Network Replacement - RFP 17-022 - Amendment (Ordinance S-49787)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 144657 with World Wide Technology, Inc. to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$15,000,000.

Summary

This contract will provide ongoing support of our Cisco phone system. Daily support includes but is not limited to provisioning telephones, training users, managing connections to phone carriers, managing servers on which the phone system resides and managing the contact center.

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

Contract Term

Upon approval the contract will be extended through June 30, 2028.

Financial Impact

Upon approval of \$15,000,000 in additional funds, the revised aggregate value of the contract will not exceed \$52,727,806. Funds are available in the various Departments' budgets.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Telephone and Data Network Replacement Contract 144657 (Ordinance S-43175) on Jan. 25, 2017.
- Telephone and Data Network Replacement Contract 144657 (Ordinance S-45547) on April 17, 2019.

This item was adopted.

62 Amend Ordinance S-45435 Regarding the Pediatric Health Care Initiative Fund (Ordinance S-49792)

Request to amend Ordinance S-45435 to replace **Attachment A** of the Intergovernmental Agreement (IGA) with the Arizona Health Care Cost Containment System Administration (AHCCCS).

Summary

Ordinance S-41038 established the Pediatric Health Care Initiative Fund to facilitate the transfer of donations for specialized pediatric care provided by freestanding children's hospitals with 100 beds or more located in the City of Phoenix, to AHCCCS through an Intergovernmental Agreement (IGA). The original IGA included an attachment (**Attachment A**) that details the transfer of donations through two annual installments of \$2,500,000. The preference of the City and AHCCCS is to conduct the transfer of donations through a single annual payment of \$5,000,000 instead of installments. This amendment would revise the current IGA attachment to allow for the transfer of donations through a single annual payment.

Financial Impact

There is no financial impact to the City.

Concurrence/Previous Council Action

Ordinance S-41038 was approved by the City Council on July 2, 2014, to establish the Pediatric Health Care Initiative Fund.

Ordinance S-45435 was approved by the City Council on March 6, 2019, to maintain the Pediatric Health Care Initiative Fund.

Ordinance S-46957 was approved by the City Council on May 6, 2020, and authorized the City to enter into an IGA with AHCCCS to implement the provisions of S-45435.

This item was adopted.

63 Employee Loans Contract - COOP 23-038 Request for Award (Ordinance S-49704)

Request to authorize the City Manager, or his designee, to enter into a contract with Sunrise Banks, N.A., and Employee Loan Solutions, LLC, dba TrueConnect, to provide a resource to secure safe, affordable, small-dollar loans to avert financial emergencies and ease financial stress of employees, for the Human Resources Department. Further request to authorize the City Controller to disburse all funds necessary for this item. There is no impact to the General Fund, the costs for these services are paid by monthly payroll deductions from participants in the loan program.

Summary

This contract will provide an employee loan program which can provide City employees with a resource to secure safe, affordable, small-dollar loans (up to \$5,000) to avert financial emergencies and ease financial stress. Loan payments are deducted from each paycheck over 12 months. Loans are made with a reasonable maximum interest rate of 19.99 percent and offer an alternative to title loans and payday loans which typically carry extremely high interest rates. There are no origination fees or other fees assessed on the loans. Loan eligibility is not dependent upon personal credit scores, and a borrower's personal credit score is improved upon complete loan repayment. The loan services are supported by a comprehensive employee financial wellness program which can help employees get out of the cycle of debt. This program is provided at no cost or liability to the City.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved determination memo based on special circumstances, being a lack of alternative competition.

Sourcewell serves as a cooperative purchasing agency for government, education, and non-profit organizations, including the City of Phoenix. Sourcewell issued a competitive solicitation in 2019, Request for Proposal #060519, and awarded a contract to Sunrise Banks, N.A., dba TrueConnect.

Contract Term

The contract will begin on or about July 1, 2023, for a five-year term with no options to extend.

Financial Impact

This program is provided at no cost or liability to the City of Phoenix, and there is no impact to the General Fund. The costs for these services are paid by monthly payroll deductions from participants in the loan program.

This item was adopted.

64 Occupational Medical Provider Services - RFP HR 22-013 - Request for Award (Ordinance S-49708)

Request to authorize the City Manager, or his designee, to enter into a contract with Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers to provide Occupational Medical Provider Services to City employees through the Human Resources Department's Occupational Medical Services Program. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$8,500,000.

Summary

Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers will partner with the HRD's Safety Division to provide occupational medical provider services at various locations throughout the Phoenix metropolitan area. The locations will include a twenty-four hour facility, conveniently located at the Phoenix Sky Harbor Airport. Many of the occupational medical provider services are legally mandated, and necessary to continue providing medical treatment to City employees

who are injured in the performance of their duties. Some of the services include pre-employment and annual physicals, tower climber physicals, clinical screenings, laboratory testing, audiometric testing, vision screening, vaccinations, work fitness evaluations, return to work fitness evaluations, alcohol and drug testing, post-exposure exams, immunizations and other miscellaneous testing. The current contract with Concentra Medical Centers is set to expire Sept. 30, 2023.

Procurement Information

RFP HR 22-013 was conducted in accordance with Administrative Regulation 3.10. The Human Resources Department received two proposals. The Notice of Solicitation was emailed to 219 vendors registered in ProcurePHX and to additional known vendors in the occupational provider health care industry.

The offers were scored using the following criteria: Qualifications and Experience (350 points), Method of Approach (350 points) and Pricing (300 points).

The evaluation panel determined that one offer was within the competitive range. The finalist provided a Best and Final Offer (BAFO). After reviewing the BAFO response, it was the consensus of the evaluation committee to recommend award to Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers. The BAFO resulted in minimal price increases. Overall, the pricing will remain the same as the current pricing, which has been in place since 2019, under the existing Concentra contract.

The consensus scores are as follows:

Banner Occupational Health-Arizona, LLC dba Banner Occupational Health Clinics : 497 points

Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers: 990 points

After reaching consensus, the evaluation committee recommends award to Occupational Health Centers of the Southwest, P.A. dba Concentra Medical Centers, as the highest scored, responsive and responsible offer most advantageous to the City.

Contract Term

The five-year contract term shall be on or about Oct. 1, 2023.

Financial Impact

The aggregate five-year contract value for these services shall not exceed \$8,500,000. Funds are available in multiple departments' budgets. Additionally, the Worker's Compensation Program Trust Account will be used for worker's compensation medical expenses.

This item was adopted.

65 Workers Compensation Taxes (Ordinance S-49757)

Request to authorize the City Manager, or his designee, to pay taxes to the Industrial Commission of Arizona for Workers Compensation injuries for the Human Resources Department. Further request authorization for the City Controller to disburse funds related to this item. The aggregate value will not exceed \$1,500,000.

Summary

The City has been self-insured for Workers Compensation injuries since 2003 and the taxes are due quarterly based on premiums that would have been paid by an employer if the employer had been fully insured by a Workers Compensation insurance carrier.

The Industrial Commission of Arizona calculates an administrative fund assessment annually for Workers Compensation injuries and computes the quarterly taxes that the City must pay every January, April, July, and October of each calendar year. Additionally, the Industrial Commission of Arizona will refund the City for any overpayment of taxes from the prior year or bill the City for any underpayment. The City will pay these underpayment adjustments annually if needed.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved Determination Memo citing the Industrial Commission of Arizona as a Special Circumstance - Without Competition.

Term

The payment authorization will begin on July 1, 2023 and end June 30, 2026.

Financial Impact

The aggregate value will not exceed \$1,500,000 and the funds are available in the Human Resources Department.

Concurrence/Previous Council Action

The Phoenix City Council approved Ordinance S-49567-0015 on April 19, 2023.

The Phoenix City Council approved Ordinance S-49080 on Oct. 26, 2022.

This item was adopted.

67 Authorization to Apply for, Accept, and Enter into an Agreement for Victim of Crime Act (VOCA) Grant Funds (Ordinance S-49805)

Request to authorize the City Manager, or his designee, to apply for renewal, accept, and enter into an agreement with the Arizona Department of Public Safety for a Victim of Crime Act (VOCA) grant in an amount not to exceed \$478,039. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The VOCA grant is federally funded and administered by the Arizona Department of Public Safety. The application provides an opportunity to request ongoing and additional funding to further enhance victim services in the City of Phoenix Prosecutor's Office. The VOCA renewal application process has opened for the grant period Oct. 1, 2023, to Sept. 30, 2024.

Advocates provide an array of legally mandated as well as compassionate services to victims of misdemeanor crimes that occur within the City of Phoenix. These services include assisting victims in making safety plans, assisting victims seeking shelter from their abusers, connecting victims to necessary resources inside and outside of the City,

attending court, arranging for transportation to and from court, translating complex nuances of the process to victims and providing legally mandated notification of court dates. The grant would provide continued funding for five employees. In recent years, VOCA funding allowed the City to greatly reduce the case load of victim advocates. Reducing the case load significantly increases Victim Services' opportunity to provide more personalized services to all crime victims, meeting the needs of the community in alignment with the Domestic Violence Roadmap and the Human Trafficking Compass Plan.

Contract Term

The initial grant period is Oct. 1, 2023, through Sept. 30, 2024.

Financial Impact

Total grant funding will not exceed \$478,039. City funding for existing Victim Services positions provides the required 20 percent in-kind match.

Location

Citywide

This item was adopted.

68 Disaster Recovery as a Service Contract for the Municipal Court (Ordinance S-49749)

Request to authorize the City Manager, or his designee, to enter into a contract with Kyndryl, Inc., to provide a Disaster Recovery (DRaaS) solution for the Phoenix Municipal Court. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$1,080,000. Additionally, request to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18.

Summary

Phoenix Municipal Court is required by the Administrative Office of the Courts (AOC) to maintain a disaster recovery posture for its systems. Without a disaster recovery solution, the ability to ensure the Court's

continuity of operations is at risk. Kyndryl, Inc has proposed a solution that provides the correct servers, support, and overall DRaaS solution for the Court's primary enterprise system. In addition, Kyndryl, Inc offers the ability to conduct full disaster recovery tests twice a year. This contract offers the most efficient way to get the Court back to an acceptable business continuity and disaster recovery posture, ensuring its ability to resume operations in the event of a disruptive event. Additionally, this allows the Court to comply with the AOC's policies and best practices related to the management of information technology systems.

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

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. The Information Technology Services Department (ITS) previously held a contract for citywide disaster recovery services which expired. ITS conducted a formal procurement for citywide Disaster Recovery-as-a-Service (DRaaS) (ITS RFP 22-001), which resulted in a successful solicitation process. The parties entered good faith negotiations but despite efforts the parties were unable to reach an agreement. ITS is in the midst of another formal procurement for citywide DRaaS (ITS RFP 23-003). Given the Phoenix Municipal Court's requirements, and to ensure operation continuity, ITS and Phoenix Municipal Court jointly agreed to exclude their systems from the current RFP and request to establish a direct contract with Kyndryl, Inc.

Contract Term

The two-year contract term will begin on or about June 1, 2023, with an option to renew for an additional one-year term.

Financial Impact

The contract value will not exceed \$1,080,000. The funds are available in the Information Technology Services Department's operating budget.

This item was adopted.

69 Electronic Document Management System Licensing, Maintenance and Professional Services for the Phoenix Municipal Court (Ordinance S-49796)

Request authorization for Phoenix Municipal Court to enter into an agreement with Databank IMX, LLC for Licensing, Maintenance and Professional Services of OnBase for Electronic Document Management System. The total value of the contract will not exceed \$250,000. Additionally, request to authorize the City Controller to disburse all funds related to this item.

Summary

The Phoenix Municipal Court uses OnBase as its Electronic Document Management System (EDMS). OnBase is the statewide standard for EDMS selected by the Arizona Supreme Court's Administrative Office of the Court (AOC) for all Arizona courts. The AOC has established a new contract with Databank IMX, LLC for licensing, maintenance and professional services related to the use and support of this product. Leveraging this contract not only provides the Court with access to negotiated pricing, it also ensures the Court is able obtain support and professional services from an organization with specific knowledge of the configuration and business requirements pertaining to the needs Arizona courts.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstance Alternate Competition. Databank IMX, LLC is contracted by the Arizona Supreme Court's AOC to provide licensing, maintenance and professional services to support OnBase, which is the statewide standard for Arizona courts.

Contract Term

The contract term will begin on or about July 1, 2023, and will expire on Dec. 21, 2027, with an option to renew for an additional five years.

Financial Impact

The aggregate contract value will not exceed \$250,000. Funds are

available in the Phoenix Municipal Court's operating budget.

This item was adopted.

71 Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-49752)

Request to authorize the City Manager, or his designee, to transfer retirement funds for Hector Montes in the amount of \$28,423.56 to the Arizona State Retirement System. Further request to authorize the City Controller to disburse the funds.

Summary

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

Montes, Hector: \$28,423.56

Concurrence/Previous Council Action

This item was approved by the COPERS Board at the May 4, 2023 meeting.

This item was adopted.

72 Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-49760)

Request to authorize the City Manager, or his designee, to transfer retirement funds for Holly Moore in the amount of \$44,653.44 to the Arizona State Retirement System. Further request to authorize the City Controller to disburse the funds.

Summary

Pursuant to Arizona Revised Statutes, sections 38-730 and 38-922, retirement service credits for former members of the City of Phoenix Employees' Retirement System (COPERS) may be transferred to the

Arizona State Retirement System upon approval by the City Council. The following former City of Phoenix employee has requested transfer of the balance of her credited service:

Moore, Holly: \$44,653.44

Concurrence/Previous Council Action

This item was approved by the COPERS Board at the May 4, 2023 meeting.

This item was adopted.

74 Office of Heat Response and Mitigation Community Canopy Grant Program (Ordinance S-49801)

Request authorization for the City Manager, or his designee, to enter into multiple grant agreements with multiple grantees to disburse funds for the Community Canopy Grant Program. Further request to authorize the City Controller to disburse all funds and supplies related to this item. There is no impact to the General Fund. The aggregate expenditures will not exceed \$2,000,000. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) from the federal government and is part of the Residential Tree Equity Accelerator and the Trees and Shade for Schools programs.

Summary

Phoenix's Office of Heat Response and Mitigation (OHRM) is leading the efforts of the City to fight the growing hazard of urban heat. OHRM focuses on both heat response (helping people cope with hot weather) and heat mitigation (including efforts to cool the city and make it more comfortable through tree planting). During all seasons of the year, OHRM coordinates programs and policies to help lower urban heat temperatures and protect public health. OHRM also tracks trends, collects data, and collaborates with other governments and organizations to share ideas and solutions when it comes to dealing with heat.

On June 7, 2022, Phoenix City Council approved the ARPA Second Tranche Strategic Plan and allocated \$6,000,000 of these funds for the Residential Tree Equity Accelerator and the Trees and Shade for

Schools programs. The Community Canopy Grant Program will improve the prospects of impacted residents and address economic and social disparities that have continued and worsened during the COVID-19 pandemic. This grant program will assist in that effort by providing trees and supplies to community members, neighborhood groups and non-profits in neighborhoods that have been disproportionately negatively impacted by COVID-19.

To increase the tree shade canopy in neighborhoods that have been disproportionately negatively impacted by COVID-19, OHRM is seeking authorization to use \$2,000,000 in ARPA funds to develop a Community Canopy Grant Program to provide funding and supplies for tree planting projects to community members, neighborhood associations and non-profits in Qualified Census Tracts. The Community Canopy Grant Program will provide funding, services, supplies and education to community members, neighborhood associations and nonprofits for tree planting projects. The OHRM Tree Equity Project Coordinator will facilitate and administer this grant program. The Community Canopy Grant Program will accept applications on a rolling basis, and all projects and funding will be spent by the end of December 2024.

Financial Impact

Funding for this program will not exceed \$2,000,000. There is no impact to the General Fund. Funding is available through the City's allocation of ARPA.

This item was adopted.

75 Office of Heat Response and Mitigation Shade for Students Grant Program (Ordinance S-49803)

Request authorization for the City Manager, or his designee, to enter into multiple grant agreements with multiple grantees to disburse funds for the Shade for Students Grant Program. Further request to authorize the City Controller to disburse the funds related to this item. There is no impact to the General Fund. The aggregate expenditures will not exceed \$1,500,000. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) from the federal government and is part of the Residential Tree Equity Accelerator and the Trees and Shade

for Schools programs.

Summary

Phoenix's Office of Heat Response and Mitigation (OHRM) is leading the efforts of the City to fight the growing hazard of urban heat. OHRM focuses on both heat response (helping people cope with hot weather) and heat mitigation (including efforts to cool the city and make it more comfortable). During all seasons of the year, OHRM coordinates programs and policies to help lower urban heat temperatures and protect public health. OHRM also tracks trends, collects data, and collaborates with other governments and organizations to share ideas and solutions when it comes to dealing with heat.

On June 7, 2022, Phoenix City Council approved the ARPA Second Tranche Strategic Plan and allocated \$6,000,000 of these funds for the Residential Tree Equity Accelerator and the Trees and Shade for Schools programs. The Shade for Students Grant Program will improve the prospects of impacted educational facilities and address economic and social disparities that have continued and worsened during the COVID-19 pandemic. This grant program will assist in that effort by providing funding for shade structures to public school districts, non-profit schools, after-school or summer program nonprofits, and youth-serving community centers in areas that have been disproportionately negatively impacted by COVID-19.

To increase the shade canopy in neighborhoods that have been disproportionately negatively impacted by COVID-19, OHRM is seeking authorization to use \$1,500,000 in ARPA funds to develop a Shade for Students Grant Program to provide funding for shade structure installation to public school districts, non-profit schools, and non-profits with 501(c)(3) status that provide education to youth in Qualified Census Tracts. The OHRM Built Environment Specialist will facilitate and administer this grant program. The Shade for Students Grant Program will accept applications on a rolling basis, and all projects and funding will be spent by the end of December 2024.

Financial Impact

Funding for this program will not exceed \$1,500,000. There is no impact

to the General Fund. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) from the federal government.

This item was adopted.

76 Office of Heat Response and Mitigation Canopy for Kids Grant Program (Ordinance S-49804)

Request authorization for the City Manager, or his designee, to enter into multiple grant agreements with multiple grantees to disburse funds for the Canopy for Kids Grant Program. Further request to authorize the City Controller to disburse the funds related to this item. The aggregate expenditures will not exceed \$2,000,000. There is no impact to the General Fund. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) from the federal government and is part of the Residential Tree Equity Accelerator and the Trees and Shade for Schools programs.

Summary

Phoenix's Office of Heat Response and Mitigation (OHRM) is leading the efforts of the City to fight the growing hazard of urban heat. OHRM focuses on both heat response (helping people cope with hot weather) and heat mitigation (including efforts to cool the city and make it more comfortable through tree planting). During all seasons of the year, OHRM coordinates programs and policies to help lower urban heat temperatures and protect public health. OHRM also tracks trends, collects data, and collaborates with other governments and organizations to share ideas and solutions when it comes to dealing with heat.

On June 7, 2022, Phoenix City Council approved the ARPA Second Tranche Strategic Plan and allocated \$6,000,000 of these funds for the Residential Tree Equity Accelerator and the Trees and Shade for Schools programs. The Canopy for Kids Grant Program will improve the prospects of impacted educational facilities and address economic and social disparities that have continued and worsened during the COVID-19 pandemic. This grant program will assist in that effort by providing trees and supplies to public school districts, non-profit schools, after-school or summer program nonprofits, and youth-serving community centers in areas that have been disproportionately negatively impacted by

COVID-19.

To increase the tree shade canopy in neighborhoods that have been disproportionately negatively impacted by COVID-19, OHRM is seeking authorization to use \$2,000,000 in ARPA funds to develop a Canopy for Kids Grant Program to provide funding and supplies for tree planting projects to public school districts, non-profit schools, and non-profits with 501(c)(3) status that provide education to youth in Qualified Census Tracts. Canopy for Kids Grant Program will also provide funding, services and education to public school districts, non-profit schools, and non-profits with 501(c)(3) status who provide education to youth for tree planting projects. The OHRM Tree Equity Project Coordinator will facilitate and administer this grant program. The Canopy for Kids Grant Program will accept applications on a rolling basis, and all projects and funding will be spent by the end of December 2024.

Financial Impact

Funding for this program will not exceed \$2,000,000. There is no impact to the General Fund. Funding is available through the City's allocation of ARPA.

This item was adopted.

77 Retroactive Authorization to Apply for, Accept and Disburse Grant Funding from JPMorgan Chase & Co. (Ordinance S-49735)

Request to retroactively authorize the City Manager, or his designee, to apply for and accept JPMorgan Chase & Co. grant funds totaling \$125,000. Further request authorization to enter into an agreement with the Phoenix Parks Foundation to serve as the fiscal agent to receive these funds. Additionally, request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item for the life of the grant.

Summary

Since 2013, the City of Phoenix Youth Reach and Invest in Summer Employment (Phoenix Youth RISE) program has placed more than 902 youth between the ages of 16 to 24 in summer work experiences. The program provides subsidized wages for youth to work up to 80 hours with

an employer during the summer and includes work readiness training, career exploration and mentorship. For the summer of 2022, Phoenix Youth RISE placed 180 qualified youth applicants in paid internships due to increased philanthropic support.

On Feb. 15, 2023, JPMorgan Chase & Co. announced a grant opportunity to partner with U.S. cities to increase the number of youth who have access to quality summer work experiences to place youth on a path to greater economic mobility. To be a recipient of the funds, JPMorgan Chase & Co. requires that a Memorandum of Understanding (MOU) be executed with a 501(c)3 nonprofit partner that agrees to serve as the applicant and fiscal agent for the grant. The Human Services Department has an executed MOU with Phoenix Parks Foundation to serve as Fiscal Agent.

If awarded, the available grant of \$125,000 will support summer work experiences for up to 75 youth. The cost per youth is approximately \$1,656, including the cost of wages, interest and skill assessments, training, mentoring and supportive services. The grant application was due on April 10, 2023. If authorization is denied, the grant application will be rescinded.

Contract Term

The grant period is on or about May 1, 2023, through June 30, 2024.

Financial Impact

There is no impact to the General Fund. Funding will be provided by JPMorgan Chase & Co. No matching funds are required.

This item was adopted.

78 Request Authorization to Accept Funding from the Arizona Community Action Association dba Wildfire to Administer a Diaper Bank Program (Ordinance S-49746)

Request authorization for the City Manager, or his designee, to enter into an agreement with the Arizona Community Action Association dba Wildfire to accept funds in an amount not to exceed \$10,000 to administer a Diaper Bank Program for Phoenix residents. Further request

authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. There is no impact to the General Fund.

Summary

Funds provided to the City of Phoenix through this agreement will be used to administer the Diaper Bank Program. Administration will include receiving, storing, distributing, tracking and reporting 869,720 diapers and incontinence supplies for low-income families. Diapers are not only vital for children's health and well-being, but they also have substantial financial consequences for parents. Providing resources, such as diapers, can mitigate challenges caused by scarcity or non-existence of resources, which includes inconsistent childcare and low-employment rates.

Contract Term

The contract term is six months beginning March 30, 2023, through Sept. 29, 2023, with a one-year option to extend.

Financial Impact

Funds are being provided from a federal grant awarded to the Diaper Bank of Southern Arizona, Inc. There is no impact to the General Fund.

This item was adopted.

79 Request Retroactive Authorization to Apply for and Accept Lifelong Arts and Engagement Grant (Ordinance S-49747)

Request retroactive authorization for the City Manager, or his designee, to apply for a Lifelong Arts Engagement Grant in an amount not to exceed \$7,500 and, if approved, accept funding from the Arizona Commission on the Arts. Further request to authorize the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item. There is no impact to the General Fund.

Summary

The Arizona Commission on the Arts Lifelong Arts Engagement Grant seeks to enhance the work of community and social service organizations and governmental entities through projects that foster meaningful arts

learning experiences in community settings for adult learners. Lifelong Arts Engagement grants encompass a Creative Aging component intended to use arts and creative expression to improve the quality of life for older adults. The project, "Across the City," will encourage senior center members to partner with a professional artist/instructor in creating a reflective mural with contributions from members at all 15 senior centers. This program aligns with improving the quality of life for seniors through holistic and coordinated activities.

The grant notification was issued in mid-January with an application due date of April 6, 2023. The delay in applying for the grant was due to negotiations with the contracted artist who will provide the services.

Contract Term

The grant period is July 1, 2023, through June 30, 2024.

Financial Impact

If approved, funding in an amount of \$7,500 will be provided by the Arizona Commission on the Arts. No matching funds are required. There is no impact to the General Fund.

This item was adopted.

80 Request to Amend Contract with the Arizona Department of Economic Security to Accept Additional Emergency Rent and Utility Assistance Funding (Ordinance S-49748)

Request authorization for the City Manager, or his designee, to amend Contract 152615 with the Arizona Department of Economic Security (ADES), Division of Community Assistance and Development. The current ADES contract threshold is \$47,857,600 for Community Action Agency services. A total amount of \$45,370,297.78 has been received during the first three years of the five-year contract. This request is to increase the contract amount by \$20,629,702.22 for an amount not to exceed \$66,000,000 over the five-year term. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item for the life of the contract.

Summary

The City of Phoenix Human Services Department (HSD) is the designated Community Action Agency for the Phoenix service area and contracts with ADES for funding to deliver Community Action Agency services. Under this contract, HSD is directed to promote the participation of the entire community in the reduction or elimination of poverty.

Community Action Agency funding allows HSD to assist low-income individuals and families in removing obstacles and resolving barriers to self-sufficiency. Funding supports new and existing services for low-income individuals and families to secure and retain employment and/or education, housing navigation, emergency rent and utility assistance, and provide ongoing supportive services through case management and community coordination.

Funding consists of both federal and local funds to include Community Services Block Grant, Low Income Home Energy Assistance Program, Temporary Assistance for Needy Families, Social Services Block Grant and Neighbors Helping Neighbors. Funding levels may be adjusted throughout the contract period through amendments based on federal and state program appropriations.

Financial Impact

The funding for the first year of the contract was \$17,260,144.81, the second year was \$20,021,680.97, and third year was \$8,088,472. The total amount of the contract will not exceed \$66,000,000 over the life of the contract. There is no impact to the General Fund.

This item was adopted.

81 Preventative Health Medical Equipment and Supplies - IFB-22-EDU-74 (Ordinance S-49782)

Request to authorize the City Manager, or his designee, to enter into contracts with e3 Diagnostics, Inc., School Health Corporation, and Touchdown Sportswear & Promotions LLC to provide preventative health medical equipment and supplies to the City of Phoenix Head Start Birth to Five Program and the Phoenix Fire Department Health and Wellness Center. The aggregate value of all contracts will not exceed \$1,256,000.

Further request to authorize the City Controller to disburse all funds related to this item.

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, family well-being and health while engaging parents as partners every step of the way. The program has an ongoing need to provide medical screenings to children enrolled in the program to meet the "Child Health Status and Care" Performance Standards outlined by the Office of Head Start.

The Phoenix Fire Department Health & Wellness Center performs annual hearing tests on public safety firefighters and police officers as part of their National Fire Protection Agency and OSHA required physical exams. This testing requires calibration, maintenance and repair of audiometer testing equipment to ensure equipment is working properly and safely.

Procurement Information

Invitation for Bid IFB-22-EDU-74 was conducted in accordance with City of Phoenix Administrative Regulation 3.10.

Five bids were received on April 7, 2023. Three were deemed responsive and responsible to the solicitation requirements. The procurement officer evaluated the offers using a pass/fail evaluation matrix under the following criteria:

Company history and relevant background.

Products offered.

Fee Schedule.

Reference checks with positive results.

No active exclusions found on the System for Award Management database.

In good standing with the Arizona Corporation Commission.

The following offerors met all solicitation criteria and are recommended for award:

e3 Diagnostics, Inc.
School Health Corporation
Touchdown Sportswear & Promotions LLC

Contract Term

The term for the contracts will begin on or about June 1, 2023, for a five-year term with no options to extend.

Financial Impact

Expenditures shall not exceed \$1,256,000 over the life of all contracts. Funding for Head Start is available from the U.S. Department of Health and Human Services, Administration of Children, Youth and Families. Funding for the Fire Department is available from the Fire Health and Wellness Center. No additional General Funds are required.

Concurrence/Previous Council Action

On Jan. 9, 2023, the Head Start Birth to Five Policy Council approved the request to release Preventative Health Medical Equipment and Supplies Invitation for Bid.

This item was adopted.

82 Authorization to Amend Contract with Community Bridges, Inc. for Phoenix Starfish Place for Victims of Human Trafficking (Ordinance S-49783)

Authorization for the City Manager, or his designee, to amend Contract 145543 with Community Bridges, Inc. (CBI) to extend the term for an additional year from July 1, 2023, through June 30, 2024, and approve funding for this vendor to continue to provide contracted services through the extended term. The additional funding will not exceed \$150,000. Further request authorization for the City Controller to disburse all funds related to this item for the life of the contract. Funds are available through the City's federal Community Development Block Grant allocation from the United States Department of Housing and Urban Development. There is no impact to the General Fund.

Summary

The Human Services Department (HSD) is requesting authorization to extend the contract for one year outlined herein and conduct a Request for Proposals (RFP) for victims of human trafficking at Phoenix Starfish Place during the summer of 2023. The RFP process can take from six months to a year, depending on the complexity of the services needed. This extension would provide HSD staff sufficient time to conduct the procurement process.

The City's current contract with CBI provides for support services to assist Phoenix Starfish Place residents in achieving independence in a healing environment. The contract supports professional, on-site staff who provide trauma-informed case management services to support residents in housing stabilization and independent living skills.

Contract Term

The extended contract term will be July 1, 2023, through June 30, 2024.

Financial Impact

Expenditures will not exceed \$150,000 during the extension period of the contract. Funds are available from the Community Development Block Grant. There is no impact to the General Fund.

Concurrence/Previous Council Action

On Dec. 6, 2016, the release of an RFP was approved by the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee by a vote of 4-0.

On May 31, 2017, City Council authorized staff to contract with CBI for victims of human trafficking at Phoenix Starfish Place (Ordinance S-43586).

On Feb. 16, 2022, City Council authorized a contract extension for CBI through June 30, 2023 (Ordinance S-48338).

This item was adopted.

83 Authorization to Amend Contract with Arizona Coalition to End Sexual and Domestic Violence (Ordinance S-49784)

Request to authorize the City Manager, or his designee, to amend Contract 147434 with Arizona Coalition to End Sexual and Domestic

Violence (ACESDV) to extend the term for an additional year from July 1, 2023, through June 30, 2024, and approve funding for this vendor to continue to provide contracted services through the extended term. Expenditures will not exceed \$200,000 during the one-year extension period. Further request authorization for the City Controller to disburse all funds related to this item for the life of the contract.

Summary

The purpose of this contract is to provide victim services to include oversight, coordination and operation of a 24-hour centralized screening hotline and placement services for emergency shelter or housing vouchers. This is geared toward individuals and families experiencing domestic violence, sexual violence and sex trafficking in Maricopa County. The goal will be to assist individuals and families in need to be placed in shelter and provide individuals and families with services that are an alternative to shelter.

The Human Services Department (HSD) is requesting authorization to extend the contract for one year outlined herein and conduct an procurement process for similar services for victims of sexual and domestic violence during the summer of 2023. The Request for Proposals process can take from six months to a year, depending on the complexity of the services needed. This extension would provide HSD staff sufficient time to conduct the procurement process.

Contract Term

The extended contract term will be July 1, 2023, through June 30, 2024.

Financial Impact

Expenditures are not to exceed \$200,000 during the extension period of the contract. Funds are available from the Human Services Department budget.

Concurrence/Previous Council Action

On May 2, 2018, City Council approved the initial contract for ACESDV with Ordinance S-44540.

On Nov. 4, 2020, City Council authorized a contract extension for

ACESDV through June 30, 2022, with Ordinance S-47035.
On Feb. 16, 2022, City Council authorized a contract extension for
ACESDV through June 30, 2023, with Ordinance S-48335.

This item was adopted.

**84 Request Authorization to Enter into Contract with MV
Transportation, Inc. for Senior Programs Alternative
Transportation Services (Ordinance S-49785)**

Request authorization for the City Manager, or his designee, to enter into contract with MV Transportation Inc. to provide Alternative Transportation Services for the Human Services Department (HSD). Expenditures are not to exceed \$4,912,151 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Senior center transportation programs offered through HSD include Senior Center Shuttle and Group Trip services. Eligible participants include older adults, seniors, and persons with disabilities who utilize mobility devices and wheelchairs to engage in senior center activities.

The goal of this program is to provide transportation for Phoenix residents who are registered members at one of 15 City of Phoenix HSD Senior Centers. Transportation is provided between a member's personal residence and the nearest senior center location, as determined by HSD. The program also provides transportation for group trips to and from designated off-site activities such as shopping, social, educational and recreational events.

Procurement Information

Request for Proposals, RFP-23-CSSD-74, was conducted in accordance with the City of Phoenix Administrative Regulation 3.10. HSD received two offers on March 30, 2023. One vendor was determined non-responsive to the solicitation and removed from award consideration. The remaining vendor was determined responsive and in alignment with solicitation requirements.

An Evaluation Committee evaluated the proposal based on established evaluation criteria, responsiveness to all of the specifications, terms and conditions, and responsibility to provide the required service. Evaluation Criteria was as follows:

Criteria and Possible Points

Introduction - 50 possible points

Experience and Past Performance - 300 possible points

Management Structure and Personnel - 200 possible points

Understanding of the Scope of Work - 300 possible points

Overall Cost - 150 possible points

The Evaluation Committee reached consensus and recommends MV Transportation, Inc. for contract award, with an overall score of 1,000 points.

Contract Term

The term of the contract will begin on or about July 1, 2023, and end June 30, 2028, with no options to extend.

Financial Impact

Expenditures are not to exceed \$4,912,151 over the life of the contract. Funds are available through the HSD budget.

This item was adopted.

85 Agreement with Fireworks Productions of Arizona (Ordinance S-49799)

Request to authorize the City Manager, or his designee, to grant an exception pursuant to Phoenix City Code 42-18 authorizing indemnification or assumption of liability provisions that otherwise would be prohibited for the agreement with Fireworks Productions of Arizona.

Summary

On April 19, 2023, City Council authorized the Parks and Recreation Department to enter into contracts with multiple vendors to provide fireworks display services and event activities in 2023, for the Parks and Recreation Department. The contract with Fireworks Productions of

Arizona for the Phoenix Fabulous Fourth event contains indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18. This authorization allows for mutual indemnification.

Financial Impact

There is no additional funding requested.

Concurrence/Previous Council Action

Ordinance S-49629 was adopted by City Council on Apr. 19, 2023.

Location

Council Districts: 4

This item was adopted.

86 Authorization to Enter Agreement with Apple, Inc. for Placement of Innovative Mobile App on Apple App Store as Exception to Provisions of City Code 42-18; Authorization to Enter Related Indemnity Agreement with App Developer Solus UK LTD (Ordinance S-49780)

Request to authorize the City Manager, or his designee, to enter into agreement with Apple, Inc. for placement of the Innovative Mobile App ("App") on Apple App Store, including limitation of liability and indemnity language that would be disallowed under City Code 42-18 absent a waiver under City Code section 42-20. The value of the agreement will not exceed \$1,000. Further request to authorize the City Manager, or his designee, to enter a related indemnity agreement with the App's developer, Solus UK LTD ("Solus") to protect the City from potential liabilities arising under the agreement with Apple, Inc. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The Phoenix Public Library has contracted with Innovative Interfaces, Inc. (City Contract 149073) for configuration and development of the mobile app that would allow Library patrons the ability to store their library card within the application, access to the library materials catalog, an ISBN/barcode scan search feature, mapping to the nearest library, over

20 language options, and the ability to link parent and child library accounts. Innovative Interfaces used a subcontractor, Solus, for development of the App. In order to make the App available to Library patrons via the Apple App Store, the City must enter an agreement with Apple, Inc. which contains limitation of liability and indemnity provisions that are disallowed under City Code section 42-18 absent a waiver from City Council under City Code 42-20. Solus has agreed to indemnify the City against certain representations in the Apple, Inc. agreement relating to permission to publish the App and the App's technical performance.

Contract Term

The term of the agreement with Apple, Inc. will terminate concurrently with City Contract 149073.

Financial Impact

The value of the agreement with Apple, Inc. will be less than \$1,000. Funding is available in the Library Department's budget. There is no financial impact associated with the Solus indemnity agreement.

Concurrence/Previous Council

City Council originally authorized Contract 149073 on Dec. 18, 2018 via Ordinance S-45244.

City Council amended the term of Contract 149073 to include a three-year initial term and two one-year extension options on Feb. 6, 2019 via Ordinance S-45370.

On Jan. 26, 2022, Council authorized amendment one and two to the contract via Ordinance S-48281.

This item was adopted.

88 Request to Extend Contract with Central Arizona Shelter Services, Inc. for The Haven Project (Ordinance S-49786)

Request to authorize the City Manager, or his designee, to extend Contract 156214 with Central Arizona Shelter Services, Inc. (CASS) for COVID-19 related, essential public facility improvements for The Haven to Dec. 31, 2023. Further request to authorize the City Controller to

disburse all funds related to this item. Funding is available from Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act (CDBG-CV) funding from the U.S. Department of Housing and Urban Development (HUD). There is no impact to the General Fund.

Summary

On July 1, 2021, the City Council approved entering into a contract with CASS to utilize CDBG-CV funds for public facility improvements for the acquisition and facility improvement costs of a new emergency shelter bed facility focused on individuals experiencing homelessness over the age of 55 years old. The project will support the creation of 170 new shelter beds.

The contract is set to expire June 30, 2022, and an extension through Dec. 31, 2023, is necessary to allow CASS additional time to complete the scope of the contract. The value of the contract will remain unchanged and will not exceed \$4,000,000.

Contract Term

The term of the contract extension period will be from July 1, 2023, through Dec. 31, 2023, with an option to extend for an additional three months, exercised at the discretion of the City Manager, or his designee.

Financial Impact

The total contract value will remain unchanged and will not exceed \$4,000,000. Funding is available from Community Development Block Grant CARES Act funds. There is no impact to the General Fund.

Concurrence/Previous Council Action

On July 1, 2021, the City Council approved Contract 156214 with Ordinance S-47805.

Location

8152 N. Black Canyon Highway
Council District: 5

This item was adopted.

89 Apply for U.S. Department of Transportation Charging and Fueling Infrastructure Grant Opportunity for Federal Fiscal Years 2021-22 and 2022-23 - Federal Bipartisan Infrastructure Law Funding (Ordinance S-49781)

Request to authorize the City Manager, or his designee, to apply for, accept and, if awarded, enter into an agreement for disbursement of Federal funding from the U.S. Department of Transportation through the Federal Fiscal Years 2021-22 and 2022-23 Charging and Fueling Infrastructure grant opportunity. If awarded, the funding will be used to provide additional publicly available electric vehicle charging infrastructure. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Funding for this grant opportunity is available through the Federal Bipartisan Infrastructure Law. The total grant funds applied for will not exceed \$15 million, and the City's local match would not exceed \$3.75 million.

Summary

The U.S. Department of Transportation (USDOT) Charging and Fueling Infrastructure grant program has made available \$700 million in funding for Federal Fiscal Years (FFYs) 2021-22 and 2022-23 through this funding opportunity. USDOT's purpose for this funding is to strategically deploy electric vehicle (EV) charging infrastructure located in publicly accessible locations. Their goals for this program are to: 1) supplement, not supplant, necessary private sector investment; 2) complement existing federal programs; 3) facilitate broad public access to a national charging and alternative fuel infrastructure network to accelerate adoption of zero emissions vehicles; 4) implement Justice40 objectives, lower transportation costs, and increase economic opportunity; 5) advance job quality, workforce development, and workforce equity; and 6) reduce greenhouse gas and vehicle-related emissions.

If awarded, the City of Phoenix will use grant funds:
for design and construction of EV charging infrastructure at Phoenix Sky Harbor International Airport ground transportation lots;
for assessment, design and construction of EV charging infrastructure at various City-owned facilities such as parks, senior centers and

park-and-rides;
and to partner with private businesses for installation of EV charging infrastructure at publicly accessible privately-owned facilities and to encourage the recruitment and retention of businesses and workplaces that support the creation of good-paying jobs and encourage workforce development in disadvantaged communities.

The grant submittal deadline is June 13, 2023.

Financial Impact

The estimated total cost for the project is approximately \$18.75 million. The maximum federal participation rate is 80 percent with a minimum local match of 20 percent of the total eligible project cost. If awarded, the federal match would not exceed \$15 million and the City's costs would be approximately \$3.75 million for the local match.

Funding for the local match on awarded grants will be incorporated into future Capital Improvement Program budgets, and is anticipated to utilize General, Special Revenue and Enterprise funds, and funding from private sector partners. Potential grant funding received is available through the Federal Bipartisan Infrastructure Law, from the USDOT through the FFYs 2021-22 and 2022-23 Charging and Fueling Infrastructure grant opportunity.

This item was adopted.

90 Parks and Recreation Specialty Programming Supplies, Events and Services (Ordinance S-49721)

Request to authorize the City Manager, or his designee, for payment authority to purchase recreation specialty supplies, snacks, group admissions and transportation for Parks and Recreation Department summer programs. The request of \$226,000 is for a period starting July 1, 2023 through Dec. 31, 2024. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Parks and Recreation Department offers an annual PhxPlays Summer Camp at 24 locations across the City. The funds requested are

used to purchase specialty recreation supplies, snacks, group admission and transportation to support youth services for summer programs. The summer camp programs include activities such as arts and crafts, sports, swimming, movies, nutritional and educational presentations, and field trips to various venues. The Parks and Recreation Department will serve approximately 800 youth participants per week.

Financial Impact

No expenditures from the General Fund are used to procure these services. The source of funding is revenue generated by the fee-based recreation programs held throughout the year. The funds are retained in a special revenue fund to be used for summer programs.

This item was adopted.

91 Flood Irrigation System Repair and Replacement Contract - IFB-PKS-23-0052 Request for Award (Ordinance S-49768)

Request to authorize the City Manager, or his designee, to enter into contracts with Blue World Construction, Inc, Farsight Construction, and Premier Irrigation to provide flood irrigation system repair and replacement services for the Parks and Recreation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the combined contracts will not exceed \$1,000,000.

Summary

The contracts will provide the Parks and Recreation Department with the ability to procure flood irrigation repair and replacement services on an as needed basis. The contracts will also be utilized to complete emergency services and repairs. A delay for these services could disrupt or stop the flow of water to the turf, trees, shrubs and other plant materials located in community parks. Replacing vegetation would be expensive to replace if they were to perish without irrigation services.

Procurement Information

An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Four vendors submitted responsive and responsible bids per the posted specifications to provide the required goods and services. Following an evaluation based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services, the following three low-price bid vendors have been selected for award recommendation:

Selected Bidders

Farsight Construction: \$2,667

Premier Irrigation: \$4,461

Blue World Construction, Inc: \$6,146

Contract Term

The contracts will be for five years to begin on or about July 1, 2023.

Financial Impact

The aggregate contracts value will not exceed \$1,000,000. Funding is available in the Parks and Recreation Department's Operating and Capital Improvement Program budgets.

This item was adopted.

92 Swimming Pool Maintenance Supplies, Accessories, and Repair - IFB 18-053 -Amendment (Ordinance S-49807)

Request to authorize the City Manager, or his designee, to execute amendments to Contract 147807 and Contract 147813 with Leslie's Poolmart, Inc. and A & M Corson's Aquavalue, LLC to extend the contract beyond term and add additional funding in the amount of \$250,000. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$875,000.

Summary

This contract will provide supplies for pool maintenance and accessories, which includes pool chemicals and parts necessary to keep the pools operational through the summer. The Parks and Recreation Department is requesting a one-year beyond term extension and additional funding. These are the only two vendors in the Metro Phoenix area that have the

needed pool chemicals in the appropriate safe storage size. Other out-of-area vendors may have supply; however, shipping would increase the cost and the bulk storage containers they offer are too large for safe storage in the department's facilities. Leslie's Poolmart, Inc. is holding 400, 25-lb. buckets of chlorine strictly for the Parks and Recreation Department.

Contract Term

Upon approval the contract will be extended through May 31, 2024.

Financial Impact

Upon approval of \$250,000 in additional funds, the revised aggregate value of the contract will not exceed \$875,000. Funds are available in the Park and Recreation Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Swimming Pool Maintenance Supplies, Accessories, and Repair - S-44733 on June 6, 2018.

This item was adopted.

94 Authorization to Enter into a Development Agreement with Leon Capital Group for Reimbursement of Public Infrastructure Improvements (Ordinance S-49773)

Request to authorize the City Manager, or his designee, to negotiate and enter into a development agreement and any other agreements as necessary (Agreements), with Leon Capital Group, or its City-approved designee (Developer), for the reimbursement of public infrastructure improvements. Further request to authorize the City Controller to disburse all funds under the terms of the Agreements.

Summary

Developer is planning to develop approximately 140-acres into several speculative industrial buildings, totaling an estimated 1,672,000 square feet of new construction, along the Loop 202 Ed Pastor South Mountain Freeway (Site). This area is the newest employment corridor in Phoenix and has been named the Loop 202 South Mountain Technology Corridor.

The property is currently farmland and has been farmed by the same family for over 70 years. Due to the extensive cost of public infrastructure in comparison to other parts of the City, and in an effort to help attract world-class employers along the Loop 202, the following business terms are being recommended.

Developer will privately finance and construct the public infrastructure improvements including Dobbins and Olney Roads, 67th Avenue, a portion of the 63rd and Dobbins intersection, Elliot Roundabout and Water and Wastewater lines, as approved by the Planning & Development, Streets Transportation and Water Services Departments.

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

These improvements shall be in conformance with the zoning for the Site. The project must start construction within 18 months of Council authorization.

Developer must comply with Title 34 of the Arizona Revised Statutes in constructing the improvements to qualify for reimbursement, and the specifics and cost of the public infrastructure improvements must be pre-approved by the City in order to qualify for reimbursement.

The City will reimburse the Developer for public infrastructure improvements as listed above and will not exceed a total reimbursement of \$10 million.

No other sources of funds would be used if resources are not adequate to meet the projected construction expenses.

Agreements will include other terms and conditions as deemed necessary by the City.

Reimbursement Terms are as follows:

1. Reimbursement shall be paid on a quarterly basis, in arrears, from the following source: 100 percent of the City's eligible General Fund portion of the Transaction Privilege Taxes (TPT) collected and received by the City, as verified by the City, from the following categories: construction sales tax, retail sales tax, speculative builder tax and commercial lease tax.
2. The maximum reimbursement amount for the public infrastructure

improvements, as they relate to the project, will not exceed \$10 million.

3. Reimbursement shall not exceed actual verifiable costs for the approved Improvements.

4. The term shall begin upon commencement of construction of the first phase of the Improvements, as made evident by the issuance of required permits (Construction Commencement Date), and continue for a period of 10 years or upon the date Developer has received reimbursements totaling the Reimbursement Cap.

The project is vital to activate the Loop 202 South Mountain Technology Corridor. Multiple high-wage employers have short-listed this site for their new location. Phoenix has reached a critical point in the real estate market that makes this investment a possibility, and will bring significant investment in the employment projects in the corridor. The redevelopment of the Site is an important economic development opportunity that will transform the community and yield significant financial and public benefits for the City above and beyond the TPT revenues generated.

Contract Term

The development agreement will terminate 10 years after the Construction Commencement Date.

Financial Impact

The City's financial impact will be the reimbursement of the eligible General Fund share of the TPT generated from the Site over ten years with a maximum of \$10 million in payments. Financial terms of the Agreements will be provided to the Budget and Research and Finance Departments for review prior to execution of Agreements.

Concurrence/Previous Council Action

This item was recommended for approval by the Economic Development and Equity Subcommittee on April 26, 2023 by a 4-0 vote.

Location

Generally located west of Loop 202 Ed Pastor South Mountain Freeway and Dobbins Road

Council District: 7

This item was adopted.

95 Improvement and Escrow Agreement with Martens Park 91 Land, LLC, and Commonwealth Land Title Insurance Company NCS (Ordinance S-49776)

Request to authorize the City Manager, or his designee, to enter into an improvement and escrow agreement and any other agreements as necessary (Agreements), with Martens Park 91 Land, LLC, or its City-approved designee (Developer) and Commonwealth Land Title Insurance Company NCS, or its City-approved designee (Escrow), for installation of public infrastructure improvements, outdoor space improvements, and dedication of public right-of-way (ROW) or easements, and holding in escrow an amount equal to 150 percent of the estimated cost to complete offsite improvements, which include necessary roadway improvements along 91st Avenue and relocation of an existing irrigation ditch until such work is completed. Further request to authorize the City Treasurer to accept, and the City Controller to disburse such funds if the required work is not completed under the terms of the Agreement.

Summary

Developer proposes to construct approximately 278,825 square feet of new Class A Industrial product in two buildings on approximately 20 acres at the southwest corner of 91st Avenue and Buckeye Road (Project). On 91st Avenue, along the frontage of the Project, there is a USA Fee Title irrigation ditch that is required to be relocated. The lengthy process required to relocate the ditch involves approval of the relocation plan by both the federal Bureau of Reclamation and Salt River Project. This process can typically take 18 to 24 months and must be completed before permits can be pulled and Project construction can commence. The subject of the current request pertains to the speed at which the Developer can pull permits and commence construction on the Project. Currently, vacancy rates for available industrial buildings are at historic lows. Not having this type of space readily available could result in high-wage employers looking at markets outside of Phoenix.

To continue to attract high-wage employers to this area, subject to City Council approval, the following major business terms have been

negotiated and would be implemented through the Agreements:

Developer will construct necessary roadway improvements on 91st Avenue along the frontage of the Project;

Developer will relocate the USA Fee Title irrigation ditch along 99th Avenue to the subject property outside of any future proposed ROW;

Developer will deposit 150 percent of the cost of the offsite improvements, in an amount approved by the City Engineer but estimated at \$2,921,474 into Escrow;

Developer may, with City's approval, deposit 150 percent of the offsite improvements in phases, for the portions of the Project that Developer is planning to commence construction;

City will allow Developer to pull permits and commence construction of the phases of the Project for which it has deposited 150 percent of the offsite improvements into escrow before approvals for the relocation of the irrigation ditch is complete;

The development will not request Certificate of Occupancy from the City for any building until the USA Fee Title irrigation ditch has been relocated, constructed, and accepted by both the City and Bureau of Reclamation;

Developer will leave up to 150 percent of funds required to complete the offsite improvements in case the City assumes responsibility to complete the required improvements;

The Developer will provide the necessary dedications to the City, at no charge, in the event that the City assumes responsibility to complete the required improvements;

Upon completion of the offsite improvements, any remaining funds in the account will be disbursed to the Developer by Escrow;

Offsite improvements are scheduled to be completed by Oct. 30, 2025;

Other terms and conditions deemed necessary and/or appropriate at the City's discretion.

Contract Term

Developer will use diligent, good faith efforts, subject to force majeure delays, to substantially complete the offsite improvements by Oct. 30, 2025.

Financial Impact

There is no financial impact to the City. If the offsite improvements are not completed by the Developer as required, the City will accept the Escrow funds to complete the required improvements.

Location

Southwest corner of Buckeye Road and 91st Avenue.

Council District: 7

This item was adopted.

96 Arizona Department of Economic Security Intergovernmental Agreement - Authorization to Accept and Disburse Workforce Innovation and Opportunity Act Program Grant Funds (Ordinance S-49779)

Request to authorize the City Manager, or his designee, to enter into an intergovernmental agreement (IGA) with the Arizona Department of Economic Security (DES) to accept up to \$75 million of Workforce Innovation and Opportunity Act (WIOA) grant funds for a five-year contract term beginning July 1, 2023, on behalf of the Phoenix Business and Workforce Development Board (Board). Further request to authorize the City Treasurer to accept and the City Controller to disburse those funds. Additionally request to authorize to include an indemnification provision as required by DES in accordance with Phoenix City Code section 42-20(B). The annual WIOA allocations will be set by the Workforce Arizona Council each June for the upcoming fiscal year. There is no impact to the General Fund.

Summary

WIOA is a federal program branded "American Job Centers" with a state brand of "ARIZONA@WORK" and is implemented through an IGA with DES. This program provides funding for workforce development activities designed to enhance the employability, occupational attainment, retention, and earnings of adults, dislocated workers, and youth; and to assist employers recruit, develop, and retain the best employees for their workforce needs. Through the IGA, and on behalf of the Board, the Community and Economic Development Department (CED) will implement the required activities of the Board, including adult, dislocated worker, youth, rapid response, and work-based learning services; ensure oversight and compliance with WIOA regulations, applicable federal and

state laws, rules, regulations, and state policies and procedures; and maintain all timelines and criteria set out for the Board and City, including meeting of performance measures.

The WIOA grant will continue to fund the Phoenix Business and Workforce Development Center and business services that support Phoenix employers with rapid-response activities, recruitment, training, and retention programs provided by CED. To accomplish this, CED will subcontract with employers to provide a Work Based Learning Program that will expand the skills of an existing workforce to gain competitive skills necessary to avoid potential separation of employment, connect local employers to great job candidates who need additional industry experience, and meet the special requirements and skills needed by employers. In addition, CED will subcontract with community-based organizations to provide case management and career services for youth, laid off worker and adult clients. These subcontracts are procured through City Administrative Regulation 3.10. The number of subcontractors varies based on available funds and direction of the Board. Subcontractors bring collaboration, expertise and resources to the WIOA program. The WIOA grant will also continue to fund City staff that support the Board's activities in CED as well as Memoranda of Understanding between CED and other City departments that provide or deliver workforce development services under WIOA on behalf of the Board.

As required by the terms of the grant, the City allows WIOA participants to choose among the 300+ vendors on the State of Arizona's Eligible Training Provider List (ETPL) for training. The ETPL and the related eligibility procedures ensure the accountability, quality and labor-market relevance of training services provided to eligible WIOA participants. In addition, the City is required to provide WIOA participants with emergency support and short-term prevocational services such as childcare, health care, housing, transportation, one-time classes, utilities, and professional clothing for interviews, to ensure an eligible participant's successful completion of a workforce development program. These services are impractical to compete as payments must be made to a specific participant's landlord, utility provider, car repair facility, health care provider, or childcare provider and the time frame in which these

services are needed is immediate. The provision of emergency support services must comply with the financial limits established by the ARIZONA@WORK City of Phoenix Support Services Policy. All other goods and services obtained to fulfill the grant requirements will be procured in compliance with City Administrative Regulation 3.10.

Contract Term

The IGA will begin on July 1, 2023, and will end June 30, 2028, unless otherwise amended.

Financial Impact

No general funds are required. Funding is provided by the U. S. Department of Labor to DES each year and then DES allocates funding to the respective Boards. The annual funding has not been determined for this coming year as of the time of this report; however, based on historical budget trends for the past several years, we expect that amount to be no more than \$15 million for Fiscal Year 2023-24. Within that \$15 million, CED and Human Service Department provides the necessary Board and Program services including ETPL contracts of approximately \$8 million annually as well as Support Services of approximately \$120,000 annually, and other contracts as needed to implement the WIOA grant.

This item was adopted.

97 Phoenix Rising FC, LLC Development Agreement for Public Infrastructure Improvements (Ordinance S-49793)

Request to authorize the City Manager, or his designee, to negotiate and enter into a Development Agreement (DA), and any other agreements as necessary, with Phoenix Rising FC, LLC, or its City approved designee, for the demolition and removal of certain existing improvements, and the installation of public infrastructure improvements at 3801 E. Washington Street. Further request authorization for the City Controller to disburse funds under the terms of the agreement.

Summary

Phoenix Rising FC, LLC (RISING) entered into a ground lease on approximately 10 acres of City-owned land on March 27. The ground lease term is five years including five one-year options to extend the term. The land owned by Phoenix Sky Harbor International Airport was

formerly the Greyhound Racing Park. The Greyhound grandstand and other structures were recently demolished by the Aviation Department and the site was left in an unimproved and partially demolished state. Upon entering the lease earlier this year, RISING constructed a temporary soccer stadium and associated facilities including offices, a concession stand, team locker rooms, portable sports book, parking lot and practice facility. RISING performed extensive public improvements, following Title 34, and completed additional excavation and demolition on the site. Some of the public improvements and additional demolition would have needed to be completed in the future as the Airport expands its operational footprint to this site, and will benefit the Airport well beyond the term of the lease. Some of the improvements to make the Aviation-owned site developable include moving public water and sewer lines, removal of over 70 caissons from the previous Greyhound structures, installation of a public sidewalk and street improvements, environmental and site remediation and several other public infrastructure related items.

Through a DA, the City will reimburse RISING up to \$1,750,000 for construction of required, necessary and beneficial public improvements. All reimbursable improvements must be approved by the City. All cost must be verifiable and cannot exceed actual costs. Reimbursement shall be paid on an annual basis, in arrears, and reimbursement payments shall not exceed the term of the lease.

Contract Term

The term of the DA is for a maximum of seven years.

Financial Impact

The action will have no impact on the General Fund. The \$1,750,000 is available in the Downtown Community Reinvestment Fund and will be programmed as a \$250,000 annual expense from FY 2023-24 to FY 2029-30.

Location

3801 W. Washington Street
Council District: 8

This item was adopted.

99 Radiology Read Services Contract (Ordinance S-49742)

Request to authorize the City Manager, or his designee, to enter into a contract with DVT Radiology, LLC to provide radiology read services for the Fire Department. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$259,775.

Summary

The Fire Department's Health Center provides on-site radiology imaging for all new firefighter hires, firefighter industrial injuries, periodic x-rays of existing firefighters, and COVID-19 post-exposure evaluations. This service allows injured firefighters to move quickly through the medical evaluation and healing process and to return to work expeditiously. The radiology images are submitted through an electronic and HIPAA-compliant portal to be read by a board certified and licensed sub-specialty radiologist. The radiologist then electronically communicates the diagnosis to the Health Center to immediately begin treatment for the injured firefighter.

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

Procurement Information

In accordance with Administrative Regulation (AR) 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. The determination memo was approved by the Assistant Finance Director and recommends the contract with DVT Radiology, LLC.

The Fire Department went out to bid three times in accordance with AR 3.10. No bids were received from the vendor community, and no awards were made. Due to time constraints and the need to provide these critical services, the Fire Department sought approval to go directly into contract with DVT Radiology, LLC.

Contract Term

The contract will begin on or about June 1, 2023, for a five-year term.

Financial Impact

The aggregate contract value will not exceed \$259,775 for the five-year term. Funding is available in the Fire Department's operating budget.

This item was adopted.

100 Miscellaneous Blade and Chain Maintenance Contract - IFB 23-090 Request for Award (Ordinance S-49755)

Request to authorize the City Manager, or his designee, to enter into a contract with Continental Cutting Tools, dba Desert Cutting Tools, to provide blade and chain maintenance for the Phoenix Fire Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$300,000.

Summary

This contract will provide the Phoenix Fire Department with services including blade sharpening, cleaning, and cutting tip replacement for circular and chain saws. These tools are utilized in daily operations.

The Phoenix Fire Department is one of the busiest fire departments in the United States. Phoenix currently has 58 fire stations and nine battalions. Maintaining the equipment is of utmost importance for the City's firefighters to be adequately prepared. Blades and chains are integral parts to the equipment used by the department. Bladed power equipment provides firefighters the capability to breach a wide variety of materials from concrete to automobiles.

Procurement Information

An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

One vendor submitted a bid deemed to be responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendor:

Selected Bidder

Continental Cutting Tools ,LLC, dba Desert Cutting Tools

Contract Term

The contract will begin on or about May 31, 2023, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$300,000. Funding is available in the Phoenix Fire Department's budget.

This item was adopted.

101 Intergovernmental Agreement with Arizona Department of Health Services for Immunization Services (Ordinance S-49762)

Request authorization for the City Manager, or his designee, to enter into an agreement with the Arizona Department of Health Services to accept funds to immunize children and adults residing in the City of Phoenix. Authorization also is requested for the City Treasurer to accept, and for the City Controller to disburse, all related funds.

Summary

The Arizona Department of Health Services' (AZDHS) Arizona Immunization Program Office strives to meet national immunization goals outlined by the Centers for Disease Control and Prevention. The Fire Department will assist in Vaccine-Preventable Diseases (VPD) outbreaks and pandemic responses in coordination with equivalent county public health preparedness programs and other relevant partners.

Preparedness activities may include mass vaccination exercises, identification of priority groups and hard-to-reach populations for immunization, and identification of critical infrastructure personnel. In addition to preparedness activities, this agreement with AZDHS will provide for additional capacity for data entry, reminder recall activities, and vaccine cold storage capacity.

Contract Term

The term of the agreement is two years, commencing on July 1, 2022,

and ending on June 30, 2024.

Financial Impact

The aggregate reimbursement over the life the contract will depend on the number of immunization clinics hosted but will not exceed \$10,000.

This item was adopted.

102 Authorization to Amend Ordinance FFY 2021 BJA Smart Policing Initiative Grant (Ordinance S-49736)

Request to authorize the City Manager, or his designee, to amend Ordinance S-47902 agreement with the Bureau of Justice Assistance (BJA) for the Federal Fiscal Year (FFY) 2021 BJA Smart Policing Initiative grant. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

In August 2021, the City Council approved the agreement for FFY 2021 BJA Smart Policing Initiative (SPI) grant in the amount of \$500,000 under Ordinance S-47902 . We are requesting approval for the revised scope of the SPI FFY 2021 grant program. The new project will fund Arizona State University (ASU) to research, evaluate, and update Early Intervention Technology (EIS).

The Police Department seeks to expand and build on its current work with ASU to develop, enhance and evaluate a new data driven EIS. The project has six strategies that will be employed to address officer behavior.

Strategy One: Establish a partnership between the Police Department and ASU's Center for Violence Prevention and Community Safety. The goal of the partnership is to reduce adverse police officer behavior through the deployment of a data driven EIS.

Strategy Two: Through administrative data and data-driven statistical techniques, establish indicators and thresholds that more accurately predict police officers who are most likely to engage in an adverse event within 12 months.

Strategy Three: Identify and select officers, who, as seen through above established indicators and thresholds, are at high risk for a future adverse event, for non-punitive, early intervention programming.

Strategy Four: Provide the identified and selected officers with evidence-based programming aimed at preventing a future adverse event. Supports include supervisory-based, and wellness-based interventions.

Strategy Five: Provide post-intervention monitoring to observe (and intervene if necessary) officer performance following the intervention.

Strategy Six: Develop an EIS to aggregate officer-level data, display officers who were identified as being at high risk for an adverse event and provide intervention management.

Funding from the SPI FY 2021 grant will be utilized for purchasing software, equipment, providing funding to Arizona State University for program evaluation, and funding project oversight to ensure all tasks are executed efficiently and effectively.

Contract Term

The contract term is Oct. 1, 2021 through Sept. 30, 2024.

Financial Impact

No matching funds are required.

This item was adopted.

103 IBIS System Maintenance and Support Contract - EXC 23-050 Request for Award (Ordinance S-49788)

Request to authorize the City Manager, or his designee, to enter into a contract with Forensic Technology, Inc., to provide annual service and maintenance for the Integrated Ballistic Identification System (IBIS) systems for the Police Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$425,616.

Summary

This contract will provide maintenance and support services for the Integrated Ballistic Identification System (IBIS), which includes the BRASSTRAX and MATCHPOINT systems for the Crime Gun Intelligence Unit of the Police Department. The Crime Gun Intelligence Unit operates the IBIS systems to collect data and access the National Integrated Ballistic Information Network (NIBIN), operated by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Ballistic evidence is entered into the IBIS systems and the findings are compared against other ballistic evidence stored in the NIBIN database which enables law enforcement to link weapons and casings to crime scenes and provide investigative leads throughout the State of Arizona.

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

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved determination memo due to special circumstances, being without competition. The IBIS systems have been in use by the Police Department since 2007. The IBIS systems are currently used by the ATF's National Integrated Ballistic Information Network and are the only technology that works on the network. Forensic Technology, Inc., is the only company that provides this proprietary system, support, and maintenance. Without this service agreement the Police Department will be unable to utilize the systems.

Contract Term

The contract will begin on or about June 1, 2023, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$425,616 for the five-year aggregate term. Funding is available in the Police Department's budget.

This item was adopted.

104 Custodial and Floor Care Services Request to Issue for the Aviation Department

Request to authorize the City Manager, or his designee, to issue a Custodial and Floor Care Services Request for Proposal (RFP) to include large and small company opportunities at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport and their owned and maintained facilities.

Summary

As the largest economic engine in the State of Arizona and a transportation gateway to our community, Phoenix Sky Harbor International Airport strives to deliver a world-class experience to every customer, every day. High quality sanitation practices are also necessary to meet evolving customer expectations and to ensure the Phoenix system of airports can continue to maintain leading industry health and safety certifications such as the Global Biorisk Advisory Council (GBAC) Star Facility Accreditation. The resultant contracts for custodial and floor care services will provide staff, equipment, supplies, and supervision necessary to provide the cleaning services for approximately 1.7 million square feet of Airport facilities across all three airport campuses.

Through this RFP, the Aviation Department is creating three contracting opportunities: large and small company custodial service categories and a large company floor care services category. The successful respondents will provide labor, equipment, supervision, and method of communication to provide custodial services and floor care services.

Procurement Information

With approval, the Aviation Department will issue a RFP to select three service providers to deliver the required custodial and floor care services. The Aviation Department intends to issue the solicitation in June 2023. It is estimated the contracts shall commence in April 2024.

The Evaluation Criteria for the responses and responsible respondents are as follows:

Operations Plan

Quality Assurance and Work Order Management Program
Recruitment and Retention Plan
Pricing
Qualifications/Experience

Aviation intends to issue a 90-day retention requirement for frontline staff should the incumbent be unsuccessful in this RFP process.

Contract Term

The term of the contract will be five-years with two, one-year renewal options.

Concurrence/Previous Council Action

The Phoenix Aviation Advisory Board unanimously recommended approval of the item on April 20, 2023.

Public Outreach

The solicitation process will include all standard and required outreach efforts, including advertising in Aviation industry publications.

Location

Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road
Phoenix Deer Valley, 702 W. Deer Valley Road
Phoenix Goodyear Airport, 1658 S. Litchfield Road, Goodyear AZ
Council District(s): 1, 8, and Out of City

This item was approved.

105 Noise and Operations Management System - AVN RFP 23-012 - Request for Award (Ordinance S-49707)

Request to authorize the City Manager, or his designee, to enter into a contract with Casper Airport Solutions, Inc. to maintain and operate flight tracking and noise monitoring services at Phoenix Sky Harbor International Airport. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$1,200,000.

Summary

This contract will provide the operation and maintenance of a Noise and Operations Management System (NOMS) near Phoenix Sky Harbor International Airport. The system is composed of twenty permanent and one portable noise monitoring devices. The NOMS allows staff to analyze flight track data and monitor noise abatement in compliance with the 1994 Intergovernmental Agreement between the City of Phoenix and City of Tempe.

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

Procurement Information

A Request for Proposal procurement was processed in accordance with City of Phoenix Administration Regulation 3.10.

Three vendors submitted proposals, and two proposals were deemed responsive. An evaluation committee evaluated those offers based on the following criteria with a maximum possible total of 1,000 points.

Method of Approach (0-300 points)

Qualifications and Experience of Firm (0-275 points)

Qualifications and Experience of Key Personnel (0-225 points)

Fee Schedule (0-200 points)

After reaching consensus, the evaluation committee recommends award to the following vendor:

Casper Airport Solutions, Inc. - 867 points

Contract Term

The contract will begin on or about Aug. 1, 2023, for a five-year contract term with no options to extend.

Financial Impact

The total contract value will not exceed \$1,200,000 for the five-year contract term.

Funding is available in the Aviation Department's budget.

Location

Phoenix Sky Harbor International Airport: 2485 E. Buckeye Road
Council District: 8

This item was adopted.

106 Phoenix Deer Valley Airport Relocate Taxiway B and Construct Connectors B6 and B9 - Construction Manager at Risk Construction Services - AV31000092 FAA (Ordinance S-49712)

Request to authorize the City Manager, or his designee, to enter into an agreement with J. Banicki Construction, Inc. to provide Construction Manager at Risk Construction Services for the Phoenix Deer Valley Airport Relocate Taxiway B and Construct Connectors B6 and B9 project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed \$12.1 million.

Summary

The purpose of this project is to meet updated design standards required by Federal Aviation Administration (FAA) Advisory Circulars, which define separation between runway and adjacent taxiway. New angled connectors are also added to reduce runway occupancy time and improve airfield efficiency. Taxiway B will be moved to a location 300 feet from runway 7L-25R (centerline to centerline) to meet modernized taxiway design standards. Taxiway B enhancements were identified in the Phoenix Deer Valley Airport Master Plan Update (June 2015). The project will be constructed in phases consistent with FAA/Arizona Department of Transportation grant funding availability.

J. Banicki Construction, Inc.'s initial services will include preparation of a Guaranteed Maximum Price proposal for the Construction Services provided under the agreement and participating with the City in a process to establish a Small Business Enterprise (SBE) goal for the project. J. Banicki Construction, Inc. will be responsible for construction means and methods related to the project and fulfilling the SBE program

requirements. J. Banicki Construction, Inc. will be required to solicit bids from prequalified subcontractors and to perform the work using the City's subcontractor selection process. J. Banicki Construction, Inc. may also compete to self-perform limited amounts of work.

J. Banicki Construction, Inc.'s services include but are not limited to: constructing the Phoenix Deer Valley Airport taxiway connectors B6 and B9; relocating Taxiway B; scheduling and managing site operations; providing quality controls; addressing all federal, state and local permitting requirements; maintaining a safe work site for all project participants; and other work as required for a complete project.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the Construction Manager at Risk (CMAR) Preconstruction Services selection process.

Contract Term

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

Financial Impact

The agreement value for J. Banicki Construction, Inc. will not exceed \$12.1 million, including all subcontractor and reimbursable costs.

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

Concurrence/Previous Council Action

The City Council approved:
Engineering Services Agreement 150110 (Ordinance S-45685) on June 5, 2019.
CMAR Preconstruction Services Agreement 152002 (Ordinance S-49299) on Jan. 4, 2023.

Location

Phoenix Deer Valley Airport, 702 W. Deer Valley Road
Council District: 1

This item was adopted.

107 Phoenix Sky Harbor International Airport Utility Vault Upgrade and Infield Paving - Construction Manager at Risk Construction Services - AV08000074 (Ordinance S-49713)

Request to authorize the City Manager, or his designee, to enter into an agreement with J. Banicki Construction, Inc. to provide Construction Manager at Risk Construction Services for the Phoenix Sky Harbor International Airport Utility Vault Upgrade and Infield Paving project. Further request to authorize execution of amendments to the agreement, as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed \$12.5 million.

Summary

The purpose of this project is to upgrade utility vaults and manholes across Phoenix Sky Harbor International Airport's south airfield by raising the City's airfield lighting vaults, replacing vault lids as necessary, adjusting the Federal Aviation Administration's utility and communication vaults, and grading the immediate area around them to improve drainage. The project will also include infield asphalt paving to ensure proper elevations and drainage in the infields to divert water runoff around the utility structures and minimize, if not eliminate, water intrusion within each vault. This project is necessary to improve drainage so water does not pond or infiltrate utility vaults and to reduce loose material that could become foreign object debris, which could damage the aircrafts.

J. Banicki Construction, Inc.'s initial services will include preparation of a Guaranteed Maximum Price (GMP) proposal for the Construction

Services provided under the agreement. J. Banicki Construction, Inc. will be responsible for construction means and methods related to the project. J. Banicki Construction, Inc. will be required to solicit bids from pre-qualified subcontractors and to perform the work using the City's subcontractor selection process. J. Banicki Construction, Inc. may also compete to self-perform limited amounts of work.

J. Banicki Construction, Inc.'s services include, but are not limited to: constructing all utility adjustments and new infield asphalt paving as designed; scheduling and managing site operations within the constraints of airfield operations; soliciting and procuring subcontractors/suppliers in a competitive bid environment; preparing multiple GMP proposals that meet the approval of the City; coordinating with various City of Phoenix Aviation divisions, utility companies and other agencies; arranging for procurement of materials and equipment; providing quality controls; addressing all federal, state and local permitting requirements; maintaining a safe work site for all project participants; and other work as required for a complete project.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the Construction Manager at Risk Preconstruction Services selection process.

Contract Term

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

Financial Impact

The agreement value for J. Banicki Construction, Inc. will not exceed \$12.5 million, including all subcontractor and reimbursable costs. This project anticipates federal funds and is subject to the requirements 49 CFR Part 26 and the U.S. Department of Transportation Disadvantage Business Enterprise program. Funding is available in the Aviation

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

Concurrence/Previous Council Action

The City Council approved:

Design Services Agreement 142157 (Ordinance S-42335) on Feb. 17, 2016;

Construction Administration and Inspection Services Agreement 143042 (Ordinance S-42679) on June 15, 2019; and

CMAR Preconstruction Services Agreement 156309 (Ordinance S-48617) on May 25, 2022.

Location

Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road

Council District: 8

This item was adopted.

108 Phoenix Sky Harbor International Airport Terminal 4 Fire Alarm Replacement - Design-Build Services Amendment 2 - AV21000102 (Ordinance S-49731)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 155436 with Chasse Building Team, Inc. to provide additional Design-Build Services for the Phoenix Sky Harbor International Airport Terminal 4 Fire Alarm Replacement project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed \$9 million.

Summary

The purpose of this project is to replace the existing Terminal 4 Fire Alarm/Voice Evacuation System with a new updated system. The existing fire alarm system in Terminal 4 has been in place since 2003 and some parts of the system much longer than that. The existing system has

reached the end of its service life, according to the manufacturer. To minimize the impact on terminal operations, this project will proceed in phases while the existing system stays active. Night work and multiple shifts to expedite the work will be required at certain locations.

This amendment is necessary to begin the construction phase of this project. This amendment will provide additional funds to the agreement.

Chasse Building Team, Inc.'s additional services include, but are not limited to: replacement of the current fire alarm and voice evacuation system located at Terminal 4 of Phoenix Sky Harbor International Airport; permitting; procurement and installation; programming and testing of the Fire Alarm and Voice Evacuation System; identify code related upgrades where applicable; develop cost estimates and multiple Guaranteed Maximum Price proposals that are within the City's budget; execute construction plan in coordination with various stakeholders; and other services necessary for a complete project.

Contract Term

The term of the agreement remains unchanged.

Financial Impact

The initial agreement for Design-Build Services was approved for an amount not to exceed \$1 million, including all subconsultant, subcontractor and reimbursable costs.

This amendment will increase the agreement by an additional \$9 million, for a new total amount not to exceed \$10 million, including all subconsultant, subcontractor and reimbursable costs.

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

Concurrence/Previous Council Action

The City Council approved Design-Build Agreement 155436 (Ordinance

S-48075) on Nov. 3, 2021.

Location

Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road
Council District: 8

This item was adopted.

109 Phoenix Goodyear Airport New Apron and Taxiway Connector - Design-Bid-Build Services - AV41000077 FAA (Ordinance S-49732)

Request to authorize the City Manager, or his designee, to accept J. Banicki Construction, Inc. as the lowest-priced, responsive and responsible bidder and to enter into an agreement with J. Banicki Construction, Inc. for Design-Bid-Build Services for the Phoenix Goodyear Airport New Apron and Taxiway Connector project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed \$11,698,594.90.

Summary

The purpose of this project is to construct a concrete taxiway connector which ties the existing Taxiway A to a future aircraft parking apron at Phoenix Goodyear Airport. The project was identified for implementation in the Goodyear Master Plan 2018 Update, is a recommended facility improvement, and is the last part of the Phase I Recommended Development Plan.

J. Banicki Construction, Inc.'s services include, but are not limited to: paving approximately 26,330 square yards of 17-inch thick Portland Cement Concrete Pavement and a four-inch thick asphalt concrete shoulder, both with base course materials; installation of a concrete storm drainpipe under the pavement and the relocation of a Surface Weather Station to a location approximately 4,000 feet away connected by an underground duct bank; installation of a duct bank and conduit system for taxiway edge lights and connection to the existing airfield lighting system, a 70-foot-tall apron light pole; and other work as required.

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Two

bids were received on April 11, 2023, and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Disadvantaged Business Enterprise (DBE) program requirements.

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

Opinion of Probable Cost: \$13,291,399.57
J. Banicki Construction, Inc.: \$11,698,594.90
Combs Construction, Inc.: \$14,087,222.50

The bid award amount is within the total budget for this project.

Contract Term

The term of the agreement is 180 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for J. Banicki Construction, Inc. will not exceed \$11,698,594.90, including all subcontractor and reimbursable costs.

This project anticipates federal funds and is subject to the requirements of 49 Code of Federal Regulations Part 26 and the U.S. Department of Transportation DBE program. Funding is available in the Aviation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The City Council approved:

Engineering Services Agreement 149734 (Ordinance S-45591) on May 1, 2019; and

Engineering Services Amendment to Agreement 149734 (Ordinance S-49298) on Jan. 4, 2023.

Location

1658 S. Litchfield Road, Goodyear, Ariz.
Council District: Out of City

This item was adopted.

**110 Phoenix Goodyear Airport Infield Paving Phase I -
Design-Bid-Build Services - AV41000079 FAA (Ordinance S-49733)**

Request to authorize the City Manager, or his designee, to accept J. Banicki Construction, Inc. as the lowest-priced, responsive and responsible bidder and to enter into an agreement with J. Banicki Construction, Inc. for Design-Bid-Build Services for the Phoenix Goodyear Airport Infield Paving Phase I project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed \$2,657,022.50.

Summary

The purpose of this project is to pave three infields between Taxiway connectors A2 and A3, A3 and A4, and A8 and A9 at Phoenix Goodyear Airport. The project was identified for implementation in the Goodyear Master Plan 2018 Update, and is a safety and maintenance improvement measure by reducing the incidence of foreign object debris, and eliminating vegetation growth in the infields that can attract wildlife. A two-inch asphalt surface is to be applied over the areas identified, from shoulder to shoulder.

J. Banicki Construction, Inc.'s services include, but are not limited to: all grading and paving; adjustment to new grades of certain appurtenances within those infields including catch basins and inlets; designated concrete storm drain piping; designated electrical duct bank and conduits; associated manholes, handholes, lights and signs; asphalt and concrete removals; compaction; removing storm drain pipe and catch basins; and other work as required.

The selection was made using an Invitation for Bids procurement

process set forth in section 34-201 of the Arizona Revised Statutes. Two bids were received on April 11, 2023, and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Disadvantaged Business Enterprise (DBE) program requirements.

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

Opinion of Probable Cost: \$2,831,790,00
J. Banicki Construction, Inc.: \$2,657,022.50
Combs Construction, Inc.: \$2,967,784.00

The bid award amount is within the total budget for this project.

Contract Term

The term of the agreement is 180 days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for J. Banicki Construction, Inc. will not exceed \$2,657,022.50, including all subcontractor and reimbursable costs.

The Aviation Department anticipates grant funding for this project. This project anticipates using grant funding and is subject to the requirements of 49 Code of Federal Regulations Part 26 and the U.S. Department of Transportation DBE program. Funding is available in the Aviation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The City Council approved:

Engineering Services Agreement 149734 (Ordinance S-45591) on May 1, 2019; and
Engineering Services Amendment 1 to Agreement 149734 (Ordinance S-49298) on Jan. 4, 2023.

Location

Phoenix Goodyear Airport, 1658 S. Litchfield Road, Goodyear, Ariz.
Council District: Out of City

This item was adopted.

111 Aviation Program Manager Project Management Staff Support Services - Professional Services (Ordinance S-49734)

Request to authorize the City Manager, or his designee, to enter into an agreement with Hill International, Inc. to provide Professional Services that include program management, project management and support services for the Aviation Program Management Project Management Staff Support Services project. Further request to authorize execution of amendments to the agreement, as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed \$50 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits and requests for utility services related to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to provide program management

professional consulting services and project management staff support services for the management of a variety of civil and building capital improvement projects in the Aviation Department's \$2 billion Capital Improvement Program.

The Program Manager firm will act as an owner representative of the City of Phoenix Aviation Department for nearly all aspects of the design and construction of an airport project. The Program Manager firm will augment in-house staff to assist with managing airport projects. These contract staff members will provide project management staff support services to ensure projects are successfully executed within scope, schedule and budget at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport and Phoenix Goodyear Airport.

Hill International, Inc.'s services include, but are not limited to: providing up to a maximum of 50 percent of the required staff if it is in the best interest of the City; utilizing the Aviation Qualified Vendors List (QVL) to provide opportunities through a City approved subconsultant selection process; develop and manage an internal outreach program to attract Small Business Enterprise subconsultants; provide qualified individuals to augment staff either through Hill International, Inc. or through the Aviation QVL; provide a part-time Managing Principal/Executive that is not required to reside locally but must be available onsite as needed; provide a full-time Contract Coordinator that must reside locally; and provide a full-time Project Controls Manager that must reside locally.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Five firms submitted proposals and are listed below:

Selected Firm

Rank 1: Hill International, Inc.

Additional Proposers

Rank 2: Red Brick Consulting, Inc.
Rank 3: Parsons Transportation Group, Inc.
Rank 4: Kitchell/CEM, Inc.
Rank 5: AECOM Technical Services, Inc.

Contract Term

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

Financial Impact

The agreement value for Hill International, Inc. will not exceed \$50 million, including all subconsultant and reimbursable costs.

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

Location

Phoenix Sky Harbor International Airport: 2485 E. Buckeye Road
Phoenix Deer Valley Airport: 702 W. Deer Valley Road
Phoenix Goodyear Airport: 1658 S. Litchfield Road, Goodyear, Ariz.
Council Districts: 1, 8 and Out of City

This item was adopted.

112 Multidisciplinary Training Services Contract - RFQu 23-029 - Request for Award (Ordinance S-49745)

Request to authorize the City Manager, or his designee, to enter into contracts with Contractors listed on **Attachment A** to provide multidisciplinary training services. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed \$2,230,000.

Summary

These contracts will provide multidisciplinary training services to comply with Federal Aviation Administration (FAA), Occupational Safety and Health Administration (OSHA), and Transportation Security Administration (TSA) training requirements and other specific on-the-job training needs for the Aviation Department. The purpose and intent of this RFQu is to ensure qualified Contractors are available on an as-needed basis to enhance the Aviation Department's training program.

Procurement Information

A Request for Qualifications procurement was processed in accordance with Administrative Regulation 3.10 to establish a Qualified Vendor List (QVL). Offerors were able to submit an offer for one or more groups based on years of experience providing relevant training. The QVL has six multidisciplinary training groups as follows:

Group 1: Safety and Occupational Safety and Health Administration (OSHA) Compliance

Group 2: Environmental, Environmental Protection Agency (EPA), Wildlife, and OSHA Compliance

Group 3: Airport Security, Transportation Security Administration (TSA) and Federal Aviation Administration (FAA) Compliance

Group 4: Human Resources, Project Management, and General Soft-Skills Development

Group 5: Aviation/Airport Related Skill and Compliance Training

Group 6: Facilities Maintenance Technical Skill and Equipment Operations Related Training

Twelve offers were submitted and eleven were deemed responsive and responsible. The Procurement Officer evaluated all offers as a pass or fail based on the following minimum qualification:

For each group the Offeror is submitting an offer, the Offeror must have experience in providing training for a minimum of five consecutive years in the last eight years.

The vendors that met the minimum qualification criteria, and are being recommended for contract award, are included in **Attachment A**.

Contract Term

The contracts will begin on or about October 1, 2023 for a five-year term with no options to extend.

Financial Impact

The contract values are up to a total of \$2,230,000 for the five-year contract term. Funding is available in the Aviation Department budget.

Location

Phoenix Sky Harbor International Airport - 2485 E. Buckeye Road
Council District: 8

This item was adopted.

113 Operations Security Portal Parts and Services - RFA 18-032 - Amendment (Ordinance S-49761)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 148324 with HID Global Corporation to extend the contract term and authorize additional expenditures which will not exceed \$430,780. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

This contract will provide ongoing technical support and maintenance for the Aviation Department's (Aviation) Identity Management System (IDMS) which is used to manage background verification, identities, badging and credentials for approximately 1,000 companies and more than 25,000 employees that work and require access to restricted areas at Phoenix Sky Harbor International Airport. The IDMS also integrates with the Access Control and Alarm Monitoring system to control access to all secure areas of the Airport to comply with federal regulatory requirements mandated by the Transportation Security Administration.

In the past two years, Aviation issued two RFPs to solicit a new IDMS. However, both procurements were unsuccessful given limited competition in this highly specialized field. Because of these circumstances and the critical nature of the IDMS, Aviation requests to extend the current contract for four months to prevent the service from

lapsing and allow sufficient time to negotiate and develop a scope for long-term renewal of the support contract.

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

Contract Term

Upon approval the contract will be extended through Oct. 14, 2023.

Financial Impact

Upon approval of \$430,780 in additional funds, the revised value of the contract will not exceed \$2,330,780 for the contract term. Funds are available in the Aviation Department's budget.

Concurrence/Previous Council Action

The City Council previously reviewed this request:

- Operations Security Portal Parts and Services Contract 148324 (Ordinance S-44701) on June 6, 2018

Location

Phoenix Sky Harbor International Airport - 2485 E. Buckeye Road

Deer Valley Airport - 702 W. Deer Valley Road

Goodyear Airport - 1658 S. Litchfield Road, Goodyear, Ariz.

Council Districts: 1, 8 and Out of City

This item was adopted.

114 Contract Amendment with Regional Public Transportation Authority for the Purchase of Fixed Route Bus Transit Service for Fiscal Year 2023-24 (Ordinance S-49775)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 143071 with the Regional Public Transportation Authority for the purchase of bus transit services operated by this agency within Phoenix for FY 2023-24. Further request to authorize the City Controller to disburse all funds related to this item. The funding for FY 2023-24 will not exceed \$11,327,969.

Summary

Transit services are customarily purchased and sold between regional

transit agencies where adding service or continuing an existing bus route is most economical. Each Fiscal Year (FY), the City determines the level of service to be operated within its boundaries and executes an amendment to its Service Agreement with the Regional Public Transportation Authority (RPTA) to authorize funding for that year's service.

In FY 2023-24, the RPTA will provide the following fixed route bus service within Phoenix: Routes 30 (University Drive); 45 (Broadway Road); 56 (Priest Drive); 61 (Southern Avenue); 77 (Baseline Road); 108 (Elliot Road/48th Street); 140 (Ray Road); and 156 (Chandler Boulevard). The City also sells service to RPTA on various routes.

At the end of each year, the City and RPTA assess the actual miles operated, gross costs incurred, federal funds credited (for preventative maintenance), and advertising and fare revenues collected. The City and RPTA then reconcile the difference between the original estimates and actual costs through a credit memo or billing, as applicable.

Financial Impact

The estimated number of annual fixed-route miles for FY 2023-24 is 1,319,154 miles at a cost of \$12,777,746. The total estimated farebox revenue is \$631,567, the total estimated preventive maintenance credit is \$714,537, and the estimated advertising revenue is \$103,673. The total estimated net cost for RPTA's billing to the City is \$11,327,969.

Funding is available in the Public Transit Department's Operating budget using the Transportation 2050 Fund.

Concurrence/Previous Council Action

The City Council approved RPTA Service Agreement 143071 (Ordinance S-42474) on April 20, 2016.

This item was adopted.

115 Renewable Liquefied Natural Gas Contract - IFB PTD22-005 Request for Award (Ordinance S-49794)

Request to authorize the City Manager, or his designee, to enter into a contract with Sapphire Gas Solutions to provide renewable liquefied

natural gas to the Public Transit Department for use in operating the transit fleet. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$59,262,584.

Summary

Renewable Liquefied Natural Gas (RLNG) is a fuel product generated from the decomposition of organic waste streams, or "biomass." RLNG captures the naturally occurring gas from society's waste streams for use as a carbon-neutral and reliable energy source. Typical sources of biomass production are landfills, livestock operations and dairy farms, wastewater treatment and other industrial sources.

In furthering its efforts to reduce the City's carbon footprint and implement the tactics outlined in the City's Climate Action Plan, the Public Transit Department (PTD) will transition to using RLNG to power its compressed natural gas heavy-duty buses which currently comprise approximately two-thirds of the bus fleet. The City's Climate Action plan calls for identifying sources of renewable energy and to utilize renewable natural gas sources as a substitute for fossil natural gas. This contract will supply RLNG to PTD's three transit operating facilities (North Transit Facility, South Transit Facility and West Transit Facility) for the next five years. During this time, the PTD will also begin Phase 1 of its Zero Emission Heavy-Duty Bus Fleet Transition plan as approved by City Council in December 2022, which includes acquiring and testing, on a long-term basis, newer-technology zero emission buses.

Procurement Information

An Invitation for Bid procurement was processed in accordance with City of Phoenix Administrative Regulation 3.10.

Two vendors submitted bids deemed to be responsive to posted specifications and responsible to provide the required goods and services. Following an evaluation based on price, the procurement officer recommends award to the following vendor:

Selected Bidder

Sapphire Gas Solutions: \$59,262,584.

Contract Term

The contract will begin on or about July 1, 2023, for a two-year initial term with one, two-year option to extend followed by another one-year option to extend (both options to be exercised at the City's sole discretion), for a total term of up to five years.

Financial Impact

The contract value will not exceed \$59,262,584. Funding is available in the Public Transit Department's operating budget.

Concurrence/Previous Council Action

The Transportation, Infrastructure and Planning Subcommittee recommended approval of this item on May 17, 2023, by a vote of 4-0.

This item was adopted.

117 Alternative Transportation Programs Contract Extension (Ordinance S-49797)

Request to authorize the City Manager, or his designee, to amend the Alternative Transportation Services Contract 148268 with MV Transportation, extending Group I services for the current five-year contract term by one additional year. Further request the City Controller to disburse all funds related to this item. The total cost of the amendment, including all management fees and reimbursable trip pass-through costs, will not exceed \$1,445,089.

Summary

In addition to fixed route (bus and light rail) and paratransit services (Dial-a-Ride), the City of Phoenix provides Alternative Transportation Programs for Phoenix senior citizens and residents with disabilities through its multiple taxi service subsidy programs, some of which have been in place since 1983. The Alternative Transportation Programs allow flexibility for seniors and individuals who have obtained paratransit certification per the Americans with Disabilities Act (ADA) to plan taxi-based trips based on their needs. The Group I services of the alternative transportation programs include:

ADA Cab: A supplement to Dial-a-Ride service, allowing individuals to

schedule additional trips at their convenience and to locations of their choice.

Senior Cab: Provides individuals age 65 and older flexible transportation at their convenience and to locations of their choice.

Jobs and Employment Training: Supports travel to and from jobs or employment training programs for residents with disabilities.

Repetitive Medical Trips: Supports travel to and from repetitive medical appointments, such as dialysis treatment.

Procurement Information

The Public Transit Department (PTD) issued a Request for Proposals in February 2023, which received no proposals. In response, PTD has negotiated a price with the incumbent contractor, MV Transportation, to extend Group I services for the current contract by one year. PTD has begun working to seamlessly transition Phoenix's users of the Alternative Transportation Programs to Valley Metro's Ride Choice program, which offers similar services, during the one-year extension.

Contract Term

Upon approval, Contract 148268 will be extended for one year through June 30, 2024.

Financial Impact

MV Transportation's negotiated management fees for the one-year extension are \$299,454. Under this contract extension, there are also up to \$1,145,635 in pass-through transportation costs funded in part by federal grants that are tracked and reimbursed separately based on passenger trips provided. The amendment's total cost, including all management fees and reimbursable trip pass-through costs, will increase the contract's aggregate cost by an amount not to exceed \$1,445,089. Funding is available in PTD's operating budget and via existing federal grant funding.

Concurrence/Previous Council Action

The Transportation, Infrastructure and Planning Subcommittee recommended approval of this item on May 17, 2023, by a vote of 4-0.

This item was adopted.

**118 Jurisdictional Bus Service Revenue Agreements - Amendments
(Ordinance S-49798)**

Request to authorize the City Manager, or his designee, to execute amendments to Agreement 147281 with the Gila River Indian Community; Agreement 150473 with the City of Glendale; and Agreement 150638 with the Regional Public Transportation Authority for the purchase of Phoenix's fixed route bus services by these agencies, and to receive funding for Phoenix's Dial-a-Ride services with regional transportation funds managed by Regional Public Transportation Authority for Fiscal Year 2023-24. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to these amendments.

Summary

Phoenix's Public Transit Department has existing agreements with these agencies for the provision of Phoenix-operated fixed route bus services on the following routes:

Gila River Indian Community (GRIC) - Route 51;
City of Glendale - Routes 51, 59, 60, 67, 80, 83, 90 and 186; and
Regional Public Transportation Authority (RPTA) - Routes 3, 17, 29, 41, 50, 59, 67, 70, 80, 83, 106, 138, 154 and 170.

These amendments establish the Fiscal Year 2023-24 cost estimates for the fixed-route bus services provided to these agencies by Phoenix, plus Phoenix's Dial-a-Ride services funded by regional funds.

Financial Impact

There is no cost to Phoenix, as each agency will pay Phoenix for these services. Below are the projected costs for each agency in Fiscal Year 2023-24:

GRIC

Gross Cost of Service: \$1,217,525

American Rescue Plan Act (ARPA) Funding Credit to GRIC: \$62,461

Farebox Revenue: \$46,835

Net GRIC Cost (Revenue to Phoenix): \$1,108,229

City of Glendale

Gross Cost of Service: \$5,108,918

ARPA Funding Credit to Glendale: \$260,073

Farebox Revenue: \$347,900

Net Glendale Cost (Revenue to Phoenix): \$4,500,945

Regional Public Transit Authority (RPTA)

Gross Cost of Fixed Route Bus Service: \$47,081,183

ARPA Funding Credit to RPTA: \$2,310,343

Farebox Revenue: \$3,890,503

Net Fixed Route Bus Service Cost: \$40,880,337

Net Dial-a-Ride Cost (Revenue to Phoenix): \$20,792,366

Net Combined RPTA Cost (Revenue to Phoenix): \$61,672,703

This item was adopted.

119 Rider Sweepers Contract - IFB 23-FSD-048 - Request for Award (Ordinance S-49711)

Request to authorize the City Manager, or his designee, to enter into separate contracts with Southwest Sweeper Sales, Inc, and Waxie's Enterprises, LLC, dba Waxie Sanitary Supply for the purchase of riding sweepers. The value of the contracts will not exceed \$2,000,000. Further request to authorize the City Controller to disburse all funds related to this item.

Summary

The Public Works Department is responsible for maintaining and repairing 32 riding sweepers within the City's fleet. This contract will allow for the replacement of existing units in the fleet on an as-needed basis. These units are essential to operations and are used for interior and exterior cleaning or scrubbing of warehouse floors, road surfaces, parking lots and sidewalks, while providing dust control. These sweepers are used by the Aviation, Parks and Recreation, and Water Services departments.

Procurement Information

An Invitation for Bid (IFB) 23-FSD-048 was conducted in accordance with Administrative Regulation 3.10. Two bids were received with both

vendors bidding on all three items; Bid Item I - Sweeping at 124,080 square feet per hour (SFPH), Bid Item II- Sweeping at 184,800 SFPH, Bid Item III- Sweeping at 217,800 SFPH. All bids were deemed responsive and responsible with both vendors being recommended for award based on the information found in **Attachment A**.

Contract Term

The initial three-year contract term shall begin on or about June 1, 2023 with two one-year options to extend for a total term of five years.

Financial Impact

The total value of the contracts will not exceed \$2,000,000 for the five-year term.

Funds are available in the Aviation, Parks and Recreation, and Water Services departments' budget.

This item was adopted.

120 Solid Waste Financial Model Update and Training - Requirements Contract (Ordinance S-49715)

Request to authorize the City Manager, or his designee, to enter into a contract with NewGen Strategies and Solutions, LLC to update the current solid waste financial model and provide training on how to utilize the model. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the agreement will not exceed \$89,020.

Summary

The Public Works Department Solid Waste Division is responsible for maintaining the solid waste budget and ensuring the financial model is current. The financial model includes information consisting of all equipment and personnel allocations, customer counts, and tonnage data for the landfill and solid waste transfer stations. This agreement will update the City's customer counts and tonnage data to ensure information is current. The agreement will also include training City staff on how to utilize the financial model to design various scenarios and perform annual revenue and expenditure analysis.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a determination memo citing unusual nature. NewGen Strategies and Solutions, LLC conducted a solid waste cost of service analysis and developed a financial model in 2019. This agreement will update the existing model.

Contract Term

The agreement will be for the one-time purchase of conducting the analysis and training that will begin on or about June 1, 2023.

Financial Impact

The item will have a one-time value of \$89,020.

Funds are available in the Public Works Department's budget.

This item was adopted.

121 Painting Services Agreement - IFB 24-FMD-004 (Ordinance S-49750)

Request to authorize the City Manager, or his designee, to enter into separate agreements with A&H Painting, Inc., Bullseye Painting Company, LLC and DMS Companies, Inc. doing business as Hernandez Companies to provide painting services in City-owned facilities and structures. Further request to authorize the City Controller to disburse all funds related to this item. The value of the agreements will not exceed \$4,415,000.

Summary

The Public Works Department is responsible for maintaining City-owned properties. Painting preserves facility infrastructure by preventing deterioration of underlying building materials, and is necessary for vandalism repairs and environmental remediation projects such as mold and asbestos removal. These agreements provide painting services for large projects to help maintain City-owned facilities and other structures. These agreements will also provide services for facilities maintained by the Water Services and Parks and Recreation departments.

Procurement Information

Invitation for Bid 24-FMD-004 was conducted in accordance with Administrative Regulation 3.10. Eight offers were received by the Public Works Department Procurement Services Division on March 22, 2023. The offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The prices were evaluated based on an all or none bid total for common as-needed painting services. The offers submitted by A&H Painting, Inc., Bullseye Painting Company, LLC and DMS Companies, Inc. doing business as Hernandez Companies were deemed fair and reasonable.

A&H Painting, Inc.: \$315.85 bid total;
Bullseye Painting Company, LLC: \$318.88 bid total; and
DMS Companies, Inc. doing business as Hernandez Companies:
\$375.38 bid total.

Contract Term

The initial one-year term of the agreements will begin on or about July 1, 2023. The agreements will include four one-year options to extend the term, for a total agreement term of up to five years if all options are exercised.

Financial Impact

The value of the agreements, including all option years is \$4,415,000, including all applicable taxes, with an estimated annual expenditure of \$883,000.

Funding is available in the Water Services, Parks and Recreation, and Public Works departments' budgets.

This item was adopted.

122 Transfer Station Mister System Maintenance and Repair Agreement - RFQ 24-SW-006 (Ordinance S-49759)

Request to authorize the City Manager, or his designee, to enter into an agreement with Universal Fog Systems, Inc. to provide maintenance and

repairs to the misting systems at the 27th Avenue and North Gateway transfer stations. Further request to authorize the City Controller to disburse all funds related to this item. The value of the agreement will not exceed \$99,000.

Summary

The Public Works Department is responsible for maintaining dust control and compliance at the solid waste transfer stations, in accordance with the Arizona Department of Environmental Quality and Maricopa County Air Quality Department. The misting systems are used to maintain dust control to ensure compliance with environmental and air quality requirements. This agreement will provide regular quarterly maintenance and necessary repairs to the high-pressure misting systems to keep the systems operational and ensure they are working properly.

Procurement Information

Request for Quote 24-SW-006 was conducted in accordance with Administrative Regulation 3.10. One offer was received by the Public Works Department Procurement Services Division on March 29, 2023. The offer was evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offer submitted by Universal Fog Systems, Inc. was deemed fair and reasonable.

Universal Fog Systems, Inc.: \$17,065.91 bid total for annual costs of regular maintenance service.

Contract Term

The initial two-year term of the agreement will begin on or about Aug. 1, 2023. The agreement will include three one-year options to extend the term, for a total agreement term of up to five years if all options are exercised.

Financial Impact

The value of the agreement, including all option years is \$99,000, including all applicable taxes, with an estimated annual expenditure of \$19,800.

Location

27th Avenue Transfer Station, 3060 S. 27th Ave.

North Gateway Transfer Station, 30205 N. Black Canyon Highway

Council Districts: 2 and 7

This item was adopted.

123 Intergovernmental Agreement with City of Flagstaff to Accept and Process Recyclable Materials (Ordinance S-49770)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement (IGA) with the City of Flagstaff to accept and process recyclable materials collected in the City of Flagstaff and delivered to the City of Phoenix's Material Recovery Facilities (MRF). Further request to authorize the City Council to grant an exception pursuant to Phoenix City Code section 42-20(B), inclusion of mutual indemnification language that otherwise would be prohibited by Phoenix City Code section 42-18(A) and (B). Additionally request to authorize the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The City of Flagstaff has requested to enter into an Intergovernmental Agreement with the City of Phoenix to accept and process its recyclable material. The City of Phoenix can accept these materials with terms to address changing market conditions resulting in lower commodity prices and increased processing costs from contamination in the recyclables. This IGA will authorize the City of Phoenix to charge a processing fee to the City of Flagstaff for recycling tonnage processed at the City MRFs, which is designed to ensure all costs associated with processing recyclables are recovered by the fee. The terms of this IGA include:

In a market with low recycling commodity prices, the City of Phoenix will charge a processing fee to the City of Flagstaff, and no revenue share to Flagstaff will be available.

In a market with high recycling commodity prices, the City of Flagstaff will pay a processing fee and will receive 50 percent of the net revenue share, and the City of Phoenix will receive the remaining 50 percent.

Annually, the City of Flagstaff will deliver up to 12,000 tons of recyclable materials to City of Phoenix facilities.

Contract Term

The one-year term of this IGA will begin on or about June 1, 2023, and conclude on or about May 31, 2024. Provisions of the IGA include four, one-year options to extend the agreement.

Financial Impact

The City of Flagstaff will be paying Phoenix to accept recyclables to cover all expenses associated with proper handling of the materials. If recycle market prices increase during the term of the agreement, Phoenix and Flagstaff would share the additional revenue at a 50/50 split. Funds for the revenue share payments to the City of Flagstaff are available in the Public Works Department's budget.

Location

North Gateway Material Recovery Facility, 30205 N. Black Canyon Highway.

27th Avenue Material Recovery Facility, 3060 S. 27th Ave.

Council Districts: 2 and 7

This item was adopted.

124 Active Transportation Plan

Request City Council approval of the Street Transportation Department's Active Transportation Plan (ATP).

Summary

The Street Transportation Department (Streets) is requesting City Council approval of the ATP (**Attachment A**). Active transportation is defined as walking, biking or rolling, including using wheelchairs, scooters, mobility devices or micromobility vehicles. The ATP updates the City's Comprehensive Bicycle Master Plan originally approved by City Council in 2014. The ATP is guided by four overarching principles based on community input to create an active transportation network that is:

- 1) Safe;
- 2) Connected;
- 3) Enjoyable; and
- 4) Equitable.

The ATP is a policy-level plan that includes recommendations in three areas: network development, policy updates and design guidance. The recommendations in the ATP will help further the implementation of existing plans and policies including Complete Streets, the Vision Zero Road Safety Action Plan and the Climate Action Plan.

ATP Background

In 2014, City Council approved the City's Comprehensive Bicycle Master Plan. The plan recommended infrastructure and policy changes to reach the vision of a well- connected infrastructure network that would make bicycling a preferred option for daily transportation within 20 years. The vision included receiving a Platinum Level Bicycle Friendly Community designation from the League of American Bicyclists.

The Bicycle Master Plan guided the development of several signature active transportation projects in Phoenix, including the 3rd and 5th Avenue Improvements, the 3rd Street Promenade, Oak Street and the Grand Canalscape. Subsequently, the Transportation 2050 (T2050) Plan, approved by voters in 2015, established a commitment to add 1,080 new bike lane miles in the City of Phoenix by 2050. This ambitious goal requires building bike lanes beyond the recommendations in the Comprehensive Bicycle Master Plan.

In 2018, Streets applied for, and received, funds from the Maricopa Association of Governments (MAG) to update its Comprehensive Bicycle Master Plan to help guide implementation of an expanded bike lane network. In June 2019, City Council approved an intergovernmental agreement to allow the City to work with MAG to collaborate on the development of an ATP that would include walking and the use of micromobility and mobility devices.

ATP Development and Community Engagement

The ATP planning process included engagement of an interdepartmental advisory team, extensive analysis of existing City plans and policies, and two rounds of community engagement. The interdepartmental advisory team (Active Transportation Advisory Team) brought together staff from seven City departments, with dedicated working groups for each of the plan elements. The planning team reviewed 11 existing City plans and policies to ensure alignment with the ATP and to identify opportunities for further implementation of active transportation goals.

Two rounds of community outreach were conducted for the ATP. The first round of community outreach took place in the winter of 2021 through an online survey, poster polls at two community events, and interviews with community leaders from historically marginalized neighborhoods and active transportation advocacy organizations. The feedback gathered during this round of outreach guided the creation of the planning principles and the recommendations within each assessment area. A second round of public outreach, focused on review of the draft plan, was conducted from December 2022 through January 2023 through a virtual public meeting and a community survey. The community feedback during the meeting and the survey answers informed updates to the final version of the ATP.

ATP Elements

The ATP has three elements that correspond to the three assessment areas: network development, policy updates and design guidance. Each element is designed to work as part of the overall plan, or as a standalone document.

Rather than providing a map of recommended bicycle or active transportation projects, the ATP recommends a community-focused program for developing the active transportation network in Phoenix. Streets will work in each of Phoenix's urban villages to conduct in-depth community outreach and recommend a network of bike lanes that can be quickly implemented. Staff will work with two urban villages per year to create plans and then work to install the bike lanes within two years after finishing the plans, as funding is available. The process will also identify potential larger projects that will require longer planning timelines and additional funding. The urban villages will be prioritized based on equity

and the individual village workload. The program is anticipated to take approximately ten years to complete.

The policy section recommends updates to City policies and procedures to ensure alignment and consistency and to support the four principles of the plan: Safe, Connected, Enjoyable and Equitable. It supports the further implementation of Complete Streets, the Climate Action Plan, and the Vision Zero Road Safety Action Plan. The recommendations are grouped into short-term, medium-term and long-term priorities based on public input and feasibility.

The design guidance section will be a reference manual for staff and consultants on how to design streets for active transportation. It reflects the current best practices for active transportation with a special focus on Phoenix's unique challenges. The design guidance section will be shared internally and made available on Phoenix's website as a standalone document for use by consultants and developers.

Accountability

The ATP continues previously established commitments to build bike lanes and multi- use paths along canals and to pursue a Platinum Level Bicycle Friendly Community designation. Tracking metrics for each of the three plan elements are identified and will be reported in annual Active Transportation Program updates to the Citizens Transportation Commission and the Transportation, Infrastructure and Planning Subcommittee.

Financial Impact

The \$2 million per year Bicycle Master Plan funding from the Highway Users Revenue Fund will be used for implementation of the ATP.

Concurrence/Previous Council Action

The City Council approved:

An intergovernmental agreement with MAG (Ordinance S-45828) on June 19, 2019; and

An exception to Phoenix City Code to include indemnification and assumption of liability provisions for the intergovernmental agreement previously authorized (Ordinance S-46354) on Feb. 5, 2020.

The Transportation, Infrastructure and Planning Subcommittee recommended City Council approval of the ATP on May 17, 2023, by a vote of 4-0.

This item was approved.

128 Large Valve Repair and Replacement, Emergency Transmission Repair and Waterline Work - Construction Administration and Inspection Services - WS85500346, WS85500347 & WS85500399 (Ordinance S-49703)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the two consultants listed below, to provide Construction Administration and Inspection Services for the Large Valve Repair and Replacement, Emergency Transmission Repair and Waterline Work project. Further request to authorize execution of amendments to the agreements as necessary within the City Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed \$2.75 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to provide construction administration and inspection services for:

repair, replacement, and new installation of water valves on an as needed and emergency basis.

repairs to transmission waterlines on an as needed and emergency basis.

installation and/or relocation of waterlines, valves, manholes, vaults, fire hydrants, and bypass assemblies related to waterline infrastructure. waterline and sewer main infrastructure relocations, installation and related work associated with project completed within the City of Phoenix and adjacent jurisdictions.

The Engineering consultant's services include but are not limited to: monitoring of contractor time, material work and job progress, daily interaction with contractors to clarify job requirements, review design or construction plans and provide recommendations, and inspect waterline and sewer main assets installed or relocated by or within another municipality or entity.

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. Four firms submitted proposals and are listed below.

Selected Firms

Rank 1: HDR Engineering, Inc.

Rank 2: Brown and Caldwell, Inc.

Additional Proposers

Rank 3: Entellus, Inc.

Rank 4: Tristar Engineering & Management, Inc.

Contract Term

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

Financial Impact

The agreement values for each of the Engineering consultants will not exceed \$1.375 million each, totaling \$2.75 million including all subconsultant and reimbursable costs.

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

This item was adopted.

129 24-Inch Water Main: Cave Creek Road and Desert Peak Parkway to Booster Pump Station 5ED-B1 - Construction Manager at Risk Preconstruction Services - WS85508002 (Ordinance S-49705)

Request to authorize the City Manager, or his designee, to enter into an agreement with Sundt Construction, Inc. to provide Construction Manager at Risk Preconstruction Services for the 24-Inch Water Main: Cave Creek Road and Desert Peak Parkway to Booster Pump Station 5ED-B1 project. Further request to authorize execution of amendments to the agreement as necessary within the City 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 \$100,000.

Summary

The purpose of this project is to construct approximately 29,500 feet of new 24-inch water main.

Sundt Construction, Inc. will begin in an agency support role for Construction Manager at Risk Preconstruction Services. Sundt Construction, Inc. will assume the risk of delivering the project through a Guaranteed Maximum Price agreement.

Sundt Construction, Inc.'s services include, but are not limited to: provide detailed cost estimating and knowledge of marketplace conditions, project planning, construction phasing, and scheduling that will minimize interruption to City operations, alternate systems evaluation and

constructability studies, long-lead procurement studies and procurement of long-lead items, and assist in the permitting processes. A Small Business Enterprise goal will be established for this project upon substantial completion of Preconstruction Services and prior to the start of construction.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Five firms submitted proposals and are listed below:

Selected Firm

Rank 1: Sundt Construction, Inc.

Additional Proposers

Rank 2: Achen-Gardner Construction, L.L.C.

Rank 3: McCarthy Building Companies, Inc.

Rank 4: B & F Contracting, Inc.

Rank 5: Hunter Contracting Co.

Contract Term

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

Financial Impact

The agreement value for Sundt Construction, Inc. will not exceed \$100,000, including all subcontractor and reimbursable costs.

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

rendered agreement services, which may extend past the agreement termination.

Location

Cave Creek Road and Desert Peak Parkway to Booster Pump Station
5ED-B1
Council District: 2

This item was adopted.

**130 Zone 3D and 4A Improvements Program: Remote Facilities
Booster Pump Stations - Construction Manager at Risk
Construction Services Amendment - WS85100046, WS85110005
and WS85100053 (Ordinance S-49723)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 152400 with McCarthy Building Companies, Inc. to provide additional Construction Manager at Risk Construction Services for the Zone 3D and 4A Improvements Program: Remote Facilities Booster Pump Stations project. Further request to authorize execution of amendments to the agreement, as necessary within the City Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item.

Summary

The purpose of this project is for the City of Phoenix to supply water in north Phoenix in the event there are restrictions placed on Colorado River water delivered through the Central Arizona Project. The City of Phoenix treats Colorado River water at the Union Hills and Lake Pleasant Water Treatment Plants (WTP), which supply water to north Phoenix. Construction of a new 66-inch pipeline from the 24th Street WTP to 32nd Street and Bell Road is intended to allow the delivery of Salt and Verde River water into north Phoenix.

This amendment is necessary as more contract time is needed to purchase standby generators to provide power redundancy to the 24th Street WTP facilities to supply water from the 24th Street WTP to north Phoenix. This amendment will provide additional time to fulfill the agreement.

Contract Term

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

Financial Impact

The initial agreement value remains unchanged.

Concurrence/Previous Council Action

The City Council approved:

Construction Manager at Risk Construction Services 148948 (Ordinance S-45163) on Dec. 5, 2018, and;

Construction Manager at Risk Construction Services 152400 (Ordinance S-46721) on June 17, 2020.

Location

32nd Street and Bell Road

Council District: 3

This item was adopted.

131 Street Improvements Areas Bounded By 15th Avenue to 7th Avenue From Mountain View Road to Peoria Avenue - Design-Bid-Build Services - ST87750144 (Ordinance S-49729)

Request to authorize the City Manager, or his designee, to accept AJP Electric, Inc. as the responsive and responsible bidder and to enter into an agreement with AJP Electric, Inc. for Design-Bid-Build Services for the Street Improvements Areas Bounded By 15th Avenue to 7th Avenue from Mountain View Road to Peoria Avenue project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for services will not exceed \$2,929,507.75.

Summary

The purpose of this project is to provide construction services for proposed improvements to include new sidewalks, sidewalk ramps,

driveways and driveway retrofits to meet current American Disabilities Act (ADA) guidelines.

AJP Electric, Inc.'s services include, but are not limited to: saw cutting and removing existing pavement, removal of existing vegetation, removal of existing miscellaneous hardscape and property walls/fences within the right-of-way in conflict with proposed improvements, relocation of mailboxes, relocation of utilities and utility poles, new four foot sidewalk on local streets, ADA ramp construction, new driveway and driveway retrofits, and new sidewalk drainage crossings.

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Three bids were received on March 21, 2023, and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in demonstrating responsiveness to Disadvantaged Business Enterprise (DBE) program requirements.

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

Opinion of Probable Cost: \$1,594,425.35

AJP Electric, Inc.: \$2,929,507.75

Combs Construction Company, Inc.: \$4,479,382.00

Bidders who were deemed non-responsive are listed below, in alphabetical order:

Lincoln Constructors, Inc.

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

The reason for the variance from the Opinion of Probable Cost to the lowest, responsive, responsible bid is based upon the latest comparable bids on City of Phoenix major streets and adjusted for the market conditions and rapid inflation experienced at an unpredictable rate over

the past several years.

Contract Term

The term of the agreement is 120 calendar days from issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for AJP Electric, Inc. will not exceed \$2,929,507.75, including all subcontractor and reimbursable costs.

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations Part 26 and the U.S. Department of Transportation DBE program. Funding is available in the Street Transportation Department's Capital Improvement Program budget. The Budget and Research Department will separately review and approve funding availability prior to execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Public Outreach

Planned resident notification will be provided prior to construction.

Location

Areas bounded by 15th Avenue to 7th Avenue from Mountain View Road to Peoria Avenue
Council District: 3

This item was adopted.

132 CIPP-Lined Concrete Sewer Condition Assessment - Engineering Services - WS90500271 (Ordinance S-49730)

Request to authorize the City Manager, or his designee, to enter into an agreement with Brown and Caldwell, Inc. to provide Engineering Services that include assessment services for the CIPP-Lined Concrete Sewer Condition Assessment. Further request to authorize execution of

amendments to the agreement as necessary within the City 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 \$1.6 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to conduct a condition assessment on a portion of cured-in-place plastic-lined (CIPP) concrete interceptor sewer system. The CIPP-lined sewer system is approximately 12.5 miles in length, of which 6.6 miles of existing sewer will be assessed. The system ranges in pipe diameter from 16 to 60 inches. In addition to the sewer infrastructure assessment, there is a need for approximately 50 miles of sewer segments and manholes, not previously assessed in other programs, to be included as these assets were inadvertently missed or the project was under funded to complete.

Brown and Caldwell, Inc.'s services include, but are not limited to: reviewing past assessments, as-builts, any available records of rehabilitation, any other pertinent documents, and records, conducive to the assessment; inspect manholes and structures on the interceptor; inspect the pipe interior of the interceptor utilizing remote video inspection equipment; and present the final executive summaries.

Procurement Information

The selection was made using a qualifications-based selection process

set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. One firm submitted a proposal and is listed below.

Selected Firm

Rank 1: Brown and Caldwell, Inc.

Contract Term

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

Financial Impact

The agreement value for Brown and Caldwell, Inc. will not exceed \$1.6 million, including all subconsultant and reimbursable costs.

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

This item was adopted.

133 Salt River Project Construction License for Zone 1 16-Inch Water Main - WS85500440 (Ordinance S-49737)

Request to authorize the City Manager, or his designee, to enter into a Construction License with Salt River Project (SRP) for work associated with a City of Phoenix Water Services project. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18.

Summary

The City is constructing a 16-inch water main in the area bounded by Carver Road to Elliot Road and 51st Avenue to 35th Avenue. The purpose of the Construction License is to allow the City to install water pipe and hydrants along Carver Road, next to existing SRP irrigation facilities. This work is in conjunction with City Project WS85500440.

Contract Term

The term of the Construction License is one year, effective when the City begins construction, expected to be after June 1, 2023.

Financial Impact

There is no financial impact to the City of Phoenix.

Location

Carver Road and 51st Avenue
Council District: 8

This item was adopted.

134 Wastewater Facilities Electrical and Instrumentation & Control Improvements - Job Order Contracting Services - 4108JOC211 (Ordinance S-49738)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with two contractors to provide Wastewater Facilities Electrical and Instrumentation & Control Improvement Job Order Contracting services for the Water Services Department. Further request to authorize execution of amendments to the agreements, as necessary within the City Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for all services will not exceed \$40 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design and construction of the project. Such utility services include, but are not limited to: electrical,

water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The Job Order Contracting (JOC) contractors' services will be used on an as-needed basis to provide Wastewater Facilities Electrical and Instrumentation & Control Improvement services for installations and replacement of mechanical equipment, such as auto samplers, pumps, motors, chemical feed equipment, valves and actuators, with any electrical equipment, such as analyzers, meters, sensors, variable frequency drivers, security upgrades, and Supervisory Control and Data Acquisition system components, including conduit and or wiring. Additionally, the JOC contractors will be responsible for fulfilling Small Business Enterprise program requirements.

Procurement Information

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

Selected Firms

Rank 1: Ludvik Electric Co.

Rank 2: PCL Industrial Services Inc.

Contract Term

The term of each master agreement is for up to five years or up to \$40 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the

term.

Financial Impact

The master agreement value for each of the JOC contractors will not exceed \$40 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed \$80 million.

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

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

This item was adopted.

136 Aviation Department Sustainability On-Call Consulting Services for Fiscal Years 2023-28 (Ordinance S-49743)

Request to authorize the City Manager, or his designee, to enter into separate agreements with the five consultants listed below to provide Sustainability On-Call Consulting services for Fiscal Years 2023-28 for the Aviation Department. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed \$3 million aggregate.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads

and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The Aviation Department is committed to actively supporting city and industry sustainability efforts by ensuring Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport and Phoenix Goodyear Airport are Future Friendly and enhance the communities we serve. The services provided under these contracts will leverage the technical expertise necessary for Aviation to support the City in achieving goals, such as 100 percent Renewable Energy by 2030, Net Zero Carbon by 2040 and Zero Waste by 2050.

The On-Call consultants will be responsible for providing On-Call Sustainability Consulting services that include, but are not limited to: supporting the Department's projects and initiatives regarding Net Zero Carbon Roadmap; Planning and Policy; Waste Reduction and Recycling; Water Conservation and Efficiency; Technical Reviews, Reporting, and Recommendations; Outreach and Education; and Grants and Funding.

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: C & S Engineers, Inc.

Rank 2: Gresham Smith

Rank 3: Mead & Hunt, Inc.

Rank 4: AECOM Technical Services, Inc.

Rank 5: Stantec Consulting Services, Inc.

Additional Proposers

Rank 6: Cumming Management Group, Inc.

Rank 7: McKinstry Essention, LLC

Rank 8: Affiliated Engineers, Inc.

Rank 9: GLUMAC, Inc.

Rank 10: Blue Strike Environmental, Inc.

Contract Term

The term of each agreement is up to five years, or up to an aggregate of \$3 million for all five contracts, whichever occurs first. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for the On-Call consultants will not exceed an aggregate of \$3 million, including all subconsultant and reimbursable costs.

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

Location

Phoenix Sky Harbor International Airport: 2485 E. Buckeye Road

Phoenix Deer Valley Airport: 702 W. Deer Valley Road

Phoenix Goodyear Airport: 1658 S. Litchfield Road, Goodyear, Ariz.

Council Districts: 1, 8 and Out of City

This item was adopted.

137 Street Transportation Department Project Management Assistance On-Call Services (Ordinance S-49744)

Request to authorize the City Manager, or his designee, to enter into

separate agreements with the two consultants listed below, to provide Project Management Assistance On-Call services for the Street Transportation Department. Further request to authorize execution of amendments to the agreements, as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed \$4 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits and requests for utility services relating to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The On-Call consultants will be responsible for providing On-Call Project Management Assistance services that include, but are not limited to: overseeing design and construction for both federally and locally funded Capital Improvement Program projects outside of the right-of-way; producing, reading and reviewing plans, drawings and specifications; producing and reviewing cost estimates; advising on technical aspects; reviewing submittals and pay estimates; coordinating with internal and external stakeholders; providing community engagement and public outreach; project field review and plan review; and other services as required to support successful completion of the work and city's interest.

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. Three firms submitted proposals and are listed below.

Selected Firms

Rank 1: Topaz Engineering, Inc.

Rank 2: T.Y. Lin International, Inc.

Additional Proposer

Rank 3: Deccan Consulting, LLC

Contract Term

The term of each agreement is up to two years or up to \$2 million, whichever occurs first. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The agreement value for each of the On-Call consultants will not exceed \$2 million, including all subconsultant and reimbursable costs. The total fee for all services will not exceed \$4 million.

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

This item was adopted.

139 Apply for U.S. Department of Transportation Safe Streets and Roads for All Grant Opportunity for Federal Fiscal Year 2022-23 - Bipartisan Infrastructure Law Funding (Ordinance S-49764)

Request to authorize the City Manager, or his designee, to apply for, accept and, if awarded, enter into an agreement for disbursement of federal funding from the U.S. Department of Transportation through the Federal Fiscal Year 2022-23 Safe Streets and Roads for All grant opportunity. If awarded, the funding will be used to implement projects

and strategies in the Vision Zero Road Safety Action Plan. Further request to authorize the City Treasurer to Accept, and the City Controller to disburse, all funds related to this item. Funding for this grant opportunity is available through the Federal Bipartisan Infrastructure Law. The total grant funds applied for will not exceed \$25 million, and the City's local match would not exceed \$6.25 million.

Summary

The Safe Streets and Roads for All (SS4A) is a funding program under the Bipartisan Infrastructure Law, which was signed into law on Nov. 15, 2021. The U.S. Department of Transportation (USDOT) issued a Notice of Funding Opportunity (NOFO) on March 30, 2023, for the SS4A program for the second year of the program offering over a billion dollars in Federal Fiscal Year (FFY) 2022-23. The intent of the program is to offer a competitive discretionary grant opportunity to support planning, infrastructure, behavioral and operational initiatives to prevent death and serious injuries involving all roadway users, including pedestrians, bicyclists, public transportation users, personal conveyance and micromobility users, motorists and commercial vehicle operators.

On Sept. 7, 2022, City Council approved the Street Transportation Department's (Streets) Vision Zero Road Safety Action Plan (RSAP). The RSAP is one of the key SS4A grant requirements to apply for funding designated under the implementation grants category. The department was successful in obtaining \$460,000 in FFY 2021-22 SS4A funding in supplemental action funds to enhance and build upon the existing planning efforts approved through the RSAP. If awarded this year, the funding will be used for implementation of projects and strategies in the RSAP.

Streets staff evaluated prior year successful implementation awards and consequently changed the focus of this second-round submittal to be more in line with the first round of awarded implementation grants. The focus on this second-round submittal will be a more comprehensive corridor approach utilizing key strategies identified in the RSAP to target safety improvements along one of the City's busiest and high-injury-prone corridors: Indian School Road, west of 39th Avenue. Staff is evaluating all of the grant criteria to ensure a competitive final grant submittal is achieved with a focus on these grant priorities as defined in the SS4A

NOFO:

Promoting safety to prevent death and serious injuries on public roadways;

Employing low cost, high-impact strategies that can improve safety over a wide geographic area;

Ensuring equitable investment in the safety needs of under-served communities, which includes under-served urban communities;

Incorporating evidence-based projects and strategies and adopting innovative technologies;

Demonstrating engagement with a variety of public and private stakeholders; and

Aligning with USDOT's mission and strategic goals such as safety, climate change and sustainability, equity and Justice 40, workforce development, job quality and wealth creation.

The City intends to submit an implementation grant application with a total project cost up to \$31.25 million, which includes final design, environmental and construction costs related to the implementation of projects that will deliver countermeasure solutions to improve roadway safety along Indian School Road corridor, west of 39th Avenue.

The SS4A grant submittal deadline is July 10, 2023.

Financial Impact

The estimated total cost for the project is approximately \$31.25 million. The maximum federal participation rate is 80 percent with a minimum local match of 20 percent of the total project cost. If awarded, the federal match would not exceed \$25 million, and the City's costs would be approximately \$6.25 million for the local match.

Funding for the local match is available in the Streets Transportation Department's Capital Improvement Program budget. Potential grant funding received is available through the Federal Bipartisan Infrastructure Law, from USDOT through the FFY 2022-23 SS4A grant opportunity.

Concurrence/Previous Council Action

The Transportation, Infrastructure and Planning Subcommittee

recommended approval of this item on May 17, 2023, by a vote of 4-0.

Location

Along Indian School Road, west of 39th Avenue.

Council Districts: 4 and 5

This item was adopted.

140 Sanitary Sewer Rehabilitation - Job Order Contracting Services - 4108JOC216 (Ordinance S-49767)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with the four contractors listed below, to provide Sanitary Sewer Rehabilitation Job Order Contracting services for the Water Services Department. Further request to authorize execution of amendments to the agreements, as necessary within the City Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed \$90 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design and construction of the project. Such utility services include, but are not limited to; electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The Job Order Contracting (JOC) contractors' services will be used on an as-needed basis to provide Sanitary Sewer Rehabilitation services for approximately 5,000 miles of gravity sewer and small diameter pipe comprising 92 percent of the wastewater collection system. The purpose of this program is to maintain the reliability and integrity of the wastewater collections system by rehabilitating existing infrastructure. Additionally, the JOC contractors will be responsible for fulfilling Small Business

Enterprise program requirements.

Procurement Information

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

Selected Firms

Rank 1: Insituform Technologies, LLC

Rank 2: SAK Construction, LLC

Rank 3: IRC West, LLC DBA Insta-Pipe SW

Rank 4: Iron Horse, LLC

Contract Term

The term of each master agreement is for up to five years or up to \$22.5 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact

The master agreement value for each of the JOC contractors will not exceed \$22.5 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed \$90 million.

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

Funding is available in the Water Services Department Capital Improvement Program. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement. Payments may be made up to agreement limits for all

rendered agreement services, which may extend past the agreement termination.

This item was adopted.

141 2022 99th Avenue Interceptor Rehabilitation - Engineering Services - WS90160109 (Ordinance S-49771)

Request to authorize the City Manager, or his designee, to enter into an agreement with Brown and Caldwell, Inc. to provide Engineering Services that include design and possible construction administration and inspection services for the 2022 99th Avenue Interceptor Rehabilitation project. Further request to authorize execution of amendments to the agreement, as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The fee for services will not exceed \$500,000.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services related to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to rehabilitate approximately 4,600 linear feet of large diameter PVC-lined concrete pipelines that are located primarily along 99th Avenue between Olive Avenue and Harrison Street, then runs east and south ultimately connecting to the junction structure at the intersection of Broadway Road and 87th Avenue near the 91st Avenue Wastewater Treatment Plant.

Brown and Caldwell, Inc.'s services include, but are not limited to: evaluating existing documentation including assessment reports, videos, as-builts, and other investigative data and/or reports that may be available

on pipe and manhole condition to identify viable rehabilitation alternatives; investigate and propose appropriate repair and rehabilitation methods; address any sewer capacity reductions caused by proposed rehabilitation methods; and provide rehabilitation or repair design to correct all sewer and manhole defects at identified project locations.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Three firms submitted proposals and are listed below.

Selected Firm

Rank 1: Brown and Caldwell, Inc.

Additional Proposers

Rank 2: Dibble & Associates Consulting Engineers, Inc.

Rank 3: Consor North America, Inc.

Contract Term

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

Financial Impact

The agreement value for Brown and Caldwell, Inc. will not exceed \$500,000, including all subconsultant and reimbursable costs.

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

Location

99th Avenue and Olive Avenue to 87th Avenue and Broadway Road
Council Districts: 5, 7 and Out of City

This item was adopted.

142 Intergovernmental Agreement with Arizona Department of Transportation to Fund City of Phoenix Staffing Resources for Interstate 10 Broadway Curve Improvement Project - Amendment (Ordinance S-49777)

Request to authorize the City Manager, or his designee, to amend the Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for ADOT to fund City staffing resources in the Street Transportation Department related to the reconstruction of the Interstate 10 Broadway Curve Improvement Project. Further request the City Council to grant an exception pursuant to Phoenix City Code section 42-20 to authorize indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code section 42-18. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

The purpose of this amendment is for ADOT to extend the terms of the IGA. The original IGA was effective from July 26, 2021, through July 25, 2023. This amendment will extend the terms of the IGA until the substantial completion of the Interstate 10 (I-10) Broadway Curve Improvement Project (Broadway Curve). Street Transportation Department staff will continue to coordinate with City departments on the I-10 Broadway Curve in an amount not to exceed \$350,000 per year. City staff will be assigned to the project to coordinate and perform plan reviews, process permits, and provide traffic operations coordination and outreach support during the freeway detours and closures. It is critical to the success of this freeway project for City staff to work closely with ADOT and the development team throughout design and construction.

The I-10 Broadway Curve is planned to improve a segment of I-10 between the I-10/Interstate 17 (I-17) Split Traffic Interchange and the Congressman Ed Pastor Freeway (Loop 202-South Mountain Freeway).

Contract Term

The City Council approved the original IGA on May 19, 2021 (Ordinance S-47561).

Financial Impact

The City will be reimbursed in an amount not to exceed \$350,000 per year.

Location

Interstate 10, from the I-10/I-17 Split Traffic Interchange and the Congressman Ed Pastor Freeway (Loop 202-South Mountain Freeway)
Council Districts: 6 and 8

This item was adopted.

143 Intergovernmental Agreement with Arizona Department of Transportation for the City to Authorize the State to Perform National Bridge Inspection Standards for Inspections on Bridges Owned or Controlled by the City (Ordinance S-49778)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement with the Arizona Department of Transportation, to define the maintenance agreement on bridges that are owned or controlled by the City. Further request the City Council to grant an exception pursuant to Phoenix City Code section 42-20 to authorize indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code section 42-18.

Summary

The State will inspect inventoried bridges owned by the City according to the National Bridge Inspection Standards (NBIS).

NBIS:

Federal regulations in 23 CFR Part 650, Subpart C establishing requirements for inspection procedures, frequency of inspections, qualifications of personnel, inspection reports, and preparation and maintenance of a State bridge inventory. The NBIS apply to all structures defined as bridges located on all public roads.

The State will allow the City to use its bridge management software system to store inspection reports for all City owned or controlled bridges and culverts.

Contract Term

This Agreement is in full force and effect for 25 years from the effective date, unless this Agreement violates any Arizona law, rule or regulation, either now enacted or which may be enacted in the future. Prior to the expiration of the 25-year period, the parties may mutually agree to a 25-year extension by entering into an amendment to this Agreement.

Financial Impact

There is no financial impact to the City of Phoenix.

This item was adopted.

145 Consent to Use Agreement with Salt River Project for City Improvements on 59th Avenue from Southern Avenue to Baseline Road (Ordinance S-49800)

Request to authorize the City Manager, or his designee, to enter into a Consent to Use Agreement with Salt River Project (SRP) to allow the installation of roadway improvements on the east half of 59th Avenue from Southern Avenue to Baseline Road.

Summary

SRP currently has a 90-foot-wide electrical easement along the east side of 59th Avenue for existing electrical facilities. The City proposes future roadway improvements on 59th Avenue that may include pavement, curb, gutter and landscaping within SRP's existing electrical easement. The Consent to Use Agreement confirms SRP's consent to the City, as well as the use and occupancy within the existing SRP easement for the proposed City improvements.

Financial Impact

This action has no financial impact to the City.

Location

59th Avenue from Southern Avenue to Baseline Road

Council Districts: 7 and 8

This item was adopted.

146 Specialized Equipment, Piping and Infrastructure Coatings - Job Order Contracting Services - 4108JOC212 (Ordinance S-49702)

Request to authorize the City Manager, or his designee, to enter into separate master agreements with five contractors, to provide Specialized Equipment, Piping and Infrastructure Coatings Job Order Contracting services for the Water Services Department. Further request to authorize execution of amendments to the agreements, as necessary, within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed \$45 million.

Additionally, request to authorize the City Manager, or his designee, to take all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits and requests for utility services relating to the development, design and construction of the project and to include disbursement of funds. Utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The Job Order Contracting (JOC) contractors' services will be used on an as-needed basis to provide Specialized Equipment, Piping and Infrastructure Coatings services to apply protective coatings on wastewater process equipment, structural support members, piping, tanks, motors, mechanical equipment, manholes, lift station wet wells and accessory items throughout the City of Phoenix wastewater infrastructure. Additionally, the JOC contractors will be responsible for fulfilling Small Business Enterprise program requirements.

Procurement Information

The selection was 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. Nine firms submitted proposals and are listed below.

Selected Firms

Rank 1: Professional Piping Systems LLC dba PPS Coatings

Rank 2: Hunter Contracting Co.

Rank 3: TF Contracting Services, LLC

Rank 4: Joseph Painting Company, Inc. dba JPCI Services

Rank 5: Degan Construction, LLC

Additional Proposers

Rank 6: Revolution Industrial, LLC

Rank 7: Solution Coatings, Inc.

Rank 8: Riley Industrial Services, Inc.

Rank 9: Advanced Enviro Cure, LLC

Contract Term

The term of each master agreement is for up to five years or up to \$9 million, whichever occurs first. Work scope identified and incorporated into the master agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the master agreement. No additional changes may be executed after the end of the term.

Financial Impact

The master agreement value for each of the JOC contractors will not exceed \$9 million, including all subcontractor and reimbursable costs. The total fee for all services will not exceed \$9 million.

Request to authorize the City Manager, or his designee, to execute job order agreements performed under these master agreements for up to \$2 million each. In no event will any job order agreement exceed this limit

without Council approval to increase the limit.

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

This item was adopted.

147 Water Services Utility Document Print, Mail, Archive and Retrieval Services - Amendment (Ordinance S-49706)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 143079 with Pinnacle Data Systems LLC to provide additional time to the agreement. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-42748.

Summary

The purpose of the amendment is to extend the agreement for an additional three years to allow the City of Phoenix Water Services Department to conduct the competitive procurement process and provide sufficient time for the awarded vendor to collaborate with the City to create an encrypted link necessary for the processing of utility bills without a disruption of services. The purpose of this agreement is to provide utility bill processing, printing and delivery to approximately 465,000 customers per month or 22,000 per day for a yearly revenue of \$850 million for water, sewer, solid waste, taxes, fees and mandates.

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

Contract Term

This amendment will extend the end date of the agreement term from June 30, 2023 to June 30, 2026.

Financial Impact

The initial authorization for the Water Services Utility Document Print, Mail, Archive, and Retrieval Services was for an expenditure not-to-exceed \$16,695,000. No additional funds are needed.

Concurrence/Previous Council Action

The City Council approved:

Water Services Utility Document Print, Mail, Archive and Retrieval Services Contract 143079 (Ordinance S-143079) on June 22, 2016.

This item was adopted.

148 91st Avenue Wastewater Treatment Plant Process Piping Rehabilitation - Engineering Services Amendment - WS90100101 (Ordinance S-49716)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 147881 with Brown and Caldwell, Inc. to provide additional Engineering Services for the 91st Avenue Wastewater Treatment Plant Process Piping Rehabilitation project. Further request to authorize execution of amendments to the agreement as necessary within the City Council-approved expenditure authority as provided below.

Summary

The purpose of this project is to update various process piping systems within the 91st Avenue Wastewater Treatment Plant (WWTP). Plants 1 through 3 are in need of rehabilitation and replacement. These process piping systems are exposed, buried and located within the plants' service tunnels. The pipes vary in size from two inches to 24 inches in diameter.

This amendment provides additional time to the agreement.

The 91st Avenue WWTP is owned by the Sub-Regional Operating Group and operated by the City of Phoenix.

Contract Term

The term of the agreement amendment is two years from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional

changes may be executed after the end of the term.

Financial Impact

No additional funding is needed for this amendment.

Concurrence/Previous Council Action

The City Council approved:

Design Services Agreement 142548 (Ordinance S-42518) on May 4, 2016; and

Engineering Services Agreement 147881 (Ordinance S-44759) on June 20, 2018.

Location

91st Avenue WWTP

Council District: 7

This item was adopted.

149 Large Diameter Sanitary Sewer Rehabilitation - Grade 5 and 4 Manholes - Engineering Services Amendment - WS90500273 (Ordinance S-49717)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 150124 with Project Engineering Consultants, LTD., to approve a name change to Consor North America, Inc. and to provide Construction Administration and Inspection Services for the Large Diameter Sanitary Sewer Rehabilitation Grade 5 and 4 Manholes project. Further request to authorize execution of amendments to the agreement, as necessary within the City Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed \$1,150,000.

Summary

On Feb. 14, 2020, the City and Project Engineering Consultants, LTD. entered into the Large Diameter Sanitary Sewer Rehabilitation Grade 5 and 4 Manholes Engineering Services agreement. The City received notification on Dec. 3, 2022, from Project Engineering Consultants, LTD. indicating the name change from Project Engineering Consultants, LTD.

to Consor North America, Inc. and is now operating under the name of Consor North America, Inc.

The purpose of this project is to rehabilitate the higher priority Grade 5 and 4 sanitary sewer manholes as identified by the assessment report.

This amendment is necessary because the project was phased into four design packages versus a single package. The project deliverable was changed to a manhole rehabilitation work sheet versus a typical design sheet. This change increased the overall project duration, as well as the review periods, and this amendment will provide additional time to the agreement.

Project Engineering Consultants, LTD.'s additional services include, but are not limited to: administration of the construction schedule, review of submittals, issue interpretations and clarifications, certify contractor progress payments, inspections, survey, material testing, record drawings and project documents, and field administration.

Contract Term

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

Financial Impact

The initial agreement for Engineering Services was approved for an amount not to exceed \$1.9 million, including all subconsultant and reimbursable costs.

This amendment will increase the agreement by an additional \$1,150,000, for a new total amount not to exceed \$3,050,000, including all subconsultant and reimbursable costs.

Concurrence/Previous Council Action

The City Council approved:

Engineering Services Agreement 150124 (Ordinance S-45716) on June 5, 2019.

This item was adopted.

150 Oracle Customer Care and Billing RTO 2223-WTS-539 - Request for Award (Ordinance S-49720)

Request to authorize the City Manager, or his designee, to enter into an agreement with Ernst & Young, LLP, to provide the Oracle Customer Care and Billing upgrade for the Water Services and Public Works departments. Further request to authorize the City Controller to disburse all funds related to this item. The total value of this agreement will not exceed \$3,998,060.

Summary

The Water Services Department, in conjunction with the Information Technology Services, Public Works and Finance departments, provide a customer information and billing system for water, wastewater, solid waste services, and other applicable taxes and fees.

To ensure performance and customer service remain properly supported by this system, the City is proceeding to upgrade to a current on-premise version of Customer Care and Billing. This agreement will require the vendor to assess the City's cloud readiness posture. The upgrade optimizes the base features while minimizing the customizations to strategically enhance security, streamline processes, increase interoperability/integration, increase customer satisfaction, improve flexibility to meet changing needs, and leverage best practices.

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

Procurement Information

The consultant was selected through a competitive process in accordance with Administrative Regulation 3.10 utilizing the Information Technology Professional Services Qualified Vendors List.

Three vendors submitted offers and are listed below with all bids found to be responsive and responsible. An evaluation committee comprised of City staff evaluated the offers based on the following criteria, with a

maximum possible point total of 1100:
Method of Approach (0-400 points)
Capabilities (0-250 points)
Cost of Services (0-200 points)
Company Qualifications & Experience (0-150 points)
Key Personnel (0-100 points)

After reaching consensus, the evaluation committee recommends award to the following vendor:

Ernst & Young, LLP - 846.93 points

Contract Term

The agreement will begin on or about June 1, 2023, for a three-year term with two one-year options to extend.

Financial Impact

The agreement value for Ernst & Young, LLP, will not exceed \$3,998,060. Funding is available in the Water Services Department's Capital Improvement Program budget.

This item was adopted.

151 Reinforced Concrete Pipe Main Inspection and Assessment Program - Engineering Services Amendment - WS85508001 (Ordinance S-49725)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 151695 with Black & Veatch Corporation, to provide additional Engineering Services for the Reinforced Concrete Pipe Main Inspection and Assessment Program project. Further request to authorize execution of amendments to the agreement as necessary within the City Council-approved authority as provided below.

Summary

The purpose of this project is to continue with a multi-year inspection and assessment program to inspect and assess the condition of approximately 228 miles of reinforced concrete, cast iron, concrete cylinder, ductile iron pipes and other material types of water transmission mains that vary in age throughout the conveyance system.

This amendment will provide additional time to the agreement.

Contract Term

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

Financial Impact

No additional funding is needed for this amendment.

Concurrence/Previous Council Action

The City Council approved:

Engineering Services Agreement 151695 (Ordinance S-46392) on March 4, 2020.

This item was adopted.

152 Large Diameter Sanitary Sewer Rehabilitation - Grade 5 Pipe - Engineering Services Amendment - WS90500273 (Ordinance S-49727)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 150126 with Project Engineering Consultants, Ltd., to approve a name change to Consor North America, Inc. and to provide Construction Administration & Inspection Services for the Large Diameter Sanitary Sewer Rehabilitation - Grade 5 Pipe project. Further request to authorize execution of amendments to the agreement, as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services will not exceed \$1.5 million.

Summary

On Feb. 18, 2020, the City and Project Engineering Consultants, Ltd. entered into the Large Diameter Sanitary Sewer Rehabilitation - Grade 5 Pipe Engineering Services agreement. The City received notification on Dec. 3, 2022, from Project Engineering Consultants, Ltd. indicating the

name changed from Project Engineering Consultants, Ltd. to Consor North America, Inc. and is now operating under the name of Consor North America, Inc.

The purpose of this project is to rehabilitate the Large Diameter Sanitary Sewer System, which includes approximately 220 miles of pipe with diameter sizes greater than 15 inches and over 1,900 sanitary sewer manholes. The 2019 Large Diameter Sanitary Sewer Condition Assessment Report recommended rehabilitation of 55 pipe segments with Grade 5 Structural Rating. Grade 5 pipe segments contain severe defects that are the highest priority to rehabilitate.

This amendment is necessary as the project was phased into four design packages versus a single package, and the project deliverable was changed to manhole rehabilitation work sheet versus typical design sheet. This change increased overall project duration and review periods. This amendment will provide additional time to the agreement.

Project Engineering Consultants, Ltd.'s additional services include, but are not limited to: administer the construction schedule, review of submittals, issue interpretations and clarifications, certify contractor progress payments, inspections, survey, material testing, record drawings and project documents, and field administration.

Contract Term

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

Financial Impact

The initial agreement for Engineering Services was approved for an amount not to exceed \$1.55 million. This amendment will increase the agreement by an additional \$1.5 million, for a new total amount not to exceed \$3.05 million, including all subconsultant and reimbursable costs.

Concurrence/Previous Council Action

The City Council approved Engineering Services Agreements 150126 and 150127 (Ordinance S-45723) on June 5, 2019.

This item was adopted.

153 Request to Amend A Development Agreement with Multiple Developers for Construction of a Relief Sewer Main (Ordinance S-49740)

Request authorization for the City Manager, or his designee, to amend a Development Agreement with Creation RE, LLC, LOFTIN Equipment Company, an Arizona Corporation, TUDO Capital, LLC, a Delaware Limited Liability Company, and Villa Fifty 2, LP, a Delaware Limited Partnership (or their related entities, collectively, referred to herein as the “Developers”), for the design and construction of a relief sewer main. The amendment is to increase the reimbursement dollar amount from \$210,000 to \$665,000. Further request to authorize the City Controller to disburse the necessary funds related to this item.

Summary

The original Development Agreement (DA) provided for the Developers to fund, design, and construct a new relief sewer main located north of Van Buren Road, between 48th Street to 50th Street. The Developers were in the process of developing or redeveloping their respective properties, and the sewer flows resulting from these developments would have placed an existing common downstream sewer main out of its maximum capacity. The new relief sewer main was initially estimated to cost approximately \$330,000 and the City initially agreed to reimburse the Developers an amount not to exceed \$210,000 for its share of the total project cost based on capacity calculation.

During construction, inflation, unforeseen utility conflicts, site conditions, additional rehabilitation efforts, and other changes caused the final construction cost to total \$966,000 and the new City’s share of the cost to be \$665,000. The Developers financed and completed the construction of the sewer relief main and are requesting the City to reimburse the proportional share based on the increased project cost.

Contract Term

The contract term will remain unchanged and will not exceed a five-year period.

Financial Impact

The City will increase its share from \$210,000 to \$665,000.

Funding for this project is available in the Water Services Department Capital Improvement Program budget.

Concurrence/Previous Council Action

The City Council approved: Development Agreement 153928 (Ordinance S-46623) on May 20, 2020.

Location

Council District: 6

This item was adopted.**155 Purchase Supply of Water/Wastewater Disinfectant - Amendment (Ordinance S-49765)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 144726, with DPC Enterprises, Inc. to provide additional funding to the agreement. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in this amendment will not exceed \$6,000,000.

Summary

The purpose of this amendment is to request additional spending authority to continue to provide the Water Services Department (WSD) with the supply of water/wastewater disinfectant. The additional funding will provide the ability for WSD to purchase disinfectant through the remaining term of the contract which expires March 31, 2024. Additional funding is required for future orders until this agreement can be re-solicited. The additional funds are needed as a result of the significant increases in commodity pricing for the disinfectant over the past two years.

This agreement is for the as-needed supply of disinfectant for water and

wastewater treatment plants, which provide the ability to disinfect drinking water and treat wastewater discharge to state and federal regulatory standards.

Agreement Term

The agreement's term will remain unchanged, ending on March 31, 2024.

Financial Impact

Currently, the authorized expenditure is up to \$9,807,572. This request will amend the agreement to increase the not-to-exceed value by an additional \$6,000,000 for a new total value of up to \$15,807,572. Funding for this amendment is available in the Water Services Department's budget.

Concurrence/Previous Council Action

The City Council approved:

Chlorine Agreement 144726 (Ordinance S-43355) on March 22, 2017, for up to \$4,300,000;

Chlorine Agreement 144726 (Ordinance S-47419) on April 7, 2021, for an additional \$553,000; and,

Chlorine Agreement 144726 (Ordinance S-48014) on Oct. 6, 2021, for an additional \$4954,572.

This item was adopted.

156 Pinnacle PCX Instruments and Maintenance Agreement - RFA-2223-WES-464 (Ordinance S-49769)

Request to authorize the City Manager, or his designee, to enter into an agreement with Pickering Laboratories, Inc., to provide Pinnacle PCX Instruments and Maintenance for Water Services Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the agreement will not exceed \$200,000.

Summary

The agreement will provide Water Services the ability to purchase Pinnacle PCX Instruments as well as provide preventative maintenance, parts and labor. The units are used in the analysis of glyphosate by the Environmental Protection Agency (EPA) as required by the Clean Water Act and Safe Drinking Water Act. Maintenance services are necessary to

ensure proper operation of the units and ongoing analysis of drinking water samples to ensure compliance with environmental laws and regulations.

Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved determination memo due to special circumstances being without competition, as there exists a lack of available qualified products, which makes a competitive selection process impracticable, unnecessary, or contrary to the public interest.

Contract Term

The contract will begin on or about July 1, 2023, for a five-year term with no options to extend.

Financial Impact

The aggregate contract value will not exceed \$200,000 for the five-year aggregate term. Funding is available in the Water Services Department operating budget.

This item was adopted.

158 Final Plat - Desert Ridge Mezzo - PLAT 220063 - Southeast Corner of 56th Street and City North Drive

Plat: 220063

Project: 18-2907

Name of Plat: Desert Ridge Mezzo

Owner: ZT 56th Street at 101 NE Owner, LLC

Engineer: Eric L. Sostrom, LLC

Request: A One-Lot Commercial Plat

Reviewed by Staff: April 21, 2023

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 southeast corner of 56th Street and City North Drive
Council District: 2

This item was approved.

159 Final Plat - PV Mixed Use Area Amended - PLAT 230016 - Northwest Corner of Tatum Boulevard and Cactus Road

Plat: 230016

Project: 00-4403

Name of Plat: PV Mixed Use Area Amended

Owner: PV Land SPE, LLC & PV Retail I SPE, LLC

Engineer: Gabriel S. Rios, RLS

Request: A Seven-Lot Commercial Plat

Reviewed by Staff: April 28, 2023

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 northwest corner of Tatum Boulevard and Cactus Road

Council District: 3

This item was approved.

160 Final Plat - PV Redevelopment Phase 2 - PLAT 220080 - Northwest Corner of Tatum Boulevard and Cactus Road

Plat: 220080

Project: 00-4403

Name of Plat: PV Redevelopment Phase 2

Owner: PV Land SPE, LLC

Engineer: Gabriel S. Rios, RLS

Request: A 15-Lot Commercial Plat

Reviewed by Staff: April 28, 2023

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. Plat 230016 must be recorded before this plat. Recording information from Plat 230016 needs to be added to this plat by the surveyor prior to recordation. This plat needs to record concurrently with abandonment ABND 230034. This sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

Location

Generally located at the northwest corner of Tatum Boulevard and Cactus Road
Council District: 3

This item was approved.

161 Final Plat - Algodon Medical Office Park - PLAT 220110 - Southwest Corner of 92nd Avenue and Algodon Way

Plat: 220110

Project: 06-2638

Name of Plat: Algodon Medical Office Park

Owner: John F. Long Properties LLLP

Engineer: Robert J. Blake, RLS

Request: A Two-Lot Commercial Plat

Reviewed by Staff: April 14, 2023

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 92nd Avenue and Algodon Way

Council District: 5

This item was approved.

162 Final Plat - Carioca - 67th Ave & Broadway Road - PLAT 210098 - Northwest Corner of 67th Avenue and Broadway Road

Plat: 210098

Project: 20-2029

Name of Plat: Carioca - 67th Ave & Broadway Road

Owner: Butterfield Trail, LLC

Engineer: Douglas B. Toney, RLS

Request: A One-Lot Commercial Plat

Reviewed by Staff: April 11, 2023

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 northwest corner of 67th Avenue and Broadway Road

Council District: 7

This item was approved.

163 Final Plat - The Henri - PLAT 210102 - East of 7th Avenue and North of Van Buren Street

Plat: 210102

Project: 17-2129

Name of Plat: The Henri

Owner: 6th Van Buren Owner LLC

Engineer: Eric L. Sostrom, RLS

Request: A One-Lot Commercial Plat

Reviewed by Staff: April 4, 2023

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 ABND 210059. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

Location

Generally located at east of 7th Avenue and north of Van Buren Street
Council District: 7

This item was approved.

164 Final Plat - Legacy at Laveen Village - PLAT 230006 - South of Southern Avenue and West of 35th Avenue

Plat: 230006

Project: 20-3413

Name of Plat: Legacy at Laveen Village

Owner: Laveen 12, LLC

Engineer: Mitchell H. Ragsdale, RLS

Request: A One-Lot Commercial Plat

Reviewed by Staff: April 13, 2023

Final Plat requires Formal Action Only

Summary

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

Location

Generally located south of Southern Avenue and west of 35th Avenue
Council District: 7

This item was approved.

165 Final Plat - Quiktrip Store #1449 - PLAT 220049 - Southeast Corner of Lower Buckeye Road and 107th Avenue

Plat: 220049

Project: 21-3370
Name of Plat: Quiktrip Store #1449
Owner: Quiktrip Corporation
Engineer: C. Don Walding, RLS
Request: A Five-Lot Commercial Plat
Reviewed by Staff: April 27, 2023
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 southeast corner of Lower Buckeye Road and 107th Avenue
Council District: 7

This item was approved.

166 Final Plat - Sunset Farms Parcel 18 - PLAT 210071 - East of 99th Avenue and South of Broadway Road

Plat: 210071
Project: 02-2183
Name of Plat: Sunset Farms Parcel 18
Owner: VPAMH Sunset Farms LB, LLC
Engineer: Richard G. Alcocer, RLS
Request: A 154-Lot Residential Plat
Reviewed by Staff: April 14, 2023
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 east of 99th Avenue and south of Broadway Road

Council District: 7

This item was approved.

167 Final Plat - Alta Vista Ranch Subdivision - PLAT 230003 - Southwest Corner of Alta Vista Road and 13th Place

Plat: 230003

Project: 16-3028

Name of Plat: Alta Vista Ranch Subdivision

Owner: Habitat for Humanity Central Arizona

Engineer: Robert J. Blake, RLS

Request: A 25-Lot Residential Plat

Reviewed by Staff: April 19, 2023

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 Alta Vista Road and 13th Place

Council District: 8

This item was approved.

168 Abandonment of Easement - ABND 230034 - 4568 East Cactus Road (Resolution 22126)

Abandonment: ABND 230034

Project: 00-4403

Applicant: Scott Wagner

Request: To abandon a portion of 20-foot Water/Sewer East per Book 168, Page 6 Maricopa County Recorder; a portion of 20-foot Water/Sewer Easement per Book 211, Page 10 Maricopa County Recorder; a portion of 20-foot Water/Sewer Easement Book 333, Page 26 Maricopa County Recorder; and a portion of a 20-foot Water/Sewer Easement per Book 338, Page 42 Maricopa County Recorder.

Date of Decision/Hearing: May 1, 2023

Summary

The resolution of this abandonment and PLAT 220080 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

4568 E. Cactus Road
Council District: 3

Financial Impact

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

This item was adopted.

169 Abandonment of Easement - ABND 210059 - 4th Avenue, 5th Avenue and Van Buren Street (Resolution 22123)

Abandonment: ABND 210059

Project: 17-2129

Applicant(s): Traver Jones, Kimley-Horn, on behalf of Toll Brothers

Request: To abandon the eight-foot and ten-foot public utility easements at the northeast corner of 6th Avenue and Van Buren, as well as an easement retained for public access, public utilities, sidewalk, street light, landscape and drainage located at the northwest corner of 5th Avenue and Van Buren Street.

Date of Decision/Hearing: March 10, 2023

Summary

The resolution of this abandonment and PLAT 210102 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 recorded second.

Location

4th Avenue, 5th Avenue and Van Buren Street
Council District: 7

Financial Impact

Pursuant to Phoenix City Code Article 5, section 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.

No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

This item was adopted.

170 Abandonment of Right-of-Way - ABND 220043 - 3218 East Southern Avenue (Resolution 22125)

Abandonment: ABND 220043

Project: 21-1515

Request: To abandon a portion of the east half of 32nd Street

Date of Decision/Hearing: Sept. 22, 2022

Location

3218 E. Southern Ave.

Council District: 8

Financial Impact

A consideration fee was also collected as part of this right-of-way abandonment in the amount of \$28,000.

This item was adopted.

171 Map of Dedication - PV-Phase I - MOD 230002 - Northwest Corner of Tatum Boulevard and Cactus Road

Map of Dedication: 230002

Project: 00-4403

Name of MOD: PV-Phase I

Owner: PV Land SPE, LLC, PV Retail I SPE, LLC, PV Residential I SPE, LLC, and PV-Phase I Condominiums Association, Inc.

Engineer: Gabriel S. Rios, RLS
Request: Public rights-of-way and easement dedication
Reviewed by Staff: April 28, 2023
Final Map of Dedication requires Formal Action Only

Summary

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

Location

Generally located at the northwest corner of Tatum Boulevard and Cactus Road
Council District: 3

This item was approved.

**172 Amend City Code - Ordinance Adoption - Rezoning Application
PHO-1-23--Z-56-19-2 - Southeast Corner of the 29th Avenue
Alignment and Dove Valley Road (Ordinance G-7112)**

Request to authorize the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on April 19, 2023.

Summary

Application: PHO-1-23--Z-56-19-2
Existing Zoning: C-2 M-R NBCOD
Acreage: 10.29

Applicant: Thompson Thrift
Owner: Britmet Ventures LLC
Representative: Berry Riddell LLC

Proposal:

1. Request for review and approval by the Planning Hearing Officer for site plan and elevations per Stipulation 1.
2. Deletion of Stipulation 1.e. regarding incorporation of natural drainage

features.

Staff Recommendation: Approval, subject to stipulations.

VPC Recommendation: The North Gateway Village Planning Committee heard this case on April 13, 2023, and recommended approval, by a vote of 4-0.

PHO Recommendation: The Planning Hearing Officer recommended approval with a modification and additional stipulations.

Location

Southeast corner of the 29th Avenue Alignment and Dove Valley Road

Council District: 2

Parcel Address: N/A

This item was adopted.

173 Modification of Stipulation Request for Ratification of April 19, 2023, Planning Hearing Officer Action - PHO-2-23--Z-98-05-7 - Southeast Corner of 51st Avenue and Roosevelt Street

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on April 19, 2023. This ratification requires formal action only.

Summary

Application: PHO-2-23--Z-98-05-7

Existing Zoning: A-1

Acreage: 18.93

Owner: Phoenix Van Buren Properties LLC

Applicant: Michael Buschbacher, Earl & Curley PC

Representative: Taylor Earl, Earl & Curley PC

Proposal:

1. Modification of Stipulation 1 regarding general conformance with the site plan date stamped Oct. 23, 2007.
2. Deletion of Stipulation 2.B. regarding shaded seating areas.
3. Deletion of Stipulation 2.C. regarding landscaping at 51st Avenue and

Van Buren Street.

4. Modification of Stipulation 2.D. regarding landscaping at entrance drives.

5. Deletion of Stipulation 3 regarding right-of-way dedication for 51st Avenue.

6. Deletion of Stipulation 4 regarding right-of-way dedication for Van Buren Street.

7. Deletion of Stipulation 5 regarding right-of-way dedication for 51st Avenue and Van Buren Street.

8. Deletion of Stipulation 7 regarding transit infrastructure on 51st Avenue.

9. Technical corrections to Stipulations 2 and 6.

VPC Action: The Estrella Village Planning Committee was scheduled to hear this case on April 18, 2023, but did not have a quorum.

PHO Action: The Planning Hearing Officer recommended denial as filed and approval with modifications and additional stipulations.

Location

Southeast corner of 51st Avenue and Roosevelt Street

Council District: 7

Parcel Address: N/A

This item was approved.

40 Public Hearing on the 2023-28 Capital Improvement Program

As required by the City Charter, this item requests the City Council conduct a public hearing on the 2023-28 Capital Improvement Program for purposes of receiving public comments.

Discussion

Introducing Item 40 as a public hearing on the 2023 to 2028 Capital Improvement program, Mayor Gallego declared the public hearing open. There being no members of the public to speak, Mayor Gallego declared the public hearing closed.

The hearing was held.

41 Adoption of the 2023-28 Capital Improvement Program (Resolution

22127)

Request City Council approval of a resolution adopting a 2023-28 Capital Improvement Program (CIP) for the City of Phoenix. This resolution does not appropriate or commit any public funds, but represents an endorsement of the proposed capital improvements and the five-year plan of expenditure as a reasonable and desirable plan to be accomplished by the City. A five-year capital plan is considered a best financial practice.

Summary

The Five-Year CIP is a plan for the replacement, expansion and improvement of city infrastructure, facilities and technology used to deliver community services. It is financed from pay-as-you-go funds, property tax and revenue supported bond proceeds, federal, state and other participation funds, passenger facility charges, customer facility charges, participation by other governmental entities in certain projects, development impact fees, capital grants, capital reserves, solid waste remediation funds and other capital funding sources.

The Preliminary Five-Year CIP was presented to the City Council on March 21, 2023. The 2023-28 CIP proposed for adoption includes adjustments to reflect carryovers and known cost and resource changes.

The City Charter requires that the Five-Year CIP be adopted by resolution following the advertised public hearing, which this year will take place at the Formal meeting on May 31, 2023.

Adoption of the resolution (**Attachment A**) does not commit any funds, but represents an endorsement of the CIP as a desirable plan to be accomplished over the next five years. The first year of the CIP is adopted by ordinance as part of the annual budget adoption process, which provides the only authority to commit funds.

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

42 Public Hearing on Adoption of the Tentative 2023-24 Annual Budget Ordinances

As required by the City Charter and State statute, this item requests the City Council conduct a public hearing on the adoption of the tentative 2023-24 Annual Budget ordinances (see **Attachments A and B** for additional information).

Discussion

Mayor Gallego stated that Item 42 was a public hearing on the adoption of the tentative 2023-2024 annual public budget ordinance and declared the public hearing open. Mayor Gallego asked the City Clerk Denise Archibald to confirm if there were any speakers present to speak.

Ms. Archibald confirmed that Anne Ender, a member of the public, was present to speak.

Ms. Ender thanked the Council, City Manager Jeffrey Barton, Budget and Research Director Amber Williamson, and their team for crafting a budget that addressed the needs of the city, particularly the funding for employees and public safety.

Mayor Gallego declared the public hearing closed.

The hearing was held.

43 Adoption of the Tentative 2023-24 Annual Budget (Ordinance S-49709)

An ordinance (**Attachment A**) adopting the tentative estimates of the amounts required for public expense for operating funds for the City of Phoenix for the fiscal year 2023-24; adopting a tentative budget; setting forth the receipts and expenditures and the amounts estimated as collectible for the fiscal year, and the amount proposed to be raised by

direct property taxation for primary and secondary purposes; giving notice of the time and place for hearing taxpayers and for adoption of the budget and fixing the tax levies.

Concurrence/Previous Council Action

This reflects the budget approved by the Council on May 16, 2023 and complies with the requirements set forth in the City Charter and Code and State Statutes. Final adoption is scheduled for June 14, 2023.

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

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego

No: 1 - Councilman Waring

44 Adoption of the Tentative 2023-24 Capital Funds Budget (Ordinance S-49791)

An ordinance (**Attachment A**) adopting the tentative Capital Funds Budget for the City of Phoenix for the Fiscal Year 2023-24.

Summary

This adopts the tentative 2023-24 Capital Funds Budget for the fiscal year beginning July 1, 2023, and ending June 30, 2024. The Capital Funds Budget will be funded by property tax and revenue supported bond proceeds, federal, state and other participation funds, passenger facility charges, customer facility charges, participation by other governmental entities in certain projects, development impact fees, capital grants, capital reserves, solid waste remediation funds and other capital funding sources.

Final adoption is scheduled for June 14, 2023.

Concurrence/Previous Council Action

The 2023-24 Capital Funds Budget is included in the Five-Year Capital

Improvement Program resolution, also requested for Council approval on the May 31, 2023, Formal Agenda and complies with requirements set forth in the City Charter and Code and State Statutes.

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

45 Adoption of the Tentative 2023-24 Reappropriated Funds Budget (Ordinance S-49710)

An ordinance (**Attachment A**) adopting the tentative Reappropriation Budget for items of expenditure previously adopted as part of the 2022-23 Fiscal Year Operating and Capital Funds Budgets of the City of Phoenix but remaining as unexpended funds as of June 30, 2023.

Summary

This adopts the Tentative 2023-24 Reappropriated Funds Budget Ordinance. Council approved contracts can span multiple fiscal years and budget appropriations expire on June 30 of each fiscal year. This ordinance re-establishes the spending authority for remaining payments to vendors on outstanding contract balances for goods and services to be received during Fiscal Year 2023-24.

This complies with requirements set forth in the City Charter and Code and State Statutes.

Discussion

After her vote Mayo Gallego thanked the staff who worked on bringing the budget forward and the residents who participated in the meetings.

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

47 Repeal Existing Pay Ordinance S-47689 and Adopt New Ordinance for New Rates and Compensation (Ordinance S-49802)

Request the City Council to repeal Ordinance S-47689, and all amendments thereto, and to adopt a new ordinance for new rates and compensation.

One facet of the new ordinance, effective July 10, 2023, the first day of the first full pay period of the new fiscal year, implements City Council-approved gross pay rates and other compensation for the one-year period included in the Fiscal Year (FY) 2023-24 Memoranda of Understanding, as defined under the Meet and Confer Ordinance. This portion also includes gross rates and other compensation for employees covered by the Meet and Discuss Ordinance, and gross pay rates and other compensation for all unrepresented employees.

Another facet of the new ordinance implements a new pay structure to become effective Aug. 7, 2023, to implement the recommendations of Kaneko and Krammer Corp., dba Koff & Associates, Inc., resulting from the Citywide Classification and Compensation Study.

Summary

Changes Effective July 10, 2023

This new Pay Ordinance includes items which are part of the Memoranda of Understanding with the five Meet and Confer employee groups that were approved by the City Council through Formal Resolution on May 3, 2023. Administrative Regulations and other policy documents will be amended to address items agreed to with the employee groups that are not part of the Pay Ordinance.

The new Pay Ordinance outlines changes to pay rates and other compensation for employees covered by the Meet and Confer

Ordinance, employees covered by the Meet and Discuss Ordinance, and employees represented by the City Manager, such as confidential office and clerical, middle managers, and executives. This is consistent with the City Council's actions adopting the FY 2023-24 Memoranda of Understanding (MOUs). This is also consistent with the City Manager's authority to approve FY 2023-24 Memoranda of Agreement (MOAs) for employee associations; and to approve pay rates and other compensation for employees represented by the City Manager.

Changes Effective Aug. 7, 2023

The new Pay Ordinance also outlines the new pay structure resulting from the Citywide Classification and Compensation Study. In 2021, the City partnered with Koff & Associates, a human resources firm, to perform a comprehensive job evaluation and market analysis of nearly 900 Citywide jobs. The key objectives of the study were to ensure that the City's job classifications were accurate and up to date, that the City has an equitable and market-based pay structure, defined career paths, and training opportunities, and that the City has the best talent retention in the market to make the City a destination employer for future generations. Salary data from other agencies was gathered to provide the City with useful information about how job classifications are paid in comparison to positions in other organizations.

The proposed language for the FY 2023-24 Pay Ordinance is included in **Attachment 1**. Separate reports of updates to the existing pay structure by job code effective July 10, 2023, through Aug. 6, 2023, and the new pay structure by job code effective on Aug. 7, 2023, are included in Exhibits A and B to **Attachment 1**.

Concurrence/Previous Council Action

City Council provided approval to enter into a contract with Kaneko and Krammer Corp., dba Koff & Associates, Inc., to provide Classification and Compensation Study services on March 17, 2021.

City Council approved by Formal Resolution the Memoranda of Understanding with the five Meet and Confer groups on May 3, 2023.

Discussion

Councilwoman O'Brien stated that constituents had concerns about

common class areas and asked Human Resources Director David Mathews to explain the memo.

Mr. Mathews stated that the corrected memo that was submitted that morning corrected three positions that were civilians in the police department. He added that the memo was to correct errors that were found the day prior regarding alignment within the department.

Councilwoman O'Brien expressed her appreciation for the diligence to correct the errors. She also asked questions regarding the engineer classification of the class and comp study provided to the Local 493 Fire Department

Mr. Mathews stated that the concern brought forth was regarding the position of the engineer classification within the pay structure. He clarified that the class and comp study was being implemented in the city's pay ordinance similarly to other's where an individual would go into a new pay plan at a step that is closest to their current rate of pay without going under.

Councilwoman O'Brien asked if there were any steps in the future to look into the engineer classification.

Mr. Mathews reiterated that the pay structures top range was implemented according to the class and comp study. He stated that the concern was regarding which step and individual would go to. Mr. Mathews explained that an individual could come in at step 14 of a 17 step pay plan and move up the pay structure as they reach their merit dates.

Councilwoman O'Brien thanked Mr. Mathews.

Councilwoman Guardado expressed her excitement for staff's work on the item. She mentioned that she had received feedback regarding the lack of staffing in 2019 and long wait times for city services. Councilwoman Guardado stated that the council had worked diligently to study the wages and change them to retain employees and ensure current employees were not being overworked. She mentioned the death

of Pamela Cooper, a 9-1-1 operator who was pushed to work a 16-hour mandatory overtime shift after having recovered from COVID-19. Councilwoman Guardado also mentioned that low pay for solid waste equipment operators saw a shortage in workers reiterating the importance to address the wages in the city. She thanked Assistant City Manager Lori Bays and City Manager Jeffrey Barton for their work on the pay ordinance. She continued mentioning staffing shortages in public city pools and the Head Start Program. She commended staff for the work on the new pay structure pay ordinance.

Councilman Waring expressed the fire departments concerns with other positions having the ability to advance faster within the proposed pay structure. He explained that individuals were concerned that some job classifications would benefit from the new pay structure more expeditiously than others. Councilman Waring asked staff to address the concerns regarding the disparity of application of the pay structure across various city job classifications.

Mr. Mathews stated that the concern Councilman Waring was referencing was rooted in how far off a market a position was. He explained that the further off a market the longer its going to take someone to get back to the top. Mr. Mathews gave the example that if two employees were at their top step and the position is only six percent off market they may get to the top step quicker than someone who is in the middle of their step structure that may take a few more merit increases to get to the top step.

Councilman Waring asked if employees furthest behind in the step structure would now be adversely affected by the adjusted pay structure.

Mr. Mathews explained that the class and comp study was consistent with previous studies clarifying that if a position did not have any additional steps added to it then there was no room for growth because the position was at top market value. He added that if a position was off market there was a future earning potential of five percent annually for individuals.

Councilman Waring asked if individuals were right to be concerned regarding the class and comp study pay structure changes.

Mr. Mathews reassured that staff had implemented the class and comp study consistent with previously implemented studies.

Councilman Waring asked if there were any additional options to the pay structure benefits like bonuses.

Mr. Mathews stated that any change in the pay structure process would have a significant budget impact.

Councilman Waring stated that the matter could be further discussed in the Public Safety and Justice Subcommittee.

Councilwoman Pastor stated that Local 493 was supportive of the class and comp study clarifying that their concern was regarding the engineer classification which was 25 percent behind other cities. She asked council for the process of addressing the classifications noting concerns with employee acquisition challenges. Councilwoman Pastor requested a timeline of when the Human Resources Department would address the gaps in wages compared to other cities.

Mr. Mathews stated that staff was working towards implementing the pay structures on August 7, 2023. He added that following the implementation staff would address the gaps within the structures in each city department. Mr. Mathews mentioned that additional corrections will be worked on throughout the year.

Vice Mayor Ansari stated that the class and compensation for employees was one of the most significant actions taken by Council in many years. She stated that the city could not provide top notch services for residents without quality and well-compensated employees. She mentioned the hiring of more park rangers and addition of staff to the Planning and Development Department. Vice Mayor Ansari thanked staff for their hard work on the wage increases.

Councilman Robinson stated that the employees he had spoken with had positive feedback regarding the class and comp study noting that concerns like those regarding the fire engineer classification would be addressed. Councilman Robinson commended staff for their work.

Mayor Gallego commended the Human Resources Department's work on the new pay structure. She added that the new pay structure allowed for Phoenix to hire top-notch individuals and fill vacancies.

Jason Henley president of Local 2384 emphasized the need to approve the new pay ordinance. He expressed his gratitude for the comprehensive compensation and classification study. Mr. Henley stated that the proposed pay ordinance would enhance the moral and motivation of workforce and enable the city to attract quality talent to produce high quality services for residents.

PJ Dean, secretary of United Phoenix Firefighters Association, spoke on the concerns of an increase in call volume. He emphasized that Phoenix firefighters deserved to be paid a competitive rate to maintain an adequate workforce. Mr. Dean expressed gratitude to City Manager Jeffrey Barton and added concerns for the fire engineer classification falling 25 percent below market of comparative agencies. He explained that in the proposed pay structure, fire engineers fell behind adding that he was confident a fair and equitable solution to both the employee and taxpayer could be accomplished.

Luis Weisel thanked the Council for the classification and compensation study mentioning concerns with inconsistencies in the pay scale. He asked if the inconsistencies would be addressed after the implementation of the proposal.

Mr. Mathews stated that after implementation concerns regarding any inconsistencies would be addressed with department heads.

Mayor Gallego emphasized that the pay ordinance was only a step of a larger process.

Councilwoman Hodge Washington thanked staff for their implementation of the pay ordinance noting that employees were the city's greatest asset.

Prior to her vote Councilwoman O'Brien expressed her gratitude and the

appreciation of her constituents for the pay ordinance.

A motion was made by Councilwoman O'Brien, seconded by Councilwoman Pastor, that this item be adopted as corrected per the May 31, 2023 memo from the Human Resources Director. The motion carried by the following vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

66 Police Employment Marketing Services RFP HR 22-009 - Request for Award (Ordinance S-49790)

Request to authorize the City Manager, or his designee, to enter into contracts with ON Advertising, Inc., and Lincoln Strategy Group, LLC, to provide employment marketing services for the Human Resources Department and the Police Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed \$1,700,000.

Summary

The Phoenix Police Department faces significant challenges to fill hundreds of vacant positions and maintain necessary staffing levels. These contracts will provide marketing services and advertising using digital and traditional media to promote the Phoenix Police Department as a premier employer for law enforcement careers, attract a diverse pool of qualified applicants, and generate a continuous pipeline of applicants for the next five years. The contracts also include the design and hosting and of a new employment website.

Procurement Information

A Request for Proposal procurement was processed in accordance with Administrative Regulation 3.10.

Four vendors submitted proposals deemed responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following criteria with a maximum possible point total of 1000:

Qualifications and Experience (0-300 points)
Method of Approach (0-450 points)
Price (0-250 points)

After reaching consensus, the evaluation committee recommends awards to the following vendors:
ON Advertising, Inc., 782.5 points
Lincoln Strategy Group, LLC, 762 points

Contract Term

The contracts will begin on or about June 1, 2023, for a five-year term with no options to extend.

Financial Impact

The aggregate value of the two contracts will not exceed \$1,700,000. Funding is available in the Police Department operating budget.

Discussion

Mayor Gallego stated that the police employment marketing services contract had been the focus of some parody accounts. She asked where the marketing would be implemented.

Assistant City Manager Lori Bays stated that the primary market was the Arizona market, but staff would also be reaching out beyond the Arizona market. She added that Police Chief Michael Sullivan or Chief Bryan Chapman would be providing additional information.

Chief Chapman stated that the primary focus was from the southwest United States specifically, Arizona, Texas, California, Washington, Oregon, Nevada, and New Mexico.

Mayor Gallego stated that the marketing budget was 1.7 million dollars a year asking if it was a large budget in comparison to similar marketing efforts.

Chief Chapman asked Mayor Gallego to repeat her question.

Mayor Gallego asked how much was being spent per year.

Ms. Bays stated that it was 1.7 million over the five years but was not evenly distributed. She explained that the first year would have a larger amount and the following four would be approximately 200,000 thousand per year.

Mayor Gallego expressed concerns for the five states that would be advertised to stating that it was too many states to be covered by the 200,000 a year.

Chief Chapman stated that the police department did not write the contract but were grateful for the funding received noting that there were only four recruiting staff. He added that the department was working to augment their digital marketing footprint.

Mayor Gallego stated that her preference was to focus the marketing efforts locally for individuals who are familiar with the community.

Chief Chapman added that the department efforts were focused on local efforts through the pipeline with the cadet program which targeted high school students throughout the Phoenix metro area. He explained that the program consisted of 14 to 19 year-olds who could be onboarded in a volunteer capacity and then transitioned into full-time employment. Chief Chapman also mentioned that the program was maxed out at 50 cadets for the last two year.

Mayor Gallego asked if the contract focused on laterals or new hires.

Chief Chapman stated that it was a broad based approach noting that there was a challenge with putting enough individuals through the academy to fill the several hundred vacancies. He added that the police department was focused on lateral officers within the state and around the country as well as traditional recruit applications from academy graduates.

Mayor Gallego stated that a previous chief had expressed that out-of-state laterals were not a great cultural fit and asked for confirmation that the City of Phoenix had specific values.

Chief Chapman stated that the department hired 5 to 8 percent of lateral applicants. He explained that there were upwards of 500 lateral applicants who did not make it through the process for a myriad of reasons. He reassured Mayor Gallego that the pool of out-of-state lateral transfers was small compared to the overall applicant pool.

Mayor Gallego asked about the two firms that were recommended for support.

Assistant City Manager Lori Bays stated ON Advertising and Lincoln Strategy Group were being recommended with one scoring 782 points and the other scoring 762 points.

Mayor Gallego asked staff to explain the firms expertise's.

Ms. Bays stated that there would be additional staff that needs to be called up to discuss the rating. She added that Human Resources Director David Mathews would approach to discuss.

Mr. Mathews stated that the procurement was conducted in accordance to AR 3.10 where the panel evaluated based on method of approach qualifications and experience as well as pricing adding that the two firms were selected by the committee.

Mayor Gallego asked if staff could present the background of the firms.

Mr. Mathews stated that he did not have the backgrounds readily available.

Councilman Waring mentioned the Public Safety and Justice Subcommittee discussing the lack of success with laterals. He added that a lot of officers had issues with their departments at the time that they were looking to transfer. Councilman Waring expressed concerns for the return on investment. He reiterated Mayor Gallego's concerns that the amount of money allotted was small. He mentioned that more money was spent for a few months of local advertising for their candidacy advertising as councilmembers. Councilman Waring stated that current officers were

the biggest advertising. He asked staff if a larger budget could be discussed to focus where the return on investment was not only five percent of the applicants. He reiterated the challenges the police department had in the recruitment and attrition of the lateral hires. Councilman Waring emphasized the need to focus on the local market and current officers particularly those eligible for retirement.

Chief Chapman reiterated that recruitment was challenging but emphasized that retention was improving. He mentioned that market adjustment and the Public Safety Personnel Retirement System (PSPRS) and Deferred Retirement Option Plan (DROP) Program encouraged individuals to stay beyond five years. Chief Chapman added that recruiting from the academy was also increasing and recognized the need to focus locally. He added that individuals were moving to Arizona on a regular basis and the intention was to cast the broadest net possible to attract candidates from a variety of backgrounds. Chief Chapman explained that the police department was sending recruiting teams to places like Southern California to help expedite the hiring and screening process. Chief Chapman stated that the hiring process was continuously improving,

Councilman Waring thanked Chief Chapman for the improvement to the hiring efforts adding that it still had room to improve. He mentioned a previous focus on military for recruitment noting that the outreach to different states the department was requesting could include digital advertising to military veterans.

Chief Chapman stated that the Phoenix Police Department was a proud participant in the Department of Defense (DOD) Skill Bridge Program which connected military service members with the police department. He mentioned that participation in the program allowed a military service member to come out of their service contract six months early and onboard with the City of Phoenix. Chief Chapman added that DOD Skill Bridge Program applies to various Public Works and Fire Department positions. He stated that the DOD did a lot of the marketing for the police department. He mentioned that the department had only started the program five months prior to the meeting and the Police Department would have note date by the end of the calendar year.

Mayor Gallego stated that she had attempted to get a briefing on the issue noting scheduling conflicts with the Assistant Chief who oversaw procurement. She commended Chief Chapman and mentioned that the Human Resources team had been busy on the classification and compensation item that was approved. She asked that the item be continued to the June 14, 2023, Formal Phoenix City Council meeting.

Councilwoman O'Brien stated that her questions were regarding out-of-state hires reiterating that lateral hires result in five percent of overall hires. She asked for data related to how many new officers as opposed to laterals hired in the department were from out-of-state.

Chief Chapman stated that he did not have the data but could provide the data.

Councilwoman O'Brien stated that if the item were to be continued there was time to present the data. She explained that the police department was experiencing attrition problems agreeing with Councilman Waring that there was still room for improvement. Councilwoman O'Brien commended the department for their innovation and willingness to implement different strategies.

Councilman Robinson asked if the contract would focus regionally.

Chief Chapman stated the contract would focus on the southwest region mentioning that marketing towards the Midwest and east was typically done during times of extreme cold weather. Chief Chapman explained that the contract would focus on social media and digital marketing.

Councilman Robinson expressed his concerns for there not being a more national approach noting that the amount of money being invested may not consist with those advertising goals. He mentioned that students he worked with at Arizona State University (ASU) were on their devices engaged with the digital realm. Councilman Robinson suggested a more expansive budget that would allow for a more diverse outreach. He asked Mr. Mathews if there were metrics or benchmarks implemented to promote the positions to the desired demographics.

Mr. Mathews stated that the contract required the city to approve what targeted groups the vendors are advertising to. He confirmed that the city would decide what type of advertising and the population being targeted.

Councilwoman O'Brien asked how the amount was determined for the contract.

Assistant City Manager Lori Bays stated that a team consisting of Police and Human Resources departments, and Communication Office to determine what types of advertising they would utilize to recommend how much of a budget should be requested for the contract. Ms. Bays recognized that the amount invested seemed meek but emphasized that it was a significant improvement from what the advertising budget was previously for the Police Department.

Councilwoman O'Brien asked how many respondents the Request For Proposal (RFP) received.

Mr. Mathews stated that there were four respondents deemed to meet all the requirements.

Councilwoman O'Brien asked for confirmation that four respondents were evaluated and the two presented were top two based on the scoring rubric.

Mr. Mathews confirmed Councilwoman O'Brien was correct.

Councilwoman O'Brien asked if Councilman Robinson had a reasonable amount that he thought appropriate to suggest for an increase in the proposed budget.

Councilman Robinson explained that he planned to inquire about the advertising that could be done with a 1.7-million-dollar investment. He recalled his campaign advertising noting that it was a large expense expressing concerns that it may not be an adequate investment for public safety.

Councilwoman O'Brien asked if the contract could be changed to include additional funding.

Ms. Bays confirmed that staff could return to Council to request additional funding provided that the city has budgetary capacity for the increase. She added that the contract provided an opportunity to evaluate the return on investment and analyze the metrics to reevaluate the contract and provide additional recommendations. Ms. Bays emphasized that digital marketing allowed for a broader reach ensuring that the city get the largest return on investment possible. She reiterated that the contract allowed the city to implement and evaluate a new strategy of digital marketing and allowed for improvements as necessary.

Beatrice Johnson spoke in opposition of Item 66 stating that the money invested could be alternatively allocated for officer training. She mentioned her experience with police officers and court officials throughout her sister, Dorothy Jean Dale's case after she was struck by a Phoenix driver who showed signs of impairment. She expressed her concerns with court processes urging council to divert the investment to training.

Following the motion to continued Councilwoman Pastor commented that there were not enough cadets within the pipeline of Franklin Police and Fire High School. Councilwoman Pastor asked if the item was brought the Public Safety and Justice (PSJ) Subcommittee.

Ms. Bays stated that hiring and recruiting was discussed every month at PSJ Subcommittee confirming that the contract had not been explicitly discussed but various strategies for police recruiting were discussed on a regular basis.

Councilwoman Pastor thanked Ms. Bays for her confirmation.

A motion was made by Mayor Gallego, seconded by Vice Mayor Ansari, that this item be continued to the June 14, 2023 City Council Formal Meeting. The motion carried by the following voice vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

70 Request to Appropriate, Expend and Disburse Federal Economic Development Initiative/Community Project Funding (Ordinance S-49751)

Request to authorize the City Manager, or his designee, to appropriate and expend Community Project Funding from the United States Department of Housing and Urban Development (HUD). Further request to authorize the City Treasurer to accept and the City Controller to disburse all funds for the life of the grant(s). The total funds received will not exceed \$6,963,927.

Summary

The Office of Government Relations (OGR) helped the City navigate the fast-paced Fiscal Year 2022-23 appropriations process. OGR submitted various projects requesting over \$14.7 million in funding. Of those projects, the Office of Homeless Solutions will receive \$1.9 million in funding for its Homelessness Support Initiative, and the Phoenix Fire Department will receive \$5 million for the Semiconductor Fire Response Station. This is only the second time in a decade that community project funding (known as earmarks) has been available. Each project had to have extensive community engagement and support, as only competitive projects with demonstrated community support were considered. OGR gathered over 35 potential projects from City departments. Each project was thoroughly vetted and reviewed by City management and Council. The appropriations process is extremely competitive, not only on a regional level but nationally as well.

The Office of Homeless Solutions will receive \$1,963,927 and the Phoenix Fire Department will receive \$5 million in community project funding:

The Office of Homeless Solutions will utilize the funding to support efforts around identification and storage of property belonging to

unsheltered individuals. The funds will be used to procure and obtain secure storage containers that will be placed in specific areas within the City and used to safely store property of individuals experiencing homelessness. The funds will also be used for program administration and the equipment necessary to allow staff to manage the assessment, documentation and storage of property.

The Phoenix Fire Department will use the grant funds to acquire land and begin construction on a new five-bay fire station. Funds will be allocated for the initial land use study, environmental and historical preservation review, zoning, costs associated with real property purchase, design and engineering, and construction start.

Contract Term

The grant period of performance begins when the grant agreements are signed by United States Department of Housing and Urban Development and will end on Aug. 31, 2031.

Financial Impact

No matching funds are required and there is no budgetary impact to the City as no general funds are required.

Discussion

Leonard Clark spoke in support of the item. He thanked the Biden Administration for the funding and mentioned the funding going to the Office of Homeless Solutions. He expressed concerns with destruction of property of the homeless population. Mr. Clark reiterated his appreciation for the Biden Administration and Congress for their efforts to provide funding.

Mayor Gallego mentioned her appreciation for the federal partners that worked to provide funding for the City.

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

73 Authorize Revisions to Phoenix City Code Chapter 32 (Ordinance G-7116)

Request to amend Phoenix City Code Chapters 32A (Grading and Drainage), 32B (Floodplains) and 32C (Stormwater Quality Protection) to incorporate requirements of the City's latest Municipal Separate Storm Sewer System Permit from the Arizona Department of Environmental Quality and to update references, correct errors and improve clarity. The permit requires that the City enforce certain requirements, and the proposed code modifications provide for the enforcement basis and should be in place no later than June 30, 2023.

Summary

The City of Phoenix (City) operates the storm sewer system under a Municipal Separate Storm Sewer System (MS4) permit issued under the Federal Clean Water Act from the Arizona Department of Environmental Quality (ADEQ). Administration of the Stormwater Management Program (Program), required by the permit, requires a multi-departmental effort to manage citywide stormwater quality. Generally, the MS4 permit authorizes discharges from the City's stormwater infrastructure into protected surface waters. The City is required by the permit to have authority to enforce certain requirements.

Effective July 1, 2021, the City is operating under a new MS4 permit. The new MS4 permit requires the implementation of new programs and practices and the expansion of existing program elements. New and expanded elements include: a new stormwater post-construction control program, retrofit feasibility study, increased public outreach requirements, expanded inspection and monitoring requirements, and expanded reporting and mapping requirements.

To provide authority to the City for the development of a

post-construction program and achieve consistency with the new permit requirements, changes to City Code Chapters 32A (Grading and Drainage) and 32C (Stormwater Quality Protection) are warranted. For efficiency, Chapter 32B (Floodplains) is simultaneously being updated for clarity and reference corrections.

A summary of revisions to these chapters are as follows:

Chapter 32A - Adds the requirement for submittal of a maintenance manual for permanent post-construction features during the plan review process, clarifies plan submission requirements including clarifying the type of stormwater management plan required, and corrects references, grammar, errors and unclear word usage.

Chapter 32B - Changes departmental titles and responsibilities to match with the restructuring of the Floodplain Management Group from Public Works to the Street Transportation Department, updates to match federal and state regulations and terminology, and the reorganization of sections for clarity.

Chapter 32C - Provides authority to the City for the stormwater post-construction program and adds record keeping requirements associated with that program, revises language to capture new MS4 permit requirements including updating the list of allowable discharges, adds language to clarify City authority to enter settlement agreements and other actions related to compliance issues, corrects references, grammar, word usage, and reorganizes sections for clarity.

Concurrence/Previous Council Action

The revisions were presented to the Development Advisory Board (DAB) Technical Subcommittee on Jan. 19, 2023.

Technical comments were addressed and the revised code changes were presented to the DAB Technical Subcommittee on Feb. 21, 2023. Members of the Subcommittee concurred with the changes and voted to move the code to the DAB for further action.

Staff presented at the DAB on March 16, 2023. The DAB members voted unanimously to recommend approval of these code changes to City Council.

Staff presented at the Transportation, Infrastructure, and Planning City

Council Subcommittee on April 19, 2023. Subcommittee voted unanimously to recommend approval of the code changes by City Council.

Public Outreach

The revisions were presented during two public outreach meetings: one virtual and one in-person to interested parties that represent building and private development organizations and members of the general public. These meetings were advertised broadly through the City's social media channels, the City Clerk's office, the Stormwater Post-Construction Program inventory contact list, the City of Phoenix Homeowner Association's contact list, and the Planning and Development's Self-Certified Professionals mailing list. A special presentation was also requested by, and provide to, the Homebuilder's Association of Central Arizona. City staff met with Valley Partnership and the Arizona Multi-Family Housing Association on May 5, 2023. Additionally, the proposed revisions were posted on a City website for review and outreach was conducted via social media to direct people to the webpage to review and make comments. No comments on the proposed City code changes were received from the public via any of these methods.

Discussion

City Clerk Denise Archibald read the title of the ordinance G-7116.

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

87 Annual Review and Updates to the Neighborhood Services Department's Code Enforcement Policy

Request City Council approval of changes to the Neighborhood Services Department's (NSD) Code Enforcement Policy (CEP), based on the annual review.

Summary

The CEP provides guidelines for enforcement of the Neighborhood Preservation Ordinance, Zoning Ordinance, and portions of other city codes/ordinances enforced by NSD. Each year, staff present a review of the policy with any recommended updates to the City Council, as stated in the policy, which was last updated June 15, 2022.

The CEP is comprised of five sections. Sections I through III of the CEP establish the purpose of standard code enforcement and the notification and enforcement options available to inspection staff; define recidivist person/properties and the possible consequences for repeat offenders; and describe the inspection and enforcement protocols for resident complaints, with exceptions for proactive code enforcement in the immediate area of a complaint and in strategic initiative areas. Section IV includes information encouraging the use of hardship assistance programs for low- and moderate-income households where funding is available. Section V provides guidance for NSD to work cooperatively with other departments and agencies to resolve complex and hazardous cases.

In March 2023, staff provided a presentation to the Community and Cultural Investment Subcommittee on the required annual review of the CEP. The presentation included the following possible updates identified by staff, City Council and the community to clarify and clean up current language and propose additional language to allow deviations from the standard enforcement process to address specific violations:

Additional language addressing hardships related to homelessness and modification of the enforcement process to include increased communication about available resources to support compliance.

Clarification of exceptions regarding health, safety, episodic and egregious violations.

Additional language about enforcement limitations in private communities.
Simplification of the pre-notification requirement regarding confusing recidivist language more appropriately provided in the Notices of Ordinance Violation (NOV).

Revision of the definition of recidivist to 12 months to be consistent with

NSD's strategic enforcement process.

During the presentation, a member of the subcommittee also recommended NSD include a statement of intent in the policy.

Public Outreach

Following the Subcommittee presentation, NSD held three community outreach meetings: two virtual and one in-person. Outreach included social media (FaceBook, Twitter, Next Door, NSD Internet website), Neighborhood Associations listed with the Department, Arizona Multihousing Association and Arizona Association of Realtors. Approximately 56 residents attended the meetings and provided feedback on the proposed changes. Overall, staff received positive feedback and support for the proposed changes, with one resident expressing concern about the proposed language addressing hardships related to homelessness. Additionally, the community provided input specific to short term rental properties and the length of time for NOVs. Based on the feedback, staff added the following recommended changes:

Statement of Intent.

Language to address Short Term Rentals as part of the episodic violations.

Standard timelines for NOV re-inspections, which are part of NSD's existing standard code enforcement practice.

All staff recommended updates to the CEP are highlighted in **Attachment B**, with the current CEP provided as **Attachment A** for reference.

Concurrence/Previous Council Action

On May 3, 2023, the Community and Cultural Investment Subcommittee unanimously recommended City Council approval of the CEP updates by a vote of 4-0.

Discussion

Councilwoman O'Brien asked to make a friendly amendment to motion 87 to include the addition to section 1.6 titled exceptions: violations

include but are not limited to non-permitted events where the owner has been notified but activity continued such as unauthorized parties that occur on commercial properties, events with outdoor entertainment without the appropriate use permit, and mobile vending on properties with complaints from the community. Councilwoman O'Brien explained the additional language served as examples and was not an exclusive list for constituent understanding.

Mayor Gallego asked for the page number of the referenced section and asked her to repeat her motion.

Councilwoman O'Brien restated that it was section one, number six of the section on page 427 of the agenda or page four of the Code Enforcement Policy. She reiterated that her addition would provide examples under the paragraph explaining the episodic violations. Councilwoman O'Brien thanked the staff for their work to provide examples for constituents in the policy.

Councilwoman Guardado asked if staff could explain what the amendment meant.

Neighborhood Services Department (NSD) Director Spencer Self stated that the substance of the update to the code enforcement policy allowed the NSD to address the not regularly occurring issues like short-term rentals or spaces being used for events that were not properly permitted to do so. He explained that Councilwoman O'Brien's amendment would provide examples of the violations.

Councilwoman Guardado asked about implementation and accountability metrics.

Mr. Self stated that NSD led with education and followed up with enforcement when necessary. He explained that issues like noise complaints from a restaurant using outdoor space for events when they did not have the permit to do so would be observed and cited to allow for more accountability.

Councilwoman Guardado thanked Mr. Self for his explanation.

Councilwoman Pastor asked for the definition of episodic violations. She mentioned concerns with accountability and lack of action from NSD regarding short-term rental complaints. She asked if the amendment to the policy would close the gap on the issues with enforcements surrounding incidents that occur at short-term rentals.

Mr. Self stated that in the initial draft of recommended changes to the code enforcement policy staff committed to gathering feedback from the community. He explained that additional ordinance changes regarding short-term rentals were still in progress noting that there was not a particular focus on those concerns. Mr. Self emphasized that the changes were implemented to allow better responsiveness to community concerns. He mentioned that the process was administratively burdensome and kept staff from addressing concerns.

Councilwoman Pastor asked if the amendment would help in areas where an individual gets a permit to host music outside that then goes beyond the time allocated by special permit.

Mr. Self stated that in the situation Councilwoman Pastor was referencing took longer than expected because of the additional steps that were in the previous code enforcement policy reiterating that the amendment allowed for a more timely response.

Councilwoman Pastor asked that the steps be placed within the code enforcement to understand the timeline of enforcement.

Mr. Self stated that pages 425 through 427 contained the standard code enforcement process. He added that the proposed change was to add episodic violations to allow an exception to more expediently through the process. Mr. Self explained that Councilwoman O'Brien's motion provided examples of the type of situations that would be included in the exceptions.

Councilwoman Guardado asked Mr. Self to explain if food trucks were being included in the exceptions.

Mr. Self stated that there was a potential for food trucks to be included if a vacant lot owner received complaints regarding a vendor they allow on the lot. He reiterated that the NSD would be able to address the complaints if they occurred regularly enough through the typical code enforcement but would be expedited through the proposed abridged process.

Councilwoman Guardado expressed her concerns for the adverse impact to food trucks in areas like Maryvale where there is a lack of restaurants constituents have access to. Councilwoman Guardado recommended a secondary motion to continue the item for further discussion particularly regarding the food vendors being added to the episodic violations classification.

Mayor Gallego asked for confirmation if Councilwoman Guardado's motion would be a substitute motion.

City Attorney Julie Kriegh confirmed that there had been a motion and friendly amendment so Councilwoman Guardado's motion would be a substitute motion.

Mayor Gallego asked for Councilwoman Guardado to provide a date for continuation and asked if Councilwoman O'Brien wanted to keep her motion as amended.

Councilwoman O'Brien stated that she was happy to remove the language regarding the mobile vending on properties with complaints from the community as an example. Councilwoman O'Brien stated that her amendment were only examples and she would be happy to remove the language regarding mobile vending as an example.

Vice Mayor Ansari asked if the change proposed addressed Councilwoman Guardado's concern.

Councilwoman Guardado confirmed that she was in agreement with Councilwoman O'Brien's suggestion.

Councilwoman Pastor asked for clarity on the mobile vending language.

She asked why episodic violations were being classified outside of regular violations noting that changing the standard process may be more efficient.

Mr. Self stated that when in reference to mobile vending, food trucks were considered under that classification. He explained that the exception was to address notification stating that NSD wanted to afford individuals the time to come into compliance. Mr. Self outlined the pre-notification process which began with a letter sent out to an offender that is not a recidivist meaning that there was not a case within the last 12 to 24 months after which staff would go out within 10 days to do an inspection at which point if the violation still exists there would be a notice of ordinance violation followed by additional time to come into compliance. He added that a civil citation would be issued unless there is additional conversation to allow additional timing to come into compliance based on a case's particular circumstances. Mr. Self explained that the exception allowed for staff to go through the same processes. He provided an example where staff could preemptively notify short-term rental owners of the common violations which would serve as the first notice. He explained that if a compliance was received a second notice would be sent and staff could work to observe the violation and issue a citation immediately following the observance of the violation. He noted the difference between the episodic nature of such violations in comparison to a broken fence or weeds that are present until addressed.

Councilwoman Pastor asked that enforcement processes be changed as a whole expressing her feedback from NSD regarding challenges with enforcement.

Mayor Gallego moved to continue the item to June 14, 2023 and asked Councilwoman Guardado if she agreed.

Councilwoman Guardado agreed.

A motion was made by Councilwoman Guardado, seconded by Councilwoman O'Brien, that this item be continued to the June 14, 2023 City Council Formal Meeting. The motion carried by the following voice vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

93 Authorization to Enter into a Development Agreement with IDM Companies for Reimbursement of Public Infrastructure Improvements (Ordinance S-49772)

Request to authorize the City Manager, or his designee, to negotiate and enter into a development agreement and any other agreements as necessary (Agreements), with IDM Companies, or its City-approved designee (Developer), for the reimbursement of public infrastructure improvements. Further request to authorize the City Controller to disburse all funds under the terms of the Agreements.

Summary

Developer is planning to develop approximately 80-acres into several speculative Class A industrial buildings, totaling an estimated 1,240,000 square feet of new construction, along the Loop 202 Ed Pastor South Mountain Freeway (Site). This area is the newest employment corridor in Phoenix and has been named the Loop 202 South Mountain Technology Corridor. The property is currently farmland and has been farmed by the same family for over 70 years. Due to the extensive cost of public infrastructure in comparison to other parts of the City, and in an effort to help attract world-class employers along the Loop 202, the following business terms are being recommended.

Developer will privately finance and construct the public infrastructure improvements including Dobbins and Olney Roads, 63rd and 67th Avenue, a portion of the 63rd and Dobbins intersection and Water and Wastewater lines, as approved by the Planning & Development, Streets Transportation and Water Services departments.

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

These improvements shall be in conformance with the zoning for the Site.

The project must start construction within 18 months of Council authorization.

Developer must comply with Title 34 of the Arizona Revised Statutes in constructing the improvements to qualify for reimbursement, and the specifics and cost of the public infrastructure improvements must be pre-approved by the City in order to qualify for reimbursement.

The City will reimburse the Developer for public infrastructure improvements as listed above and will not exceed a total reimbursement of \$10 million.

No other sources of funds would be used if resources are not adequate to meet the projected construction expenses.

Agreements will include other terms and conditions as deemed necessary by the City.

Reimbursement Terms are as follows:

1. Reimbursement shall be paid on a quarterly basis, in arrears, from the following sources: 100 percent of the City's eligible General Fund portion of the Transaction Privilege Taxes (TPT) collected and received by the City, as verified by the City, from the following categories: construction sales tax, retail sales tax, speculative builder tax and commercial lease tax.
2. The maximum reimbursement amount for the public infrastructure improvements, as they relate to the project, will not exceed \$10 million.
3. Reimbursement shall not exceed actual verifiable costs for the approved Improvements.
4. The term shall begin upon commencement of construction of the first phase of the Improvements, as made evident by the issuance of required permits (Construction Commencement Date), and continue for a period of 10 years or upon the date Developer has received reimbursements totaling the Reimbursement Cap.

The project is vital to activate the Loop 202 South Mountain Technology Corridor. Multiple high-wage employers have short-listed this site for their new location. Phoenix has reached a critical point in the real estate market that makes this investment a possibility, and will bring significant investment in the employment projects in the corridor. The redevelopment of the Site is an important economic development opportunity that will transform the community and yield significant financial

and public benefits for the City above and beyond the TPT revenues generated.

Contract Term

The development agreement will terminate 10 years after the Construction Commencement Date.

Financial Impact

The City's financial impact will be the reimbursement of the eligible General Fund share of the TPT generated from the Site over ten years with a maximum of \$10 million in payments. Financial terms of the Agreements will be provided to the Budget and Research and Finance Departments for review prior to execution of Agreements.

Concurrence/Previous Council Action

This item was recommended for approval by the Economic Development and Equity Subcommittee on April 26, 2023 by a 4-0 vote.

Location

Generally located west of Loop 202 Ed Pastor South Mountain Freeway and Dobbins Road
Council District: 7

Discussion

Vice Mayor Ansari thanked Community and Economic Development Director Christine Mackay for her work on the Loop 202 South Mountain Tech Corridor. Vice Mayor Ansari added that the item approved two industrial tech parks in District 7 with the goal to bring high-wage tech jobs and advanced manufacturing jobs to Laveen. She mentioned that her district office joined Councilwoman Hodge Washington on a tour of Laveen to discuss new developments and share visions for the area. She emphasized the need for needed infrastructure like street improvements and installing water and wastewater lines to ensure that Laveen grows responsibly. Vice Mayor Ansari commended Jeff Gordon and IDM staff for their work on the project.

Councilwoman Hodge Washington thanked Ms. Mackey for her work on the item and thanked IDM Companies for their investment in the

community. She mentioned their investment to 59th Avenue Park and thanked them for their commitment.

Mayor Gallego thanked the councilwomen for their hard work and expressed her excitement for the progress in the South Mountain Technology corridor. She added that the donor worked with the city to recruit high wage jobs reiterating her excitement to approve the item.

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

98 Resolution to Participate in and Support Bid to Host WNBA and NBA All-Star Games and Related Events (Resolution 22128)

Request to authorize a Resolution to express support for, and authorize the City's participation in, the Phoenix Suns' and Phoenix Mercury's bid to host the 2024 Women's National Basketball Association (WNBA) All-Star Game and related events as well as the National Basketball Association (NBA) All-Star Game and related events in the current bid cycle (either 2025 or 2026).

Summary

As part of the NBA and WNBA required bid submittals, the Phoenix Suns/Mercury organization has requested a declaration of support from the City of Phoenix for the 2024 WNBA All-Star Game and 2025 or 2026 NBA All-Star Game bid. This resolution will express the City's support for the bid through the commitment of general government services including: assistance with permitting coordination, licensing and plan reviews; facilitating branding, décor, signage and street pole banners; providing a dedicated Citywide liaison; parking for VIP vehicles and busses; street transportation and traffic coordination; public safety support and emergency preparedness services at no cost; anti-counterfeiting enforcement; temporary signage rights; and use of certain City-controlled venues at no cost for official NBA/WNBA events

and other Suns/Mercury and NBA/WNBA sanctioned activities.

The 2024 WNBA All-Star Game and All-Star 3 Point and Skills Competition would be played at Footprint Center. Major fan-related events, lodging and meeting activities associated with the WNBA All-Star Game would be held in Phoenix. The WNBA Live Fan Festival would be held at the Phoenix Convention Center. These events would take place in July of 2024.

The NBA All-Star Game, All-Star Skills Competition and Rising Stars Challenge would be played at Footprint Center. A secondary arena (to be decided) would host a Celebrity Game, NBA All-Star Practice and the G League All-Star Game. Major fan-related events including Jr. NBA youth basketball, lodging and meeting activities associated with the NBA All-Star Game would be held in Phoenix. A hotel room block commitment of 7,250 rooms on peak would be housed in Downtown Phoenix. The NBA All-Star Fan Zone and related hospitality functions would be held at the Phoenix Convention Center.

Phoenix has successfully hosted these events in the past including WNBA All-Star festivities in 2000 and 2014 and NBA All-Star festivities in 1975, 1995 and 2009. Since 1995, each of these games were hosted in the City-owned Footprint Center. In 2021, the City of Phoenix and the Suns/Mercury completed a \$240 million renovation of the arena, making Footprint Center one of the premier sports and entertainment venues in the nation.

Hosting the NBA/WNBA All-Star games and events in downtown Phoenix will have a significant local impact in terms of media exposure, contributions to community organizations, and visitor spending.

Discussion

Mayor Gallego expressed her excitement to support the item. She added that the City of Phoenix had become known as “Championship Valley” because of their ability to execute the best major marquee, sporting, and mega events. She emphasized that Phoenix made the community the spotlight including most recently with Super Bowl and the preparations for the NBA Men’s Final Four in April 2024 and the Women’s Final Four in

2026. Mayor Gallego mentioned the investment in Downtown stating that the city was learning to leverage the events for economic development, support small businesses, highlight the historic preservation efforts, and promote the food and bar scene. She expressed her excitement for the partnership with the WNBA All-Star game mentioning Britney Greiner and the national support for the player.

Councilman Waring stated he was adamantly opposed to building stadiums but expressed the need to maximize the use of the facility if it is built. He mentioned that the council voted to invest 230 million dollars in building the stadium and emphasized the need to get adequate return of investment.

Councilwoman O'Brien mentioned a project Ms. Mackay was working on noting that the term "Championship Valley" was relevant and helpful. She expressed that she was excited to support the investment to take full advantage of the asset and promoting the city's teams whenever possible.

Mayor Gallego clarified that Ron Price's team at Visit Phoenix first coined the term "Championship Valley". She expressed appreciation for Visit Phoenix for their work on pursuing a diverse set of events. She mentioned the semiconductor meeting and the Summit of the Americas that the city was pursuing.

Devoney Marley CEO of Downtown Phoenix Inc. spoke in support of the item. She mentioned her experience with the Phoenix Suns and Mercury before working for the 2015 Super Bowl and 2016 College Football Playoff National Championship Post Committees overseeing their downtown fan activities. She emphasized the effectiveness of hosting mega events like WNBA and NBA All-Star weekends for promoting the city and economic development. Ms. Marley mentioned that positive impact of mega events had on businesses recovering after the COVID-19 Pandemic. She stated that the City of Phoenix's ability to host mega events was nationally recognized and gave the city a competitive advantage for future opportunities.

A motion was made by Vice Mayor Ansari, seconded by Councilwoman Stark, that this item be adopted. The motion carried by

the following vote:

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

116 Annual Operations Funding Agreement with Valley Metro Rail for Operational Costs for Light Rail Services for Fiscal Year 2023-24 (Ordinance S-49795)

Request to authorize the City Manager, or his designee, to execute an annual operations funding agreement with Valley Metro Rail, Inc. as required each year by the City and Valley Metro's Operations Master Cooperative Funding Agreement 125068 to pay the City of Phoenix's share of light rail service and agency operating costs for Fiscal Year (FY) 2023-24. Further request to authorize the City Controller to disburse all funds related to this item. The annual agreement's value will not exceed \$54,158,000.

Summary

The operations and maintenance budget of Valley Metro Rail, Inc. (VMR) includes costs for: transportation contractors, propulsion power, vehicle maintenance, systems/facilities maintenance, materials and supplies, VMR staff, safety, consultants, regional customer services, utilities, liability insurance, and general and administrative expenses.

Financial Impact

For FY 2023-24, the City's total estimated share of VMR's cost is \$54,158,000, broken down as follows:

Agency costs - \$1,652,000; and

Operating costs for light rail service - \$52,506,000.

Funding is available in the Public Transit Department's Operating budget using Transportation 2050 funds.

Note: Councilman Waring left the voting body.

A motion was made by Vice Mayor Ansari, seconded by

Councilwoman Pastor, that this item be adopted. The motion carried by the following vote:

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego

No: 1 - Councilman Waring

125 Amend City Code to Establish the Shared Micromobility Program (Ordinance G-7113)

Request to amend Phoenix City Code chapters 4, 23, 24, 31, 36 and 39 to establish a Shared Micromobility Program; enact related regulations; and allow for the permanent use of electric scooters on public streets citywide.

Summary

On June 26, 2019, City Council approved Ordinance G-6602 establishing a Downtown Shared Electric Scooter (e-scooter) Pilot Program (Pilot Program) and amending Phoenix City Code to incorporate a definition for an electric standup scooter and legalizing e-scooter operation on public streets with revocable dockless electric standup scooter share permits. Additionally, the ordinance authorized 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. The ordinance had a one-year sunset provision.

The ordinance was extended four times to extend the Pilot Program and sunset provision to allow staff time to research, develop and implement a new permanent program. The ordinance is now set to expire on June 30, 2023.

On Dec. 14, 2022, City Council approved the Shared Micromobility Program (Micromobility Program) to replace the Pilot Program, and the program launched on Jan. 20, 2023. Phoenix City Code needs to be amended to reflect the updated definitions, terms and provisions of the new Micromobility Program. The amendment also needs to allow for the permanent use of e-scooters on public streets citywide.

Shared Micromobility Program

The Micromobility Program built upon the Pilot Program by expanding the program boundaries and the types of vehicles available. The Micromobility Program vendors were also selected using a competitive procurement process and operate under City contracts rather than a revocable permit that was used during the Pilot Program.

If approved, this request will amend Phoenix City Code to align with the new Micromobility Program by adding a definition of micromobility and removing references to the revocable dockless electric standup scooter share permits. The ordinance will also update the term “standup electric scooters” to “electric scooters, e-scooters” to allow for additional vehicle types to be used in the Micromobility Program and by residents who own electric scooters.

Additionally, the sunset provision that currently allows e-scooters to operate on public streets in the City will become permanent. To support the safe use of e-scooters, the amendment will also clarify that e-scooters should be operated at a speed that is reasonable and prudent under the existing conditions. It also adds a section on disposition of abandoned e-scooters that mirrors the electric bicycle regulations, required equipment, and applicability of traffic laws and bicycle laws.

The Street Transportation Department will provide an update to the Transportation, Infrastructure and Planning Subcommittee at its September 2023 meeting on the first six months of operation of the Micromobility Program.

Electric Bicycles

Currently, Phoenix City Code uses the term “motorized electric bicycle” when referring to electric bicycles. The amendment will remove the word motorized and update the term to “electric bicycle,” which is used in the Arizona Revised Statutes.

Financial Impact

There is no financial impact to the City of Phoenix to update the Phoenix City Code.

Concurrence/Previous Council Action

The Transportation, Infrastructure and Planning Subcommittee:
Was provided with information on the proposed Comprehensive Micromobility Program on Oct. 20, 2021;
Recommended approval to issue a solicitation for the program on April 20, 2022, by a vote of 4-0; and
Recommended approval to amend Phoenix City Code to establish the Shared Micromobility Program on May 17, 2023, by a unanimous vote.

The Economic Development and Equity Subcommittee:
Was provided an update on the Shared Micromobility Shared Revenue Contract Solicitation on Dec.13, 2022.

The City Council approved:

The Pilot Program (Ordinance G-6602) on June 26, 2019;
A Pilot Program extension and a sunset provision extension (Ordinance G-6676) on Feb. 19, 2020;
A sunset provision extension (Ordinance G-6772) on Dec. 2, 2020;
A Pilot Program extension and a sunset provision extension (Ordinance G-6823) on March 17, 2021;
A Pilot Program extension, a sunset provision extension and the allowance of electric bicycles on public streets citywide (Ordinance G-6967) on March 2, 2022;
The issuance of a Request for Proposals to operate a Comprehensive Micromobility Program in Phoenix on May 11, 2022; and
The award of the Revenue Contract Solicitation to two micromobility vendors to operate shared micromobility services in Phoenix (Ordinance S-49256) on Jan. 14, 2022.

Responsible Department

This item is submitted by Deputy City Manager Alan Stephenson and the Street Transportation Department.

Discussion

Phoenix City Clerk Denise Archibald read the title of ordinance G-7113 related to Item 125.

Patrick McDaniel, Director of Advocacy for Phoenix Community Alliance

spoke on behalf of the multimodal connectivity committee mentioning their role in adopting the Micromobility Program. He spoke in support of the item and commended the council for their efforts to increase mobility for all residents. Mr. McDaniel mentioned that numerous economic studies had shown that micromobility programs often helped food, restaurant, and beverage institutions. Mr. McDaniel asked council to evaluate the RFP for the Micromobility Program that established that roughly 600 bikes or e-bikes would be placed throughout the city. He added that the Streets Transportation Department estimated roughly bikes or e-bikes should make up 20 percent of the assets deployed, but they only make up 5 percent of the assets deployed at that time. He asked council to evaluate the market of providers of the bikes and e-bikes and address the lack of assets being provided.

Mayor Gallego thanked Mr. McDaniel for his testimony.

Prior to her vote Councilwoman Pastor stated that the Economic Development and Equity Subcommittee had discussed the item and the Transportation, Infrastructure, and Planning subcommittee were working to address the implementation of the RFP. She added that she was making a directive towards staff to get the bikes out.

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

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego

No: 0

Absent: 1 - Councilman Waring

126 Amend Chapter 2, Article XLIII, Phoenix City Code, Relating to Vision Zero Community Advisory Committee (Ordinance G-7114)

Request City Council amend Phoenix City Code, Chapter 2, Article XLIII, section 2-1803(C), Vision Zero Community Advisory Committee, to incorporate updates on meeting frequency.

Summary

Currently, Chapter 2, Article XLIII, section 2-1803(C) states the Committee shall hold quarterly meetings. Proposed changes include updating the language to allow meetings to be held as needed but not less than quarterly.

Concurrence/Previous Council Action

City Council approved an amendment to Phoenix City Code to add Article XLIII to Chapter 2, establishing a Vision Zero Community Advisory Committee to assist in implementing the Road Safety Action Plan - Moving to Vision Zero (Ordinance G-7069) on Jan. 25, 2023.

Discussion

City Clerk Denise Archibald read the title of ordinance G-7114.

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

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego

No: 0

Absent: 1 - Councilman Waring

127 Amend City Code - Section 36-158, Schedule I, Local Speed Limits at 25 Locations (Ordinance G-7115)

Request to amend Phoenix City Code, section 36-158, Schedule I, Local Speed Limits due to record keeping and local speed limit changes at 25 locations.

Summary

Speed limits are established under Arizona Revised Statutes, section 28-703, which requires an "engineering study and traffic investigation." The Phoenix City Code and Charter require that all local speed limits on City streets be approved by City Council in the form of an amendment to Phoenix City Code, as shown in **Attachment A**.

The Street Transportation Department (Streets) conducted a comprehensive review of the speed limit ordinance and is recommending record keeping and local speed limit changes at 25 locations, as summarized in **Attachment B**. Thirteen changes are for record keeping purposes, where speed limits posted on City streets do not match the speed limits included in the current ordinance or where street segments included in the current ordinance are not maintained by the City. The twelve other changes are related to road and traffic conditions. As with all recommended speed limit changes, they are based on traffic investigations conducted with the engineering judgment of Streets staff.

If approved, Streets staff will make on-street speed limit signage changes as necessary within 90 days.

Concurrence/Previous Council Action

The Transportation, Infrastructure and Planning Subcommittee recommended approval of this item on May 17, 2023, by a vote of 4-0.

Discussion

City Clerk Denise Archibald read the title of ordinance G-7115.

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

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego

No: 0

Absent: 1 - Councilman Waring

135 Fire Station 74 - Architectural Services - FD57100020 (Ordinance S-49739)

Request to authorize the City Manager, or his designee, to enter into an agreement with Perlman Architects of Arizona, Inc., to provide Architectural Services that include design and possible construction administration and inspection services for the new Fire Station 74 project. Further request to authorize execution of amendments to the agreement,

as necessary, within the City 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 \$495,000.

Additionally request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate to execute all design and construction agreements, licenses, permits and requests for utility services related to the development, design and construction of the project. Such utility services include, but are not limited to, electrical, water, sewer, natural gas, telecommunication, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to build a new 12,000 square foot fire station with three apparatus bays that will enable the Phoenix Fire Department to support the surrounding neighborhood to increase speed of delivery and to significantly reduce response times. Due to the extensive growth in the area, it has become vital to build Fire Station 74. It is proposed to use the existing design replicated from Fire Station 55 and site-adapt it to the City-owned property located on the northwest corner of 19th Avenue and Chandler Boulevard. Perlman Architects of Arizona, Inc., as the Architect of Record of Fire Station 55, is uniquely qualified to immediately provide a turnkey set of plans for Fire Station 74.

Services provided by Perlman Architects of Arizona, Inc., include, but are not limited to: replicate and site-adapt design and preparation of plans and specifications; structural, mechanical, plumbing, electrical, civil, survey and geotechnical engineering design services; fire protection design; landscape design; post design services and other work for complete design; and construction administration and inspection services through to obtaining substantial completion, punch-list development, final and warranty walkthrough, and other services as required to support successful completion of the work and City interests.

Procurement Information

Perlman Architects of Arizona, Inc., was chosen for this project using a Direct Select process set forth in section 34-103 of the Arizona Revised Statutes. The Direct Select process will benefit the project through design savings based on replicating an existing design and will also expedite the procurement process resulting in a savings of several months.

Contract Term

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

Financial Impact

The agreement value for Perlman Architects of Arizona, Inc., will not exceed \$495,000, including all subconsultant and reimbursable costs.

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

Public Outreach

The firm will work with the City of Phoenix on public outreach, if needed.

Location

19th Avenue and Chandler Boulevard
Council District: 6

Note: Councilman Waring rejoined the voting body.

Discussion

Councilman Robinson mentioned a community event in Ahwatukee held by the District 6 office. He added that the community was supportive of the fire station on East Chandler Boulevard.

Mayor Gallego stated that she looked forward to supporting the architectural contract with Perlman Architects of Arizona who built Fire Station Five. She expressed excitement for moving the item forward.

Prior to her vote Vice Mayor Ansari congratulated Councilman Robinson and Mayor Gallego.

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

138 Light Rail Capitol and I-10 Extension Water and Sewer Design Review and Construction Inspection Oversight Services - WS85500330 and WS90500224 (Ordinance S-49763)

Request to authorize the City Manager, or his designee, to enter into an agreement with Brown and Caldwell, Inc., to provide Engineering Services for the Light Rail Capitol and I-10 Extension Water and Sewer Design Review and Construction Inspection Oversight Services project. Further request to authorize execution of amendments to the agreement, as necessary within the City Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed \$1.6 million.

Additionally, request to authorize the City Manager, or his designee, to take all action as may be necessary or appropriate and to execute all design and construction agreements, licenses, permits, and requests for utility services relating to the development, design and construction of the project. Such utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this transaction of indemnification

and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18. This authorization excludes any transaction involving an interest in real property.

Summary

The purpose of this project is to provide design review and independent construction inspection oversight services on behalf of the City of Phoenix Water Services Department for the Light Rail Capitol Extension and future potential I-10 Extension projects. This project site is planned along Washington and Jefferson streets from 3rd Avenue to 19th Avenue.

Brown and Caldwell, Inc.'s services include, but are not limited to: review of design and construction plans; construction inspection and oversight; coordination of the pipeline relocation schedule; coordination of pipeline shutdown and startup plans; and coordination and review of pipeline disinfection, including procedures and compliance.

Procurement Information

The selection was made using a qualifications-based selection process set forth in section 34-603 of the Arizona Revised Statutes (A.R.S.). In accordance with A.R.S. section 34-603(H), the City may not publicly release information on proposals received or the scoring results until an agreement is awarded. Eight firms submitted proposals and are listed below.

Selected Firm

Rank 1: Brown and Caldwell, Inc.

Additional Proposers

Rank 2: Wilson Engineers, LLC

Rank 3: Entellus, Inc.

Rank 4: Stanley Consultants, Inc.

Rank 5: Kimley-Horn and Associates, Inc.

Rank 6: Consultant Engineering, Inc.

Rank 7: Greeley and Hansen LLC

Rank 8: Ardurra Group, Inc.

Contract Term

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

Financial Impact

The agreement value for Brown and Caldwell, Inc. will not exceed \$1.6 million, including all subconsultant and reimbursable costs.

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

Location

Washington and Jefferson streets from 3rd Avenue to 19th Avenue
Council District: 7

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

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego

No: 1 - Councilman Waring

144 Phoenix Bus Rapid Transit Program Planning Support Services - Professional Services Amendment - PT00400001 (Ordinance S-49789)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 149143 with HDR Engineering, Inc. to provide additional Professional Services for the Phoenix Bus Rapid Transit Program Planning Support Services project. Further request to authorize execution of amendments to the agreement, as necessary within the City

Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed \$5.5 million.

Summary

The purpose of this project is to develop the initial Bus Rapid Transit (BRT) corridor of 35th Avenue and Van Buren Street. In 2015, Phoenix voters approved Proposition 104, creating the 35-year street and transit plan known as Transportation 2050 (T2050) which identified BRT as a key component to continue expanding the City's high-capacity transit network. BRT is a high-capacity bus service that focuses on improved speed, reliability, convenience and the overall transit experience. There are common recurring elements found in successful BRT systems, such as: advanced fare collection, enhanced stations, dedicated lanes, custom buses, transit spot improvements and unique branding.

This amendment is necessary because the BRT Program for the approved BRT corridor of 35th Avenue and Van Buren Street requires: increased and focused community education, stakeholder outreach and business owner engagement throughout the proposed corridor; conducting meetings to refine corridor alternatives to align priorities and balance amenities, benefits and impacts; continuing coordination with ongoing and correlating projects along the corridor; and preparing efforts for Phase 3 of community and business engagement for the Alternatives Analysis. This amendment will provide additional funds to the agreement.

Contract Term

The term of the agreement remains at six years from issuance of the Notice to Proceed of March 15, 2019. The work scope identified and incorporated into the agreement prior to the end of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

Financial Impact

The initial agreement for Professional Services was approved for an amount not to exceed \$3 million, including all subconsultant and reimbursable costs.

This amendment will increase the agreement by an additional \$5.5

million, for a new total amount not to exceed \$8.5 million, including all subconsultant and reimbursable costs.

Funding for this amendment is available in the Public Transit Department's Transportation 2050 fund. The Budget and Research Department will separately review and approve funding availability prior to the execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

Concurrence/Previous Council Action

The Citizen Transportation Commission (CTC) Subcommittee and Transportation, Infrastructure and Planning (TIP) Subcommittee:

The CTC recommended approval of the award recommendation to the Transportation and Infrastructure (T&I) Subcommittee by a vote of 13-0 on May 31, 2018;

The Aviation and Transportation Subcommittee recommended approval to enter into agreement with Package A and Package B in support of the BRT program by a vote of 3-0 on Sept. 25, 2018;

The CTC recommended for approval the initial BRT corridor of 35th Avenue/Van Buren Street by a vote of 10-0 on May 27, 2021;

The TIP Subcommittee recommended for approval the initial BRT corridor of 35th Avenue and Van Buren Street by a vote of 4-0 on Sept. 15, 2021;

The CTC recommended approval to continue community and stakeholder engagement, alternatives analysis and 15 percent design plans for the initial BRT corridor of 35th Avenue and Van Buren Street by a vote of 11-1 on Feb. 24, 2022;

The CTC recommended approval of additional expenditure of \$5.5 million to Package A by a vote of 11-0 on April 27, 2023; and

The TIP Subcommittee recommended City Council approval to execute an amendment by a vote of 4-0 on May 17, 2023.

The City Council approved:

Issuing a Request for Qualifications (RFQ) to solicit firms to provide services for planning and preliminary engineering for the BRT program based on recommendations from the CTC and T&I Subcommittees.

This approval included a stipulation that the planning RFQ included an

assessment of the criteria used for the initial identification of the BRT corridors and was made on Oct. 4, 2017;
Professional Services Agreement 149143 for HDR Engineering, Inc. (Ordinance S-45019) on Oct. 17, 2018;
The initial BRT corridor of 35th Avenue and Van Buren Street by a vote of 9-0 on Oct. 6, 2021; and
Continuation of community and stakeholder engagement, alternatives analysis and 15 percent design plans for the initial BRT corridor of 35th Avenue and Van Buren Street by a vote of 8-1 on April 20, 2022.

Discussion

Leonard Clark spoke on concerns of safety and security within the city's public transportation infrastructure.

Mayor Gallego asked Mr. Clark to connect his testimony to the hiring of an engineer for bus Rapid Transit.

Mr. Clark thanked Mayor Gallego's interjection.

Mayor Gallego stated that Mr. Clark had a good idea to include public safety in design.

Councilwoman Pastor explained that the program was to add funding do engineering and outreach. She expressed her support for the item and agreed with Mr. Clark's sentiment to address public safety to the Bus Rapid Transit (BRT) system.

Mayor Gallego stated that BRT was a new form of transportation that was part of the Transportation 2050 Plan to move people effectively and accommodate for those who use mobility aids. She mentioned that residents had the opportunity to participate in both the design of the system as well as the corridors.

Vice Mayor Ansari added her excitement for BRT mentioning a trip to Houston, Texas to observe their BRT system. She also mentioned her discussion with the delegation from Suwon, South Korea that also implemented BRT. Vice Mayor expressed excitement for the City to expand on the BRT system.

Councilwoman O'Brien expressed her excitement to support the project which will provide bus services in a more rapid fashion and higher quality of life for riders.

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

154 Biomass Power and Solar Power Production Partnership with Salt River Project (Ordinance S-49754)

Request to authorize the City Manager, or his designee, to enter into two agreements between the City of Phoenix and Salt River Project for the production of Biomass Power and Solar Power. Further request authorization for the City Treasurer to accept and for the City Controller to disburse funds related to this item. The total amount will not exceed \$13 million.

Summary

Arizona forests are a high risk for catastrophic fires and will continue to be devastated each year without proactive forest restoration efforts. These fires could significantly impact the watersheds that feed the Salt River Project's (SRP) reservoir system and provide water to Phoenix. Wildfires degrade water quality, increase water treatment costs, and impact water system resiliency by filling reservoirs with debris and sediment. Phoenix has a history of partnering with SRP and other City partners in developing and executing strategic forest thinning projects to better protect the health of the forests and the watershed system.

The challenge to reforestation efforts is finding marketable industry options for the enormous amount of low-value, small ponderosa pine trees found in Arizona's forests. Bioenergy is one of the few options available to dispose of these trees and supports the industry to ensure thinning projects move forward to continue protecting watersheds. Bioenergy is a renewable energy resource that generates electricity

through a wood-burning boiler. Currently, SRP is contracted to receive power from a biomass plant located in Snowflake, Arizona, owned and operated by Novo BioPower, that uses small trees from forest thinning, other non-marketable woody material such as branches that are left over from thinning operations and sawmill residues.

The new agreement between Phoenix, SRP, and other Valley cities, supports SRP's continuance of the biomass power purchase agreement with Novo BioPower to work on forest thinning projects in areas at risk of devastating wildfires. This agreement will assist to restore critical watersheds that provide water to the Valley by investing in forest thinning projects and biomass power.

Through the agreement, SRP will purchase power and associated environmental attributes from Novo BioPower's use of forest thinning sourced within SRP watersheds. SRP will retire in Phoenix's name renewable energy certificates ("RECs"), water benefits, acres treated benefits, and carbon benefits associated with the clean energy generation and forest thinning efforts. In addition to the many environmental benefits specific to watershed protection and biomass investment, the City is working with SRP on a 20 megawatt solar development project that will produce annual renewable energy credits.

The Water Services Department is seeking approval for two agreements with SRP for the biomass power and solar power respectively for a total investment of \$1.3 million per year for a 10 year term.

Concurrence/Previous Council Action

The Transportation, Infrastructure, and Planning Subcommittee recommended approval of this item on May 17, 2023.

Financial Impact

The total amount will not exceed \$13 million for the 10 year term. Funding in the amount of \$1.3 million, per year, for the term of the agreement, is available in the Water Services operating budget.

Discussion

Leonard Clark expressed support for the item mentioning biomass and the debris in Lake Pleasant. He expressed concern for solar and working

with large corporations instead of small businesses.

Vice Mayor Ansari stated that the item provided 13 million dollars of funding towards biomass power station and forest thinning efforts in Northern Arizona. She added that forest thinning was essential in combating forest fires. Vice Mayor Ansari explained that while biomass may not be the cleanest form of renewable energy reducing forest fires which impact air quality and water systems was worth the investment. She thanked the Water and Environmental Programs departments for their work with SRP on the item.

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

157 Agreement with the United States Bureau of Reclamation and the Central Arizona Water Conservation District to Implement the Lower Colorado Conservation and Efficiency Program (Ordinance S-49774)

Request to authorize the City Manager, or his designee, to enter into an agreement with the United States Bureau of Reclamation and the Central Arizona Water Conservation District to forgo delivery of a volume of Phoenix's Colorado River entitlement in 2023, as system conservation, in return for compensation. Further request to authorize the City Treasurer to accept all funds related to this item into the Water Services Department Water Fund. The compensation will not exceed \$60,000,000.

Summary

Conditions on the Colorado River system remain difficult, with the major reservoir of Lake Mead and Lake Powell at historically low water levels. Based on recent modeling on the Colorado River, the Bureau of Reclamation (BOR) has determined there is an unacceptable risk of

further water declines in Lake Mead that threaten operations and deliveries of Colorado River water to the Lower Basin states of Arizona, California, and Nevada even with delivery reductions agreed to in the Lower Basin Drought Contingency Plan. The BOR received \$4 billion in Inflation Reduction Act of 2022 funding to create Lower Colorado Conservation and Efficient Program to specifically address Colorado River issues. Phase 1 funding established a system conservation program to incentivize water users to voluntarily contribute volumes to protect Lake Mead from catastrophic risks.

Under the agreement, Phoenix will make available up to 50,000 acre-feet (af) of Phoenix's Colorado River entitlement in 2023, 2024 and 2025 in exchange for monetary compensation of \$400 per af. These reduced deliveries are in addition to the reductions in deliveries Arizona agreed to in the Drought Contingency Plan.

In 2023, Phoenix is scheduled to receive 177,237 af of its total Colorado River allocation of 186,557 af. That includes 27,960 af of "mitigation water" under the Arizona Drought Contingency Plan implementation agreement. This "mitigation water" is Non-Indian Agricultural (NIA) Priority water that would have otherwise been unavailable to Phoenix without the mitigation measures taken by Arizona to deliver water from reserves in Lake Mead. By forgoing delivery of the NIA mitigation water, that volume of water will remain in Lake Mead. The remainder of the 50,000 af of system conservation is water that would have been stored in Tucson for future shortage conditions. The creation of system conservation has no impact on water available for customer deliveries.

Contract Term

This agreement will terminate on Dec. 31, 2025.

Financial Impact

Phoenix will receive compensation in 2023 up to \$20,000,000 for contribution of 50,000 af (\$400/af). In the event Phoenix creates additional system conservation in 2024 or 2025, it will be compensated at the same rate of \$400 per af. The funds will be deposited in Water Services Department's Water Fund for use through the Colorado River Resiliency Fund for water resource portfolio augmentation and water

conservation programs.

Location

Out of City

Discussion

Vice Mayor Ansari stated that she was proud of the city for their work in securing the entire Southwest Region's water future. She emphasized the importance of saving water during wet seasons to prepare for droughts. She explained that the agreement with the Bureau of Reclamation gave the city the opportunity to reduce the Colorado River water usage and invest 60 million dollars in compensation for diversifying the city's water portfolio and providing water conservation tools for residents and industries.

Councilwoman O'Brien mentioned her meeting with the Bureau of Reclamation earlier in May to discuss the steps Phoenix can take to decrease their dependency and advocate for additional funding that can help with raising the dam at Bartlett Lake and the Advanced Water Purification System. She expressed her excitement to support the item.

Mayor Gallego stated that the item would make up to 150,000 acre feet of Phoenix's Colorado River entitlement to stay on the river and help with the drought. She mentioned Tucson and the Gila River Indian Community who worked to be part of the solution and bridge agreement and make a variety of additional investments. She mentioned the water recycling facility the city was working on and added that the State of Arizona would soon release the Phoenix Active Management Area Plan. Mayor Gallego stated the City of Phoenix did not rely on groundwater and was working hard to have a robust water portfolio including the Salt River Project System as well as the Colorado River and very little use of groundwater.

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

Yes: 9 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

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

Request to hold a public hearing regarding the Biennial Certified Audit of Land Use Assumptions, Infrastructure Improvement Plans and Development Impact Fees, as required by State statute.

Summary

Arizona Revised Statute 9-463.05 requires a biennial certified audit of municipalities' land use assumptions (LUA), infrastructure improvements plans (IIP) and development fees to be conducted by a qualified professional. The rule further specifies that the City shall conduct a public hearing on the audit findings within 60 days of posting the audit report on the City's website. Willdan Financial Services (Willdan) was retained to perform the biennial audit. The audit reviewed development impact fees and water resource acquisition fees for the period of July 1, 2020, through June 30, 2022.

The intent of the audit is to allow stakeholders who pay the impact fees to receive a third party analysis of the assumptions, plans and how fees are spent by each municipality. The next required biennial audit will review the period of July 1, 2022, through June 30, 2024.

The final audit report titled: *City of Phoenix, AZ FY 2021 & FY 2022 Development Impact Fee Audit* is available on the Planning and Development website at: phoenix.gov/pdd/devfees/impactfeedocs.

Biennial Audit Conclusions

Review of LUAs identified minor differences between projected and actual development but anticipates the development over the 10-year study period will not significantly vary from projections.

Review of the progress of the IIPs identified projects that were either accelerated from the projected schedule or delayed based on the projected schedule, but all project for which funds were expended were included in the adopted IIPs.

Review of collections and expenditures of the development impact fees for each project in the plan indicate that all expenditures made with development impact fee funds were on projects or debt expenses as identified in the 2020 Plan.

Evaluation of any inequities in implementing the plan or imposing the development impact fees indicates that the fees were assessed in an appropriate manner based upon the size and type of the development.

Review of sample permits did not identify any cases where a development was assessed an incorrect fee based on development type, square footage or meter size.

Public Outreach

A meeting was held with stakeholders on April 27, 2023, to review the audit report.

Discussion

Mayor Gallego introduced the item noting that it would begin with a brief staff report.

Planning and Development Director Joshua Bednarek stated that Item 174 was a request to hold a public hearing regarding the biannual certified audit of land use assumptions infrastructure improvement plan and development impact fees as required by state statute. He explained that A.R.S. 943-05 required a biannual certified audit of municipalities land use assumptions infrastructure improvements plans and development fees to be conducted by a qualified professional further specifying that the city should conduct a public hearing on the audit findings within 60 days of posting the audit reports. He added that Friedenthal Financial Services was retained to perform the audit to review development impact fees and water resource acquisition fees through the period of July 1, 2020 through July 30, 2022. Mr. Bednarek

stated that no vote was necessary as the audit was completed and made available to the public prior to the public hearing to comply with state law. He added that Deputy Director over growth and infrastructure, Adam Miller, was available to answer any questions or go through a short presentation. Mr. Bednarek added his availability for questions.

Mayor Gallego declared the public hearing open. Noting that the individual registered to speak had indicated they did not want to testify Mayor Gallego declared the public hearing closed.

Councilwoman Stark thanked staff for their work on the item.

Mayor Gallego stated that Mr. Miller played a large role in the city's effort to challenge the census making Phoenix the largest city to successfully challenge the census.

The hearing was held.

**175 Public Hearing and Resolution Adoption - General Plan
Amendment GPA-DV-3-22-1 - Approximately 320 Feet North of the
Northwest Corner of 17th Avenue and Happy Valley Road
(Resolution 22124)**

Request to hold a public hearing on a General Plan Amendment for the following item to consider the Planning Commission's recommendation and the related resolution if approved. Request to amend the General Plan Land Use Map designation on 8.00 acres from Residential 3.5 to 5 dwelling units (du) per acre and Mixed Use (Commercial/Commerce/Business Park) to Residential 15+ du/acre. This is a companion case to Z-59-22-1 and should be heard first, followed by Z-59-22-1.

Summary

Application: GPA-DV-3-22-1

Current Designation: Residential 3.5 to 5 du/acre (5.28 acres) and Mixed Use (Commercial/Commerce/Business Park) (2.72 acres)

Acreage: 8.00 acres

Proposed Use: Multifamily residential

Owner: Red Hawk Partners, LLC, et.al.

Applicant and Representative: Benjamin Graff, Quarles & Brady, LLP

Staff Recommendation: Approval.

VPC Information Only: The Deer Valley Village Planning Committee was scheduled to hear this case on Feb. 9, 2023, for information only.

However, there was no quorum.

VPC Action: The Deer Valley Village Planning Committee was scheduled to hear this case for recommendation on April 20, 2023. However, there was no quorum.

PC Action: The Planning Commission heard this case on May 4, 2023, and recommended approval, by a vote of 5-3.

Location

Approximately 320 feet north of the northwest corner of 17th Avenue and Happy Valley Road

Council District: 1

Parcel Address: 25100, 25150, 25200, 25250 and 25273 N. 17th Ave.

Note: Councilwoman Guardado disconnected from the meeting and left the voting body.

Discussion

Mayor Gallego stated that Items 175 and 176 were related and would begin with a staff report and a public hearing for the applicant and the appellant and residents registered to speak. Mayor Gallego asked Councilwoman O'Brien if she had any comments.

Councilwoman O'Brien stated that staff could begin with their report.

Planning and Development Director Joshua Bednarek stated that Item 175 was GPA-DV-3-22 a request to amend the General Plan to Residential 15 plus and Item 176 was Z59-22 a request to rezone the site from S1 to PUD to allow for multifamily residential. He added that the Deer Valley Village Planning Committee was scheduled to hear the case on April 20, 2023 but did not make a recommendation due to no quorum. Mr. Bednarek stated that the Planning Commission heard both requests on May 4, 2023 and recommended approval per the staff recommendation on both requests. He explained that the Planning Commission recommendation was appealed and a petition for a three-quarter vote was submitted on May 11, 2023. He added that staff recommends approval of Item 175 per the Planning Commission

recommendation and adoption of the related resolution and approval of Item 176 per the Planning Commission recommendation and adoption of the related ordinance. He mentioned he was available to answer any questions.

Ben Graff, with the law firm Quarles and Brady spoke on behalf of the applicant Shelter Asset Management (SAM). He emphasized the collaboration with Councilwoman O'Brien and staff with the rezoning case thanking the team and Planning and Development staff for their work on producing true attainable housing. He explained that SAM had a history of investing in multiple unit renovations across the valley. He added that the case was designed to Phoenix's housing plan showing a map demonstrated the developments proximity to attainable rental housing for the growing employers in Phoenix like the Phoenix Sky Harbor International Airport and Mayo Clinic. Mr. Graff showed a slide of the site at 17th Avenue and Happy Valley Road explaining that developers worked with staff to identify that a planned unit development (PUD) would be the most efficient rezoning category. He added that the site was in an ideal location being next to the Toll Brothers PUD already approved by the city and the Bungalows approved by the county. Mr. Graff explained the benefits of the development site rezoning noting that the Toll Brothers PUD was approved to have 35 dwelling units per acre. He stated that the proposed site was 28 units per acre at a total of 226. He explained that the council would be voting on a minor General Plan amendment to the 15 plus dwelling units per acre. Mr. Graff mentioned the work developers did with community to implement feedback through stipulations such as limiting the height of buildings within 100 feet of the northern property line to 30 feet. He mentioned the site's five-story building on the southwest corner approved by staff to reduce density on the northern portion of the site. He described that the building was situated next to a self-storage unit and behind the learning center 215 feet away from 17th Avenue and over 475 feet away from the closest single-family home. He mentioned the staff recommendation for two points of ingress and egress to prevent traffic congestion in the commercial center down the Happy Valley Road.

Gordon Loucks agreed with the applicant's statement that the site provided necessary housing but failed to discuss if the proposed site was suitable for the proposed density. He stated that the Happy Valley

Rural neighborhood was not in support of the development expressing concerns for public rezoning of high-density developments adjacent to a neighborhood of single-family homes. Mr. Loucks also stated that there was a lack of consideration for the rural unpaved and undedicated roads in the Happy Valley traffic area. He mentioned concerns with traffic safety near the learning center. He showed diagrams demonstrating the traffic at the intersection adjacent to the proposed development site.

Mayor Gallego declared the public hearing open for Items 175 and 176.

Melissa Crawford described the neighborhood surrounding the development. She explained that the surrounding high-density developments fed the traffic on 19th Avenue. Ms. Crawford expressed concerns for the area becoming land locked emphasizing that neighbors were not opposed to growth but felt that the high density housing collided with the rural single-family zoning near the proposed development.

Venut Baban spoke in support of the Happy Valley project and the developers. He described the developer as being responsible and engaged in implementing community feedback.

Diane Habener stated she was one parcel away from the proposed development and lived on 2-acres of land. She expressed concerns with the lack of quorum at the village planning commission meetings. Ms. Habener added the concern for traffic on the Happy Valley Road emphasizing the communities opposition to the development.

Debbie Caruso Regional Manager of the Learning Experience Franchise spoke on behalf of the owners. She stated that owners had discussed and evaluated traffic flow and were not opposed to the development.

Margaret Langley, a resident of the landlocked county island stated that her family moved to Arizona to start a homestead. She expressed concerns with increased traffic on the rural roads surrounding the county island that would be produced by the surrounding proposed developments.

Red Hawk Development Corporation Managing Director, Charles Eckert

stated that he had discussed the traffic between 17th Avenue and 19th Avenue on Happy Valley Road working with the learning center to not interfere or pose dangers to the students, faculty, or staff. He mentioned the history of the developer in bringing 13 new businesses to the area, over 200 direct new jobs, and a significant sales tax base for the City of Phoenix. He reiterated support for the development and highlighted the benefits that the site could have to the growth in the area.

Alison McKee, resident of the county island clarified that the appeal requested a continuance. She stated that the staff report only reported one owner noting that the development consisted of three parcels two of which were owned by Red Hawk Development and the other by Happy Valley Investment Group. She also mentioned the zoning of the county island neighborhoods which were labeled as three and a half to five residential units per acre but instead were one unit per acre. Ms. McKee also expressed concerns for misrepresentation of support in the Planning Commission asking that council evaluate the community feedback.

Marius Groza spoke in support of the proposed development commending the developer's willingness to work with the surrounding community. He mentioned the height variants and setbacks implemented to respect the current skyline and neighborhood aesthetics. He added that the developers worked to enhance the pedestrian experience along 17th Avenue with detached sidewalks. Mr Groza reiterated his support for the proposed development and urged the council to approve.

Megan Rock a resident of the county island spoke in opposition to the proposed development mentioning concerns with lack of notification of the meetings where the development was presented. She added that complaints from residents of high-density apartments who were unfamiliar with the rural lifestyle should be used to re-evaluate the consideration for rezoning of the project site.

Jeronim Mici spoke in support of the Home at Happy Valley Project and the developer commending the developers effort to hold additional neighborhood meetings. He highlighted the design changes

implemented as a result of community feedback like stepbacks and the improving of exterior landscape and pedestrian experience. He reiterated his support for the project and the developer emphasizing that the development would improve surrounding commercial amenities and infrastructure.

Linda Slay stated she was a resident of the county island noting that the communities biggest concern was traffic. She mentioned that lack of regulation for Happy Valley Road noting that it was one of two ingress and egress points into the neighborhood.

Laurel Brodie, a resident of the county island spoke in opposition to the project. She stated that the developer stated that the site was designed to be compatible with the surrounding single-family neighborhoods. Ms. Brodie explained that the county island also included rural housing on sites over an acre. She emphasized that the neighborhood was not unsympathetic of the need for housing and asked that the council disallow the proposed building heights of up to 65 feet and allow no more than 30 feet. She reiterated concerns with the height of the five-story building proposed by the developer.

Kimberly Wampler expressed concerns regarding traffic when the Interstate 17 is shut down adding that it pushed traffic to 17th Avenue and 19th Avenue. She expressed the traffic challenges she faced and noted that she had not received notification of the proposed development. She added concerns with the developers inability to aid the traffic situation on Happy Valley Road.

Mr. Graff stated that additional meetings were hosted to address the lack of advertising towards county island residents of the proposed development. He explained that the mentioned misrepresentation of support came from the Hudgens which had work with developers and then signed the letter of opposition. He stated that the developers were not making changes to commitments made to neighbors.

Councilwoman O'Brien asked staff to keep the presentation slide viewable.

Mayor Gallego confirmed if Councilwoman O'Brien wanted to keep the public hearing open. Mayor Gallego declared the public hearing closed.

Councilwoman O'Brien asked Planning and Development Director Joshua Bednarek about the errors in the staff reports.

Mr. Bednarek stated that the ownership mentioned in the staff report also included a short abbreviation that indicated that there were additional owners. He also explained that the current designation on the General Plan Land Use Map was 3.5 to 5 dwelling units per acre clarifying that it was not the neighborhood's current zoning.

Councilwoman O'Brien asked about the traffic at 19th Avenue regarding the proposed developments.

Mr. Bednarek explained that the proposed development had a rezoning condition to do and complete and get approved by the city a traffic impact study. He added that the study would evaluate areas of improvement which are at the full cost to the developer. He emphasized that improvements would be occurring to 19th Avenue and ultimately 17th Avenue and Happy Valley Road.

Councilwoman O'Brien thanked Mr. Bednarek for his explanation noting that she was initially concerned for traffic of the development and had requested the additional ingress and egress included in the development. She asked if she could request developers to have a right-turn only exit on 17th Avenue to prevent residents from turning left onto 17th Avenue.

Mr. Bednarek stated that a motion could be made to approve per the Planning Commission recommendation with an additional stipulation that limits ingress and egress on 17th Avenue to a right-turn only.

Councilwoman O'Brien asked Mr. Groff if the developers would agree to that stipulation.

Mr. Groff stated that the developers would agree as long as it is only for the egress of the development onto 17th Avenue.

Prior to her motion, Councilwoman O'Brien explained that she was not opposed to someone entering the project on a left turn. She clarified that her concern was exiting the apartment complex on 17th Avenue and turning right to go south to Happy Valley Road. She asked Mr. Bednarek for his assistance in the motion. Councilwoman O'Brien stated that the development offered an opportunity to provide affordable housing for the city.

Mr. Bednarek clarified that there would first need to be a motion on the general plan amendment. He explained that the stipulation could be associated with the rezoning case.

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

Yes: 8 - Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

Absent: 1 - Councilwoman Guardado

176 Public Hearing and Ordinance Adoption - Rezoning Application Z-59-22-1 (Home at Happy Valley PUD) - Approximately 320 Feet North of the Northwest Corner of 17th Avenue and Happy Valley Road (Ordinance G-7117)

Request to hold a public hearing and amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-59-22-1 and rezone the site from S-1 (Ranch or Farm Residence) and C-2 (Intermediate Commercial) to PUD (Planned Unit Development) to allow multifamily residential. This is a companion case and must be heard following GPA-DV-3-22-1.

Summary

Current Zoning: S-1 (5.28 acres) and C-2 (2.72 acres)

Proposed Zoning: PUD

Acreage: 8.00 acres

Proposal: Multifamily residential

Owner: Red Hawk Partners, LLC, et.al.

Applicant: Shelter Asset Management

Representative: Benjamin Graff, Quarles & Brady, LLP

Staff Recommendation: Approval, subject to stipulations.

VPC Information Only: The Deer Valley Village Planning Committee was scheduled to hear this case on Feb. 9, 2023, for information only; however, there was no quorum.

VPC Action: The Deer Valley Village Planning Committee was scheduled to hear this case on April 20, 2023, for recommendation; however, there was no quorum.

PC Action: The Planning Commission heard this case on May 4, 2023, and recommended approval, per the staff recommendation, by a vote of 5-3.

The Planning Commission recommendation was appealed and a petition for a three-quarter vote was submitted on May 11, 2023. **A three-quarter vote is required.**

Location

Approximately 320 feet north of the northwest corner of 17th Avenue and Happy Valley Road.

Council District: 1

Parcel Address: 25100, 25150, 25200, 25250 and 25273 N. 17th Ave.

Discussion

Councilwoman O'Brien asked if the stipulation would be added as part of her motion.

Mr. Bednarek explained that Councilwoman O'Brien could offer new stipulation number eight that stated that the driveway on the 17th Avenue would be limited to a right-turn only egress and full ingress.

Mayor Gallego stated that the council approved 226 units of housing and requested that when individuals sign petitions, they do not sign one per page noting the size of the council agenda packet.

The hearing was held. A motion was made by Councilwoman O'Brien, seconded by Vice Mayor Ansari, that this item be approved as

amended per the Planning Commission recommendation with an addition of Stipulation 8 that reads, "The driveway on 17th Avenue will be limited to right turn only egress and full ingress.", with adoption of the related ordinance. The motion carried by the following vote:

Yes: 8 - Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

Absent: 1 - Councilwoman Guardado

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

177 Consideration of Citizen Petition by Ismael Morales

This report provides the City Council with information in response to a citizen petition was submitted by Ismael Morales at the April 19, 2023, Formal City Council meeting regarding public comment (**Attachment A**).

Summary

The petition requests the City Council revise the Rules of Council Proceedings, Rule 9, to state "The Mayor or Presiding Officer, and Councilmembers will not make motions that limit public comment to no public comment. That includes for all items, new and continued, except for public hearings that are time certain that are opened and closed by the Mayor or Presiding Officer." Upon review by the Law Department, the request was determined to qualify as a Citizen Petition because it is an action within the purview of the City Council.

On March 6, 2023, a special Community and Cultural Investment (CCI) City Council Subcommittee was held with one agenda item on Mobile Home Park Displacement Options. During the special subcommittee meeting, City staff provided information on potential options to assist residents facing displacement from the Periwinkle, Las Casitas and Weldon Court mobile home parks. Additionally, the special subcommittee meeting provided the opportunity for concerned residents to provide several hours of public comment and testimony on the issue.

During the March 22, 2023, Formal City Council meeting, the City Council

considered recommendations from the special CCI subcommittee meeting on March 6, 2023. The recommendations related to the mobile home parks were made available for public comment, which continued for over five hours.

On April 4, 2023, three members of the City Council submitted a letter to the City Manager to add an item on the April 5, 2023, Formal City Council meeting to consider a moratorium on the development of the Periwinkle, Las Casitas and Weldon Court mobile home parks. The consideration of a moratorium on the development of the three mobile home parks was added as Item 93 to the April 5, 2023, Formal City Council meeting. In light of the hours of testimony and public comment that was previously provided during the two meetings discussed in this report and multiple other prior Council meetings, the City Council voted to not hear further public comment during the April 5, 2023, Formal City Council meeting.

The City Council voted to limit public comment on Item 93 pursuant to the Rules of Council Proceedings and the Arizona Attorney General's Opinion I99-006 on Arizona's Open Meeting Law (OML), as established in Arizona Revised Statute (ARS) 38-431.09. The Arizona Attorney General's Opinion I99-006 states the City Council has a "right to limit public comment" and that the Law "neither requires nor prohibits" comment by the public and leaves it in the discretion of the public body. The opinion found the Arizona State Legislature's intent when adopting ARS 38-431.09 was to "open the conduct of the business of government to the scrutiny of the public." OML requires that a public body allow the public to attend and listen to open and public meetings, but it does not require the public body to allow people to speak at public meetings. Additionally, the Attorney General recognizes that if a public body allows the public to provide comment, it may put reasonable time, place and manner restrictions on the public comment.

OML is also incorporated into the Phoenix City Council's Rules of Council Proceedings. Council Proceeding Rule 11 states that "citizen comments will be heard for up to 30 minutes." However, Council Proceeding Rule 10 allows the City Council, upon majority vote, to suspend or modify its rules." During the April 5, 2023, Formal City Council meeting, a major of the City Council voted to modify its rules of public comment in

accordance with the Rules of Council Proceedings.

Options for Council Action

Accept the petition and direct staff to prepare amendments to the City Code and Rules of Council Proceedings.

Deny the petition

Discussion

Ismael Morales spoke on his citizen petition asking the council to consider re-evaluating the process of the items to be heard by the council. He urged the council to support and promote public comment.

Councilwoman Pastor stated that the events of April 5, 2023 were not a demonstration of good government. She emphasized that councilmembers were elected to listen. She mentioned that the speakers from the various mobile home communities were continuously being displaced and expressed support for the petition.

Vice Mayor Ansari agreed that the public should never be denied to speak on a subject and expressed her appreciation for the citizen petition.

Mayor Gallego stated that she would not be supporting the motion explaining that the council had heard hours of testimony with no change in the three-person memo that resulted. She also mentioned that the subcommittee had cut off testimony.

Councilwoman Pastor stated that her efforts in the three-person memo were to support Councilmember Garcia's wish to vote with the community.

Mayor Gallego stated that many lawyers disagreed with whether an item could be brought back to council after no one on the prevailing side has asked to reconsider.

A motion was made by Councilwoman Pastor, seconded by Vice Mayor Ansari, that this item be approved. The motion failed by the following voice vote:

Yes: 2 - Councilwoman Pastor and Vice Mayor Ansari

No: 7 - Councilwoman Hodge Washington,
Councilwoman O'Brien, Councilman Robinson,
Councilwoman Stark, Councilman Waring and
Mayor Gallego

Absent: 1 - Councilwoman Guardado

178 Consideration of Citizen Petition by Mr. Jeremy Thacker

This report provides the City Council with information in response to a citizen petition submitted by Mr. Jeremy Thacker at the April 19, 2023, Formal City Council meeting regarding the Transit-Oriented Development (TOD) Districts (**Attachment A**).

Summary

The petitioner requests the City Council to consider and enact an ordinance or measure to do two things:

(1) "Prevent developments within the TOD Districts from using entitlements obtained prior to Reinvent PHX that do not support the objectives of the TOD Policy Plans from being approved for permits."

(2) "Create a temporary zoning overlay (Non-TOD) and update "Definitions" in the Phoenix Zoning Ordinance for the TOD Districts to prevent developments containing elements opposing the goals of the TOD Policy Plans for those districts from receiving permits of rezoning approval."

Staff Response

The City of Phoenix has nine adopted TOD Districts (See map in **Attachment B**). The ReinventPHX project referenced in the petition was a community planning effort from 2012 and 2015 funded by a \$2.9 million grant from the United States Department of Housing and Urban Development. One of the outcomes of the ReinventPHX effort was the formation of five of the City's TOD Districts including Gateway, Eastlake Garfield, Midtown, Uptown and Solano; each with a City Council adopted TOD District policy plan. The ReinventPHX TOD District policy plans served as the model for the development of additional TOD District policy plans for 19 North and South Central. The TOD District policy

plans articulate a vision for future development centered around addressing a framework of six planning elements from housing to land use.

The petitioner's first request asks the City Council to "prevent" those with existing development rights of properties located within a TOD District. A governmental action prohibiting or restricting a property owner's right to exercise their existing property right may conflict with Arizona statutes, Arizona Regulatory Bill of Rights (A.R.S. § 9-831 to § 9-842) or Proposition 207 Diminution of Property Value (A.R.S. § 12-1134) (aka Prop. 207).

The petitioner requests City staff to stop issuing permits for projects that comply with all existing regulatory requirements but are not consistent with the City Council's own adopted vision of the TOD policy plans.

The City may adopt ordinances to implement the intent of the TOD policies under the Arizona Regulatory Bill of Rights permits. However, under Prop. 207, the City is required to compensate private property owners if the new ordinance causes the diminution of the value of their property. The City Council adopted the Walkable Urban (WU) Code as Chapter 13 of the Phoenix Zoning Ordinance in 2015. The WU Code was developed to serve as an implementation tool for the TOD District policy plans. Due to Prop. 207 considerations, the City did not unilaterally rezone properties within the TOD Districts to WU Code, but instead has facilitated rezoning of properties to WU Code at the request of individual property owners through the rezoning process.

Under Prop. 207, a municipality must pay private property owners affected by any land use change that causes any reduction in property value if the law reduces the owner's existing rights to "use, divide, sell or possess private property" If the City Council adopts new regulations prohibiting or restricting the exercise of the existing land use entitlement already acquired by the private property owners, the City will be subject to the diminution of property value claims under Prop. 207.

The City staff cannot determine whether the petitioner's specific request will be subject to a diminution of value claim with specific facts. The City

could review the TOD Policy Plans, but will have to research those effects to ascertain colorable claims under the Arizona Regulatory Bill of Rights or Prop. 207.

The petitioner's second request asks the City Council to create a new temporary zoning overlay and other development standards to prevent developments that are inconsistent with the goals of the TOD District policy plans. Creation of a new overlay that would restrict existing zoning entitlements to implement the policy plan will conflict with the Arizona Regulatory Bill of Rights (A.R.S. § 9-831 to § 9-842) or Prop. 207 Diminution of Property Value (A.R.S. § 12-1134) (aka "Prop. 207) and subjects the City to monetary damages.

Options for Council Action

- A. Accept the petition and direct the Planning and Development Department to request the Planning Commission initiate a text amendment to the Zoning Ordinance for the TOD Districts.
- B. Accept the petition and direct staff to conduct additional review and study under the 8-Hour Rule for a recommendation to subcommittee or bring back to City Council.
- C. Deny the petition.

Discussion

Jeremy Thacker spoke regarding Prop 207 about keeping the city from implementing land use laws related to public health, safety and transportation and traffic control. He expressed that his requests were specific emphasizing that the city staff report was misguided and misrepresented in stating that the requests were ambiguous.

Councilwoman Stark asked Planning and Development Director Josh about the updates in legislature regarding Mr. Thacker's petition.

Mr. Bednarek stated that he was not aware of the status of the bill adding that text amendments moving through the process were in progress. He added that he would be happy to check on the status of the bill.

Councilwoman Stark stated that it was premature to try and address Mr. Thacker's concerns without knowing the outcome of the legislative

actions. She asked if staff could work on addressing the concerns presented by Mr. Thacker.

Mr. Bednarek stated that staff was happy to work with Mr. Thacker on the text amendments that are part of the work program are being done moving forward.

Councilwoman Stark suggested that staff work on addressing Mr. Thacker's concerns over the summer.

Councilwoman Pastor mentioned her work with Mr. Thacker adding a request to change the petition from creating a separate zoning overlay to amending the Walkable Urban Code. She suggested that staff work with Mr. Bednarek to map out implementation of the TOD on Central Avenue.

Mayor Gallego thanked Councilwoman Pastor for her willingness to invest time.

Councilwoman Stark expressed her availability to revisit Mr. Thacker's concerns and the TOD Plan.

This item was heard.

000 CITIZEN COMMENTS

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

Leaonard Clark stated that staff should be alerted to address the vouchers used by parents for private education. He expressed concerns on public education and mentioned concerns of indigenous communities. Mr. Clark added a call for police reform in the city.

Beatrice Johnson expressed concerns regarding the violations of victim's family rights throughout a court case involving her sister's death. She called the council to address the lack of communication from city officials throughout the case's progression.

Elizabeth Venable spoke about the definition of consent citing Cornell Law's definition of consent. She expressed concerns with the handling of property of homeless individuals going into city-controlled shelters.

Frank Urban spoke on housing and suggested that five to ten percent of the safety budget be used for additional affordable housing.

ADJOURN

There being no further business to come before the Council, Vice Mayor Ansari declared the meeting adjourned at 6:13 p.m.



MAYOR

ATTEST:



CITY CLERK

TS

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 31st day of May, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of August, 2024.


CITY CLERK

