

### City Council Formal Meeting

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Thursday, July 1, 2021

10:00 AM

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#### **CALL TO ORDER AND ROLL CALL**

The Phoenix City Council convened in formal session on Thursday, July 1, 2021 at 10:05 a.m. in the Council Chambers.

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

The Mayor and Councilmembers attended the meeting virtually.

Councilwoman Guardado connected to the meeting and joined the voting body during discussion on Item 26, disconnected from the meeting during discussion on Item 27, rejoined the meeting during discussion on Item 72, and disconnected from the meeting during discussion on Item 137. Councilwoman Pastor disconnected from the meeting during discussion on Item 71 and rejoined the meeting during discussion on Item 72. Councilman DiCiccio disconnected from the meeting at the start of Citizen Comments.

Mayor Gallego acknowledged the presence of Elsie Duarte, a Spanish interpreter. In Spanish, Ms. Duarte announced her availability to the audience.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6871 through G-6874, S-47767 and S-47771 through S-47833, and Resolutions 21936 through 21946 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

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

## **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:

#### Citizens Transportation Commission

Appoint Christina Panaitescu, replacing Frank Steinmetz for a term to expire June 30, 2024 as recommended by Councilwoman O'Brien.

Appoint Joan Berry, replacing William Smith for a term to expire June 30, 2024 as recommended by Councilman Waring.

Reappoint David Moody, for a second term to expire June 30, 2024 as recommended by Councilwoman Stark.

Reappoint Jose Gabriel Loyola, for a second term to expire June 30, 2024 as recommended by Councilwoman Pastor.

Appoint Shannon McBride, replacing Susan Glawe for a term to expire June 30, 2024 as recommended by Councilwoman Guardado.

Appoint Michael Infanzon, replacing Roy Miller for a term to expire June 30, 2024 as recommended by Councilman DiCiccio.

Appoint Carolyn Chatman, replacing David Adame for a term to expire June 30, 2024 as recommended by Councilwoman Ansari.

Appoint Jessica Bristow, filling a vacancy on the Commission for a term to expire June 30, 2024 as recommended by Vice Mayor Garcia.

#### Mayor's Commission on Disability Issues

Appoint Nicole Anderson, serving as Chair on the Commission for a term to expire Dec. 31, 2021 as recommended by Mayor Gallego.

Mayor's Human Trafficking Task Force

Appoint Stefanie Calens as recommended by Mayor Gallego.

Phoenix Business and Workforce Development Board

Appoint Karen Carter, filling a Healthcare Business vacancy on the Board for a term to expire June 30, 2024 as recommended by Mayor Gallego.

Appoint Dawna Cato, filling a Community Based Organization seat on the Board for a term to expire June 30, 2022 as recommended by Mayor Gallego.

Appoint Adam Hawkins, replacing Susan Ciardullo in the Small Business category on the Board for a term to expire June 30, 2024 as recommended by Mayor Gallego.

Reappoint Nicholas Bielinski, serving his first full term to expire June 30, 2024 as recommended by Mayor Gallego.

Reappoint Latasha Causey, serving her first full term to expire June 30, 2024 as recommended by Mayor Gallego.

Reappoint Meghan McGilvra, reassigned to a Labor seat on the Board for her first full term to expire June 30, 2024 as recommended by Mayor Gallego.

Reappoint Luke Tate, reassigned to an Education and Training seat on the Board for his first full term to expire June 30, 2024 as recommended by Mayor Gallego.

Reappoint Melissa Trujillo, reassigned to a Workforce Representative Labor seat on the Board replacing James Frolov for a term to expire June 30, 2022 as recommended by Mayor Gallego.

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

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

**No:** 0

**Absent:** 1 - Councilwoman Guardado

**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 Garcia, seconded by Councilwoman Stark, that Items 2-28 be recommended for approval except Items 26-28 which will be heard after the omnibus motion on Ordinances, Resolutions, and New Business; Item 9 is being withdrawn at the request of the applicant; and noting Items 10-11, 14, 17-18 and 21-24 are as revised. The motion carried by the following voice vote:**

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

**No:** 0

**Absent:** 1 - Councilwoman Guardado

**2 (CONTINUED FROM MAY 5, 2021) - Liquor License - The Wine Curator**

Request for a liquor license. Arizona State License Application 139287.

**Summary**

Applicant

Jeffrey Miller, Agent

License Type

Series 10 - Beer and Wine Store

Location

3818 E. Indian School Road

Zoning Classification: R-5

Council District: 6

This request is for a new liquor license for a wine store. This location was not previously licensed for liquor sales and does not have an interim permit. Package liquor sales is not a permitted use in this zoning district. This business has plans to open in October 2021.

The 60-day limit for processing this application was April 24, 2021. However, the applicant has submitted a written request for more time.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"I will abide by all Title 4 liquor laws."

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

"I am opening a small wine shop for customers to stop in and pick up a bottle of wine."

#### 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 - The Wine Curator

Liquor License Map - The Wine Curator

**This item was recommended for approval.**

**3 Liquor License - Cracker Barrel #334**

Request for a liquor license. Arizona State License Application 148468.

**Summary**

Applicant

Andrea Lewkowitz, Agent

License Type

Series 12 - Restaurant

Location

21611 N. 26th Ave.

Zoning Classification: A-1

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.

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

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

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

“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 services.”

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

“Cracker Barrel is a nationwide restaurant known for its home-style southern cooking in a family-friendly atmosphere. Applicant would like to offer guests 21 and over the opportunity to order alcoholic beverages as an incident to the meals they enjoy.”

#### Staff Recommendation

Staff recommends approval of this application.

#### Attachments

Liquor License Data - Cracker Barrel #334

Liquor License Map - Cracker Barrel #334

**This item was recommended for approval.**

**4 Liquor License - Eggstasy**

Request for a liquor license. Arizona State License Application 150240.

**Summary**Applicant

Amy Nations, Agent

License Type

Series 12 - Restaurant

Location

2510 W. Happy Valley Road, Ste. 1248

Zoning Classification: C-2 M-R PCD

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.

The 60-day limit for processing this application is July 16, 2021.

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

Other Active Liquor License Interest in Arizona

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



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

Eggstasy (Series 12)

20775 N. Pima Road, Q 100, Scottsdale

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

Eggstasy (Series 12)

6990 E. Shea Blvd., #101, Scottsdale

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

Eggstasy (Series 12)

2430 S. Gilbert Road, Ste. B1, Chandler

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

Eggstasy (Series 12)

10155 E. Via Linda, Ste. H-131, Scottsdale

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

#### Public Opinion

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

#### Applicant's Statement

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

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

"We are very responsible with our liquor service policies. Our employees go through extensive trainings and we 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 the ability to serve our patrons of legal age, an adult beverage with their meal if they choose to have one.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Eggstasy

Liquor License Map - Eggstasy

**This item was recommended for approval.**

**5 Liquor License - The Spice Sea**

Request for a liquor license. Arizona State License Application 150093.

**Summary**

Applicant

Yong Huang, Agent

License Type

Series 12 - Restaurant

Location

3345 W. Greenway Road

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 July 13, 2021.

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

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

#### Other Active Liquor License Interest in Arizona

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.

Lychee Kitchen (Series 12)  
23450 N. 19th Ave., Ste. 103, Phoenix  
Calls for police service: 10  
Liquor license violations: None

#### Public Opinion

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

#### Applicant's Statement

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

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

"I have the capability, reliability and qualifications to hold a liquor license because I have been in restaurant management for 20 years and I have completed all liquor training course."

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

"The Spice Sea is a great new seafood boiler restaurant that is family and budget friendly it will be a great addition to the neighborhood."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - The Spice Sea

Liquor License Map - The Spice Sea

**This item was recommended for approval.**

**6 Liquor License - Cobblestone Auto Spa & Market**

Request for a liquor license. Arizona State License Application 10076532.

**Summary**

Applicant

Amy Nations, Agent

License Type

Series 10 - Beer and Wine Store

Location

29650 N. Tatum Blvd.

Zoning Classification: C-2 PCD

Council District: 2

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

The 60-day limit for processing this application is July 23, 2021.

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

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interest

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:

"We operate multiple Cobblestones throughout the valley. We will continue to abide by Title 4 liquor laws and ensure our employees have the proper training."

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**7 Liquor License - Cobblestone Auto Spa & Market**

Request for a liquor license. Arizona State License Application 10073729.

**Summary**

Applicant

Amy Nations, Agent

License Type

Series 10 - Beer and Wine Store

Location

3739 E. Bell Road

Zoning Classification: C-2 PCD

Council District: 2

This request is for an acquisition of control of an existing liquor license

for a convenience store that sells gas. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is July 23, 2021.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"We operate multiple Cobblestones throughout the valley. We will continue to abide by Title 4 liquor laws and ensure our employees have the proper training."

#### Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

### **8 Liquor License - Sushi Crush**

Request for a liquor license. Arizona State License Application 135267.

#### **Summary**

#### Applicant

Aejin Ham, Agent

License Type

Series 12 - Restaurant

Location

6501 E. Greenway Pkwy., Ste. 123

Zoning Classification: PSC PCD

Council District: 2

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 July 2021.

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

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

Other Active Liquor License Interest in Arizona

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 previously held and responsibly ran a prestigious job with no issues for the past 20 years. In conjunction with that, started and successfully ran a commercial property business with great respect in the community and maintained clean background as a leader."

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

"We have a passion for serving others and influencing loyal community bonds and business. We have a very family oriented business, and the business will be ran the way as well."

#### Staff Recommendation

Staff recommends approval of this application.

#### Attachments

Liquor License Data - Sushi Crush

Liquor License Map - Sushi Crush

**This item was recommended for approval.**

### **9 Liquor License - Thunderbird Bar & Grill**

Request for a liquor license. Arizona State License Application 149877.

#### **Summary**

##### Applicant

Jeffrey Miller, Agent

##### License Type

Series 12 - Restaurant

##### Location

13802 N. Scottsdale Road, Ste. 101

Zoning Classification: PSC



## Council District: 2

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 the sale of alcoholic beverages as an accessory use to a restaurant and to allow outdoor dining and alcohol consumption as an accessory use to a restaurant. This business has plans to open in July 2021.

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

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

### Other Active Liquor License Interest in Arizona

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:

“Have worked in the restaurant industry for several years. Have attended both the Basic and Management Title 4 liquor law training.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
“Would like to offer our patrons the option to have an adult beverage.”

#### 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 - Thunderbird Bar & Grill

Liquor License Map - Thunderbird Bar & Grill

**This item was withdrawn.**

### **10 Liquor License - Tacos & Tequilas**

Request for a liquor license. Arizona State License Application 150120.

#### **Summary**

##### Applicant

Daniel Rowan, Agent

##### License Type

Series 12 - Restaurant

##### Location

13216 N. 7th St., Ste. 4

Zoning Classification: C-2

Council District: 3

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 has plans to open in August 2021.

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

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

#### Other Active Liquor License Interest in Arizona

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.

Tacos & Tequilas (Series 12)

19401 N. Cave Creek Road, Phoenix

Calls for police service: 39

Liquor license violations: None

#### Public Opinion

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

#### Applicant's Statement

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

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

"I already operate with a liquor license for the past 4 years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "I have over 20 years experience in food and liquor management."

Staff Recommendation

Staff makes no recommends regarding this application pending the completion of departmental reviews.

Attachments

Liquor License Data - Tacos & Tequilas

Liquor License Map - Tacos & Tequilas

**This item was recommended for approval as revised.**

**11 Liquor License - Sunshine Market**

Request for a liquor license. Arizona State License Application 09070546.

**Summary**

Applicant

Amy Nations, Agent

License Type

Series 9 - Liquor Store

Location

2302 N. 12th St.

Zoning Classification: C-1 HP CNSPD

Council District: 4

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

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

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

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

#### Other Active Liquor License Interest in Arizona

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:

"The new owners of Sunshine Market have been successful business owners in Phoenix for some time. They look forward to adding Sunshine Market to list of successful businesses. They have hired a qualified manager trained in Arizona Liquor Laws. They will also make sure that their employees are trained as well."

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

"This small grocery store remains an essential stop for residents and has been part of the fabric in the historic Coronado neighborhood. This store has been operational since the 1930's. The new owners are confident that Sunshine Market will continue to be a valuable member of Coronado neighborhood and community."

Staff Recommendation

Staff makes no recommendation regarding this application pending the completion of the departmental reviews.

Attachments

Liquor License Data - Sunshine Market

Liquor License Map - Sunshine Market

**This item was recommended for approval as revised.**

**12 Liquor License - Special Event - Hermandad del Senor de los Milagros (Mesa, AZ)**

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

**Summary**Applicant

Sofia Diaz

Location

7610 W. Indian School Road

Council District: 5

Function

Cultural Celebration

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

Oct. 22, 2021 - 7 p.m. to 1:30 a.m. / 150 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**13 Liquor License - Tacos Mexicali De Baja**

Request for a liquor license. Arizona State License Application 150273.

**Summary**Applicant

Juanita Esparza, Agent

License Type

Series 12 - Restaurant

Location

7730 W. Indian School Road

Zoning Classification: C-2

Council District: 5

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

The 60-day limit for processing this application is July 16, 2021.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are

shown exactly as written by the applicant on the City Questionnaire.

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

“The owner of Tacos Mexicali de Baja is committed to upholding the highest standards for it's business practices & employees. Mr. Palomino will be trained along with all employees in the techniques of legal & responsibility and has taken the Title 4 liquor law training course. As owner of the business Mr. Palomino will manage all employees & will provide a safe experience for the staff and the public at all times.”

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

“Mr. Palomino wishes to provide on-sale privileges of beer to the general public. Tacos Mexicali de Baja will responsibly adhere to all state and federal tax laws and maintain a strict adherence to the security requirements of the city and state agencies.”

#### Staff Recommendation

Staff recommends approval of this application.

#### Attachments

Liquor License Data - Tacos Mexicali De Baja

Liquor License Map - Tacos Mexicali De Baja

**This item was recommended for approval.**

### **14 Liquor License - Base Pizzeria**

Request for a liquor license. Arizona State License Application 140382.

#### **Summary**

#### Applicant

Perry Huellmantel, Agent

#### License Type

Series 12 - Restaurant

#### Location

3115 E. Lincoln Drive



Zoning Classification: C-1 PCD  
Council District: 6

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 July 26, 2021.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

At the time this agenda was finalized, no protest or support letters had been received, however the 20-day public comment period had not yet concluded.

#### 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 be an agent on this

liquor license because I currently serve as the agent on more than 100 liquor licenses in Arizona, all of which are in compliance. I have been trained and have attended both basic and management classes numerous times in the state of Arizona, and am very familiar with the Title 4 laws.”

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 requires and the best interest of the community will be substantially served by the issuance of the requested liquor license because it is convenient to allow people to eat and drink alcoholic beverages in one location so that they do not have to travel to two different places for food and alcoholic beverages. Additionally, the requested license will allow the new owners to operate an existing restaurant, which had its own Series 12 liquor license. It is in the best interest of the community to allow the restaurant to continue operating with a Series 12 license to promote a seamless transition between owners.”

#### Staff Recommendation

Staff makes no recommendation regarding this application pending the completion of the departmental reviews and the posting process.

#### Attachments

Liquor License Data - Base Pizza

Liquor License Map - Base Pizza

**This item was recommended for approval as revised.**

### **15 Liquor License - Cracker Barrel #335**

Request for a liquor license. Arizona State License Application 148470.

#### **Summary**

#### Applicant

Andrea Lewkowitz, Agent

#### License Type

Series 12 - Restaurant

Location

5022 E. Chandler Blvd.

Zoning Classification: CP/GCP

Council District: 6

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

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

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

“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: “Cracker Barrel is a nationwide restaurant known for its home-style southern cooking in a family-friendly atmosphere. Applicant would like to offer guests 21 and over the opportunity to order alcoholic beverages as an incident to the meals they enjoy.”

#### 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 - Cracker Barrel #335

Liquor License Map - Cracker Barrel #335

**This item was recommended for approval.**

### **16 Liquor License - Maryland Deli & Liquor**

Request for a liquor license. Arizona State License Application 09070475.

#### **Summary**

##### Applicant

Amy Nations, Agent

##### License Type

Series 9 - Liquor Store

##### Location

6502 N. 7th St.

Zoning Classification: C-2

Council District: 6

This request is for an ownership transfer of a liquor license for a convenience store that sells gas. This location was previously licensed for liquor sales and may currently operate with an interim permit. A use permit is required to allow drive-through windows for the sale of alcohol at this location.

The 60-day limit for processing this application was June 19, 2021. However, the applicant submitted a written request for more time.

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

#### Other Active Liquor License Interest in Arizona

This 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:

"We are a family owned and operated business and we have been in the retail business since 1993. We have 2 locations in Montana and 9 in

Arizona. We are experienced operators of 11 successful businesses and look forward to adding this additional Phoenix location.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “We understand the needs of the our customers and aim to create a great experience for our shoppers. We aim to keep our premises clean and our prices competitive. We offer fresh food, snacks, cold drinks, and much more. This location has been open since 1977 and we wish to continue to provide this valuable service to our 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 - Maryland Deli & Liquor

Liquor License Map - Maryland Deli & Liquor

**This item was recommended for approval.**

**17 Liquor License - Phoenix City Grille**

Request for a liquor license. Arizona State License Application 150975.

**Summary**

Applicant

Andrea Lewkowitz, Agent

License Type

Series 6 - Bar

Location

5816 N. 16th St.

Zoning Classification: C-2

Council District: 6

This request is for a new liquor license for a bar. This location is currently licensed for liquor sales with a Series 12, Restaurant, liquor license.

The 60-day limit for processing this application is July 26, 2021.

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

#### Other Active Liquor License Interest in Arizona

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

Phoenix City Grille (Series 12)  
5816 N. 16th St., Phoenix  
Calls for police service: 6  
Liquor license violations: None

#### Public Opinion

At this time this agenda was finalized, no protest or support letters had been received, however the 20-day public comment period had not yet concluded.

#### 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 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:

“Phoenix City Grille has been a neighborhood favorite for 24 years. Known for its delicious food and family-friendly atmosphere, the restaurant will continue serving fresh, innovative dishes by long-time dependable staff. There will be no changes to the restaurant's operations.”

#### Staff Recommendation

Staff makes no recommendation regarding this application pending the completion of the departmental reviews and the posting process.

#### Attachments

Liquor License Data - Phoenix City Grille

Liquor License Map - Phoenix City Grille

**This item was recommended for approval as revised.**

### **18 Liquor License - Porch**

Request for a liquor license. Arizona State License Application 06070199.

#### **Summary**

##### Applicant

John Dolan, Agent

##### License Type

Series 6 - Bar

##### Location

4017 E. Indian School Road

Zoning Classification: C-2

Council District: 6



This request is for an ownership and location transfer of a liquor license for a bar. This location is currently licensed for liquor sales with a Series 12, Restaurant, liquor license.

The 60-day limit for processing this application is July 27, 2021.

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

#### Other Active Liquor License Interest in Arizona

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

##### Local Edition Gilbert (Series 12)

312 N. Gilbert Road, Gilbert

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

##### Porch (Series 12)

1128 E. Baseline Road, Tempe

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

##### Porch (Series 12)

4017 E. Indian School Road, Phoenix

Calls for police service: 15

Liquor license violations: In October 2020, a fine of \$2,000 was paid for failure to derive 40 percent of income from food.

#### Public Opinion

At the time this agenda was finalized, no protest or support letters had been received, however the 20-day public comment period had not yet concluded.

#### Applicant's Statement

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

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

"I am the current agent the Series 12 license at this location and we seek to replace the Series 12 license with a Series 6 license. I am familiar with liquor laws and have experience operating this establishment since 2017. I also serve as the agent on two other licenses in the Valley."

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

"This request for a Series 6 License is for a business I currently operate at this location with a Series 12 License. As was true with our request for a Series 12 License, the public convenience requires and the best interest of the community will be substantially served by the issuance of this liquor license because it is a neighborhood restaurant that provides food and alcohol options in a convenient location for the surrounding area."

#### Staff Recommendation

Staff makes no recommendation regarding this application pending the completion of the departmental reviews and the posting process.

#### Attachments

Liquor License Data - Porch

Liquor License Map - Porch

**This item was recommended for approval as revised.**

**19 Liquor License - Mixx**

Request for a liquor license. Arizona State License Application 150519.

**Summary**

Applicant

Alejandro Posada, Agent

License Type

Series 1 - In-State Producer

Location

1635 S. 43rd Ave.

Zoning Classification: A-1

Council District: 7

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

The 60-day limit for processing this application is July 19, 2021.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are

shown exactly as written by the applicant on the City Questionnaire.

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

“Under my 28 - year leadership as CEO, Chief Scientific Officer and founder of Bang Energy, we have surpassed \$3.2 billion in retail sales in the past 3 years. We have expanded distribution, storage and manufacturing of alcohol nationwide in many states. Our company has the knowledge, dedication, and leadership required to effectively create the best quality alcoholic beverages available. In fact, my team and I have created a novel patent pending alcohol product that is infused with electrolytes which may be the most innovative/best tasting offering in its genre.”

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**20 Liquor License - Mixx**

Request for a liquor license. Arizona State License Application 149356.

**Summary**

Applicant

Alejandro Posada, Agent

License Type

Series 4 - Wholesaler

Location

4747 W. Buckeye Road

Zoning Classification: A-1

Council District: 7

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

The 60-day limit for processing this application was June 16, 2021.

However, the applicant submitted a written request for more time.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

"Under my 28-year leadership as CEO, Chief Scientific Officer and founder of Bang Energy, we have surpassed \$3.2 billion in retail sales in the past 3 years. We have expanded distribution, storage and manufacturing of alcohol nationwide in many states. Our company has the knowledge, dedication, and leadership required to effectively create the best quality alcoholic beverages available. In fact, my team and I have created a novel patent pending alcohol product that is infused with electrolytes which may be the most innovative/best tasting offering in its genre."

#### Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

### **21 Liquor License - Gus's World Famous Fried Chicken**

Request for a liquor license. Arizona State License Application 149400.

#### **Summary**

Applicant

Andrea Lewkowitz, Agent

License Type

Series 12 - Restaurant

Location

345 W. Van Buren St., Ste. C

Zoning Classification: DTC - Van Buren HP

Council District: 7

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

The 60-day limit for processing this application is July 23, 2021.

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

Other Active Liquor License Interest in Arizona

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

Gus's World Famous Fried Chicken (Series 12)

212 W. Main St., Mesa

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:

"Gus's World Famous Fried Chicken plans to open its second location in Arizona in downtown Phoenix. Famous for its fried chicken since 1953, the company now has more than 30 locations across the U.S. Applicant would like to offer guests 21 and over the opportunity to purchase alcoholic beverages as an incident to the meals they enjoy."

#### Staff Recommendation

Staff makes no recommendation regarding this application pending the completion of the departmental reviews.

#### Attachments

Liquor License Data - Gus's World Famous Fried Chicken

Liquor License Map - Gus's World Famous Fried Chicken

**This item was recommended for approval as revised.**

## **22 Liquor License - Hidden Track Cafe**

Request for a liquor license. Arizona State License Application 151024.

### **Summary**

#### Applicant

Danielle Middlebrook, Agent

#### License Type

Series 12 - Restaurant

#### Location

111 W. Monroe St., Ste. 121

Zoning Classification: DTC-Business Core

Council District: 7

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

The 60-day limit for processing this application is July 27, 2021.

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

#### Other Active Liquor License Interest in Arizona

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



for the address listed.

Hidden Track Bottle Shop (Series 1)

5070 N. Central Ave., Phoenix

Calls for police service: 1

Liquor license violations: None

Hidden Track Bottle Shop (Series 10)

111 W. Monroe St., Ste. 120, Phoenix

Calls for police service: 34

Liquor license violations: None

#### Public Opinion

At the time this agenda was finalized, no protest or support letters had been received, however the 20-day public comment period had not yet concluded.

#### 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 current liquor license holder in good standing. I am well versed on AZ liquor laws, including the requirements of a series 12, and have held a liquor license for over five years with zero infractions."

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

"Hidden Track Cafe has been a staple of our downtown Phoenix community for over four years. Granting this liquor license will allow us to share the global wines available to us with our community while educating them on wine varieties, regions, and wine making practices."

#### Staff Recommendation

Staff makes no recommendation regarding this application pending the completion of the departmental reviews and the posting process.

Attachments

Liquor License Data - Hidden Track Cafe

Liquor License Map - Hidden Track Cafe

**This item was recommended for approval as revised.**

**23 Liquor License - Wren and Wolf**

Request for a liquor license. Arizona State License Application 150765.

**Summary**Applicant

Andrea Lewkowitz, Agent

License Type

Series 12 - Restaurant

Location

2 N. Central Ave., Ste. 101

Zoning Classification: DTC - Business Core

Council District: 7

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This business has plans to open in September 2021.

The 60-day limit for processing this application is July 27, 2021.

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

presumption shall not apply once the licensed location has not been in use for more than 180 days.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

At the time this agenda was finalized, no protest or support letters had been received, however the 20-day public comment period had not yet concluded.

#### 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:

“Wren and Wolf will open at Renaissance Square downtown with a menu featuring American classics with a gourmet twist. Applicant would like to offer guests 21 and over the opportunity to purchase alcoholic beverages as an incident to the meals they enjoy.”

#### Staff Recommendation

Staff makes no recommendation regarding this application pending the completion of the posting process.

#### Attachments

Liquor License Data - Wren and Wolf

Liquor License Map - Wren and Wolf

**This item was recommended for approval as revised.**

**24 Liquor License - Buena Vida Bodega**

Request for a liquor license. Arizona State License Application 150936.

**Summary**

Applicant

Jacqueline Garay, Agent

License Type

Series 10 - Beer and Wine Store

Location

1002 E. Pierce St., Ste. 101

Zoning Classification: C-1 HP

Council District: 8

This request is for a new liquor license for a beer and wine store. This location was not previously licensed for liquor sales and does not have an interim permit. This business has plans to open in August 2021. This location requires a use permit to allow packaged liquor sales.

The 60-day limit for processing this application is July 26, 2021.

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

Other Active Liquor License Interest in Arizona

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

#### Public Opinion

At the time this agenda was finalized, no protest or support letters had been received, however the 20-day public comment period had not yet concluded.

#### 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 an upstanding resident of the community in which the license will operate, my chief concern is improving and empowering my own community. Additionally, combined with my ownership team, I have the requisite experience and history working within the guidelines of legal liquor sales and thus am well versed in running a professional, safe, and compliant operation. I have been a successful employee or contractor for any job I have ever had and maintain strong relationships with past employers, indicating a record of professionalism."

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

"The community within downtown is growing at an exponential rate, and thus requires more establishments that provides basic homewares and food provisions for residents. The liquor license will be an additional component that will help the business grow its revenues in order to thrive and thus create a meaningful impact on the surrounding community by providing adequate nourishment and food goods. Lastly, the expected monetary successes that are afforded by the use of the Series 10 Liquor License will help us create jobs."

#### Staff Recommendation

Staff makes no recommendation regarding this application pending the completion of the departmental reviews and the posting process.

Attachments

Liquor License Data - Buena Vida Bodega

Liquor License Map - Buena Vida Bodega

**This item was recommended for approval as revised.**

**25 Liquor License - Safe Haven Brewery**

Request for a liquor license. Arizona State License Application 150493.

**Summary**Applicant

Gus Fowler, Agent

License Type

Series 3 - Microbrewery

Location

915 N. 4th St.

Zoning Classification: DTC - East Evans Churchill

Council District: 8

This request is for a new liquor license for a microbrewery. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow a brewery, outdoor alcoholic beverage consumption and live entertainment. This business is currently being remodeled with plans to open in October 2021.

The 60-day limit for processing this application is July 19, 2021.

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

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

“Applicant's members have significant experience brewing and operating a brew pub, we will follow all Arizona Liquor Laws and regulations. We will also ensure proper training of managers and staff are same.”

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

“This is the applicant's first location. It compliments the other establishments currently operating in Downtown Phoenix. It will provide an additional craft beer option and brewery experience to the surrounding community.”

#### 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 - Safe Haven Brewery

Liquor License Map - Safe Haven Brewery

**This item was recommended for approval.**

**ORDINANCES, RESOLUTIONS, AND NEW BUSINESS**

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

Note: Three electronic comments were submitted indicating positions on the following items:

Item 57 - One in favor.

Item 83 - One no position.

Item 91 - One in favor.

**A motion was made by Vice Mayor Garcia, seconded by Councilwoman O'Brien, that Items 29-138 be approved or adopted except Items 30, 32, 49-50, 71-74, 78-79, 81, 84, 87-89, 122, 134-135 and 137-138; Item 35 has been withdrawn; and Item 136 is requested to be continued to the Aug. 25, 2021 City Council Formal Meeting. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 1 - Councilwoman Guardado

Items 29, 31, 33-47, Ordinance S-47771 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.

**29 Pronunciator, LLC**

For \$19,500.00 in additional payment authority to extend Contract 143582 for Online Language Learning Resources for the Library



Department. The Library utilizes web-based database products and digital content that provide language learning resources for all City of Phoenix library branches. The resource provides access to language learning materials for at least 30 languages, including Spanish and English as a Second Language, and can be used in a variety of formats such as a web browser or mobile application. A one-year extension is necessary to allow for additional time to conduct a formal procurement process for a new contract.

**This item was adopted.**

**31 Settlement of Claim(s) Hughes v. City of Phoenix**

To make payment of \$39,370.39 in settlement of claim(s) in *Hughes v. City of Phoenix*, 20-0739-001, GL, PD, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement of a property damage claim arising out of a sewer backup incident on Feb. 8, 2021.

**This item was adopted.**

**33 Simply Fog Inc.**

For \$24,600.00 in payment authority for a new contract, entered on or about July 15, 2021 for a term of five years for Fog Fluids for the Fire Department. The Phoenix Fire Training Academy utilizes fog fluid for fog machines to simulate smoke in a building on the fire ground. The department already have numerous fog machines for training on-site and off-site locations. The fog fluid is water-based, non-toxic, and safe for use during training.

**This item was adopted.**

**34 McCook Industries, LLC.**

For \$75,000.00 in payment authority for a new contract, entered on or about July 1, 2021, for a term of five years to repair and provide annual maintenance for 10 boiler equipment and system units that are used at the aquatic facilities to heat the City's public pools for the Parks and Recreation Department. The Parker Boiler equipment and systems are proprietary. The parts are solely manufactured by Parker Boiler and only authorized licensed dealers can acquire the parts necessary for certain repairs. Previous generic factory boiler repair contracts have been utilized using non-OEM parts, which resulted in excessive costs and

improper repairs of the existing boiler systems. A service contract to keep the expensive aging equipment is needed to ensure the City does not have to replace a broken non-repairable system that could incur unnecessary costs.

**This item was adopted.**

**35 State of Arizona Department of Revenue**

For \$4,400,000.00 for annual payment authority for IGA 150693 for the uniform administration, collection, audit, and or licensing of transaction privilege tax, use tax, severance tax, jet fuel excise and use taxes, and rental occupancy taxes imposed by the State, cities or towns for the Finance Department. Municipal Transaction Privilege Tax administration is governed by the Arizona Revised Statute 42-6001. The Statute was modified for the purpose of tax simplification with the passage of House Bill 2111 in 2013 and House Bill 2389 in 2014. The Statute requires Arizona Department of Revenue (DOR) to administer the transaction privilege and use taxes imposed by all cities and towns, to enter into an intergovernmental agreement with each city or town to reflect these changes, and to clearly define the working relationship between the DOR and Arizona cities and towns.

**This item was withdrawn.**

**36 Cox Communications**

For \$135,000.00 for annual payment authority for the Phoenix Fire Department. Services include a private Local Area Network solution utilized for the Maricopa Region Emergency Services IP Network (ESInet). ESInet provides 9-1-1 emergency communications services among the Public Safety Answering Points in the region.

**This item was adopted.**

**37 Cox Communications Arizona, LLC**

For \$96,000.00 in annual payment authority for Cox Communications Arizona, LLC to provide cable television services for departments and facilities citywide for the Information Technology Services Department. Cable television is provided in some city facilities, including senior centers, community centers, and public waiting areas.

**This item was adopted.**

**38 Sprint, Inc.**

For \$660,000.00 for annual payment authority for the Phoenix Fire Department. Services include delivering Wireless Phase II cellular 9-1-1 calls to the Maricopa Region 9-1-1 system.

**This item was adopted.**

**39 Various Vendors for Registration of Domain Names**

For \$25,000.00 in payment authority for various vendors, including GoDaddy and 101Domain, for registration of city domain names, including phoenix.gov for the Information Technology Services Department for citywide domains. The registration of domain names is necessary to host websites for residents to engage with the city online for information and services.

**This item was adopted.**

**40 Zayo Group Holdings, Inc. doing business as Allstream Business US, LLC, Integra Telecom, Electric Lightwave, OpticAccess**

For \$188,400.00 in payment authority for annual utility payment for the Fire Department. The funds will provide the Phoenix Fire Department with a private Local Area Network solution utilized for the Maricopa Region Emergency Services IP Network (ESInet). The ESInet services provide 9-1-1 emergency communications among the Public Safety Answering Points in the region.

**This item was adopted.**

**41 Syniverse Technologies, LLC**

For \$80,000.00 for annual payment authority for the Phoenix Fire Department. Services include Signaling System 7 as part of the telecom architecture for 9-1-1 Wireless Call Routing Management.

**This item was adopted.**

**42 Lumen Technologies, Inc. doing business as Lumen Technologies Service Group, LLC**

For \$2,880,000.00 for annual payment authority for the Phoenix Fire Department. Lumen Technologies is the Incumbent Local Exchange Carrier that provides services and manages the wire line 9-1-1 system for the Maricopa Region.

**This item was adopted.**

**43 Carnegie Mellon University**

For \$15,000.00 in payment authority to purchase Chief Information Security Officer training and certification for the Information Technology Services Department. The purchase is for executive level Information Security training co-administered through Carnegie Mellon University and the Software Engineering Institute. The six-month, nationally recognized program provides education and collaboration with cyber security experts on increasingly critical cyber security fields, including applied cyber risk management, cloud security strategy, and operational resilience.

**This item was adopted.**

**44 Central Arizona Water Conservation District doing business as Central Arizona Project**

For \$28,967.00 in payment authority for a land use license necessary for the on-going right to use Central Arizona Project land and maintain underground sewer lines on Cave Creek Road for a five-year term starting April 20, 2021 through April 19, 2026 for the Water Services Department.

**This item was adopted.**

**45 Central Arizona Water Conservation District doing business as Central Arizona Project**

For \$14,766.00 in payment authority for a land use license necessary for the on-going right to use Central Arizona Project land and maintain three underground sewer lines on Happy Valley Road for a five-year term starting Feb. 14, 2021 through Feb. 13, 2026 for the Water Services Department.

**This item was adopted.**

**46 Managed Medical Review Organization, Inc.**

For \$33,000.00 in additional payment authority for Contract 144922, for independent medical evaluations for the Retirement Department. The number and complexity of applications submitted has increased from previous years, requiring additional funds. Independent medical evaluations are used when either the City of Phoenix Employees' Retirement System (COPERS) Board, Disability Assessment Committee, or the Local Police and Fire Retirement Boards (Local Boards) require information to determine the eligibility of individuals for a

disability retirement. Further, state statute requires all public safety members who have filed an application for disability retirement be referred for an independent medical evaluation by a board certified, Arizona licensed physician in order to determine if they meet the criteria listed in Arizona Revised Statutes, section 38-859. Memorandum of Understanding 144978--0 is the agreement between the COPERS Board and the Local Boards that permits the Local Boards to use the COPERS contract.

**This item was adopted.**

**47 Granicus, LLC**

For \$18,000.00 in payment authority for a new agreement, to be entered on or about July 1, 2021, for a term of one year for the Street Transportation Department for Interactive texting services. The service enables a safe and easy way for Phoenix residents to provide feedback in public processes related to the Active Transportation Plan - an update to the Bicycle Master Plan. The contract will allow residents to opt-in to future text message updates or surveys from Street Transportation.

**This item was adopted.**

**48 (CONTINUED FROM JUNE 23, 2021) - Odor Control Services - Requirements Contract - IFB 21-107 (Ordinance S-47767)**

Request to authorize the City Manager, or his designee, to enter into a contract with Beckman and Monson Holdings LLC doing business as Aire-Master of Phoenix to purchase Odor Control Services for citywide use. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$490,000.

**Summary**

This contract will provide all materials, labor, and supervision to furnish, install and maintain odor control devices in various City facilities. Services required include the use of a variety of scented deodorants, odor counteractants, and dispensers of various sizes and functions. All fragrant deodorants products shall be environmentally safe, as allergy-free as possible with no toxins that may contaminate the air.

**Procurement Information**

IFB 21-107 was conducted in accordance with Administrative Regulation

3.10. There were three offers received by the Procurement Division on May 21, 2021 which were evaluated on price, responsiveness to specifications, and responsibility to provide the required goods and services. The bid notification was sent to 255 suppliers and was publicly posted and available for download from the City's website.

The Deputy Finance Director recommends that the offer from Beckman and Monson Holdings LLC doing business as Aire-Master of Phoenix be accepted as the lowest priced, responsive and responsible offer.

#### **Contract Term**

The five-year contract term will begin on or about July 1, 2021.

#### **Financial Impact**

The aggregate contract value will not exceed \$490,000. Funds are available in the various departments' budgets.

**This item was adopted.**

#### **51 Request for City Council to Call to Meet in Executive Session on Specific Dates through December 2021**

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

Sept. 7

Sept. 21

Oct. 12

Oct. 26

Nov. 9

Dec. 7

#### **Public Outreach**

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

**This item was approved.**

**52 Payment Ordinance for Summer Recess (Ordinance S-47790)**

The request is prepared each fiscal year end to allow for continuance of operations during the annual Council summer recess.

**Summary**

Request to authorize the City Controller to disburse funds, not to exceed \$100,000 per vendor, per occurrence, arising or otherwise due and payable during the period commencing on July 1, 2021 through August 24, 2021, for the purpose of continuing payment authority for expenditure of public money for payment of claims against the City of Phoenix for normal, recurring, business operating expenditures.

**This item was adopted.**

**53 Acceptance and Dedication of a Deed and Easement for Sidewalk and Roadway Purposes (Ordinance S-47788)**

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

**Summary**

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

Easement (a)

Applicant: Chamberlain Development, L.L.C., its successor and assigns

Purpose: Sidewalk

Location: 6950 W. Buckeye Road

File: FN 210036

Council District: 7

Deed (b)

Applicant: Chipman Apartments, LLC, its successor and assigns

Purpose: Roadway

Location: 1135 E. Chipman Road

File: FN 210026

Council District: 8

**This item was adopted.**

**54 Acceptance and Dedication of an Easement for Public Utility Purposes (Ordinance S-47784)**

Request for the City Council to accept and dedicate an easement for public utility purposes; further ordering the ordinance recorded.

**Summary**

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

Easement (a)

Applicant: North Valley Assembly of God, its successor and assigns

Purpose: Public Utility

Location: 28660 N. Black Canyon Highway

File: FN 200595

Council District: 1

**This item was adopted.**

**55 Acceptance of Easement for Water Purposes (Ordinance S-47786)**

Request for the City Council to accept an easement for water purposes; further ordering the ordinance recorded.

**Summary**

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

Easement (a)

Applicant: Lincoln View Plaza LLC, its successor and assigns

Purpose: Water

Location: 3113 E. Lincoln Drive

File: FN 210025

Council District: 6



**This item was adopted.**

**56 Acceptance and Dedication of Assignment of Right-of-Way (16-104453) from Arizona State Land Department for Roadway and Underground Utility Purposes (Ordinance S-47772)**

Request for the City Council to accept an assignment of a portion of right-of-way from the Arizona State Land Department for roadway and underground utilities and to dedicate the land to public use for roadway and underground utility purposes; further ordering the ordinance recorded.

Additionally, 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 would be prohibited by Phoenix City Code 42-18, as the Arizona State Land Department's documents include such provisions.

**Summary**

Arizona Public Service Company (APS) acquired approximately 1.18 acres of right-of-way for roadway and underground utilities from the Arizona State Land Department for legal access to their APS facility. As a condition of the right-of-way acquisition, APS is required to assign and transfer all title and interest of the right-of-way to the City. The Street Transportation Department has agreed to accept only the portion of right-of-way within the City's jurisdiction. The portion of right-of-way outside of the City limits is excepted out of this acceptance. The right-of-way is located west of 56th Street along Jomax Road and is further described in the legal description to be recorded with the ordinance.

**Financial Impact**

There is no financial impact to the City of Phoenix as the right-of-way and all fees associated with this transaction were paid by APS.

**Location**

West of 56th Street along Jomax Road.

Council District: 2

**This item was adopted.**

**57 Acquisition of Real Property for High-Intensity Activated Crosswalk Signals at Seven Locations (Ordinance S-47774)**

Request to authorize the City Manager, or his designee, to acquire real property and related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain for High-Intensity Activated Crosswalk signals at seven locations. Further request to authorize dedication of land with roadway and/or public improvements to the public use via separate recording instrument. Additionally request to authorize the City Controller to disburse all funds related to this item.

**Summary**

Acquisition of real property is required to install High-Intensity Activated Crosswalk (HAWK) signals. Improvements include illuminated crosswalks, Americans with Disabilities Act compliant sidewalks and ramps, pedestrian signals, pavement, curb and gutter. The project will enhance pedestrian crossing safety at the following locations:

17th and Peoria Avenues;  
7th Avenue and Colter Street;  
Thomas Road and Dayton Street;  
16th Street and Virginia Avenue;  
13th Avenue and Osborn Road;  
16th Avenue and Buckeye Road; and  
19th and Glendale Avenues.

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

**Financial Impact**

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

**Location**

Various locations.

Council Districts: 3, 4, 5 and 8

**This item was adopted.**

**58 Acquisition of Real Property for Roadway Improvements Along 48th Street Between Pointe Parkway West Traffic Circle and Baseline Road (Ordinance S-47808)**

Request to authorize the City Manager, or his designee, to acquire all real property and related property interests by donation, purchase within the City's appraised value, or by the power of eminent domain required for roadway improvements along 48th Street between the Pointe Parkway West traffic circle and Baseline Road. Further request to authorize dedication of land with roadway and/or public improvements to public use for right-of-way purposes via separate recording instrument. Additionally request to authorize the City Controller to disburse all funds related to this item.

**Summary**

The City entered into Development Agreement 143841 with Pointe South Mountain Business Park Association (Association) for the construction of public improvements including the build out of 48th Street as a public roadway. The Association worked with the City to secure dedications from existing owners and members of the Association. Additional acquisition of real property is required to obtain property rights needed to begin construction.

The parcels affected by this project and included in this request are identified in **Attachment A**.

**Financial Impact**

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

**Concurrence/Previous Council Action**

The City Council approved:

Development Agreement 143841 (Ordinance S-42241) on Jan. 6, 2016;

and

Acceptance and Dedication of Land (Ordinance S-47122) on Nov. 18, 2020.

**Location**

48th Street between the Pointe Parkway West traffic circle and Baseline

Road.

Council District: 6

**This item was adopted.**

**59 Authorization to Execute Agreements with Arizona Public Service and Grant Related Easements for Electric Vehicle Charging Stations at 305 W. Washington and 324 and 424 W. Adams Streets (Ordinance S-47777)**

Request to authorize the City Manager, or his designee, to execute agreements with Arizona Public Service and grant related easements for electric vehicle charging stations at 305 W. Washington and 324 and 424 W. Adams streets.

**Summary**

Arizona Public Service (APS) is conducting an Electric Vehicle (EV) Charging Pilot Program (Program) for installation of EV charging stations to assess EV consumer purchasing and the use of EV charging stations. The Program will be in place for five years and may terminated at any time by APS. Upon termination, the City may elect to take ownership of, or have APS remove, the EV charging stations.

At no cost to the City, APS will design, construct, and install all necessary infrastructure and charging stations. APS will install 8 EV chargers in the parking garage at 305 W. Washington St. and 5 EV chargers in the parking garage at 324 and 424 W. Adams St. APS will provide semi-annual inspections, testing and firmware upgrades. The City is responsible for weekly safety inspections to keep the charging stations clear and free of debris.

The City may be required to grant easements or licenses for infrastructure related to the installation and operation of the EV charging stations. If the City elects to take ownership of the EV charging stations, APS will transfer title to the City.

**Contract Term**

The agreement term will be for five years.

**Financial Impact**

There is no financial impact to the City.

**Location**

305 W. Washington Street

324 W. Adams Street

424 W. Adams Street

Council District: 7

**This item was adopted.**

**60 Authorization to Accept Real Property for Middle Vista Hillside Mountain Preserve West of N. Black Canyon Highway Along Dixileta Drive Alignment (Ordinance S-47789)**

Request to authorize the City Manager, or his designee, to accept by donation real property located west of the N. Black Canyon Highway and along the Dixileta Drive alignment for Mountain Preserve purposes, to be designated as "Mountain Preserve" in accordance with the provisions of Chapter XXVI of the City Charter.

**Summary**

The property is being developed by Lennar as Middle Vista Hillside Subdivision (KIVA 13-1972 / PLAT 200619) which consists of 228 single-family lots. As part of the rezoning stipulation, GM Gabrych Family Limited Partnership and/or Lennar Arizona, Inc., its successor or assigns will donate approximately 117 acres along the west side of the development for the Middle Vista Hillside Mountain Preserve to provide a natural space that may be developed into a future trailhead. The property will be conveyed by special warranty deed.

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

**Location**

N. Black Canyon Highway along the Dixileta Drive alignment.

Council District: 1

**This item was adopted.**

**61 Online Access Electronic Books - Requirements Contract - RFA 17-072(A) (Ordinance S-47792)**

Request to authorize the City Manager, or his designee, to extend and

allow additional expenditures under Contract 144194 with Skillsoft Corporation for the purchase of Skillsoft Books, for the Library Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$51,726.

**Summary**

This contract offers unlimited, simultaneous access to over 25,000 eBooks focusing on topics related to business, professional development, human resources, information technology, as well as thousands of books, research report, book summaries and best practices for the Library Department. In addition, this resource provides access to the Leadership Channel Online, an Integrated solution featuring over 4,500 videos. The Phoenix Public Library is the only public library in Maricopa County to offer these resources.

In an effort to allow more time to complete a new procurement process and ensure current City services are not interrupted, it is in the best interest of the City to extend the current contract.

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

**Contract Term**

Upon approval, the contract term will be extended through Aug. 31, 2022.

**Financial Impact**

Upon approval of \$51,726 in additional funds, the revised aggregate value of the contract will not exceed \$273,367. Funds are available in the Library Department's budget.

**Concurrence/Previous Council Action**

This contract was originally approved by City Council on Dec. 14, 2016.

**This item was adopted.**

- 62 Authorization to Amend Agreement with City of Phoenix Municipal Employees Association, an Arizona non-profit Corporation to**

**Extend Term (Ordinance S-47798)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 142954 with City of Phoenix Municipal Employees Association, a non-profit corporation to extend the lease term for a five-year period. Further request to authorize the City Treasurer to accept all funds related to this item.

**Summary**

City of Phoenix Municipal Employees Association (COPMEA) leases approximately 487 square feet of office and storage space controlled by the Public Works Department, on the 2nd floor of the Calvin C. Goode building located at 251 W. Washington St. The agreement will be amended to extend the term for a five-year period. Market rent for the space is approximately \$6,000 per year. As consideration for the lease, COPMEA will provide in-kind services and/or donations having a value equivalent to the market value of the lease, which is \$6,000 per year, which is within the range of market rents as determined by the Real Estate Division. The in-kind services and/or donations will be provided as follows: 1) a dedication for an improvement to the Parks and Recreation Department for one or more City parks of no less than \$5,500 per year; and 2) gift baskets and other drawing donations for proceeds to benefit the Community Service Fund Drive, Hands and Hearts Faire of no less than \$500 per year. COPMEA is a long-term tenant in good standing.

**Financial Impact**

The City will receive in-kind services and donations in the amount of no less than \$6,000 per year.

**Concurrence/Previous Council Action**

The City Council approved Agreement 142954 (Ordinance S-42414) on April 6, 2016.

**Location**

251 W. Washington St.

Council District: 7

**This item was adopted.**

**63      Custodial Services IFB 19-076 - Requirements Contract (Ordinance S-47806)**

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 149368 with ISS Facility Services, Inc. for large-scale event cleaning services for the Phoenix Convention Center Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$475,000.

**Summary**

The Phoenix Convention Center Department (PCCD) and their custodial service vendor have mutually agreed to terminate their current custodial service contract, effective on Nov. 20, 2020. In response to the majority of events being cancelled at PCCD facilities due to the COVID-19 pandemic, contracted cleaning services were discontinued. PCCD is now seeking cleaning services through December 2021 and has requested to be added as an authorized user of this cleaning service contract with ISS Facility Services, Inc. This contract will provide pre-event and post-event cleaning services as the PCCD is underway in reopening for city-wide conventions and large-scale events. The additional funds will allow PCCD to continue to maintain increased levels of cleanliness at PCCD theaters and convention center facilities.

Adding PCCD as an authorized user will allow the department additional time to complete their new procurement for custodial services.

**Contract Term**

This contract is effective from May 1, 2019 through April 30, 2024.

**Financial Impact**

Upon approval of \$475,000 in additional funds, the revised aggregate value of the contract will not exceed \$6,279,940. Funds are available in the Phoenix Convention Center Department's budget.

**Concurrence/Previous Council Action**

This contract was originally approved by City Council on May 1, 2019.

**This item was adopted.**

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**64 Authorization to Execute Agreements and Grant Necessary**



## **Easements for Salt River Project Recharge Station at Phoenix Zoo (Ordinance S-47809)**

Request authorization for the City Manager, or his designee, to execute agreements and licenses, and grant easements across City-owned property leased to the Arizona Zoological Society for the Salt River Project Recharge Station. Additionally, request authorization to dedicate easements to public use via separate recording instrument. There is no financial impact to the City.

### **Summary**

The Arizona Zoological Society (Zoo) operates the Phoenix Zoo on City-owned land (City) under Lease Agreement 106614, effective through May 2058. The City is reconstructing the parking lots that serve the Phoenix Zoo, and the Zoo will take over maintenance responsibilities of the parking lots. At no cost to the City and Zoo, Salt River Project (SRP) will install 20 solar-powered covered parking spaces with 10 dual port smart electric vehicle chargers in parking lot A (Recharge Station).

The City and/or Zoo will enter into a 10-year agreement with SRP for the Recharge Station. The agreement may be extended for two, five-year periods at SRP's sole discretion. SRP is responsible for all design, installation, equipment costs and infrastructure upgrades. SRP is responsible for operation, maintenance and electrical costs of the SRP installed systems during the term of the agreement. The City and/or Zoo may assume ownership of the Recharge Station, including costs for operation and maintenance upon termination of the agreement. SRP will decommission and return the site to a condition as close to original, as reasonably possible, if the City and/or Zoo declines ownership of the Recharge Station.

The City may be required to execute agreements and licenses, and grant and/or dedicate easements required by SRP for installation and operation of the Recharge Station. The City and the Zoo will amend the lease agreement to reflect the Zoo's maintenance responsibility of the parking lots.

### **Financial Impact**

There is no financial impact to the City.

**Concurrence/Previous Council Action**

The City Council approved:

- 1) Lease Agreement 106614 (Ordinance S-29900) on April 30, 2003;
- 2) Lease Agreement Amendment 106614-1 (Ordinance S-36097) on Aug. 17, 2009; and
- 3) Lease Agreement Amendment 106614-2 (Ordinance S-40549) on June 3, 2014.

**Location**

455 N. Galvin Parkway  
Council District: 6

**This item was adopted.**

**65 Annual Expenditure Limitation Report Designee to Arizona Auditor General (Resolution 21946)**

Request City Council approval to designate Assistant Finance Director Kathleen Gitkin to submit the City's Annual Expenditure Limitation Report (AELR) to the Arizona Auditor General.

**Summary**

Arizona Revised Statutes 41-1279.07 (E) requires each county, city, town and community college district to annually provide to the Auditor General by July 31 of each year the name of the CFO that the governing board designates to submit the current year's AELR and to certify the accuracy of the report. For 2021 and 2022, the Auditor General has authorized the City Manager to designate the Assistant Finance Director to sign the AELR until the next Chief Financial Officer is selected.

**This item was adopted.**

**66 Civil Service Board Hearing Officers (Ordinance S-47821)**

Request to authorize the City Manager, or his designee, to enter into agreements with Harold J Merkow, Mary Stevens, Peter Reinstein, Prudence Lee and Stacy Gabriel, to provide Hearing Officer services to the Civil Service Board. Further request to authorize the City Controller to

disburse funds related to this item. The five-year aggregate value of all contracts will not exceed \$310,000.

**Summary**

These contracts are needed to perform hearing officer duties including conducting hearings on Civil Service Board appeals as provided in the Personnel Rules, composing written reports stating findings and conclusions of law, and making recommendations for the Civil Service Board's review and approval.

**Procurement Information**

Request for Qualifications (RFQu) 20-132 was conducted in accordance with Administrative Regulation 3.10, with the intent of establishing a list of qualified vendors to provide hearing officer services on an as-needed basis for the City. Five offers were received by the Human Resources Department on April 23, 2021. The Notice of Solicitation was emailed to 365 Hearing Officers registered in ProcurePHX and other listings from other government agencies and associations in Arizona. The offers were scored by a three-person panel on the following criteria: Qualifications and Experience (350 points), Method of Approach (350 points) and Communication (300 points).

It was the consensus of the evaluation committee to recommend awarding the contract to Harold J Merkow, Mary Stevens, Peter Reinstein, Prudence Lee and Stacy Gabriel.

The following are the scores:

Prudence Lee - 965

Harold J Merkow - 935

Mary Stevens - 875

Stacy Gabriel - 860

Peter Reinstein - 535

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

**Contract Term**

The five-year contract term shall begin on or about Aug. 2, 2021.

**Financial Impact**

The five-year aggregate value of all contracts will not exceed \$310,000. Funds are available in the Human Resources Department's budget.

**This item was adopted.**

**67     Enterprise License Agreement for GIS Mapping - Amendment  
(Ordinance S-47794)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 148203 with Environmental Systems Research Institute, Inc., to provide additional time and funding for the GIS Mapping Enterprise License Agreement for the Information Technology Services Department in support of various departments. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures authorized in this amendment will not exceed \$2,575,350.

**Summary**

This request is to extend the term of the existing Enterprise License Agreement (ELA) and for the funds needed for those additional years. Environmental Systems Research Institute (ESRI), Inc. is the City's provider of GIS software used by the Information Technology Services, Aviation, Fire, Police, Street Transportation, Water Services and other departments to maintain critical infrastructure and public safety information.

The mapping solution allows departments to generate maps and mapping applications, and storage geospatial data in a centralized spatial database hosted by the Information Technology Services Department. The ELA provides City GIS users unlimited access to the ESRI products identified in the agreement, including maintenance on all software for the term of the agreement. Based on the considerable number of user licenses deployed throughout the City, entering into an ELA provides benefits, value, and cost savings to the City. Benefits include a lower cost-per-unit for licensed software, substantially reduced administrative expenses, maintenance, and the flexibility to deploy software when and where needed.

**Contract Term**

The term of this agreement will be extended through July 29, 2024.

**Financial Impact**

The initial authorization for this agreement was for an expenditure not to exceed \$1,515,100. This amendment will increase the authorization for the agreement by an additional \$2,575,350 (including taxes), for a new total not-to-exceed agreement value of \$4,090,450.

Funding is available in the various departments' budgets.

**Concurrence/Previous Council Action**

The City Council approved Agreement 148203 (Ordinance S-44741) on June 6, 2018.

**This item was adopted.**

**68 Various Software License Agreements (Ordinance S-47814)**

Request to authorize the City Manager, or his designee, to execute all necessary software agreements with: Formstack, LLC; Mixmode, Inc.; RedSeal, Inc.; and RSA Security LLC, and further request to grant an exception to the indemnification, liability, and legal redress provisions of Phoenix City Code section 42-18. There is no financial impact related to this request, as funding for the agreements has already been approved as part of the State of Arizona Cooperative for Software Value-Added Reseller Services agreements.

**Summary**

The City uses the Software Value-Added Resellers Cooperative contracts for departments citywide to purchase software and annual software support and maintenance. Formstack, LLC, Mixmode, Inc., RedSeal, Inc., and RSA Security LLC offer software and related services needed by the City for electronic forms and IT Security. This request is for approval to enter into the vendors' license agreements, requiring an exception to code provisions in section 42-18. In negotiating these agreements, it has become clear that the software providers cannot fully indemnify the City nor accept unlimited liability. The vendors' position aligns to IT industry practices. Granting an exception would authorize the City to negotiate indemnification and assumption of liability provisions that best protect the City while still being acceptable to the vendors.

Mixmode, Inc., RedSeal, Inc., and RSA Security LLC provide security software to protect the City's systems, such as security monitoring and multi-factor authentication solutions.

The software agreement with Formstack, LLC will provide a versatile software solution which will replace the City's current in-house eForms system. The Formstack solution will allow the City to build no-code forms to gather customer data and automate tasks such as the City Clerk Department's Virtual Request to Speak process, the Budget and Research Department's Community Budget Hearing forms and similar processes. Enhancing the electronic form system is vital to the business needs of the City and provides enhanced digital services to residents.

### **Contract Term**

The term of the agreements under the City's Cooperative Purchasing Agreement for Software Value-Added Reseller Services through the State of Arizona Cooperative is through April 7, 2022. All software purchases will occur during this period. Contract term provisions within the software agreements may extend beyond the term of the cooperative agreement.

### **Financial Impact**

There is no financial impact related to this request, as funding for the agreements has already been approved as part of the State of Arizona Cooperative for Software Value-Added Reseller Services agreements.

### **Concurrence/Previous Council Action**

The City Council approved:

Software Value-Added Reseller Services Cooperative Agreement 144228 (Ordinance S-43077) with CDW on Dec. 14, 2016; and Software Value-Added Reseller Services Cooperative Agreement 151721 (Ordinance S-46331) with SHI on Jan. 29, 2020.

**This item was adopted.**

## **69 Professional Services for IT Project Management and Business Analysis Support - Amendment (Ordinance S-47817)**

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

additional expenditures under the established agreements with: CE Wilson Consulting, LLC Contract 144530; Envision, LLC Contract 144528; IntraEdge, Inc., Contract 144532; Kolla Soft, Inc., Contract 144531; and Scott Business Group, LLC Contract 144533 for professional Information Technology (IT) project management and business analysis services on an as-needed basis for the Information Technology Services Department in support of various departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures authorized in this amendment will not exceed \$1.6 million.

**Summary**

The City utilizes contract project managers and business analysts to augment staff. This model provides flexibility and allows the City to select project managers and business analysts with the skill set and experience specific to the IT project being undertaken. The number of citywide IT projects vary over time and staff in these roles are needed to ensure that projects meet the necessary business requirements, project scope, and are completed on time and on budget.

Recently, the ability to utilize these contracts allowed the Information Technology Services Department to contract with project managers and business analysts to expeditiously support critical initiatives such as enhancements to the citywide cyber security programs, Fire and Police department critical system modernization efforts, myPHX311 initiative and the citywide Learning Management System. This request is for additional funding to allow the City to support upcoming IT project requests and needs, and avoid disruption to key initiatives.

**Contract Term**

The term of these agreements is through Jan. 31, 2022.

**Financial Impact**

The initial authorization for these agreements was for an expenditure not to exceed \$5 million. This amendment will increase the authorization for these agreements by an additional \$1.6 million for a new total not to exceed \$6.6 million. Funding is available in various departments' budgets.

**Concurrence/Previous Council Action**

The City Council approved Ordinance S-43212 for these agreements on Feb. 1, 2017.

**This item was adopted.**

**70     Software Licensing, Maintenance and Technical Support For Case Management System (Ordinance S-47807)**

The Phoenix Municipal Court requests authorization to purchase software licensing, maintenance and technical support from Prolifics, Inc. Further request authorization for the City Controller to disburse all funds related to this item. The agreement value will not exceed \$17,000.

**Summary**

The Phoenix Municipal Court leverages an internally developed and supported case management system that relies on Panther software provided by Prolifics, Inc. It is critical for the Court to obtain this software licensing, maintenance and technical support as not doing so would be a risk to the Court's project to upgrade its case management system (iCMS). The Panther software is necessary to support iCMS, which is the Court's primary, mission-critical business application.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition Determination Memo citing Prolifics, Inc. as the only known distributor and provider of Panther software, upgrades, maintenance and technical support, which the Court currently uses in its case management system.

**Financial Impact**

Expenditures for this purchase will not exceed \$17,000.

Funding is available in the Phoenix Municipal Court's budget.

**This item was adopted.**

**75     COVID-19 Community and Mobile Testing and Vaccination Health Events - Amendments (Ordinance S-47827)**

Request to authorize the City Manager, or his designee, to execute amendments to Agreements: 152654 with Family Tree Healthcare, L.L.C.; and 152430 with Equality Health Foundation, Sonora Quest



Laboratories, LLC and Equality Care Center, to add COVID-19 vaccination services. Further request to authorize the City Manager, or his designee, to execute amendments to Agreements: 152825 with Vincere Physicians Group PLLC; 152654 with Family Tree Healthcare L.L.C.; 153733 with Premier Lab Solutions; and 152430 with Equality Health Foundation, Sonora Quest Laboratories, LLC, and Equality Care Center, to add additional funding and time to the agreements. Additionally request to authorize the City Treasurer to accept, and City Controller to disburse, all funds related to this item. The additional aggregate agreements' value included in this amendment will not exceed \$2.5 million. Funding is available through the American Rescue Plan Act (ARPA) from the federal government and is under the City's Better Health Outcomes and Community Testing and Vaccines category of the strategic plan.

**Summary**

The City Council declared a local emergency due to the COVID-19 pandemic on March 20, 2020. Staff continues to work with COVID-19 testing vendors to ensure that community testing and vaccination efforts for residents are available through the duration of the public health emergency. The Public Works Department is seeking to expand and extend COVID-19 testing and vaccination service capability to the general public at community testing health care events.

Staff will return to discuss future vaccine and testing efforts in early fall.

**Contract Term**

The revised agreements will begin on or about July 1, 2021, for a six-month period, with one option to extend for an additional six months.

**Financial Impact**

This additional funding authorized by this amendment will not exceed an aggregate value of \$2.5 million.

Funding is available through ARPA from the federal government and is under the City's Better Health Outcomes and Community Testing and Vaccines category of the strategic plan.

**Concurrence/Previous Council Action**

The City Council approved:

Agreement 152430 (S-46775) with Equality Health Foundation on June 17, 2020;

Agreement 152654 (S-46848) with Family Tree Healthcare L.L.C. on July 1, 2020;

Agreement 152825 (S-46849) with Vincere Physicians Group on July 1, 2020;

Agreements: 152430 with Equality Health Foundation, Sonora Quest Laboratories, LLC, and Equality Care Center; 152654 with Family Tree Healthcare L.L.C; and 152825 with Vincere Physicians Group - Amendments (S-47158) on Dec. 2, 2020;

Agreement 153733 with Premier Lab Solutions (S-47219) on Jan. 6, 2021; and

The American Rescue Plan Strategic Plan for Allocation 1 on June 8, 2021.

**This item was adopted.**

**76 Enter into Agreements for Phoenix Resilient Food System Programs (Ordinance S-47812)**

Request to authorize the City Manager, or his designee, to enter into separate agreements with: Local First Arizona Foundation; LISC Phoenix; Arizona Food Bank Network; Aramark Sports and Entertainment L.L.C. dba Aventura Catering; and Waste Not, to provide food assistance to vulnerable populations impacted by COVID-19. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The aggregate agreements value will not exceed \$6,290,000. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) funding received from the federal government and is under the City's Phoenix Resilient Food System category of the strategic plan.

**Summary**

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

production; and 5) business and employment opportunities throughout the food system spectrum.

### Continuing Programs

Three programs that were previously funded, the Feed Phoenix Initiative managed by Local First Arizona Foundation (LFAF), the Funds to Feed Initiative managed by Local Initiatives Support Corporation (LISC), and the Arizona Food Bank Network (AFBN) program, will be continued.

These programs increased access to healthy foods with prepared meals and food boxes for impacted populations using local businesses (restaurants, caterers, event venues, food hubs, mobile markets), local Phoenix-based farms, nonprofit and grassroots organizations, school districts, and food banks and pantries. Funds will continue to be distributed to those entities selected and deemed eligible in the previous open grant process for each program. Additional entities will be selected using similar grant processes previously used as funding allocation allows.

LISC, LFAF, and AFBN will continue to serve as Subrecipients and will administer and manage their respective programs and perform services including receiving applications, selecting applicants, disbursing funds, and collecting compliance monitoring data to provide monthly reports to OEP. The agreements executed with each organization will detail the Subrecipient's responsibilities, grantee requirements, schedule, and reporting requirements. Details are shown below, by agency:

Local First Arizona Foundation - provide administrative and financial support through issuance of grants for restaurants, catering, including event venues with catering services, farmers, community-supported agriculture, food hubs, and mobile markets, city-wide, demonstrating capacity for food distribution services to vulnerable populations impacted by COVID-19.

LISC - provide administrative and financial support through issuance of grants for organizations city-wide, including grassroots, community, nonprofits, health, social service providers and public schools demonstrating capacity for food distribution services to vulnerable populations impacted by COVID-19.

Arizona Food Bank Network - provide administrative and financial support through issuance of grants to smaller agencies (food banks/pantries)

throughout Phoenix who partner with the St. Mary's Food Bank Alliance to distribute food, including assisting agencies that may not be part of the alliance to join. AFBN is the only organization with an established grant assistance program for entities that are affiliated with St. Mary's Food Bank Alliance.

#### New Program

The Meals to Work Program will use the services of Aventura Catering and the kitchens at the Phoenix Convention Center to prepare 1,000 healthy, nutritious meals weekly for 26 weeks. Meals will be delivered to social service organizations, such as St. Vincent de Paul and others. In addition to helping COVID-19 impacted families and individuals, 14 employees will be able to return to work at the Phoenix Convention Center. Delivery will be contracted through Waste Not, a nonprofit focused on food recovery, who has the experience, capacity, and infrastructure to deliver the meals safely from the Convention Center to the organizations.

OEP will assist LISC, LFAF, AFBN, and Waste Not to oversee the agreements and coordinate any needed services, such as program outreach and connections to social service organizations.

#### Outreach and Support Staff

Funding will be used to hire two temporary full-time positions, a project manager and an administrative assistant, to manage and monitor all of the activities associated with the Phoenix Resilient Food System Programs.

#### **Procurement Information**

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

#### **Contract Term**

The term of the agreement will begin on or about July 19, 2021 through Aug. 30, 2022. Agreements may be extended based on continuous need and available funding, which may be exercised by the City Manager, or his designee.

**Financial Impact**

Funding for these programs will not exceed \$6,090,000. There is no impact to the General Fund. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) funding received from the federal government and is under the City's Phoenix Resilient Food System category of the strategic plan.

The funding breakdown is as follows:

Local First Arizona - \$2.7 million

LISC - \$1.95 million

Arizona Food Bank Network - \$800,000

Aventura Catering - \$565,000

Waste Not - \$75,000

Outreach and Support Staff - \$200,000

**This item was adopted.**

**77      Retroactive Approval for American Rescue Plan Act Funding for Head Start Birth to Five for Fiscal Year 2021-22 (Ordinance S-47783)**

Request to retroactively authorize the City Manager, or his designee, to apply for, accept, and, if awarded, enter into any necessary agreements for the Head Start and Child Care Partnership grants. Further request to authorize 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, as one-time funding is provided through the American Rescue Plan Act in the amount of \$4,129,122.

**Summary**

The U.S. Department of Health and Human Services, Office of Head Start received \$1 billion as a portion of American Rescue Plan Act (ARPA) funding. As a grantee, the City of Phoenix was allocated \$4,129,122 to use in the prevention, preparation, and response to the coronavirus pandemic. This funding will be used to create or expand learning environments for toddler and preschool-aged children, purchase high-quality UV disinfecting machines to sanitize small classroom materials, continue mental health and wellness activities for families and staff, employment of additional staff in classrooms, furniture for new

classrooms, additional materials for classrooms, lease or purchase of classroom space, and professional development. Funding may also be used to deliver meals and snacks to children in school and sanitize the learning and work environments. ARPA funds will be used for preschool-aged children's summer school opportunities in June 2022, 2023, and 2024. This is a non-competitive supplemental application.

The funding will be allocated based on the number of slots per program listed below:

Head Start Education Service Providers (2,963 slots) - \$2,963,000;  
Early Head Start Home-Based (300 slots) - \$300,000; and  
Early Head Start Child Care Partners (188 slots) - \$188,000.

As the grantee, the City of Phoenix will retain \$678,122 to purchase or lease space to create service hubs for parents and Early Head Start socialization sites. Funding will also be used to purchase and replenish protective equipment for staff to use when meeting with parents, conducting home visits, or participating in community events.

The contracted Head Start Education Service Providers and Early Head Start Child Care Partners are listed below:

Education Service Providers

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

Child Care Partners

Cactus Kids Child Care Center  
Fusion Minds dba Immanuel Care for Children  
Out of This World Christian Child Care

**Contract Term**

The ARPA funding will be received July 1, 2021 and must be expended

by June 30, 2024.

**Financial Impact**

There is no impact to the General Fund. One-time funding is provided through the ARPA funding.

**This item was adopted.**

**80 Parks and Recreation Department After-School Programs and Youth Sports (Ordinance S-47822)**

Request authorization for the City Manager, or his designee, to enter into grant agreements with nonprofit organizations and schools throughout Phoenix. Further authorize the City Treasurer to accept, and the City Controller to disburse, the funds for purposes of this ordinance. The total value of the agreements will not exceed \$3,000,000. 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 under the City's Phoenix Youth Sports, Recreation, Education and After-School category of the strategic plan.

**Summary**

The Parks and Recreation Department experienced record numbers in park usage throughout the COVID-19 pandemic. While the department successfully transitioned to offering many programs virtually, in-person after-school and youth sports programs were temporarily suspended since March 2020. The department has developed a plan to help provide safe, affordable and inclusive recreation opportunities for youth, during the critical after-school hours and is proposing to use funds to support these efforts in vulnerable communities throughout the City.

After-School Program Grants

Grants will provide funding to Phoenix schools to allow them to implement free or affordable after-school programs, which would enable children to have a fun, educational and inclusive place to be after school. The program will be administered through an application process.

Youth Sports Grants

Grants will provide funding to Phoenix non-profit organizations to provide free youth sports opportunities during after-school hours. Sports are a

great way to engage youth during the critical after-school hours. Many youth throughout the City are not able to participate in these activities due to financial barriers. The program will be administered through an application process.

**Financial Impact**

Funding for these programs will not exceed \$3,000,000. 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 under the City's Phoenix Youth Sports, Recreation, Education and After-School category of the strategic plan. The funding breakdown is as follows:

After-School Grant for Phoenix Schools: \$2.5 million

Youth Sports League Grant for Phoenix Non-profits: \$500,000

**Concurrence/Previous Council Action**

City Council approved the revised American Rescue Plan Proposed Strategic Plan at the June 8, 2021 Policy meeting by a vote of 7-2.

**This item was adopted.**

**82      Contracts to Implement Small Business Grants Program  
(Ordinance S-47816)**

Request to authorize the City Manager, or his designee, to enter into a contract with the Arizona Community Foundation (ACF) for small business grant administration services, to amend contracts with one or more temporary staffing companies to add funds for assistance with the City's review of grant applications, to fund two temporary City staff positions, and to implement this grant program. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, funds related to this request. Funding for this grant program will not exceed \$8 million. There is no impact to the General Fund. Funding is available through the City's allocation of American Rescue Plan Act (ARPA) from the federal government and is under the City's Micro and Small Business Assistance Programs category of the strategic plan.

**Summary**



In April 2020, the City partnered with the Phoenix IDA and ACF on the first round of the Small Business Relief Grants and awarded up to \$10,000 each to more than 200 Phoenix small businesses. Starting in May 2020, the City began a second round of Small Business Relief Grants as well as a first round of Microbusiness Resiliency Grants and Restaurant Restart Grants with \$11 million in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding allocated by City Council. Through the remainder of calendar year 2020, the City awarded:

722 Small Business Relief Grants ranging from \$3,000 to \$10,000 to businesses with 25 or fewer employees and annual gross sales less than \$3 million.

1,639 Microbusiness Resiliency Grants ranging from \$3,000 to \$5,000 to businesses with five or fewer employees and annual gross sales less than \$1 million.

103 Restaurant Restart Grants ranging from \$5,000 to \$10,000 to restaurants, caterers, or food truck operators for expenses to restart their businesses.

ACF is a nonprofit organization with a mission to lead, serve and collaborate to mobilize enduring philanthropy for a better Arizona. If approved, the City will contract with ACF to provide grant administration services, including hosting the website for grant application submittals, providing customer service in English and Spanish, verifying applicants' taxpayer identification information, submitting applicant information to the City for review, notifying applicants of grant application status, distributing funds to awardees, and issuing Internal Revenue Service 1099 tax forms to grant recipients.

ACF was selected through a Special Circumstance - Without Competition due to the unusual nature of these services and ACF's previous experience administering the City's various small business grants, its existing grant administration infrastructure and its long-standing reputation in community for financial stewardship and integrity. The City will release the grant funds to ACF on a rolling basis as needed to fund grants approved for award by the City. This funding allocation will include ACF's

fees to administer the programs, which are 3.25 percent of the grant funding to be awarded plus a flat fee of \$10,000 to prepare and distribute Internal Revenue Service 1099 tax forms.

To assist with the implementation of this program, this request includes authorization to fund two temporary full-time City staff positions and approximately five temporary staff utilizing the City's contracted employment services providers. The temporary contracted individuals will assist with the City's review of applications vetted by ACF and will conduct research to document each applicant's eligibility and other related duties.

Many of the City's small businesses are still struggling to stay open due to the COVID-19 pandemic. ARPA funds will provide resources that Phoenix businesses need to stay open, pay employees, and cover other operational costs due to the downturn in business.

#### 2021 Small Business Grants Program

A single application form will be offered in English and Spanish. Eligibility requirements will remain that each business must: 1) currently operate in Phoenix and have been operating in Phoenix for at least 12 months prior to grant approval; 2) have suffered a loss in sales, at least 25 percent due to COVID-19, when comparing 2021 to 2020 for any month since March; 3) employ 25 or fewer individuals; and 4) generate less than \$3 million in annual sales. Grant awards will be based on the applicant's number of employees and the City will request documentation as needed to ensure grant awards are helping to retain jobs in Phoenix. Eligible businesses located immediately adjacent to light rail construction may receive additional funding to offset the economic impact of this construction.

Staff intends to open the grant application upon filling the temporary City staff positions, contracting with ACF, and completing all start-up efforts. Business owners who submitted eligible but unfunded grant applications in 2020 will have exclusive access to the new grant application for one week. These businesses, as well as businesses that received grants in 2020, will be permitted to apply for additional assistance once the grant application is available to all businesses.

**Contract Term**

The City's grant funding agreement with ACF will begin as soon as possible and have an initial term of one year with two, one-year extensions, pending future City Council approval of ARPA funding.

**Financial Impact**

Total funding for this grants program will not exceed \$8 million. There is no impact to the General Fund. Funding is available through the City's allocation of ARPA funds received from the federal government.

**Concurrence/Previous Council Action**

City Council approved the use of ARPA funds for Phoenix Arts, Business and Employee Assistance at its June 8, 2021 City Council Policy meeting. Previously, City Council approved CARES Act funding for the Small Business Relief Grants (\$5 million) on April 30, 2020 and for the Microbusiness Resiliency Grants (\$6 million) and Restaurant Restart Grants (\$1 million) on May 5, 2020. On Aug. 26, 2020 and Oct. 21, 2020, City Council approved changes to the eligibility requirements for these grant programs to assist more small businesses and an additional \$1,087,000 in small business grant funding was approved by City Council on Dec. 16, 2020.

**This item was adopted.**

**83 Enter Into Contracts for COVID-19 Related Homeless Services - Request for Proposals Contract Awards (Ordinance S-47793)**

Request to authorize the City Manager, or his designee, to enter into agreements with responsive offerors for COVID-19 related homeless services eligible under the Emergency Solutions Grant (ESG). The ESG eligible program components include: Emergency Shelter, Street Outreach, Rapid Rehousing, Homelessness Prevention, Data Collection and/or Administration. The term for each contract will begin on or about July 1, 2021 and end on Sept. 30, 2022. Aggregate expenditures will not exceed \$9.1 million over the life of the contracts. Further request to authorize the City Controller to disburse all funds related to this item.

**Summary**

The City of Phoenix was awarded \$22.8 million in Emergency Solutions Grant - CV2 (ESG-CV2) and Community Development Block Grant funding for homeless support services by the U.S. Department of Housing and Urban Development (HUD). ESG funds in the amount of \$9.1 million were allocated to contract for homeless services in the following categories: Emergency Shelter, Street Outreach, Rapid Rehousing, Homelessness Prevention, Data Collection and/or Administration under the ESG expenditure guidelines. In doing so, the City of Phoenix seeks to end an individual's homelessness through outreach and case management services, housing stabilization, and the eventual provision of a pathway to permanent housing while simultaneously adhering to Center for Disease Control recommendations to prioritize efforts for vulnerable individuals due to the COVID-19 pandemic.

Funding will be used to prevent, prepare for, and mitigate the effects of the Coronavirus pandemic among individuals and/or families experiencing homelessness who are at greater risk of exposure and susceptibility, and to support additional homeless assistance and prevention activities to alleviate the impacts of COVID-19 within the community.

**Procurement Information**

Request for Proposals, RFP-21-HSD-41, was conducted in accordance with the City of Phoenix Administrative Regulation 3.10. The Human Services Department received 20 offers on May 15, 2021 and 14 were determined responsive and responsible to the solicitation requirements.

The Evaluation Committee comprised of staff and external stakeholders, evaluated all proposals based on the outlined evaluation criteria, responsiveness to all the specifications, terms and conditions, and responsibility to provide the required service. The Evaluation Criteria was as follows:

Cost and Fiscal Ability - 300 possible points

Organizational Capacity - 200 possible points

Service Methodology - 200 possible points

Strategies to Address Homelessness Plan Alignment - 200 possible

points

Implementation Plan - 100 possible points

The Evaluation Committee reached consensus and determined that proposers with scores of 700 or higher are eligible for award. Those proposers with scores higher than 700 are listed below:

Emergency Shelter

A New Leaf, Inc.: 945 points

UMOM New Day Centers, Inc.: 898 points

Community Bridges, Inc.: 843 points

Homeward Bound: 824 points

Child Crisis Arizona: 789 points

Central Arizona Shelter Services, Inc.: 762 points

The Salvation Army: 739 points

Homelessness Prevention

Homeward Bound: 930 points

Rapid Re-housing

A New Leaf, Inc.: 948 points

Central Arizona Shelter Services, Inc.: 731 points

Street Outreach

Community Bridges, Inc.: 869 points

Southwest Behavioral Health Services, Inc.: 863 points

The Salvation Army: 735 points

Based on the scoring, the amount of funding available and the amount of funding requested, the following 10 proposals will receive funding.

Individual contract amounts will not exceed requested funding as indicated in the table below, but proposals could receive partial funding based on negotiation and eligible costs under federal regulation.

Available Funding: \$9.1 million

Emergency Shelter

A New Leaf - \$129,129

UMOM New Day - \$1,529,000  
Community Bridges - \$371,223  
Homeward Bound - \$1,471,301  
Child Crisis Arizona - \$1,196,459  
Central AZ Shelter Services - \$1,093,260  
**Total - \$5,790,372**

Homeless Prevention

Homeward Bound - \$827,494  
**Total - \$827,494**

Rapid Re-housing

A New Leaf - \$1,169,963  
**Total - \$1,169,963**

Street Outreach

Community Bridges Inc. - \$785,979  
Southwest Behavioral Health Services - \$584,198  
**Total - \$1,370,177**

Total All Proposals - \$9,158,006

**Contract Term**

The term for each contract will begin on or about July 1, 2021, and end on Sept. 30, 2022.

**Financial Impact**

Aggregate expenditures will not exceed \$9.1 million over the life of the contracts. One-time funds are available from the ESG. There is no impact to the General Fund.

**This item was adopted.**

**85 Apply for Area Agency on Aging, Region One, Inc. Grant for Home Delivered Meals Program (Ordinance S-47799)**

Request to authorize the City Manager, or his designee, to apply for funding and enter into an agreement with Area Agency on Aging, Region One, Inc. (AAA) to accept home delivered meals funding in an amount

not to exceed \$5,425,370 for the period beginning July 1, 2021 through June 30, 2022. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

**Summary**

In Spring 2019, the City of Phoenix was awarded a five-year grant which began July 1, 2019 and ends June 30, 2024. Funds provided to the City of Phoenix through AAA are used to fund the City's Home Delivered Meals (HDM) program. The HDM program assists with increasing the nutrient intake of older adults at nutritional risk to allow them to remain independent in their homes. Due to the COVID-19 pandemic, service needs have increased as more seniors have become homebound. As a result, AAA has increased funding to the City of Phoenix for the HDM program. The Human Services Department (HSD) prepares and delivers approximately 585,717 nutritionally balanced meals to homebound and disabled seniors annually.

**Contract Term**

The initial term of the contract under the five-year grant began July 1, 2019 through June 30, 2020, with four one-year options to extend. AAA determines if it exercises an option to extend. As such, the City of Phoenix is required to reapply for funding each optional year of the grant.

The term of this contract will be for the extension of the second-year option which will begin July 1, 2021, through June 30, 2022. If provided by AAA, the City of Phoenix will reapply for funding for the third option in 2022 and the fourth option in 2023.

**Financial Impact**

The total contract amount shall not exceed \$5,425,370 for the term beginning July 1, 2021 through June 30, 2022. There is a 10 percent match of \$200,000 on the first \$2 million of each annual award. Funding is available in the HSD budget.

**Concurrence/Previous Council Action**

Ordinance S-44610 was adopted on May 16, 2018, authorizing HSD to contract with Selrico Services, Inc., for food management of the Senior Congregate and HDM programs. The contract term for Selrico is July 1,

2018 through June 30, 2023, with one two-year option to extend.

Ordinance S-45521 was adopted on April 3, 2019, authorizing HSD to apply for, accept funding from and enter into the initial contract with AAA for an amount up to \$2,082,325 annually.

Ordinance S-47112 was adopted on Nov. 18, 2020, authorizing HSD to accept an additional \$2,843,045 in funding for fiscal year 2020-21.

Ordinance S-47312 was adopted on Feb. 17, 2021, authorizing HSD to accept an additional \$500,000 in funding for fiscal year 2020-21.

**This item was adopted.**

**86 National Endowment for the Arts Grants for Arts Projects  
(Ordinance S-47815)**

Request authorization for the City Manager, or his designee, to apply for, accept, and, if awarded, enter into an agreement for up to \$100,000 in National Endowment for the Arts for Arts Projects (Local Arts Agency) funding. The grant funds would be used by the Phoenix Office of Arts and Culture in Fiscal Year (FY) 2022-23 to continue the City's Neighborhood Arts program. Further authorize the City Treasurer to accept and the City Controller to disburse the funds for purposes of this ordinance.

**Summary**

The National Endowment for the Arts (NEA) Grants for Arts Project (Local Arts Agency) program is a flexible funding category developed to recognize and assist the cultural programming and achievements of the nation's local arts agencies. The Office of Arts and Culture is the designated local arts agency for the City of Phoenix.

If awarded, the grant funds will be used to continue the Neighborhood Arts Program in FY 2022-23. Funding has already been secured for FY 2021-22. The NEA funds will enable the department to provide grant funds to neighborhood groups that will lead collaborative arts and culture projects and programming in Phoenix neighborhoods that don't regularly receive arts funding, over a two-year period. These groups will receive



grant funds as well as professional development and mentorship to build partnerships and project sustainability after the grant period.

**Financial Impact**

The NEA Grants for Arts Projects (Local Arts Agency) program requires a one-to-one match by applicants. The Phoenix Office of Arts and Culture FY 2022-23 General Fund appropriation will be used to match the grant award.

**This item was adopted.**

**90 Reopening of Community Centers and Pools in the Parks and Recreation Department**

This report provides an update to the City Council on the status of reopening community centers in the Parks and Recreation Department and requests City Council approval to increase capacities for open swim and swim lessons at Phoenix pools and to remove the requirement that youth must be accompanied by someone at least 16 years old for open swim.

**Summary**

On May 5, 2021, the Phoenix City Council approved the Parks and Recreation Department's tiered reopening plan, based on feedback from the City's contracted public health professional and the City of Phoenix overall risk category per the Arizona Department of Health Services (AZDHS) Community Transmission Indicators.

The Parks and Recreation Department implemented the plan with the opening of 11 large community centers for summer youth camps and registered programs on June 7. The camps provide activities for youth ages six to 12 and are at 65 percent registration capacity overall, with open spots available at all centers.

The reopening plan also called for the department to move into the next phase of reopening when the AZDHS Community Transmission reached the Moderate Transmission category. On June 10, the overall risk category reached the Moderate Transmission category. Therefore, effective June 21, the 11 open community centers increased program capacity to 75 percent; fitness rooms opened at 50 percent capacity; and

other gym activities became available by reservation.

Further, effective June 28, 2021, Tier 2 small centers opened at the same capacity percentages. Centers that do not offer formal summer recreation programs opened for drop-in recreation activities for select classes and programs, which will require registration and/or appointments. All community centers are now open (**Attachment A**).

To align with increased capacities at indoor facilities, staff is requesting City Council approval to increase capacity limits at the pools. At present, open swim and swim lessons are offered at modified capacities. The department is recommending to increase open swim and swim lessons to 100 percent capacities and remove the requirement that youth must be accompanied by someone at least 16 years old for open swim upon approval.

**This item was approved.**

**91 Amend City Contract No. 111 - Lease Extension of City-Owned Property at 723 W. Polk Street with the American Legion Post No. 1 (Ordinance S-47830)**

Request to authorize the City Manager, or his designee, to amend City Contract No. 111, and any other agreements as necessary (Amendment), with the American Legion Post No. 1, a nonprofit service organization for military veterans (Legion), to extend the lease term for the Legion's use of City-owned property located at 723 W. Polk Street, also known as 364 N. 7th Avenue (the Site), accept real property, and modify certain business terms. Further request authorization for the City Treasurer to accept funds related to this item. There is no expense impact to the General Fund as a result of this action. The lease extension will generate \$300 in total revenue to the General Fund.

**Summary**

On Feb. 20, 1920, the City and Legion entered into a 99-year lease of the 1.7 acre Site for the purpose of creating a location and facility for the Frank Luke Jr. Post No. 1 of the American Legion. The lease agreement terminated on Feb. 20, 2019, pursuant to the terms of the contract. On Sept. 5, 2018, the City Council authorized an extension to the lease which terminated on Aug. 1, 2020, allowing the Legion to celebrate the 100th anniversary of the Legion and Post No. 1 in the building. City staff sent a

lease amendment to the Legion for execution; however, the Legion never signed it but has continued to occupy the Site. Concurrently, the Community and Economic Development Department (CEDD) is negotiating the terms of a disposition and redevelopment agreement for the Site, pursuant to a Request for Proposal (RFP) authorized by City Council on June 26, 2019. At a future date, CEDD will seek City Council authorization to enter into a disposition and redevelopment agreement with the responsive proposer of that RFP.

The Legion notified the City that the American Legion's 102nd National Convention will be held in Phoenix in August 2021 and the Frank Luke Jr. Post No. 1 will be showcased as one of the original American Legion posts in the U.S. The proposed amendment would allow the Legion to remain in the building through the National Convention.

Subject to City Council authorization, the following business terms have been negotiated with the Legion and would be implemented through the Amendment.

Term shall be retroactively extended from Feb. 20, 2019 to up to Aug. 1, 2022.

Legion shall provide the City with the following consideration for the lease extension: a) Pay rent of \$100 per year for the extension (including previous rental payments owed for years 2019-20 and 2020-21, for a total of \$300; b) Provide the equivalent of not less than \$6,400 per year of in-kind public benefit services, to be coordinated with, and monitored by, the CEDD. The Legion shall document the in-kind public benefit services for years 2019-20 and 2020-21, or pay to the City a make-up payment of up to \$6,400 per year if the Legion does not sufficiently document the in-kind public benefits; and c) Transfer ownership of APN 111-30-085C, a small parcel adjacent to the Site, to the City, at no cost to the City.

Legion shall be responsible for all public and private utilities and property expenses.

Legion shall not renew the lease term of any third party billboard leases on the site.

Legion shall provide insurance and indemnification acceptable to the City. Amendment may include other terms and conditions deemed necessary

or appropriate by the City Manager or his designee.

**Contract Term**

This Amendment will extend the lease term until up to Aug. 1, 2022, unless earlier terminated by the City.

**Financial Impact**

There is no expense impact to the General Fund as a result of this action. The Amendment will create a one-time lease payment of \$300 which will be deposited into the General Fund.

**Concurrence/Previous Council Action**

Resolution 524, authorizing this contract, was passed by the Commission of the City of Phoenix on March 3, 1920. Ordinance S-44976, authorizing the first amendment, was passed by the City Council on Sept. 5, 2018, but the amendment was never executed.

**Location**

723 W. Polk Street (also known as 364 N. 7th Ave.)

Council District: 7

**This item was adopted.**

**92      Electronic Interference Detection Equipment - IFB 21-130  
(Ordinance S-47801)**

Request the City Manager, or his designee, to enter into a contract for a one-time purchase from Research Electronics International LLC, for electronic interference detection equipment for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate value will not exceed \$103,500.

**Summary**

The electronic interference detection equipment will provide the Police Department's Threat Mitigation Unit with an advanced capability to identify wireless interference, locate the source of the interference, and mitigate the interference in a timely manner to minimize the impact to Public Safety communications and at critical infrastructure sites. Wireless interference includes illegal jammers, and improperly configured or malfunctioning radios which emit radio frequency (RF) signals that can

affect Public Safety communications. In the past 18 months, there have been multiple instances where Police and Fire Department Communications have been impacted negatively by both unintentional and nefarious incidents of wireless interference. This equipment is designed to be used as a handheld tool to identify the exact source of the RF interference, and prevent interference sources.

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

### **Procurement Information**

IFB 21-130 was conducted in accordance with Administrative Regulation 3.10. There was one offer received by the Procurement Division on June 9, 2021. The offer submitted by Research Electronics International, LLC, was evaluated on price, responsiveness to specifications, and responsibility to provide the required goods and services. The price was determined to be fair and reasonable based on market research. The bid notification was sent to 99 suppliers and was publicly posted and available for download from the City's website.

### **Contract Term**

The one-year contract term will begin on or about July 7, 2021.

### **Financial Impact**

The aggregate contract value will not exceed \$103,500. Funds are available in the Police Department's budget.

**This item was adopted.**

## **93 Self-Contained Breathing Apparatus - Requirements Contract - RFP 21-049 (Ordinance S-47804)**

Request to authorize the City Manager, or his designee, to enter into a contract with Municipal Emergency Services (MES) Inc. to purchase Self-Contained Breathing Apparatus (SCBA), parts and related services for Phoenix Fire Department (PFD). Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$26,000,000.

### **Summary**

This contract will provide SCBA for PFD, to include annual inspection, fit-testing, hydrostatic testing, preventative maintenance, repairs and parts. The SCBA is used by firefighters in any immediately dangerous to life or health (IDLH) atmosphere, such as structure, car, dumpster fires, over haul, hazardous incidents, confined space rescues and the investigation of fire scenes. The use of SCBAs is mandated by National Fire Protection Association (NFPA) 1982 Standard and National Institute for Occupational Safety and Health (NIOSH) regulations. The PFD labor management process determined to continue with the Scott brand of SCBAs and upgrade to the Scott X3 Pro and Scott SKA-PAK respirator which meets the current NFPA standards. The PFD currently uses Scott SCBAs, face pieces, regulators, cylinders, and all associated parts which are compatible with the Scott X3 Pro and Scott SKA-PAK respirators, resulting in a cost savings of approximately \$3 million for the City.

**Procurement Information**

RFP 21-049 was conducted in accordance with Administrative Regulation 3.10. There were two offers received by the Procurement Division on May 21, 2021. The notification was sent to 107 suppliers and was publicly posted and available for download from the City's website.

The proposals were scored by a three-member evaluation panel based on the following evaluation criteria worth 1,000 points:

Conformance with Scope of Work / Project Approach / Warranty,  
Maintenance & Repair Services - 400 points  
Firm Experience and Personnel Qualifications - 300 points  
Cost (Section VI - Price Schedule) - 200 points  
Training Schedule and References - 100 points

The offeror scores are as follows:

Municipal Emergency Services (MES) - 980 points  
Safeware - 700 points

The Deputy Finance Director recommends that the offer from Municipal Emergency Services be accepted as the highest-scored, responsive and responsible offer that is most advantageous to the City.

**Contract Term**

The five-year contract term will begin on or about July 1, 2021. Provisions of the contract will include an option to extend the term of the contract for one additional five-year period, which may be exercised by the City Manager or his designee.

**Financial Impact**

The aggregate contract value including the optional years will not exceed \$26,000,000. In addition, MES is offering a trade in credit for SCBAs in the amount of \$990,000. Funds are available in the Fire Department's budget. The critical nature of the SCBA units require that they be maintained and replaced at regularly scheduled intervals. To accomplish this goal staff recommends creating an SCBA Replacement Fund. This fund will be funded with a General Fund transfer of approximately \$1 million-per-year starting in FY 2022-23. From this point forward the replacement fund would have the resources required to ensure that this critical equipment is replaced in accordance with national standards and in advance of being declared obsolete.

**Concurrence/Previous Council Action**

The replacement of SCBA for PFD was approved by a 4-0 vote at the Public Safety and Justice Subcommittee meeting held on March 10, 2021.

**This item was adopted.**

**94 Intergovernmental Agreement with Town of Paradise Valley for Fire Protection and Emergency Medical Services (Ordinance S-47825)**

Request authorization for the City Manager, or his designee, to enter into an intergovernmental agreement with the Town of Paradise Valley for fire protection and emergency medical services. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item. The Fire Department will receive an amount of \$2,819,000 for Fiscal Year 2021-22 for fire and emergency medical services.

**Summary**

Under the terms of the proposed agreement, Phoenix will provide staffing

for the Town of Paradise Valley fire stations and emergency response to the community; personnel and certain operating costs to be split 50/50 between Phoenix and Paradise Valley. Calls will be dispatched through the Phoenix Fire Department's Regional Dispatch Center. Paradise Valley and Phoenix will alternate the purchase of replacement apparatus based on the replacement schedule, with the mileage of each apparatus to be the determining factor on future replacement.

The proposed agreement is of mutual benefit to the residents of both the City of Phoenix and the Town of Paradise Valley. Both Paradise Valley fire station locations will reduce response times into portions of Phoenix that border Paradise Valley.

**Contract Term**

The 20-year contract term will begin July 1, 2021.

**Financial Impact**

The Fire Department will receive an amount of \$2,819,000 for Fiscal Year 2021-22 for fire and emergency medical services.

**This item was adopted.**

**95 Shoplifting/Theft Diversion Program**

Request to authorize the City Manager, or his designee, to enter into a contract with SAGE Counseling, Inc. (SAGE) to operate and administer the City's Shoplifting/Theft Diversion Program (SDP). The Program is funded entirely through fees paid by program participants.

**Summary**

This program provides a one-day educational program (or individual counseling, as needed) for persons charged with a shoplifting or theft-related misdemeanor offense in the City of Phoenix who meet the Prosecutor's Office criteria to participate in this diversion program. There is a wide range of criteria, including for example, participants are usually first-time offenders, have no previous theft-related felony, have no history of violations in fiduciary positions, and the incident was non-violent.

**Procurement Information**

In April 2021, the City issued a Request for Proposals, RFP



21-LAW-002, to seek offers from outside organizations to operate the City's Shoplifting/Theft Diversion Program. The solicitation notification was emailed to 113 vendors registered in ProcurePHX, mailed to 36 vendors, and was posted and available for download from the City's website. Two proposals were received, one of which was deemed non-responsive. The responsive proposal was reviewed by an evaluation panel that determined that the SAGE proposal satisfies the requirements in the RFP.

**Contract Term**

The contract term will be three years beginning on or about July 1, 2021 through June 30, 2024, with two, one-year options for renewal, which may be exercised by the City Manager or his designee.

**Financial Impact**

There is no annual expenditure of City funds because the program is fully funded by fees paid by program participants.

**This item was approved.**

**96     Apply For Local Judicial Collection Enhancement Fund Grant  
Funding to Purchase Computer Hardware (Ordinance S-47800)**

Request to authorize the Phoenix Municipal Court to apply for grant funding from the Arizona Supreme Court-administered Judicial Collection Enhancement Fund to purchase computers and related hardware. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Grant funding would not exceed \$160,000.

**Summary**

The Phoenix Municipal Court will use the funds to replace aging desktop computers, laptops, and related hardware, as well as to replenish its stock of spare computers and related hardware. The purchase of additional hardware, and replacement of existing hardware, will help the Court support expanded business needs, ensure the reliability of the Court's business systems, minimize potential hardware failure and support requirements and maintenance costs.

**Financial Impact**

Funds will be made available in the Phoenix Municipal Court local Judicial Collection Enhancement Fund account. The Phoenix Municipal Court must submit a funding plan and application to the Arizona Supreme Court Administrative Office of the Courts to secure approval for use of Judicial Collection Enhancement Fund funds pursuant to Arizona Revised Statutes section 12-113. No General Fund dollars will be used and the City could receive up to \$160,000 in grant funding.

**This item was adopted.**

**97 FY 2021 Community Policing Development De-Escalation Grant (Ordinance S-47823)**

Request authorization for the City Manager, or his designee, to allow the Police Department to apply for, accept and enter into an agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), for the FY 2021 Community Policing Development De-Escalation Training Grant in an amount not to exceed \$200,000. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

**Summary**

The De-Escalation Training Grant provides funding to develop the capacity of law enforcement to implement community policing strategies by providing guidance on promising practices through the development and testing of innovative strategies; building knowledge about effective practices and outcomes; and supporting new, creative approaches to preventing crime and promoting safe communities.

The COPS office will provide funding to law enforcement agencies seeking to build agencies' internal capacity to provide de-escalation training to officers, including overtime and investments in Virtual Reality/Augmented Reality (VR/AR) technology. Funding may also support the development of resources (roll-call videos, toolkits, etc.) to support agencies' de-escalation training efforts and to promote continual learning and maintenance of skills. Applications are due by July 22, 2021.

**Contract Term**

Two years beginning Oct. 1, 2021 through Sept. 30, 2023.

**Financial Impact**

The total funding request is \$200,000. No matching funds are required.

**This item was adopted.**

**98 FY2021 Community Policing Development Accreditation Grant  
(Ordinance S-47824)**

Request authorization for the City Manager, or his designee, to allow the Police Department to apply for, accept and enter into an agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), for the FY2021 Accreditation Grant in an amount not to exceed \$75,000. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

**Summary**

The Accreditation Grant provides funding to develop capacity of law enforcement to implement community policing strategies by providing guidance on promising practices through the development and testing of innovative strategies; building knowledge about effective practices and outcomes; and supporting new, creative approaches to preventing crime and promoting safe communities.

The COPS office will provide funding related to obtaining accreditation from an existing law enforcement accreditation entity. This grant will fund sworn officer salaries, civilian employee salaries, sworn officer overtime, contracts for staff, accreditation fees, and cost associated with internal training for personnel, as well as any other expenses directly related to an agency's ability to successfully obtain accreditation. Applications are due by July, 22, 2021.

**Contract Term**

Two years beginning Oct. 1, 2021 through Sept 30, 2023.

**Financial Impact**

The total funding request is \$75,000. No matching funds are required.

**This item was adopted.**

**99 FY2021 Community Police Development Crisis Intervention Teams  
Grant (Ordinance S-47826)**

Request authorization for the City Manager, or his designee, to allow the Police Department to apply for, accept and enter into an agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), for the FY2021 Crisis Intervention Teams Grant in the amount not to exceed \$250,000. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

**Summary**

The Crisis Intervention Teams Grant will provide funding to develop capacity of law enforcement to implement community policing strategies by providing guidance on promising practices through the development and testing of innovative strategies; building knowledge about effective practices and outcomes; and supporting new, creative approaches to preventing crime and promoting safe communities.

The COPS office will provide funding to law enforcement agencies to create or expand the use of crisis intervention teams to embed mental and behavioral health services with law enforcement to better respond to individuals in crisis within the community. The grant will fund overtime for sworn personnel, salaries and contracts for mental health professionals and cost associated with training for personnel. Applications are due by July 7, 2021.

**Contract Term**

The contract term is two years beginning Oct. 1, 2021 through Sept. 30, 2023.

**Financial Impact**

The total funding request is \$250,000. No matching funds are required.

**This item was adopted.**

**100 Amend Ordinance for Memorandum of Understanding and Cost Reimbursable Agreement with Federal Bureau of Investigation (Ordinance S-47828)**

Request authorization for the City Manager, or his designee, to amend the current ordinance (S-41079) with the Federal Bureau of Investigation for the reimbursement of police services provided to the Violent Street Gang Task Force. Authorization of the amendment will increase the

amount of reimbursement to \$120,000 per year. Further request authorization for the City Treasurer to accept all funds related to this item.

**Summary**

The Police Department has entered into similar reimbursement agreements with the FBI over the last several years. This agreement reimburses the City for the cost of police overtime and related fringe benefits when the officers work with the FBI on investigations involving certain criminal enterprise groups operating in the Phoenix area. The purpose of these investigations is to identify and target for prosecution criminal enterprise groups responsible for drug trafficking, money laundering, human smuggling, crimes of violence such as murder and aggravated assault, robbery and violent street gangs, as well as to intensely focus on the apprehension of dangerous fugitives where there is or may be a federal investigative interest.

Ordinance S-41079 authorized an agreement with the Federal Bureau of Investigation not to exceed \$45,000. The amendment will increase the amount of funding by \$75,000, not to exceed a total of \$120,000 per year. All other items will remain unchanged.

**Contract Term**

The contract term is from Aug. 7, 2014 until cancelled by either party.

**Financial Impact**

No matching funds are required. The cost to the City is in-kind resources only.

**Concurrence/Previous Council Action**

Ordinance S-41079 was adopted by City Council at the July 2, 2014 meeting.

**This item was adopted.**

**101 Request Ordinance Amendment for Neighborhood Block Watch Oversight Committee's Recommendations for 2021 Grant Program Awards (Ordinance S-47829)**

Request authorization for the City Manager, or his designee, to amend ordinance (S-47766) for the Neighborhood Block Watch (NBW)

Oversight Committee's recommendations for the 2021 grant program awards. Authorization of the amendment will increase the number of agreements from 133 to 153 between the City of Phoenix and the Neighborhood Block Watch Grant Program applicants for the 2021 grant cycle, and increase the annual funding amount available for all grant applications from \$1,509,747 to \$1,700,000. Further request authorization for the City Controller to disburse funds related to this item in an amount not to exceed \$1,700,000.

**Summary**

Ordinance S-47766 was approved as amended, by City Council on June 23 2021. At that meeting, City Council members requested that all grant applications receiving a score of 3.75 or greater be recommended for funding. This amendment will increase the number of agreements from 133 to 153.

See **Attachment A and Revised Attachment A** for a list of all 160 grant applications.

**Contract Term**

The funding period is July 1, 2021 through June 30, 2022.

**Financial Impact**

No matching funds are required.

**This item was adopted.**

**102 Phoenix Goodyear Airport Drainage Improvements -  
Design-Bid-Build Services - AV41000074 (Ordinance S-47773)**

Request to authorize the City Manager, or his designee, to accept Doege Development LLC as the lowest-priced, responsive, and responsible bidder and to enter into an agreement with Doege Development LLC for design-bid-build services for the Phoenix Goodyear Airport Drainage Improvements project. Further request to authorize the City Controller to disburse all funds related to this item. The fee for the services will not exceed \$2,636,592.28.

**Summary**

The purpose of the Phoenix Goodyear Airport Drainage Improvements project (Project) is to make improvements to the drainage system on Phoenix Goodyear Airport (Airport) by converting open ditches to

underground storm drain piping. The Project consists of constructing underground piping to replace the irrigation ditch on the north side of the Airport; connecting to the Roosevelt Irrigation District irrigation channel on the north end and the Airport storm drain on the southern end; constructing underground piping to enclose the drainage channel in the southeastern portion of the Airport, which conveys combined stormwater and irrigation tailwater flows from the existing storm drain system to the Airport's existing outfall; constructing underground piping that connects to a junction structure at the southern end of the Airport to discharge existing outfall through culverts under the Airport access road; and constructing culverts and catch basins needed for the Project.

Doege Development LLC's services include integration with existing systems, minimal impact to Airport or drainage operations, construction of north system first, followed by the south system, coordination with Goodyear Tire and Rubber for existing utilities, coordination with Southwest Gas where its gas line crosses the drainage path, compliance with applicable building codes whether applicable to Maricopa County, City of Phoenix, Goodyear, or Avondale, compliance with Federal Aviation Administration Advisory Circulars for on-airport construction, and other work as required for a complete Project.

The agreement is essential to the health, safety, and welfare of the public and to critical operations for the City.

### **Procurement Information**

The selection was made using an Invitation for Bids procurement process set forth in section 34-201 of the Arizona Revised Statutes. Six bids were received on May 18, 2021 and were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and contractor responsiveness in compliance with Disadvantaged Business Enterprise (DBE) program requirements.

The opinion of probable cost and the three lowest responsive, responsible bidders are listed below:

Opinion of Probable Cost: \$2,875,366.00

Doege Development LLC: \$2,636,592.28

Granite Construction Company: \$2,665,376.00  
FPS Civil, LLC: \$2,731,907.69

**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 before 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 Doege Development LLC will not exceed \$2,636,592.28, including all subcontractor and reimbursable costs.

This project will use 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 Aviation Department has received two Arizona Department of Transportation grants. 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 Design Services Agreement 143091 (Ordinance S-42716)  
on June 22, 2016; and

Engineering Construction Administration and Inspection Services  
Agreement 153656 (Ordinance S-47243) on Jan. 20, 2021.

**Location**

1658 S. Litchfield Road, Goodyear, Ariz.

Council District: Out of City

**This item was adopted.**

- 103 Solar Renewable Energy Credit Purchase Agreement -  
Amendment - 305 Parking Garage (Ordinance S-47781)**



Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 136034 with Goldman Sachs Renewable Power Operating Company, LLC/Solar Star Arizona V, LLC, to provide additional funding for the solar renewable energy credit purchase agreement with the Public Works Department. 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 \$237,567.48.

**Summary**

The agreement with Goldman Sachs Renewable Power Operating Company, LLC/Solar Star Arizona V, LLC is used for maintenance services for the photovoltaic (PV) system located on the rooftop of the 305 Parking Garage. The power produced by the PV system is purchased at an annual fixed rate and increases by 2.75 percent annually. The rate paid for solar utility power is intended to be lower than the cost of energy from the public utility, Arizona Public Service, over the 20-year term of the agreement. The agreement is currently in year eight. The additional funding is for the annual maintenance and electrical output produced from the current PV system.

**Contract Term**

The initial 20-year term of the agreement began on May 2, 2013, with one, five-year option to extend, for a total term of 25 years and an end date of May 1, 2038. There will be no change to the agreement term as part of this amendment.

**Financial Impact**

The initial authorization for the Solar Renewable Energy Credit Purchase agreement was for an expenditure not-to-exceed \$37,500. Amendments increased the authorization for the agreement by an additional \$264,884.52. This amendment will increase the authorization by an additional \$237,567.48, for a new total not-to-exceed agreement value of \$549,067.48.

Funding is available in the Public Works Department's budget.

**Concurrence/Previous Council Action**

The City Council approved:

Qualified Vendors List for the Design, Build and Finance of Solar Projects on Oct. 6, 2010;

Solar Renewable Energy Credit Purchase Agreement 136034 (Payment Ordinance S-42682) on June 22, 2016;

Solar Renewable Energy Credit Purchase Agreement 136034 (Payment Ordinance S-42866) on Sept. 21, 2016; and

Solar Renewable Energy Credit Purchase Agreement 136034 - Amendment (Ordinance S-44423) on April 4, 2018.

### **Location**

The 305 Parking Garage is located at 305 W. Washington St.

Council District: 7

**This item was adopted.**

### **104 Solar Renewable Energy Credit Purchase Agreement - Amendment - Adams Street Garage (Ordinance S-47782)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 136036 with Goldman Sachs Renewable Power Operating Company, LLC/Solar Arizona Star VI, LLC, to provide additional funding for the solar renewable energy credit purchase agreement with the Public Works Department. 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 \$251,774.

### **Summary**

The agreement with Goldman Sachs Renewable Power Operating Company, LLC/Solar Star Arizona VI, LLC is used for maintenance services for the photovoltaic (PV) system located on the rooftop of the Adams Street Garage. The power produced by the PV system is purchased at an annual fixed rate and increases by 2.75 percent annually. The rate paid for solar utility power is intended to be lower than the cost of energy from the public utility, Arizona Public Service, over the 20-year term of the agreement. The agreement is currently in year eight. The additional funding is for the annual maintenance and electrical output produced from the current PV system.

### **Contract Term**

The initial 20-year term of the agreement began on May 2, 2013, with one, five-year option to extend, for a total agreement term of 25 years and an end date of May 1, 2038. There will be no change to the agreement term as part of this amendment.

**Financial Impact**

The initial authorization for the Solar Renewable Energy Credit Purchase agreement was for an expenditure not-to-exceed \$115,000.

Amendments increased the authorization for the agreement by an additional \$328,000. This amendment will increase the authorization by an additional \$251,774, for a new total not-to-exceed agreement value of \$694,774.

Funding is available in the Public Works Department's budget.

**Concurrence/Previous Council Action**

The City Council approved:

Qualified Vendors List for the Design, Build and Finance of Solar Projects on Oct. 6, 2010;

Solar Renewable Energy Credit Purchase Agreement 136036 (Payment Ordinance S-42122) on Nov. 18, 2015;

Solar Renewable Energy Credit Purchase Agreement 136036 (Payment Ordinance S-42866) on Sept. 21, 2016; and

Solar Renewable Energy Credit Purchase Agreement 136036 - Amendment (Ordinance S-44424) on April 4, 2018

**Location**

The Adams Street Garage is located at 310 W. Adams St.

Council District: 7

**This item was adopted.**

**105 Contract Recommendation for Fuel Site Computer Maintenance (Ordinance S-47796)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Multiforce Systems Corporation for hardware and software support of the City's fuel management systems. Further request to authorize the City Controller to disburse all funds related to this item.

This item will have an aggregate value of \$677,925.

**Summary**

The Public Works Department is responsible for 86 fuel facilities containing systems that enable data entry and communication between the fuel facility and Public Works. These systems are required to allow access to fuel and to provide electricity for all City-owned vehicles and equipment. These systems also track fuel and electricity usage, monitor fuel inventories, and monitor equipment odometers for the preventative maintenance scheduling of the vehicles and equipment. This agreement will allow necessary maintenance and repairs of these systems, which is necessary for fueling all of the City's vehicles and equipment.

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

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a determination memo citing that Multiforce Systems Corporation is the sole source provider for the Fuel Force system that is installed at all 86 fuel facilities.

**Contract Term**

The initial one-year contract term will begin on or about Aug. 1, 2021, with four, one-year options to extend in increments of up to one year, for a total contract term of up to five years.

**Financial Impact**

The aggregate value of the contract including all option years is \$677,925, including all applicable taxes, with an estimated annual expenditure of \$135,585.

Funding is available in the Public Works Department's budget.

**This item was adopted.**

**106 Energy Management Control Systems Installation and Upgrades  
(Ordinance S-47797)**

Request to authorize the City Manager, or his designee, to enter into separate agreements with: Johnson Controls, Inc.; Siemens Industry,

Inc.; Trane US, Inc.; Climatec, LLC; and Arizona Control Specialists, Inc. for the installation and upgrade of Energy Management Controls Systems in City-owned facilities. Further request to authorize for the City Controller to disburse all funds related to this item. These agreements will have an aggregate value of \$5 million.

**Summary**

The Public Works Department is responsible for installing, replacing, and upgrading Energy Management Controls Systems (EMCS) in City-owned facilities. These systems control and monitor energy consuming devices including heating and cooling equipment, fans, and pumps. The City owns multiple facilities with aging equipment that requires upgrades and new installations to continue maintaining air conditioning and heating temperatures in the facilities.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a determination memo citing unusual nature. Johnson Controls, Inc.; Siemens Industry, Inc.; Trane US, Inc.; Climatec, LLC; and Arizona Control Specialists, Inc. are familiar with the City-owned facilities and have the proven quality and workmanship necessary to upgrade and install new systems.

**Contract Term**

The initial three-year agreement term will begin on or about Aug. 1, 2021, with two, one-year options to extend in increments of up to one year, for a total agreement term of up to five years.

**Financial Impact**

The aggregate value of the agreements including all option years is \$5 million, including all applicable taxes, with an estimated annual expenditure of \$1 million.

Funding is available in the Public Works Department's budget.

**This item was adopted.**

**107 "For Official Use Only" Wording Exemption for Unmarked City Vehicles (Resolution 21945)**

Request the Phoenix City Council adopt a resolution to exempt certain

City vehicles from displaying the wording, "For Official Use Only" as referenced under Arizona Revised Statutes (A.R.S.) sections 38-538, 38-538.01 and 38-358.03, for the period of July 1, 2021 through June 30, 2022.

**Summary**

This resolution exempts certain vehicles owned or leased by the City of Phoenix, including vehicles in the Police, Fire, Human Services, and Aviation departments. A.R.S. section 38-538.03 stipulates that the governing body may grant such an exemption for a period of time not to exceed one year. These vehicles are used to conduct social service programs, investigations or other confidential activities.

**This item was adopted.**

**108 Apply for Transportation Funding for Design Assistance Program Grants through Maricopa Association of Governments (Ordinance S-47791)**

Request to authorize the City Manager, or his designee, to apply for, accept, and if awarded, enter into agreements, if necessary, for transportation funding through the Maricopa Association of Governments Design Assistance Program. The Street Transportation Department is requesting to apply for a Design Assistance Program grant submittal. A local agency match is not required for this grant opportunity, so there is no financial impact to the City. Further request an exemption from the indemnification prohibition set forth in the Phoenix City Code section 42-18 for a governmental entity pursuant to Phoenix City Code section 42-20. Grant funding is not anticipated to exceed a combined total of \$100,000.

**Summary**

Maricopa Association of Governments (MAG) has issued a Call for Projects for its Design Assistance Program, which provides funding to develop a project assessment or feasibility study up to a 15 percent design level on prospective bicycle and/or pedestrian projects. The goals of eligible projects under the Design Assistance Program should be focused on improving the quality of life, completing a regional shared use path and/or canal network, improving bicycle and pedestrian access to transit, or providing safety improvements for bicycle and pedestrian facilities. If funding is awarded for a City project, Street Transportation staff will select a consultant from MAG's approved on-call list, and MAG

will enter into a contract for consulting services with the consultant and manage the contract. Street Transportation staff will interact with MAG staff and the consultant to develop the project assessment or study for the project.

For Fiscal Year 2022, there is \$500,000 available through MAG's Design Assistance Program, and applications are due by July 30, 2021. Projects will be competitively scored and evaluated based on their individual merits.

### **Financial Impact**

There is no impact to the General Fund, as a local agency match is not required for this grant opportunity.

**This item was adopted.**

**109    Apply for Federal Funding for U.S. Department of Transportation  
Federal Railroad Administration Consolidated Rail Infrastructure  
and Safety Improvements Program (Ordinance S-47802)**

Request to authorize the City Manager, or his designee, to apply for, accept, and if awarded, enter into agreements for disbursement of U.S. Department of Transportation federal railroad funding for the Consolidated Rail Infrastructure and Safety Improvements Program grant opportunity. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. If awarded, the City would receive grant funding for an amount not to exceed \$10 million and provide matching funds in an amount not to exceed \$3 million.

### **Summary**

The Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program offers an opportunity to leverage local funds for transportation projects under the Further Consolidated Appropriations Act, 2020. Funds for the grant are to be awarded on a competitive basis. The Street Transportation Department anticipates the U.S. Department of Transportation Federal Railroad Administration to issue a Notice of Funding Opportunity in late June for a CRISI grant award for fiscal year (FY) 2021. The amount of available funding is unknown at this time, but the available funding for FY 2020 was \$320,637,948.

The U.S. railway network is central to the success of the American

economy, carrying more than 1.8 billion tons of freight valued at over \$830 million annually, and over 32.5 million passengers on intercity rail services. A strong transportation network is critical to the function and growth of the American economy. Congress authorized this grant program for the Secretary of Transportation to invest in a wide range of projects within the United States to improve railroad safety, efficiency and reliability, mitigate congestion, enhance multi-modal connections and lead to new or substantially improved railway corridors.

Street Transportation Department staff is collaborating on a CRISI grant submittal that will outline critical improvements on the Burlington Northern Santa Fe (BNSF) Railway crossings along 19th Avenue and McDowell Road as well as 43rd Avenue and Camelback Road. These regional freight corridors will benefit from safety and efficiency improvements. BNSF is in full support of the CRISI grant submittal for the above-mentioned locations and has been a partner to the recommended preliminary engineering efforts to date at both locations.

The City's local match would be a minimum of 20 percent, which would be \$2 million of the total project design and construction cost if the maximum award is requested and awarded. However, to be competitive at a national level for the Consolidated Rail Infrastructure and Safety improvements Program grant, it is not uncommon for local matches to be up to 30 percent, or up to \$3 million, if the maximum award is requested and awarded.

### **Financial Impact**

If selected, the CRISI grant will fund up to 80 percent of the total design and construction costs for proposed improvements. The Street Transportation Department intends to submit a grant application for up to \$10 million that includes design, environmental, soft costs and construction costs related to the project. Staff recommends the City provide a competitive 30 percent total project cost match, up to \$3 million, which is available in the Street Transportation Department's Capital Improvement Program budget.

### **Location**

19th Avenue and McDowell Road



43rd Avenue and Camelback Road

Council Districts: 4, 5 and 7

**This item was adopted.**

**110 Construction and Maintenance Agreement with Burlington Northern Santa Fe for Railroad Crossings at 27th Avenue and Thomas Road (Ordinance S-47811)**

Request authorization for the City Manager, or his designee, to enter into a Grade Crossing Construction and Maintenance Agreement with Burlington Northern Santa Fe Railroad to perform work in the easement to upgrade the railroad crossings at 27th Avenue and Thomas Road.

Further request the City Council to grant an exception to Phoenix City Code section 42-18 and to authorize indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code section 42-18. The Agreement's indemnification and assumption of liability provisions require the City to indemnify, defend and hold harmless Burlington Northern Santa Fe Railroad from any and all claims with minimal limitations. Burlington Northern Santa Fe Railroad will only assume liability for claims that are proximately caused by its intentional misconduct or gross negligence. There is no financial impact associated with this Agreement.

**Summary**

The railroad crossings at the 27th Avenue and Thomas Road intersection are two of the highest railroad collision locations in the nation. For that reason, completing this project is critical to the City, the Arizona Department of Transportation (ADOT), the Burlington Northern Santa Fe Railroad (BNSF) and the Arizona Corporation Commission.

On April 6, 2016, the Street Transportation Department received Council approval to enter into Intergovernmental Agreement (IGA) 142483 with ADOT for safety improvements at two BNSF railroad crossings at the 27th Avenue and Thomas Road intersections. The project design includes safety improvements such as gates, cantilevers and flashers; roadway widening; and modifying raised medians and will require work to be performed in the easement belonging to BNSF. The Grade Crossing Construction and Maintenance Agreement is needed to allow work to be performed within the BNSF easement.

**Contract Term**

Unless otherwise lawfully terminated by the Parties, the Agreement expires upon completion and acceptance of the project and fulfillment of all terms of the Agreement.

**Financial Impact**

No financial impact is associated with this agreement.

**Concurrence/Previous Council Action**

The City Council approved IGA 142483 with ADOT for Safety Improvements (S-42430) on April 6, 2016.

**Location**

27th Avenue and Thomas Road

Council Districts: 4 and 7

**This item was adopted.**

**111 24th Street Water Treatment Plant Rehabilitation 2021 -  
Engineering Services - WS85290032 (Ordinance S-47775)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Carollo Engineers, Inc., to provide Engineering Services that include design and construction administration and inspection services for the 24th Street Water Treatment Plant Rehabilitation 2021 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 total fee for services will not exceed \$7.6 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, 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 would 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 raw water valves, flow meters, miscellaneous electrical instrumentation and controls, sedimentation weir plates, pumps, chemical feeds and piping, solids handling and backwash mechanisms, transformers, generators and various raw water pump station and chemical building items.

Carollo Engineers, Inc.'s design services include, but are not limited to: design, facilitation of meetings and workshops, coordination of utility agencies, development of cost estimates, review of the permit requirements associated with the scope of work, coordination with other ongoing site projects, and review of the 2018 rehabilitation plan items versus current needs. Construction administration and inspection services include, but are not limited to: coordination with the contractor on site during construction; administration of the construction schedule, shop drawings and submittal review process, as well as payment applications, inspection of all construction activities, review and approval of change orders, witnessing factory testing, commissioning services, and warranty inspections.

This agreement is essential to the health, safety, and welfare of the public and critical operations for the City.

**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: Carollo Engineers, Inc.

Additional Proposers

Rank 2: Wilson Engineers, LLC

Rank 3: GHD Inc.

### **Contract Term**

The term of the agreement is four 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 Carollo Engineers, Inc. will not exceed \$7.6 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**

24th Street Water Treatment Plant

Council District: 6

**This item was adopted.**

## **112 24th Street Water Treatment Plant Rehabilitation 2021 - Construction Manager at Risk Preconstruction and Construction Services - WS85290032 (Ordinance S-47776)**

Request to authorize the City Manager, or his designee, to enter into an agreement with PCL Construction, Inc. to provide Construction Manager at Risk Preconstruction and Construction Services for the 24th Street Water Treatment Plant Rehabilitation 2021 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 \$300,000.

### **Summary**

The 24th Street Water Treatment Plant is a conventional water treatment facility with the capacity to treat 140 million gallons per day of Salt River Project water with various operations and processes. It was constructed in the 1950s and 1960s, and received various upgrades from 1990 to 2000. A condition assessment prioritized various treatment systems in need of rehabilitation and/or replacement. The purpose of this project is to address the repair or replacement of raw water pump station valves, flow meters, flocculation basin inlet channel hydraulic modifications, gates and probes, sedimentation basin weir plate, filter effluent pipes, meters, chemical feed area piping, chemical and maintenance building minor repairs, solids handling backwash equalization basin pumps, sludge blanket monitoring, backwash clarifier mechanism, various electrical equipment such as transformers, standby generators, electrical panels and modifications at the administration building area, electrical building, and chemical building.

PCL Construction, Inc. (PCL) will begin in an agency support role for Construction Manager at Risk Preconstruction Services. PCL will assume the risk of delivering the project through a Guaranteed Maximum Price (GMP) agreement. A Small Business Enterprise (SBE) goal will be established for this project during preconstruction services and reviewed prior to the start of construction.

PCL will then transition to preparation of a GMP proposal for the construction services provided under the agreement, and participate with the City's SBE program. PCL will be responsible for construction means and methods related to the project and fulfilling the SBE program requirements. PCL will be required to solicit bids from pre-qualified subcontractors and to perform the work using the City's subcontractor selection process. PCL may also compete to self-perform limited amounts of work.

PCL's services for both preconstruction and construction services include, but are not limited to: design and constructability reviews, providing detailed cost estimates and knowledge of marketplace conditions, provide project planning and scheduling, preparing a GMP proposal, provide for construction phasing and scheduling that will minimize interruption and to City operations and to provide alternate

systems evaluation.

This Agreement is essential to the health, safety, and welfare of the public and critical operations for the City.

**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: PCL Construction, Inc.

**Additional Proposers**

Rank 2: Hunter Contracting Co.

Rank 3: J.R. Filanc Construction Company, Inc.

Rank 4: Kiewit Infrastructure West Co.

Rank 5: MGC Contractors, Inc.

**Contract Term**

The term of the agreement is 18 months 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 PCL Construction, Inc. will not exceed \$300,000, 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**

24th Street Water Treatment Plant

Council District: 6

**This item was adopted.**

**113 Predictive Maintenance Vibration Analysis Program Agreement - Amendment (Ordinance S-47778)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 148121 with Caltrol, Inc. to provide additional funding. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$150,000.

**Summary**

This amendment is necessary to perform work at the 23rd Avenue Wastewater Treatment Plant to mirror work performed at the 91st Avenue Wastewater Treatment Plant.

Caltrol, Inc. is responsible for collecting data, providing vibration analysis and interpretation services, as well as reporting for various types of machinery for the Water Services Department Water Treatment Plants (WTP) and Wastewater Treatment Plants (WWTP), with initial analyses performed at the 91st Avenue WWTP. The next phase of the program will include the 23rd Avenue WWTP.

**Financial Impact**

The initial authorization for Predictive Maintenance Vibration Analysis Program Agreement 148121 was for an expenditure not-to-exceed \$150,000. This amendment will increase the authorization by an additional \$150,000, for a new total not-to-exceed agreement value of \$300,000.

Funding for this amendment is available in the Water Services Department's operating budget.

**Concurrence/Previous Council Action**

The City Council approved Predictive Maintenance Vibration Analysis

Program Agreement 148121 (Ordinance S-44872) on July 5, 2018.

**Location**

23rd Avenue WWTP

Council District: 7

**This item was adopted.**

**114 Boiler Maintenance and Repair Services Agreement - Request for Award (Ordinance S-47780)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Patriot Mechanical, LLC dba Patriot Boiler, to provide boiler maintenance and repair services for the purpose of keeping boiler equipment clean and properly maintained for compliance with operational standards. Further request to authorize the City Controller to disburse all funds related to this item. The agreement will not exceed \$2,634,999.

**Summary**

The purpose of this agreement is to provide boiler maintenance and repair services for high-pressure steam boilers, pressure vessels, storage vessels and hydronic systems.

Patriot Mechanical, LLC dba Patriot Boiler's services include, but are not limited to: inspections, replacement of parts on an as-needed basis, checking controls and alarms for proper operation, tuning the combustion to proper emission, cleaning the stub and stack, facing all joints and cracks with high temperature bonding mortar, tuning burners, providing a back-up boiler if needed, and training to City employees.

**Procurement Information**

The recommendation was made using an Invitation for Bids procurement process in accordance with City of Phoenix Administrative Regulation 3.10.

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

**Selected Bidder:**

Patriot Mechanical, LLC dba Patriot Boiler: \$106,487.50



Other Bidder:

Arizona Boiler Co.: \$182,481

**Contract Term**

The agreement will begin on or about Oct. 1, 2021, for a six-year term.

**Financial Impact**

The agreement value for Patriot Mechanical, LLC dba Patriot Boiler will not exceed \$2,634,999.

Funding is available in the Water Services, Public Works, and Phoenix Convention Center Departments' operating budgets.

**This item was adopted.**

**115 OnBase Document Management System Upgrade Agreement - Request for Award (Ordinance S-47785)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Databank IMX, Inc. for OnBase document management software upgrade and database migration services. Further request to authorize for the City Controller to disburse all funds related to this item. The agreement will not exceed \$500,000.

**Summary**

The purpose of this agreement is to fulfill the Water Services Department's technology services requirement for an OnBase software upgrade and data migration services away from the current system, LibertyNet. The OnBase records management software is used to house records and track them for disposal in compliance with records retention schedules for the State, Maricopa County, City and Department.

Direct selection is necessary to upgrade this critical software to stay in compliance with regulatory agency requirements. Additionally, it is critical to manage our records to meet public records requests and other operational needs.

Databank IMX, Inc. services include, but are not limited to: records management software configuration; personal services for data migration; training; and annual maintenance.

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 Contractor as set forth in City of Phoenix Administrative Regulation 3.10. A direct selection was made because the supplier has access to a patent, copyright or other legal right which identifies the supplier as a sole provider.

**Contract Term**

The agreement will begin on or about Aug. 1, 2021 for a five-year term.

**Financial Impact**

The aggregate value for Databank IMX, Inc. will not exceed \$500,000.

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

**This item was adopted.**

**116 Zone 3D and 4A Improvements Program: Water Treatment Plant  
Booster Pump Stations - Construction Manager at Risk  
Construction Services Amendment - WS85100047, WS85110008  
and WS85290030 (Ordinance S-47787)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 152398 with PCL Construction, Inc. to provide additional construction services for the Zone 3D and 4A Improvements Program - Water Treatment Plant Booster Pump Stations Construction Manager at Risk 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 \$13 million.

**Summary**

The purpose of this project is to assist the City of Phoenix to provide reliable water supplies in north Phoenix in the event there are restrictions placed on Colorado River water delivered through the Central Arizona Project. This amendment is necessary for PCL Construction, Inc. (PCL)

to provide additional services to centralize the power distribution to the 24th Street Water Treatment Plant to be consistent with the centralized power distribution systems at the Deer Valley, Union Hills, and Val Vista Water Treatment Plants. This amendment will provide additional funds and time to the agreement.

PCL's additional services include, but are not limited to: constructing a new 15kV Unified Electrical Building at the 24th Street Water Treatment Plant with new electrical switchgear inside the building and new power distribution ductbanks throughout the plant site, scheduling and managing site operations, addressing all federal, state and local permitting requirements, arranging for procurement of materials and equipment, and maintaining a safe work site for all project participants. PCL will be responsible for construction means and methods related to the project and fulfilling the Small Business Enterprise program requirements. PCL will be required to solicit bids from pre-qualified subcontractors and to perform the work using the City's subcontractor selection process. PCL may also compete to self-perform limited amounts of work.

This Agreement is essential to the health, safety, and welfare of the public and critical operations for the City.

### **Contract Term**

The term of the agreement amendment is two 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 initial agreement for Construction Manager at Risk Construction

Services was approved for an amount not-to-exceed \$35.7 million, including all subconsultant and reimbursable costs.

This amendment will increase the agreement by an additional \$13 million, for a new total not-to-exceed agreement value of \$48.7 million, including all subcontractor and reimbursable costs.

Funding for this amendment is available in the Water Services

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

**Concurrence/Previous Council Action**

The City Council approved:

Preconstruction Services Agreement 148950 (Ordinance S-45170) on Dec. 5, 2018; and

Construction Manager at Risk Construction Services Agreement 152398 (Ordinance S-46718) on June 17, 2020.

**Location**

24th Street Water Treatment Plant

Council District: 6

**This item was adopted.**

**117 Agreement with Salt River Project and Others to Share Costs Associated with Pilot Study to Operate Flood Control Space at Modified Roosevelt Dam (Ordinance S-47810)**

Request to authorize the City Manager, or his designee, to enter into an agreement with the Salt River Valley Water Users' Association and Salt River Project Agricultural Improvement and Power District and others (Parties) to share the costs of obtaining approval and conducting a temporary deviation of the dam operating rules to allow the Parties to extend the time water can be retained in the Flood Control Space of Modified Roosevelt Dam, making that water more available to the Parties. Further request to authorize the City Controller to disburse all funds related to this item. Phoenix's share of the cost will be proportional to Phoenix's allotted share of the temporary deviation water in the Flood Control Space, which amount will not exceed \$276,150.

**Summary**

SRP will seek approval from the United States Army Corps of Engineers (Corps) and the United States Bureau of Reclamation (BOR) to authorize Salt River Project (SRP) to operate the flood control space in the Modified Roosevelt Dam (FCS) under a Temporary Deviation Plan. Under the Temporary Deviation Plan, SRP may retain spill water in the

FCS for up to 120 days and deliver it proportionately to the parties to this Agreement. Under the Agreement, Phoenix will receive an 18 percent share of the available FCS, which represents up to 20,000 acre-feet of water from the Salt River. The Temporary Deviation will operate as a pilot for five years during which time SRP can retain the spill water once a year for a maximum of three years during the total five-year period.

SRP estimates it will cost \$1,211,549 for SRP to complete the work necessary to seek and obtain approval and authorization for the Temporary Deviation Plan. An additional 20 percent contingency has been added to this amount. These costs include planning costs, technical evaluation and environmental and cultural resources compliance. Phoenix's cost share is proportional to the volume of water it will receive (18 percent of total FCS capacity), or a maximum of \$276,150. Other parties participating in this Agreement are: the cities of Avondale, Chandler, Glendale, Mesa, Peoria, Scottsdale and Tempe; the Town of Gilbert; Roosevelt Water Conservation District; Buckeye Water Conservation and Drainage District; Salt River Pima-Maricopa Indian Community; Roosevelt Irrigation District; and Freeport Minerals Corporation.

### **Contract Term**

The Agreement will terminate when a Temporary Deviation Plan is approved by the Corps and BOR and when the last funds are transferred from the other Parties to SRP. In the event the Corps and BOR do not approve the Temporary Deviation Plan, the Parties may terminate the Cost Share Agreement.

### **Financial Impact**

The value of the Agreement is not to exceed \$276,150.

Funding for this agreement is available in the Water Services Department's Capital Improvement Budget.

### **Location**

Roosevelt Dam

Council District: Out of City

**This item was adopted.**

**118 Final Plat - Bell 17 - PLAT 190070 - Northwest Corner of Grandview Road and 19th Avenue**

Plat: 190070

Project: 18-1329

Name of Plat: Bell 17

Owner: Sunbelt Land Holdings, LP

Engineer: James Brucci

Request: A 6 Lot Commercial Plat

Reviewed by Staff: June 9, 2021

Final Plat requires Formal Action Only.

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat need to record concurrently with Abandonment 190076, 190090, and 200504. The sequence of recording is as follows: the resolutions of abandonment shall be recorded first, and the plat second.

**Location**

Generally located at northwest corner of Grandview Road and 19th Avenue

Council District: 3

**This item was approved.**

**119 Final Plat - Royal Palms - PLAT 200580 - 7550 N. 15th Avenue**

Plat: 200580

Project: 19-3562

Name of Plat: Royal Palms

Owner(s): Dora K. Perry Family Trust/ Berry 14 LLC

Engineer: Joshua Moyses

Request: A 11 Lot Residential/Subdivision Plat

Reviewed by Staff: June 3, 2021

Final Plat requires Formal Action Only.

**Summary**

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

**Location**

Generally located at 7550 N. 15th Avenue  
Council District: 5

**This item was approved.**

**120 Final Plat - FRIER - PLAT 200636 - Northeast Corner of 3rd Avenue and Frier Drive**

Plat: 200636

Project: 20-3174

Name of Plat: FRIER

Owner: D.R. Horton, Inc. A Delaware Corporation

Engineer: Brian J. Benedict

Request: A 2 Lot Residential Plat

Reviewed by Staff: May 27, 2021

Final Plat requires Formal Action Only.

**Summary**

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

**Location**

Generally located at the northeast corner of 3rd Avenue and Frier Drive  
Council District: 6

**This item was approved.**

**121 Final Plat - Ocotillo and 7th Street - PLAT 210018 - Southeast Corner of 7th Street and Ocotillo Road**

Plat: 210018

Project: 19-4263

Name of Plat: Ocotillo and 7th St

Owner: Rule Transfer AZ, Inc.

Engineer: Mike F. Jennings  
Request: A 2 Lot Commercial Plat  
Reviewed by Staff: May 20, 2021  
Final Plat requires Formal Action Only

**Summary**

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

**Location**

Generally located at the Southeast corner of 7th Street and Ocotillo Road  
Council District: 6

**This item was approved.**

**123 Final Plat - Elevate on the Preserve - PLAT 200528 - Southeast  
Corner of Central Avenue and Dobbins Road**

Plat: 200528  
Project: 19-1716  
Name of Plat: Elevate on the Preserve  
Owner: Alydar Ventures, LLC  
Engineer: David S. Kein  
Request: A 38 Lot Subdivision Plat  
Reviewed by Staff: May 24, 2021  
Final Plat requires Formal Action Only.

**Summary**

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

**Location**

Generally located at the southeast corner of Central Avenue and Dobbins Road  
Council District: 8



**This item was approved.**

**124 Final Plat - Olen 44th Apartments - PLAT 200569 - 1150 N. 44th St.**

Plat: 200569

Project: 06-287

Name of Plat: Olen 44th Apartments

Owner(s): Olen Properties Corp., A Florida Corporation

Engineer(s): Survey Innovation Group, Inc.

Request: A 1 Lot Commercial Plat

Reviewed by Staff: Dec. 15, 2020

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 200513 and Abandonment 200569.

**Location**

Located at 1150 N. 44th St.

Council District: 8

**This item was approved.**

**125 Abandonment of Right-of-Way Easement - V190076A - North 21st Avenue and Bell Road (Resolution 21942)**

Abandonment: V190076A

Project: 18-1329

Applicant: Grant Herneise, Hunter Engineering

Request: To abandon the right-of-way intersections at 21st Avenue and Bell Road.

Date of Decision/Hearing: January 9, 2020

**Summary**

The resolution of the abandonment and PLAT 190070 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**

North 21st Avenue and Bell Road  
Council District: 3

**Financial Impact**

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid because the abandonment and plat move the easements on the land to allow for development of the site.

**This item was adopted.**

**126 Abandonment of Right-of-Way Easement - V190090A - 19th and 21st Avenues on Grandview Road (Resolution 21943)**

Abandonment: V190090A

Project: 18-1329

Applicant: Grant Herneise, Hunter Engineering

Request: To abandon the right-of-way intersections at 19th Avenue and Grandview Road and 21st Avenue and Grandview Road.

Date of Decision/Hearing: January 23, 2020

**Summary**

The resolution of the abandonment and PLAT 190070 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**

19th and 21st Avenues on Grandview 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.**

**127     Abandonment of Easements - ABND 200504 - Northwest Corner of Grandview Road and 19th Avenue (Resolution 21944)**

Abandonment: ABND 200504

Project: 14-3002

Applicant: Paul Engle, Hunter Engineering

Request: To abandon public utility easements, located on Northwest Corner of 19th Avenue & Grandview Road (208-14-846); Northwest Corner (APN 208-14-827) & Northeast Corner (208-14-840) of 21st Avenue & Grandview Road; and Southeast Corner of 21st Avenue & Bell Road (APN 208-14-835).

Date of Decision/Hearing: April 24, 2020

**Summary**

The resolution of the abandonment and PLAT 190070 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**

Northwest Corner of Grandview Road and 19th Avenue  
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.**

**128     Abandonment of Right-of-Way - V190060A - 2929 North 3rd Avenue (Resolution 21938)**

Abandonment: V190060A

Project: 01-19451

Applicant: Michelle Bach, EAPC

Request: To abandon 25-feet of right-of-way for a new 45-foot right-of-way along 3rd Avenue. This will match the surrounding right-of-ways that range from 40-45 feet along Thomas Road and 3rd Avenue.

Date of Decision/Hearing: October 10, 2019

**Location**

2929 North 3rd Avenue

Council District: 4

**Financial Impact**

A consideration fee was also collected as part of this abandonment in the amount of \$167,748.00.

**This item was adopted.**

**129 Abandonment of Easement - ABND 210012 - 4413 North 31st Place  
(Resolution 21936)**

Abandonment: 210012

Project: 20-1112

Applicant: Wendy Riddell

Request: To abandon the 1-foot vehicular non-access easement running along the north side of APN 163-03-129.

Date of Decision/Hearing: April 29, 2021

**Location**

4413 North 31st Place

Council District: 6

**Financial Impact**

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid.

**This item was adopted.**

**130 Abandonment of Easement - ABND 210014 - 6626 North 67th  
Avenue (Resolution 21941)**

Abandonment: ABND 210014

Project: 20-836

Applicant: David Maldonado-Camou, P.E., Bowman Consulting

Request: The existing drainage easement is not used, and the proposed low-income family housing project proposes to construct a private

retention basin, along with storm drain systems to provide the required retention of the development.

Date of Decision/Hearing: April 20, 2021

**Location**

6626 North 67th Avenue

Council District: 7

**Financial Impact**

None. No consideration fee was required as a part of this easement abandonment, although filing fees were paid because it is a drainage easement across private property that will be addressed in a different manner by the property owner concurrent with development of the parcel.

**This item was adopted.**

**131 Abandonment of Right-of-Way and Easements - ABND 200513 - Southeast Corner of 40th Street and Portland Street (Resolution 21939)**

Abandonment: ABND 200513

Project: 06-287

Applicant: Laure Castillo, Survey Innovation Group, Inc.

Request: To abandon a portion of 42nd Street adjacent to APN 125-20-059Q, a portion of 40th Street access road between median and APN 125-20-059B, the 10-foot alley right-of-way between 40th Street and 42nd Street south of Portland Street, and the 3-foot Streetlight Easements on the parcels addressed 4033 and 4107 East Portland Street.

Date of Decision/Hearing: June 4, 2020

**Summary**

The resolution of this abandonment, the resolution of abandonment for ABND 200556, and PLAT 200569 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 for ABND 200556 is recorded first, the resolution for ABND 200513 is recorded second, then PLAT 200569 is recorded last.

**Location**

Southeast Corner of 40th Street and Portland Street  
Council District: 8

**Financial Impact**

A consideration fee was also collected as part of this abandonment in the amount of \$2,000.00.

**This item was adopted.**

**132 Abandonment of Right-of-Way and Easements - ABND 200556 - Southeast Corner of 42nd Street and Portland Street (Resolution 21940)**

Abandonment: ABND 200556

Project: 01-20014

Applicant: Laure Castillo, Survey Innovation Group, Inc.

Request: To abandon a portion of right-of-way and public utility easements; per Ordinance S-3062.

Date of Decision/Hearing: December 10, 2020

**Summary**

The resolution of this abandonment and the resolution of abandonment for ABND 200513 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 this resolution is recorded first, then ABND 200513 is recorded second. ABND 200513 is tied to PLAT 200569, and the plat shall be recorded last of the three items.

**Location**

Southeast Corner of 42nd Street and Portland Street  
Council District: 8

**Financial Impact**

None. No consideration fee was required as a part of this right-of-way and easement abandonment, although filing fees were paid.

**This item was adopted.**

**133 Amend City Code - Ordinance Adoption - Rezoning Application  
Z-18-21-8 - Northwest Corner of 10th Street and Baseline Road  
(Ordinance G-6874)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-18-21-8 and rezone the site from R1-10 BAOD (Single-Family Residence District, Baseline Area Overlay District) to R-3A BAOD (Multifamily Residence District, Baseline Area Overlay District) for an assisted living facility.

**Summary**

Current Zoning: R1-10 BAOD

Proposed Zoning: R-3A BAOD

Acreage: 5.10

Proposed Use: Assisted living facility (community residence center)

Owner: Demetrios Vlachos, Vlachos Enterprises

Applicant: Vermillion Acquisitions, LLC

Representative: Vermillion Acquisitions, LLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The South Mountain Village Planning Committee heard this case on May 11, 2021 and recommended approval, per the staff recommendation, by a vote of 12-0.

PC Action: The Planning Commission heard this case on June 3, 2021 and recommended approval, per the South Mountain Village Planning Committee recommendation with an additional stipulation, by a vote of 8-0.

**Location**

Northwest corner of 10th Street and Baseline Road

Council District: 8

Parcel Address: 960 E. Baseline Road

**This item was adopted.**

**136 Public Hearing and Ordinance Adoption - Rezoning Application  
Z-49-20-3 - Located Approximately 970 Feet North of the Northeast**

**Corner of 34th Street and Sweetwater Avenue (Ordinance G-6871)**

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-49-20-3 and rezone the site from R1-6 (Single-Family Residence District) to R-3 (Multifamily Residence District) for a Community Residence Center.

**Summary**

Current Zoning: R1-6

Proposed Zoning: R-3

Acreage: 1.11 acres

Proposed Use: Community Residence Center

Owner: Fedzin Enterprises, LLC

Applicant: Matt Ihms

Representative: Matt Ihms

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Paradise Valley Village Planning Committee heard the case on May 3, 2021 and recommended approval, per the staff recommendation by a vote of 11-6.

PC Action: The Planning Commission heard the case on June 3, 2021 and recommended approval, per the Paradise Valley Village Planning Committee recommendation, with an additional stipulation by a vote of 8-0.

The Planning Commission recommendation was appealed and a petition for a three-quarter vote was submitted on June 10, 2021. A three-quarter vote is not required.

**Location**

Approximately 970 feet north of the northeast corner of 34th Street and Sweetwater Avenue

Council District: 3

Parcel Addresses: 13225 N. 34th St.

**This item was continued to the Aug. 25, 2021 City Council Formal**



**Meeting.****26 Liquor License - Golden Margarita**

Request for a liquor license. Arizona State License Application 1207B125.

**Summary**Applicant

Jeffrey Miller, Agent

License Type

Series 12 - Restaurant

Location

330 E. Roosevelt St.

Zoning Classification: DTC - East Evans Churchill

Council District: 8

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

The 60-day limit for processing this application was Feb. 22, 2021. However, the applicant submitted a written request for more time.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are

shown exactly as written by the applicant on the City Questionnaire.

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

"To ensure our employees are trained properly we have brought in a certified Title 4 instructor to our restaurant to conduct training."

#### Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on a history of non-compliance related to prior liquor licenses held by the applicant, including failure to meet the required percentage of food sales and the presence of an employee intoxicated while on duty. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

#### Attachment

Liquor License Police Department Recommendation - Golden Margarita

#### **Discussion**

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

Mayor Gallego introduced License Services Program Manager Leah Swanton to give a brief presentation on Item 26.

Ms. Swanton mentioned she was joined by Assistant City Attorney II Alexandra Lange from the City Prosecutor's Office, and Detective Kevin Crotty. She stated this application was for an acquisition of control for an existing Series 12 liquor license, and noted this location was licensed for liquor sales. She said the 60-day limit for processing this application was Feb. 22, 2021, and added the applicant submitted seven written requests for more time. She stated staff recommended disapproval of this application based on a Police Department recommendation for disapproval due to the history of non-compliance related to prior liquor licenses held by the applicant. She said this included a failure to meet required percentage of food sales and the presence of an employee intoxicated while on duty. She commented the applicant had not demonstrated the capability, qualifications and reliability to hold and

control a liquor license.

Jeffrey Miller spoke in favor, and mentioned he worked with Arizona Liquor Industry Consultants (ALIC) and was a former investigator with the Department of Liquor. He talked about working with the applicant as the agent for this application, and said the owner was a professional chef. He discussed the training classes ALIC held for his employees to make sure they comply with Title IV, and added the Golden Margarita had zero violations. He stated Golden Margarita had sold over the 40 percent of food sales required by Title IV with the Series 12 liquor license, and said the owner had reached out to community groups and neighboring businesses to partner with them during the pandemic. He mentioned the owner created a public safety manual for his employees.

Allan Robinson spoke in favor, and mentioned he was the former owner of Paz Cantina located on the corner of 3rd and Roosevelt streets. He discussed how meeting the owner of Golden Margarita in late 2019 helped transform the business, and stated he was great to work with and was good for the neighborhood.

Peter Schelstraete spoke in favor, and noted he was the attorney representing Gem Ray's acquisition of control of the Series 12 liquor license. He stated Mr. Ray was capable, qualified, reliable, and mentioned Mr. Ray had been operating the Golden Margarita for eight months and had no liquor violations. He noted Mr. Ray had met with Police Department to go over his public safety plan, and cited the restaurant had been averaging about 44 to 45 percent food sales at the location. Mr. Schelstraete suggested the recommendation from the Police Department was about eight months old, and repeated there had been no liquor violations.

Mark Schreiner spoke in favor, and said he was a certified public accountant. He mentioned his firm had been working with Mr. Ray and his restaurants for the past five years, and commented every time he spoke to Mr. Ray his focus was on food sales. He commented Mr. Ray was a very good operator, and stated Mr. Ray was excited to be working in the downtown area. He said Mr. Ray was capable, reliable and had the qualifications to run Golden Margarita and provided employment

opportunities for the people in that area. Mr. Schreiner discussed how food sales were tracked weekly at this location, and added Mr. Ray had over 40 percent food sales every month since Golden Margarita opened.

Vice Mayor Garcia made a motion that Item 26 be recommended for disapproval based on staff recommendation.

Councilwoman Stark seconded the motion.

Councilwoman Ansari said she would be supporting the motion, and noted that Golden Margarita was in Council District 8 but was on the border with Council District 7. She mentioned there had been a significant number of complaints from business and community leaders about the uncharacteristic nature of incidents that had taken place at the Golden Margarita. She stated those leaders had never seen anything like this before in the 20-year history of Roosevelt Row.

**A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that this item be recommended for disapproval based on staff's recommendation. The motion carried by the following vote:**

**Yes:** 9 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

## **27 Off-Track Pari-Mutuel Wagering Permit - Padre Murphy's**

Request for an Off-track Pari-mutuel Wagering Permit for a business that has a Series 12 liquor license.

### **Summary**

State law requires City Council approval before a State Off-track Pari-mutuel Wagering Permit can be issued.

### Applicant

David Auther, Agent for Arizona Downs, LLC

### Location

4338 W. Bell Road, Ste. 1-4  
Zoning Classification: PSC  
Council District: 1

#### Public Opinion

Public notice was posted at the proposed location and special notice letters were mailed to residents within a 1/8 mile radius of the proposed location. At the time this agenda was finalized, no protest or support letters had been received, however the 20-day public comment period had not yet concluded.

#### Staff Recommendation

Staff makes no recommendation regarding this application pending the completion of the departmental reviews and the posting process.

#### Attachments

Off-Track Pari-mutuel Wagering Permit Data - Padre Murphy's  
Off-Track Pari-mutuel Wagering Permit Map - Padre Murphy's

#### **Discussion**

Note: Councilwoman Guardado disconnected from the meeting.

Mayor Gallego introduced License Services Program Manager Leah Swanton to give a brief presentation on items 27 and 28.

Ms. Swanton stated these requests were for off-track paramutual wagering permits for a business that had a Series 12 liquor license, and mentioned State law required Council approval before a State off-track paramutual wagering permit could be issued. She clarified the City did not issue off-track betting licenses, though the City was considered a recommending body. She mentioned there were no protest or support letters received within the 20-day public comment period from residents within one-eighth mile of the site, and said staff recommended approval of this application.

David Auther spoke in favor.

Tom Auther spoke in favor, and mentioned he owned a horse racing track in Prescott, Ariz. He stated both Items 27 and 28 had off-track betting

licenses currently operating, and added there was an existing dog track off-track betting license still operating at Padre Murphy's and that Mr. Haney's had been operating for ten years. He suggested this was a fight between them and Turf Paradise, and said Racing Commission approval would still be needed for their application. He clarified his group offered a better deal for both Padre Murphy's and Mr. Haney's, and questioned why a private business matter would need to be brought to Council.

Lawrence Delaney spoke in favor, and said he was one of the owners of Padre Murphy's. He noted the other owners and himself took over the business in November 2020, and added Turf Paradise had the off-track betting horse portion as part of their license. He stated their off-track betting was one of the most popular in Phoenix, and commented this was a business choice to allow Padre Murphy's to continue to operate their off-track betting as they had for 27 years.

Joe Jackson spoke in favor, and noted he was one of the partners with Arizona Downs. He suggested both off-track betting licenses for Items 27 and 28 had already been approved, and added the Racing Commission asked for these applications to go back through Council.

Scot Claus spoke in opposition, and stated both Padre Murphy's and Mr. Haney's had not operated in contravention of federal and state law in the past. He cited that any off-track betting office would need the approval of any track operating within 60 miles of that facility based on federal law, and under state law all off-track betting offices to comply with the Interstate Horse Racing Act. He suggested the reason Council should deny these applications was because granting these licenses would violate both federal and state law.

David Johnson spoke in opposition, and talked about how granting these licenses would be detrimental to Turf Paradise. He stated Turf Paradise had been a horse racing track in Phoenix for over 65 years, and mentioned people from all over the country and Canada came to their facility. He said the economic impact from Turf Paradise before the pandemic was \$91 million, and generated \$200,000 in tax revenue for the City.

Jerry Simms spoke in opposition, and said he agreed with Mr. Claus as his comments were accurate.

Vincent Francia spoke in opposition, and mentioned he was the General Manager of Turf Paradise. He stated it was not accurate to say Turf Paradise and Arizona Downs were fighting, and added Turf Paradise was located in Phoenix while Arizona Downs was in Prescott, Ariz. He noted both tracks had to follow federal and state law, and commented an off-track betting license could not be operated within 60 miles of a racetrack unless consent is given. He clarified Turf Paradise was not giving consent for both of these licenses to operate.

Note: One electronic comment was submitted indicating no position on Item 27.

**A motion was made by Councilwoman O'Brien, seconded by Councilwoman Stark, that this item be recommended for approval as revised. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 1 - Councilwoman Guardado

**28 Off-Track Pari-Mutuel Wagering Permit - Mr. Haney's**

Request for an Off-track Pari-mutuel Wagering Permit for a business that has a Series 6 liquor license.

**Summary**

State law requires City Council approval before a State Off-track Pari-mutuel Wagering Permit can be issued.

Applicant

David Auther, Agent for Arizona Downs, LLC

Location

5110 E. McDowell Road

Zoning Classification: C-2

Council District: 6

Public Opinion

Public notice was posted at the proposed location and special notice letters were mailed to residents within a 1/8 mile radius of the proposed location. At the time this agenda was finalized, no protest or support letters had been received, however the 20-day public comment period had not yet concluded.

Staff Recommendation

Staff makes no recommendation regarding this application pending the completion of the departmental reviews and the posting process.

Attachments

Off-Track Pari-mutuel Wagering Permit Data - Mr. Haney's

Off-Track Pari-mutuel Wagering Permit Map - Mr. Haney's

**Discussion**

Mike Field spoke in favor, and said he owned and operated Mr. Haney's bar with his family for the past eight years. He stated there had been little calls for service at their location and they had good relationships with their neighbors, and said over the past four years they had off-track betting hosted by Turf Paradise. He mentioned this application was submitted because they wanted to change off-track betting companies from Turf Paradise to Arizona Downs, and added Mr. Haney's dedicated half of their floor space to off-track betting patrons. He suggested Turf Paradise had not paid anything to cover electricity costs used by them, and said Turf Paradise's lease ended with Mr. Haney's bar. He commented after the lease ended, Mr. Haney's signed a lease with Arizona Downs that included compensation with a monthly rent and bonuses when sales are good.

Note: One electronic comment was submitted indicating a neutral position on Item 28.

**A motion was made by Councilman DiCiccio, seconded by Councilwoman Pastor, that this item be recommended for approval as revised. The motion carried by the following vote:**



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

**No:** 0

**Absent:** 1 - Councilwoman Guardado

Items 30, 32, Ordinance S-47771 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.

**30 Settlement of Claim(s) Hollingsworth v. City of Phoenix**

To make payment of \$50,000.00 in settlement of claim(s) in *Hollingsworth v. City of Phoenix*, 15-0241-001, GL, BI, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement of bodily injury claim arising out of a police incident on March 22, 2015.

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

**Yes:** 6 - Councilwoman Ansari, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego

**No:** 2 - Councilman DiCiccio and Councilman Waring

**Absent:** 1 - Councilwoman Guardado

**32 Settlement of Claim(s) Moran v. City of Phoenix**

To make payment of \$32,000.00 in settlement of claim(s) in *Moran v. City of Phoenix and Baiardi*, 19-0926-001, GL, BI, for the Finance Department pursuant to Phoenix City Code chapter 42. This is a settlement of a bodily injury claim arising out of an off-duty police incident

on Dec. 8, 2018.

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

**Yes:** 7 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego

**No:** 1 - Councilman Waring

**Absent:** 1 - Councilwoman Guardado

**49 Public Hearing on Adoption of Property Tax Levy for 2021-22 Fiscal Year**

As required by State statute, request the City Council hold a public hearing prior to the adoption of a property tax levy for the City of Phoenix for 2021-22.

**Concurrence/Previous Council Action**

The proposed 2021-22 property tax levy reflects actions taken by the Council on the budget at the May 18, 2021 Policy meeting, at the June 2, 2021 Formal meeting to adopt the tentative 2021-22 budget, and at the June 16, 2021 Formal meeting to adopt the final 2021-22 budget. At the June 16, 2021 Formal meeting, a public hearing on the proposed primary property tax levy was held in accordance with statutory truth-in-taxation requirements.

**Discussion**

Mayor Gallego declared the public hearing open. After announcing there were no members of the public wishing to speak, Mayor Gallego closed the public hearing.

**The hearing was held.**

**50 Adoption of Property Tax Levy for 2021-22 Fiscal Year (Ordinance S-47779)**

An ordinance levying separate amounts to be raised for primary and secondary property tax levies upon each one hundred dollars (\$100.00) of the assessed valuation of the property subject to taxation within the City of Phoenix for the fiscal year ending June 30, 2022.

The ordinance (**Attachment A**) provides for a primary property tax rate resulting in a levy of \$193,225,455 (a General Fund revenue source) equating to a rate of \$1.3055 per \$100 of assessed valuation, including \$0.08 for maintenance of parks and playgrounds and \$0.3055 for the operation and maintenance of libraries; and an estimated secondary property tax levy of \$120,493,943 (used only for debt service) equating to a rate of \$0.8141 per \$100 of assessed valuation. The total rate of \$2.1196 is \$0.01 lower than the total 2020-21 rate of \$2.1296.

**Concurrence/Previous Council Action**

The proposed 2021-22 property tax levy reflects actions taken by the Council on the budget at the May 18, 2021 Policy meeting, at the June 2, 2021 Formal meeting to adopt the tentative 2021-22 budget, and at the June 16, 2021 Formal meeting to adopt the final 2021-22 budget. At the June 16, 2021 Formal meeting, a public hearing on the proposed primary property tax levy was held in accordance with statutory truth-in-taxation requirements.

**Discussion**

After the vote, Mayor Gallego announced the City had completed the budget process. She noted this vote would slightly lower the property tax rate from last year.

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

**Yes:** 6 - Councilwoman Ansari, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego

**No:** 2 - Councilman DiCiccio and Councilman Waring

**Absent:** 1 - Councilwoman Guardado

**71 Tohono O'odham Nation Gaming Grants (Ordinance S-47795)**

Request to authorize the City Manager, or his designee, to apply, accept, and if awarded, enter into related agreements for up to \$470,973.42 in new funding from the Tohono O'odham Nation under the 2021 funding cycle. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, funds as directed by the Tohono O'odham Nation in connection with these grants.

**Summary**

If awarded, these monies would be applied, as directed by the Tohono O'odham Nation, towards the following:

City Applications

Community and Economic Development Department: \$50,000 for the Reinvest Maryvale Campaign, which will attract meaningful investment and development interest in the Maryvale Village, which will provide educational, recreational and economic opportunities to the residents and visitors of Maryvale.

Parks and Recreation Department: \$15,300 for the FitPHX, Zero Waste Cooking Program, which will teach community members how to prepare zero waste meals at home.

Phoenix Fire Department: \$76,189.42 for the purchase of a mini all-terrain ambulance capable of responding to medical emergencies during special events where access is limited due to crowd size or event footprint.

Non-Profit Applications

Ballet Arizona: \$6,450 for the Hoop Dance Program, which will enable Ballet Arizona to engage 20-25 Native American youth (ages 8-12) in the Hoop Dance Program, featuring introductory dance classes anchored in not only Native American history, culture, and traditions, but also those of ballet.

Cancer Support Community Arizona: \$30,000 for the Improving Health Outcomes for Uninsured and Under-Insured Arizona Cancer Patients program, which will promote increased access to medical and mental health care for Arizona's uninsured and under-served cancer patients, it will decrease barriers to care, reduce health care inequities, and promote optimal health outcomes.

Creighton Community Foundation: \$35,000 for the Creighton Community Gardens Program, which will seek to transform the local food system to bring inclusive, equitable, and participatory foods access to the most vulnerable communities.

Daring Adventures: \$43,034 for the Collaborative Recreation Program, which will offer a variety of supportive services and recreational services for people of all abilities.

Life More Abundantly: \$15,000 for the Pregnancy Testing and Ultrasound

Program, which will support the Nursing and Client Services staff in the Pregnancy Resource Center.

Neighborhood Ministries: \$30,000 for the Suenos Youth Empowerment Center which will bridge the digital divide in inner-city Phoenix while increasing academic retention, promotions, aspirations, and career opportunities to equip vulnerable youth to become healthy, responsible and independent adults.

Seed Spot: \$50,000 for technical assistance programming which ranges from short form workshops, two day Launch Camps to intensive six week training programs for underrepresented entrepreneurs and small business owners.

Southwest Center: \$70,000 for HIV prevention services to ensure immediate and barrier-free medical treatment is available and to promote services to high-risk community members.

USO Arizona: \$25,000 for the USO Arizona operations and programs, which includes youth and family strengthening programs and the necessary expenses to provide basic needs supplies, event food, activity kit materials, COVID-19, and other sanitation supplies for USO centers, and Mobile USO program delivery, and costs associated with facilitating online family support programs, logistical support, marketing, and data tracking and evaluation.

Valley of the Sun YMCA: \$25,000 for Childcare and Preschool Programs which will be provided to children from low-income families in Phoenix.

The gaming compact entered into by the State of Arizona and various tribes calls for 12 percent of gaming revenue to be contributed to cities, towns, and counties for government services that benefit the general public including public safety, mitigation of impacts of gaming, and promotion of commerce and economic development. The Tohono O'odham Nation will notify the City, by resolution, of the Tribal Council, if it desires to convey to the City a portion of its annual 12 percent local revenue-sharing contribution.

### **Financial Impact**

There is no budgetary impact to the City of Phoenix and no general purpose funds are required. Entities that receive gaming grants are responsible for the management of those funds.

### **Discussion**

Note: Councilwoman Pastor disconnected from the meeting.

Vice Mayor Garcia made a motion to adopt Item 71.

Councilwoman Stark seconded the motion.

Councilman DiCiccio thanked the Tohono O'odham Nation for being a great partner with the City. He stated gaming helped their community, and added they were involved in many social programs that helped the City. He said this item showed how gaming could work with other communities.

Mayor Gallego mentioned this item included investing in important projects in the Maryvale community, support for the Fire Department, and support for non-profits.

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

**Yes:** 7 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman O'Brien, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

**Absent:** 2 - Councilwoman Guardado and Councilwoman Pastor

**72 Add Positions, Make Other Process Improvements to Address Current Construction Activity Levels in the Planning and Development Department (Ordinance S-47818)**

Request to authorize the City Manager, or his designee, to undertake six broad actions to increase development capacity to address current construction activity levels. Staff requests to add 34 new positions, increase on-call plan review and inspections contract capacity, implement short-term process improvements, and increase staff and customer training efforts around key review/submittal issues. In addition, staff proposes to develop internship and apprenticeship programs to help address long-term employment necessities of the Planning and Development Department (PDD). Further request to authorize the City Manager, or his designee, to enter into a contract through Maricopa

County (Serial 190178) with Glancy Consultants LLC to provide strategic consulting services for the Planning and Development Department. The aggregate contract value will not exceed \$50,000. Further request the City Controller to disburse all funds related to this item. No General Fund dollars are requested to support this request; Development Services funds are available.

### **Summary**

Development activity in the City of Phoenix has continued to increase over the past year as the local economy continues to strongly attract private investment. Phoenix has been the fastest growing city in the nation for the last five years according to the U.S. Census Bureau. During that time period, PDD planned, permitted, and oversaw construction of \$22 billion of private construction that provides the physical places that enable our residents to live, work and play within the City. At the conclusion of Fiscal Year 2020/21 PDD will have issued approximately 47,000 total construction permits. This figure is about 5,000 fewer permits than were issued prior to the Great Recession in 2005/06. PDD will have completed approximately 275,000 inspections during this last fiscal year, compared to 352,046 inspections in 2005/06.

As outlined in **Attachment A**, plan review and permitting activity in several areas is approaching levels not seen since the housing and construction boom of the mid 2000s. PDD has continued to add staff as well as utilize innovation, efficiency improvements, technology and contract staff to meet the increasing demands of our customers. However, there still remains a need to take additional steps to address current development activity. Staff requests approval to take the following actions:

1. Add 34 new positions in key areas experiencing review backlogs.
2. Increase on-call plan review and inspections contract capacity.
3. Implement staff-identified short-term process improvements.
4. Hire a consultant to develop mid/long-term process improvements.
5. Increase staff and customer training efforts around key review/submittal issues to increase efficiencies.
6. Develop internship and apprenticeship programs to help address long-term employment necessities.

The requested positions, as outlined in **Attachment B**, are in areas of the department that have been most impacted by the increase in construction activity, specifically in development plan review and inspections. This includes multiple positions to more quickly screen and route plans submitted electronically, which now account for 80 percent of all plans submitted. The department also will be adding human resources positions to expedite recruitment and hiring for these jobs, which is especially challenging in an overall tight labor market and magnified by the current construction boom. This targeted increase in staff will help ensure that customers/stakeholders can continue to move projects forward quickly and efficiently.

In addition to full-time positions, PDD also proposes an increase of up to 33 percent in the budget for "on-call" contractors in several areas to add peak plan review and inspections capacity. This will be done under an existing city contract managed by the Street Transportation Department and will be presented to the City Council for authorization in the first Formal meeting after the summer break.

In addition, to new positions, PDD continues to analyze plan review and permitting processes to find efficiencies, streamline intake and routing, and implement new tools. In the short term, staff is revising the process for initial intake of electronic plans to reduce submittal time frames. Staff also is adding screening questions for applicants during initial submittal to allow for quicker routing to the appropriate section. The current electronic plan review system is not integrated with the department's 25-year-old primary business application. However, new software, including the first release of the new SHAPE PHX system, is scheduled to come online in August, which will streamline electronic plan review, particularly for residential reviews. New administrative positions will help to train staff and integrate the new system into our plan review process. Finally, staff will enhance recruitment efforts to more aggressively identify, interview and screen candidates for crucial engineering technician positions.

PDD also is hiring a consultant to complete an in-depth analysis of current plan review and permitting processes and recommend improvements to streamline plan review and inspection turnaround times. The consultant is on a current Maricopa County contract that the City can



utilize and he is very familiar with City processes and can conduct the analysis quickly. The results of the work will be brought forward in the fall of this year.

Staff also is identifying common submittal errors to develop training "how to" videos and information sheets to better explain submittal requirements to new professionals working in the field. In addition, staff will survey existing customers to identify consistency concerns and develop new staff trainings based upon information learned from these surveys.

Finally, PDD will implement an apprenticeship program for the department that will initially focus on a few inspection positions but may expand to other key technical positions in the future. The department also will bring back a formal internship program that was eliminated at the start of the Great Recession. Additional details on the apprenticeship program and exact number of positions will come back to City Council on the first Formal agenda after the break.

### **Financial Impact**

The estimated cost for the proposed new positions for the FY 2022 is \$3.14 million. Additionally, request authority to enter into a contract with Glancy Consultants LLC to review and recommend development process improvements and spend up to \$50,000 to satisfy the terms of the contract. Separate City Council actions including \$2.5 million in additional on-call contracts and the additional costs associated with the under development apprenticeship program will be requested at the August 25, 2021 Formal Meeting. No General Funds are requested. Development Services Funds in the PDD operating budget are available to support these requests.

### **Discussion**

Note: Councilwomen Guardado and Pastor rejoined the meeting.

Vice Mayor Garcia made a motion to adopt Item 72.

Councilwoman Stark seconded the motion.

Mayor Gallego commented she was excited to support this item, and

mentioned Phoenix had been growing at an impressive pace. She cited the Planning and Development Department at the end of fiscal year 2020-21 will have issued about 47,000 total construction permits, and 275,000 inspections. She noted this was the same level of growth experienced prior to the Great Recession, and suggested it was clear the City needed to make investments to continue to meet the needs of the community.

Note: Two electronic comments were submitted in favor of Item 72.

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

**Yes:** 9 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

**73 Ordinance for the Acquisition of Real Property Located at 100 W. Washington St., 101 W. Adams St., and 303 N. 2nd Ave. (Ordinance S-47831)**

An ordinance to authorize the City Manager, or his designee, to voluntarily acquire real property located at 100 W. Washington St., 101 W. Adams St., and 303 N. 2nd Ave. for \$46,500,000, and to execute all licenses, leases, and agreements in furtherance of this acquisition. Further request authorization for the City Controller to disburse, and for the City Treasurer to accept, all funds related to this item.

Additionally, 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 would be prohibited by Phoenix City Code §42-18.

**Summary**

The City proposes to purchase an approximate 525,814-square-foot office building with an attached 253,640-square-foot parking garage situated on 2.02 acres located at 100 W. Washington St. and 101 W.

Adams St., and an approximate 253,640-square-foot parking garage situated on 1.22 acres located at 303 N. 2nd Ave. The properties will be acquired as one transaction for consolidation of City office space. The City will lease back the main branch space to the seller during the seller's transition into a new space. The purchase price was negotiated on the open market based on the City's appraisal.

The parcels included in this request are identified by Maricopa County Assessor's parcel number (APN) and address:

- 1) 100 W. Washington St. - identified by APN 112-21-014D
- 2) 101 W. Adams St. - identified by APN 112-21-014E
- 3) 303 N. 2nd Ave. - identified by APN 111-42-106B

### **Financial Impact**

Funding is available through excise tax backed obligations.

### **Location**

1st Avenue, Washington to Adams streets, and 2nd Avenue and Van Buren Street.

Council District: 7

### **Discussion**

Vice Mayor Garcia made a motion to adopt Item 73.

Councilwoman Ansari seconded the motion.

Devney Preuss spoke in favor, and mentioned she was the President and Chief Executive Officer of Downtown Phoenix, Inc. She talked about the immediate impact this item would have to the vibrancy of the downtown community, and said relocating employees into the Wells Fargo building would create a campus feel in the middle of downtown. She discussed how this would bring a significant number of people to the downtown area that would go to local businesses, and would help attract more businesses downtown. She stated she supported relocating the Police Department headquarters into the core of downtown, and noted public safety was always a top priority with stakeholders.

Tara Lowman Rojas spoke in opposition, and asked to put this money towards the community with rent and utility relief. She mentioned the

moratorium on evictions would come to an end at the end of July, and added that was the last extension the State government would allow.

April Mccue spoke in opposition, and claimed the City did not have surplus of property. She asked for Council to prioritize people over property.

Helen Mendizabal spoke in opposition, and discussed the need for rent and utility relief for the community.

Elizabeth Venable spoke in opposition, and expressed the City was investing more in the Police Department than the community.

Hana Hehman spoke in opposition.

Councilman DiCiccio stated he would be voting against Item 73, and added he would normally have supported this. He commented the City was receiving a great deal on this property and it would be a great use, but said at the same time the City needed to be fiscally responsible. He talked about how the plan was to sell off other properties to pay for this property, and suggested this item would create more debt. He said if it was clear what assets the City would be selling and what direction the City would be going in, he would support this item.

Councilwoman Pastor asked what the intent was in purchasing this building, and noted her understanding was the City would be consolidating several departments to occupy the building.

City Manager Ed Zuercher answered that was correct, and said this would provide the City an opportunity to consolidate downtown operations. He noted this would include transit operations, workforce development, possible Planning and Development Department services, and would allow the City to avoid a multi-hundred million dollar investment that is necessary to replace the obsolete Police Department headquarters. He commented this would allow the City to update the 911 Call Center from two spaces into a new modern space.

Vice Mayor Garcia inquired what the status was of the Police Department

headquarters, and what the plan was if this opportunity was not available. He questioned if the Police Department headquarters was a sure thing, or if it was still an option.

Mr. Zuercher replied three years ago the City looked at what the needs were in the public safety areas, and said one of the greatest needs in addition to fire stations and other equipment was that police headquarters was 50 years old and undersized. He commented police headquarters had almost 29,000 square feet of unusable space because of water penetration and other things. He stated City staff at the time did estimates for Council, and to replace police headquarters with an acceptable modern building would cost as much as \$300 to \$350 million, and added that number would take up a lot of capacity for the City. He noted rehabilitation of the building would cost \$50 million, and would not provide additional space for the Police Department. He commented this opportunity to purchase the building would cost \$46.5 million, which was less expensive than updating the current police headquarters and would allow for a consolidated 911 Call Center as well as consolidate other downtown facilities in other departments directly adjacent to City Hall.

Vice Mayor Garcia said he shared some of the concerns from those who spoke, and mentioned he saw how acquiring this property would allow the City to determine the needs of Phoenix. He stated his understanding was before this building would become police headquarters or anything else, there would be a process in place to have staff come back to Council to figure out what would be going into the building. He commented this would include the opportunity for the City to resell the property if this did not work out, and could generate revenue. He asked for clarification if the City could determine the use for the building if it did not work out for the City.

Mr. Zuercher replied yes, once the City owned the property Council would be able to determine the use of the building.

Councilwoman Ansari thanked Mr. Zuercher for his explanation as to the conditions the 911 operators were currently working in, and said she would be supporting the motion because this was the most fiscally responsible option the City had, given the comparison of pricing heard.

She clarified rent and utility assistance was a separate issue, and talked about productive conversations she had with City staff in figuring out how to get this money out as fast as possible. She stated her office was working on this issue, and would be sure to follow up because of the eviction moratorium.

Mr. Zuercher explained the price the City would be purchasing this building was approximately \$90 per-square-foot, and after conversations with the Community and Economic Development Department and Convention Center directors and people in the public who do real estate in the downtown area, the current price to build a new space similar to this would be over \$300 per-square-foot. He expressed appreciation for Councilwoman Ansari's comments that this was a fiscally responsible move by Council.

Councilwoman Pastor thanked staff for doing due diligence in looking at this building, and giving Council an understanding for how great a price this building was to consolidate City departments. She talked about the current police headquarters, and mentioned it would cost the City more to renovate the building to the standards needed. She stated the City needed to move 911 operators into a sound building along with other employees from other departments. She inquired what the cost would be to renovate any other City buildings, and how the purchase of this building would alleviate the costs of doing so.

Mr. Zuercher responded the estimates of renovating the current police headquarters was at least \$50 million, which would cost more than what the purchase of the Wells Fargo building would be. He talked about how this new building would give the City options compared to the current police headquarters, and mentioned this would allow the City to consolidate departments starting with the 911 Call Center.

Prior to her vote, Councilwoman Guardado said she would be supporting this item and talked about touring the current 911 Call Center when she first came into office. She stated a new home was needed for the 911 Call Center, and said it was exciting to see those employees being able to move into this new building. She mentioned she understood and listened to those who spoke on this item, and commented she was

working on getting the money out for those people promptly.

Note: Twenty-eight electronic comments were submitted, with 27 in opposition and one indicating no position on Item 73.

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

**Yes:** 7 - Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego

**No:** 2 - Councilman DiCiccio and Councilman Waring

**74 An Ordinance Authorizing the Issuance of Obligations for the Acquisition, Construction and Improvement of Municipal Facilities (Ordinance S-47832)**

An Ordinance authorizing the City Manager, or his designee, to issue or to cause the issuance of, obligations of or by the City, a municipal property corporation or a corporate trustee or a loan from a bank or financial institution as short-term and/or long-term obligations, including execution and delivery of all leases and other agreements necessary or appropriate for the financing, refinancing or reimbursing of costs for acquiring, constructing and improving real and personal property for municipal facilities for the City of Phoenix and associated financing costs; pledge, if deemed appropriate, excise taxes or other lawfully available funds for such purposes and to pay financing costs; and authorizing the City Controller to receive and expend all necessary funds therefore.

**Summary**

This Ordinance provides authorization to issue obligations up to \$60,000,000 principal amount plus related financing costs to acquire, construct and improve real and personal property.

**Financial Impact**

The City will pledge excise taxes or other lawfully available funds to the repayment of the obligations.

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

**the following vote:**

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

**78 Authorization to Enter into Contract with Human Services Campus, Inc. for Sprung Structure Project (Ordinance S-47813)**

Request to authorize the City Manager, or his designee, to enter into an agreement with the Human Services Campus, Inc. (HSC) to procure and install a sprung structure on HSC premises in support of heat relief services for individuals experiencing homelessness. Further request to procure and purchase a sprung structure from a vendor and have it installed on HSC premises as an alternative method to complete the project. Additionally, request to enter into agreements with HSC for the use of HSC's premises for the sprung structure for a term of up to five years. Further, request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The aggregate value of these agreements will not exceed \$2.5 million. Funding is available through the City's allocation of the American Rescue Act Plan (ARPA) funding received from the federal government and is under the City's Summer Heat Respite category of the strategic plan.

**Summary**

As a result of the COVID-19 pandemic, the HSC shelter capacity has decreased leaving the most vulnerable populations with no place to stay overnight. HSC, or the City, will use the funding to place a temporary sprung structure to include bathrooms, showers, beds, utility connections, office equipment and permanent fencing on the HSC campus located at 204 S. 12th Ave. The sprung structure, at the direction of the City, may be relocated in order to provide heat relief services at an alternate location.

Funding for the sprung structure will prevent, prepare for and mitigate the effects of the COVID-19 pandemic among individuals and/or families experiencing homelessness who are at greater risk of exposure and susceptibility by offering an additional place to stay.



**Contract Term**

The term of the contract will begin on or about July 1, 2021 and end no later than June 30, 2026. The purchase and installation of the sprung structure must be completed by Sept. 30, 2021.

**Financial Impact**

Expenditures are not to exceed \$2.5 million over the life of the contracts. Funding for the sprung structure is available through the City's allocation of the American Rescue Act Plan (ARPA) funding received from the federal government and is under the City's Summer Heat Respite category. Funding for any necessary site improvements may be provided from the Human Services Department budget or ARPA funds.

**Discussion**

Vice Mayor Garcia made a motion to adopt Item 78.

Councilwoman Stark seconded the motion.

Councilwoman Ansari stated she was in support of this item, and mentioned heat-related deaths were on the rise. She commented heat-related deaths would continue to rise until mitigation efforts like this structure are prioritized and installed quickly. She said she was happy there was allocation within the American Recovery Plan Act funds dedicated to addressing heat-related homelessness, and added she would continue working with staff to make sure the City provides immediate heat relief. She stated Council could take more actions right now for immediate heat relief such as opportunities to provide cold water and shade, and said she had a conversation with City staff on utilizing buses that could provide cooling and water to the unsheltered community. She noted her office was setting up a meeting with Maricopa County to discuss partnerships to provide more solutions for the area. She asked if there was a way to expedite and install this earlier than Sept. 30 as noted in the Council Report.

Vice Mayor Garcia commented this structure was a good investment for the future, and suggested this was not enough to prevent some of the heat-related deaths that would still come this summer. He mentioned the

eviction moratorium would be ending Aug. 1, and said he expected more people to be unsheltered. He cited there had been a 40 percent increase in deaths for those who were unsheltered since this time last year, and commented those deaths were preventable. He suggested the City needed to act quicker and set better policies, and noted it was the City's duty to make sure every resident was housed and could be sheltered from extreme weather events. He said the summers would continue to get hotter and the affordable housing shortage was an issue the City needed to prioritize. He stated this investment was on the right path, but the Sept. 30 date was frustrating. He talked about the need to invest in permanent heat-relief infrastructure, and discussed how other municipalities in the area were working with organizations, churches, and other people to provide heat relief. He mentioned the City was able to use the Convention Center last year but could not use it this year, and asked until this structure is up, that the City continue to work on the plan to support people without shelter. He said this structure was important and was a good investment, but the City needed to focus on the people who may lose their lives in the coming months.

City Manager Ed Zuercher stated it was important to note while the City was getting authorization to purchase this structure, the City funded and established a shaded tent structure on the Human Services Campus that provided cooling. He mentioned without running into supply chain issues, the City was committed to getting this structure constructed as quickly as possible before Sept. 30.

Councilwoman Pastor commented the need for this shelter was now, and asked Vice Mayor Garcia if he would add to his motion to stipulate this structure be up immediately and do whatever is possible to make that happen. She requested the motion also include having an immediate heat relief plan for the months of July, August and September, and for that plan to be distributed to Council by July 9.

Vice Mayor Garcia requested Councilwoman Pastor repeat the additions she would like added to the motion.

Councilwoman Pastor repeated she was asking staff to provide Council with an immediate heat relief plan for July, August and September. She

clarified she wanted the structure to be built sooner than Sept. 30.

Vice Mayor Garcia said his understanding was that there was already a heat relief plan, and added this would be geared towards stepping up the heat relief plan that already existed or increasing what was already there. He asked Mr. Zuercher if the heat relief plan already existed.

Mr. Zuercher answered there was a heat relief plan that had been implemented. He noted the City was working with partners such as the Red Cross, Salvation Army and others on a heat relief plan with cooling centers. He explained the City could do two things, one being the City could again circulate the heat relief plan, and two being Council could suggest adding other ideas such as what Councilwoman Ansari described with using City buses for heat relief. He stated the structure would take some time to build and could not be built until the structure is received, and commented he was not sure this could be built before Sept. 30. He said staff could commit to getting the structure built as soon as possible based on the additions to the motion from Councilwoman Pastor.

Vice Mayor Garcia inquired rather than seeing the heat relief plan again, if it would be easier to go forward with using City buses, working with churches and other organizations wherever possible to provide heat relief immediately. He stated he did not know how much that would cost or what that would look like, and added he preferred to have tangible points such as days over 105 or 110 degrees City buses would be used and that the City partner with other organizations to provide heat relief.

Mr. Zuercher stated Council gave the City some flexibility to use the heat relief section of the ARPA money, and noted there were contingency funds within ARPA that the City could use to implement this. He mentioned a significant amount of Council wanted the City to step up heat relief efforts, and added the City could use ARPA funds to go towards the options discussed by Council.

Councilwoman Pastor commented what Vice Mayor Garcia said is what she would like to see, and noted she did not necessarily want a plan but wanted action.

Vice Mayor Garcia asked for clarification that Councilwoman Pastor would like to add to the motion to add money or to direct staff.

Mr. Zuercher said the motion could include giving authority for the City to use contingency funds from the first round of ARPA funds, and staff would keep Council updated on the work over the summer on this effort.

Vice Mayor Garcia made a motion to adopt Item 78 with direction that staff use the contingency funds from ARPA to address heat relief immediately.

Councilwoman Pastor seconded the motion.

Councilwoman O'Brien said she agreed with other councilmembers that the City needed to ensure as many services are offered to people during extreme heat days. She questioned if Council was able to make this addition of expenditures legally to the motion.

Mr. Zuercher explained there was appropriation authority that already existed with the budget that took effect today to expend those funds. He stated there was about \$450,000 remaining in current non-ARPA funding for the heat relief program, and noted the City would use those funds first. He commented if there were items needed after that, the City could go to ARPA funds through the contingency that had already been appropriated.

City Attorney Cris Meyer advised this item was generally about heat relief and providing a structure to do that, and added for Council to provide direction to staff would be permissible under Open Meeting Law. He commented the Council could not impose restrictions on the contractor or contract, but giving direction for staff to do this with money that had already been authorized would be permissible.

Mayor Gallego said with the Council action earlier, the City would move forward with the budget that included the Office of Heat Response and Mitigation which was the first in the nation. She mentioned this would help the City in responding to heat, including helping vulnerable populations.

**A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that this item be adopted with direction that staff use the contingency funds from ARPA to address heat relief immediately. The motion carried by the following vote:**

**Yes:** 9 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

**79 Phoenix Arts and Culture Recovery Program (Ordinance S-47819)**

Request to authorize the City Manager, or his designee, to enter into grant agreements with nonprofit arts and culture organizations, individual artists, and professional consultants throughout the City of Phoenix. Further authorize the City Treasurer to accept, and the City Controller to disburse, the funds for purposes of this ordinance. The total value of the agreements will not exceed \$5,000,000. There is no impact to the General Fund. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) funding received from the federal government and is under the City's Phoenix Arts, Business, and Employee Program category of the strategic plan.

**Summary**

The Phoenix Office of Arts and Culture developed a recovery plan to help support nonprofit arts and culture organizations and artists still hurting financially due to the COVID-19 pandemic. The program also funds a mix of workforce and economic development initiatives and community programs.

Program elements include:

Nonprofit Arts and Culture Stabilization Grants

Grants would provide funding to Phoenix nonprofit arts and culture organizations of all sizes to manage their operations, personnel as they welcome back audiences, guests, and patrons to their programs. Grants will be adjudicated through an application process.

### Artist to Work Initiative

This program will enable the City to contract artists to develop art projects, installations, and performances in communities that receive limited funding from the public sector. Projects would activate a wide range of public spaces, including parks, trails, community centers, and neighborhood areas not usually defined or programmed as cultural spaces. The program will be adjudicated through the RFQ process.

### Arts Career Advancement Grants

Grants will help support working artists or arts workers who have experienced job loss, indefinitely postponed or canceled events and residencies, or terminated contracts because of the pandemic. Funding not only can cover lost income but also offer support to grow their artistic and business skills. Grants will be adjudicated through an application process.

### Arts and Culture Internships

This program would allow nonprofit arts and culture organizations to hire full-time interns versus contract or for-credit stipends. In addition, the internships provide Phoenix undergraduate students with meaningful on-the-job training and experience working in the cultural sector. The program will be adjudicated through an application process.

### Technical Assistance and Outreach

Funds will continue the work done with trainings, workshops, professional development and resources for the field in areas like financial sustainability, business practices and reopening strategies. Funds also will be used to hire contractors to help support projects and conduct special outreach to ensure equitable distribution of resources in the community.

### **Financial Impact**

Funding for these programs will not exceed \$5,000,000. There is no impact to the General Fund. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) funding received from the federal government and is under the City's Phoenix Arts, Business, and Employee Program category of the strategic plan. The funding breakdown is as follows:

Nonprofit Arts and Culture Stabilization Grants: \$2,750,000

Artists to Work Initiative: \$1,000,000

Arts Career Advancement Grants: \$500,000

Arts and Culture Internships: \$500,000

Arts Technical Assistance and Outreach: \$250,000

### **Concurrence/Previous Council Action**

The Mayor and Council discussed and approved the plan to implement the \$5,000,000 Phoenix Arts and Culture Recovery Program at its Policy Session on June 8, 2021 by a vote of 7-2.

### **Discussion**

Vice Mayor Garcia made a motion to adopt Item 79.

Councilwoman Pastor seconded the motion.

Mayor Gallego commented this item was exciting because it complemented two items Council took action on in the omnibus motion. She said there were small business investments that the City would make, and talked about the resilient food system program. She noted the City would continue some of the great success from the CARES Act money by investing in the community, and mentioned this item would give \$5 million to help arts and culture organizations which were an important part of the City's economy.

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

**Yes:** 7 - Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego

**No:** 2 - Councilman DiCiccio and Councilman Waring

### **81 Contract Extension with CO+HOOTS to Continue Small Business Community Platform (Ordinance S-47803)**

Request to authorize the City Manager, or his designee, to extend a

contract with CO+HOOTS to continue PHXbizConnect, a technology-driven Small Business Community Platform, to support small businesses impacted by and recovering from the COVID-19 pandemic. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item. Funding for this digital platform will not exceed \$295,000. There is no impact to the General Fund. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) funding received from the federal government and is under the City's Small Business Workforce Program category.

### **Summary**

In May 2020, City Council approved \$100,000 in federal Coronavirus Relief Funds to invest in a small business program to assist Phoenix businesses with their pandemic recovery efforts. On Nov. 4, 2020, City Council authorized staff to contract with CO+HOOTS to implement this program. CO+HOOTS, founded in 2010 as central Phoenix's first coworking space, is an entrepreneurship ecosystem accelerator and support organization that provides educational resources and collaborative, self-sustaining spaces to grow the entrepreneurial, startup and small business community.

On March 1, 2021, Community and Economic Development Department (CEDD) and CO+HOOTS launched PHXbizConnect by HUUB, a social media platform where business owners connect with like-minded business owners, ask questions, share successes, and find solutions to business related issues. PHXbizConnect, available in both English and Spanish, streamlines support for small businesses in one central, virtual location and helps to boost the resilience of Phoenix small businesses. By May 2021, PHXbizConnect exceeded expectations with more than 430 businesses registered on the platform. Seventy-eight percent of these businesses have fewer than 10 employees; many are restaurants, retail shops, and professional services providers. Registered businesses have indicated PHXbizConnect has been vital in helping them navigate through the pandemic, connect to resources, learn new skills, find grants, and grow their business during this critical time.

The City's contract with CO+HOOTS, Contract No. 153515, began on Dec. 16, 2020 and is due to expire on June 30, 2021. If approved, the



proposed extension would begin in July 2021 and expire in one year. CO+HOOTS will continue to provide reporting and performance metrics to CEDD to track assistance to Phoenix small businesses.

**Procurement Information**

CO+HOOTS was selected through Alternative Competition based on its experience creating a similar program for the City of Mesa.

**Contract Term**

If approved, the proposed extension would begin in July 2021 and expire after one year.

**Financial Impact**

Funding to extend the Small Business Community Platform via CO+HOOTS will not exceed \$295,000. There is no impact to the General Fund. Funding is available through the City's allocation of ARPA funds.

**Concurrence/Previous Council Action**

At the May 5, 2020 City Council Policy meeting, City Council approved \$100,000 to create a tool that would provide small businesses with expertise on key business topics, guidelines to assist with business recovery and on-demand solutions during this unprecedented time. On Nov. 4, 2020, City Council authorized staff to enter in a contract with CO+HOOTS.

**Discussion**

Vice Mayor Garcia made a motion to adopt Item 81.

Councilwoman Stark seconded the motion.

Mayor Gallego commented this item would help small businesses recover from the challenges faced during the pandemic.

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

**Yes:** 7 - Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego

**No:** 2 - Councilman DiCiccio and Councilman Waring

**84 Community Development Block Grant CARES Act Homeless Shelter Expansion and Improvements Grant Funded Request for Proposal (NSD-RFP-21-005) Award Recommendations (Ordinance S-47805)**

Request to authorize the City Manager, or his designee, to enter into agreements with two non-profit organizations for the expansion of homeless shelter facilities to prevent, prepare for, and/or respond to the COVID-19 public health crisis among individuals and families experiencing homelessness by providing additional shelter beds, and to take all necessary or appropriate actions to implement and administer the program in accordance with the grant terms. Further request to authorize the City Controller to disburse all funds related to this item over the life of the agreements. These agreements will be funded by the Community Development Block Grant authorized through the Coronavirus Aid, Relief, and Economic Security Act. The aggregate amount of these agreements will not to exceed \$8 million.

**Summary**

On Feb. 17, 2021, the City Council approved a Substantial Amendment to the 2015-2020 Consolidated Plan's 2019 Annual Action Plan, which included allocating first and second rounds of Coronavirus Aid, Relief, and Economic Security (CARES) Act, Community Development Block Grant (CDBG-CV) funds to fund homeless support public services and public facility improvements, or strategic acquisition of properties in an effort to address community needs related to homelessness in response to the national pandemic. \$14 million was allocated to a Request for Proposals (RFP) to fund facility acquisition and/or improvements to fulfill the need to expand and improve homeless shelter facilities to mitigate the impacts of COVID-19.

**Procurement Information**

The Neighborhood Services Department (NSD) invited qualified offerors

to submit proposals for the expansion and improvements of homeless shelter facilities. RFP 21-005 was issued on April 15, 2021, in accordance with Administrative Regulation 3.10. Three proposals were received on May 14, 2021. Two proposals were determined responsive and responsible to the solicitation objectives and the RFP requirements.

The Evaluation Panel reviewed each proposal and evaluated them based on the RFP evaluation criteria; responsiveness to all objectives, specifications, terms and conditions, and responsibility to provide the defined facility. The RFP evaluation criteria scoring was as follows:

Shelter Facility Operations - 250 possible points

Strategies to Address Homelessness Plan Alignment - 250 possible points

Project Feasibility - 250 possible points

Project Costs - 250 possible points

The Evaluation Panel reached a consensus and recommended the following organizations that met the agreed upon minimum threshold of 500 points for contract award:

Central Arizona Shelter Services - 840 points

Community Bridges, Inc. - 612 points

Central Arizona Shelter Services will be contracted for up to \$4 million of CDBG-CV funds to help with acquisition and facility improvement costs for a new emergency shelter bed facility focused on individuals experiencing homelessness over the age of 55 years old.

Community Bridges, Inc. will be contracted for up to \$4 million of CDBG-CV funds to help with the acquisition and facility improvement costs for a new emergency shelter bed facility focused on single adults experiencing homelessness.

### **Contract Term**

The term for each contract will begin on or about July 1, 2021 and end on June 30, 2023.

**Financial Impact**

The aggregate contract value for each contract will not exceed \$4 million. Funding is available through the CARES Act, CDBG-CV funds. There is no impact to the General Fund.

**Concurrence/Previous Council Action**

On Feb. 17, 2021, the City Council approved Ordinance S-47330, authorizing a Substantial Amendment to the 2015-2020 Consolidated Plan's 2019-2020 Annual Action Plan to include the second release of CDBG-CV and reallocation of CDBG-CV1 to fund homeless support public services and facility improvements, or strategic acquisition projects.

**Discussion**

Councilwoman Guardado made a motion to adopt Item 84 as amended to direct staff to include in the contracts a requirement that the awarded agencies develop Advisory Committees with at least 50 percent community member representation that must be pre-approved by City staff. The Advisory Committees should meet regularly beginning as soon as possible and throughout the life of the grant liens. Since the proposed facility by Central Arizona Shelter Services (CASS) is required to go through a public hearing to have a use permit granted for the proposed use, and also direct staff that prior to the public hearing, that CASS with the support of City staff, have community meetings to discuss the proposal and that if the use permit is approved, some type of public review of the use permit shall be required.

Councilwoman Stark seconded the motion.

Elizabeth DaCosta spoke in favor, and mentioned she was the Senior Director of Housing and Community Integration with Community Bridges. She explained Community Bridges specialized in bridge shelters to provide a safe, stable shelter services to the communities they served. She talked about how their staff provided whole-health services to individuals residing in these shelters, and added in their first year they served 168 individuals with 145 of them experiencing chronic homelessness. She mentioned 74 percent of those individuals were able to exit into permanent housing, and the length of their stay in these shelters was 38 days. She described the outreach efforts from

Community Bridges to the community, and noted there were individuals in northwest Phoenix that were experiencing chronic homelessness and had difficulty accessing services. She stated Community Bridges wanted to help these individuals, and added this service would provide long-term heat relief to those areas.

Craig Tribken spoke in favor, and thanked staff for their work on this. He commented neighborhood involvement was vital for this program to be successful, and talked about how this would be a closed campus to act as a model to be replicated in the future.

Nick Wood spoke in favor, and mentioned he was outside counsel for Central Arizona Shelter Services for over 10 years. He said the money used for this would provide a pathway for unsheltered Phoenix residents. He stated this would allow for interim housing to a pathway towards permanent housing, and added this was something he hoped for and looked forward to this for a long time. He talked about Councilwoman Guardado's request for a committee that included participation from the community, and said he was very supportive of that.

Councilwoman Stark commented she was grateful for this money, and talked about how Council Districts 1, 3 and 5 had met with non-profit organizations in the community to try and find locations to serve people experiencing homelessness. She noted one of the biggest hurdles was funding, and added this money would assist with that. She talked about the need for community involvement, and suggested other non-profits provide input on this. She asked for confirmation if that could be part of the motion, though Council did not have jurisdiction over the Board of Adjustment.

City Manager Ed Zuercher said Planning and Development Department Director Alan Stephenson was available to answer that question.

Mr. Stephenson replied the motion provided direction to staff and ultimately to the hearing officer that would request that stipulation. He talked about how the use permit would go through a quasi-judicial hearing process, and mentioned after discussions with Councilwoman Guardado the intent was to put this information out now to express the intent of

Council through the public hearing process to ensure the surrounding community was included.

Councilwoman Stark commented this was a great idea.

Councilwoman Guardado stated she served on the WESTMARC Board and was focused on building support for regional services, and talked about the tours she took to visit this area related to Project Haven. She discussed meeting with different service providers in Los Angeles with Vice Mayor Garcia and City staff, and noted there was much the City could take away from lessons learned there. She said there was open dialogue at the State level with housing staff that have city perspectives, and added with today's funding she hoped it would send a message that the City was ready to be part of the solution in setting an example for other municipalities.

Mayor Gallego said Council had been working hard to make sure there were housing opportunities throughout the city, and expressed appreciation for Councilwoman Guardado's leadership and the other councilmembers.

Note: One electronic comment was submitted indicating no position on Item 84.

**A motion was made by Councilwoman Guardado, seconded by Councilwoman Stark, that this item be adopted as amended to direct staff to include in the contracts a requirement that the awarded agencies develop Advisory Committees with at least 50 percent community member representation that must be pre-approved by City staff. The Advisory Committees should meet regularly beginning as soon as possible and throughout the life of the grant liens. Since the proposed facility by Central Arizona Shelter Services (CASS) is required to go through a public hearing to have a use permit granted for the proposed use; also, direct staff that prior to that public hearing, CASS with the support of City staff, have community meetings to discuss the proposal and that if the use permit is approved, some type of public review of the use permit shall be required. The motion carried by the following vote:**

**Yes:** 9 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

**87 Fiscal Year 2021-22 Community Arts Support Grant Allocations (Ordinance S-47820)**

Request to authorize the City Manager, or his designee, to execute all necessary agreements between the Phoenix Office of Arts and Culture and approved applicants for Fiscal Year (FY) 2021-22 General Support Program and Project Support Program grants in an aggregate amount of \$970,936. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Phoenix Office of Arts and Culture has administered the Community Arts Grants Program since 1986. The program includes three tiers of core operating support grants called General Support Program (GSP) grants, and Project Support Program (PSP) grants for artistic and cultural projects that engage Phoenix residents.

To be eligible for any category of funding, an organization must be a registered non-profit arts or cultural organization, must have tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, and must provide a cultural service to Phoenix residents. For youth-focused PSP grants, an applicant can be a school or registered non-profit organization with an arts or culture program. Organizations without tax-exempt status under Section 501(c)(3) of the Internal Revenue Services Code may apply to the project categories using a fiscal agent with tax-exempt status. This policy allows the Phoenix Office of Arts and Culture to broaden the reach of the grant program to small, emerging arts and cultural organizations and, through the fiscal agent partnership, establish relationships between large and small organizations in the hope that traditional partnering opportunities and resources sharing may develop.

Funding allocations totaling \$970,936 are requested by 88 organizations (**Attachment A**). This total is made up of \$925,346 in General Fund

support and \$45,590 in funding from the National Endowment for the Arts (NEA). In July 2020, the Phoenix Office of Arts and Culture was initially awarded \$250,000 in CARES Act funding from the NEA to regrant to Phoenix arts organizations, which it did. In April 2021, the NEA awarded the Phoenix Office of Arts and Culture \$45,590 in additional CARES Act funding to regrant. In June 2021, the NEA approved supplementing the Community Arts Grants Program with the additional CARES Act funding.

All grant applications for the Community Arts Grants Program were due to the Office of Arts and Culture on April 1, 2021. Ninety-four applications were received and reviewed by panels made up of laypersons, artists, arts professionals, and educators to ensure a thorough and unbiased review. Panel recommendations were then forwarded to the Phoenix Arts and Culture Commission to review and recommend for funding, ensuring these organizations are good stewards of public support.

**General Support Program (GSP)** grants strengthen the community's access to arts and culture programming. The program provides core operating support to arts and cultural organizations of all sizes that have a primary mission to create, produce, or provide arts and cultural programming to enhance the quality of lives for Phoenix residents. GSP grant allocations are determined by the ranking an applicant received during the panel review of the following criteria:

Artistic/Cultural Value

Community Significance

Financial and Leadership Capacity

In GSP Level I, organizations must have a total operating budget of at least \$2.5 million. Thirteen organizations are recommended for funding totaling \$387,256, with each receiving grant awards between \$21,000 and \$36,256.

In GSP Level II, organizations must have a budget between \$250,000 and \$2,499,999. There are 28 organizations recommended for funding totaling \$385,000, with each receiving grant awards between \$9,000 and \$18,000.

For FY 2022, GSP Level III grantees must have a budget between



\$5,000 (adjusted from \$25,000 in FY21) and \$249,999. A total of 19 organizations are recommended for funding totaling \$130,000, with each receiving grant awards between \$5,000 and \$9,000.

**Project Support Program (PSP)** grants promote and encourage the breadth of arts and cultural programming in our community by supporting projects both large and small throughout the City of Phoenix.

The program supports guest artist fees/expenses, production fees, and marketing expenses for in-person, socially distanced, and/or virtual projects that engage residents, including but not limited to, arts workshops, popup performances, and collaborations with artists. Applicants request an amount of up to \$2,500 to fund their proposed project. Allocations are determined by the ranking an applicant received during the panel review of the following criteria:

Artistic/Cultural Value

Community Significance

Logistics and Accessibility

Twenty-eight organizations are recommended for PSP funding totaling \$68,680.

### **Concurrence/Previous Council Action**

The Phoenix Arts and Culture Commission reviewed and approved the FY 2021-22 Community Arts Grants Program allocation recommendations at its meeting on June 15, 2021.

### **Discussion**

Vice Mayor Garcia made a motion to adopt Item 87.

Councilwoman Stark seconded the motion.

Mayor Gallego said she looked forward to supporting this item, and mentioned this item included support for institutions from the Phoenix Symphony to the Phoenix Zoo and to the smaller arts organizations.

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

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

**No:** 1 - Councilman Waring

**A motion was made by Vice Mayor Garcia, seconded by Councilwoman Ansari, that Items 88-89 be approved. The motion carried by the following vote:**

**Yes:** 7 - Councilwoman Ansari, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Vice Mayor Garcia and Mayor Gallego

**No:** 2 - Councilman DiCiccio and Councilman Waring

#### **88 Golf Management System Request for Proposals**

Request to authorize the City Manager, or his designee, to issue a Request for Proposals for a Golf Management System in the Parks and Recreation Department.

##### **Summary**

The Parks and Recreation Department requires updated golf management software, which will be the new point of sale system for bookings, payment of tee times and purchasing of items. The system will also provide tracking, reporting of revenue streams and serve as an email marketing tool to increase marketing tactics. The purpose of the Request for Proposals (RFP) will be to identify an experienced organization that can develop, implement, train, manage and support a system that will provide an enhancement to the City's five municipal golf courses.

The current agreement providing similar services will expire in the spring of 2022, and a new agreement is needed to ensure the continuity of golf management software services and to provide needed updates. If a new vendor is selected, the resulting agreement will start approximately six months before the current agreement expires, to allow for configuration and implementation of data into the golf management software system.

This item has been reviewed and approved by the Information

Technology Services Department.

**Procurement Information**

The RFP will contain evaluation criteria and processes in alignment with the required services and may include a combination of the following:

Cost/Price

Qualifications, Experience and Past Performance of Proposer

Qualification and Experience of Proposer's Staff

Method of Approach and Transition Plan

Technology Business Requirements

Proposed Organizational Structure and Personnel

**Contract Term**

The resulting agreement term will be for five years starting on or about Oct. 1, 2021, with one, five-year renewal option which may be exercised at the City's discretion.

**Financial Impact**

The current agreement has no impact to the General Fund. Vendor fees are deducted from golf revenue. Staff anticipates entering into a similarly structured agreement with the successful proposer.

**Location**

Council Districts: 3, 4, 5, 6 and 7

**This item was approved.**

**89 Golf Scorecards Request for Proposals**

Request to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) for the City's municipal golf course scorecards.

**Summary**

The Parks and Recreation Department currently has a contract with Transportation Media, Inc. dba Bench Craft Company, to provide goods and services for advertisement of all products (benches, tee signs, ball washers and golf scorecards), with no cost to the City. Under the terms of the agreement, the contractor pays the City a set fee to provide free scorecards to the public. The current agreement will expire in February

2022; therefore, a RFP is necessary to procure these services.

**Procurement Information**

The RFP will contain evaluation criteria and processes in alignment with the required services and may include a combination of the following:

Cost/Price (Revenue Based)

Qualifications and Experience

Method of Approach

Marketing and/or Sponsorship Opportunities Plan

**Contract Term**

The resulting agreement term will be for three years starting on or about Feb. 1, 2022, with two, one-year renewal options which may be exercised at the City's discretion.

**Financial Impact**

There is no anticipated impact to the General Fund. The department expects to receive a set revenue, annually for any resulting contract.

**Location**

Council Districts: 3, 4, 5, 6 and 7

**This item was approved.**

**122 Final Plat - The Collective Storage - PLAT 200573 - Southwest Corner of Baseline Road and 67th Avenue**

Plat: 200573

Project: 19-1626

Name of Plat: The Collective Storage

Owner(s): Clear Sky Capital Laveen Self Storage, LP

Engineer(s): Joseph C. McGill, RLS

Request: A 2 Lot Commercial Plat

Reviewed by Staff: Jan. 20, 2021

Final Plat requires Formal Action Only

**Summary**

Staff requests that the above plat be approved by the City Council and

certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

**Location**

Generally located at the southwest corner of Baseline Road and 67th Avenue (Meadows Loop East).

Council District: 7

**Discussion**

Mark Rodriguez spoke in favor, and noted a storage facility and a Walgreens would be at this location. He mentioned there was a need for a storage facility in this area.

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

**Yes:** 9 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

**134 Public Hearing and Resolution Adoption - General Plan Amendment GPA-SM-1-21-8 - Approximately 100 Feet North of the Northwest Corner of 36th Street and Wayland Drive (Resolution 21937)**

Request to hold a public hearing for the following item to consider adopting the Planning Commission's recommendation and the related Resolution if approved. The file is a companion case to Z-8-21-8 and should be heard first, followed by Z-8-21-8.

**Summary**

Current Plan Designation: Residential 3.5 to 5 dwelling units per acre

Proposed Plan Designation: Residential 10 to 15 dwelling units per acre

Acreage: 18.41 acres

Proposed Use: Multifamily residential townhome community

Owner: 36th Street & Southern, LLC

Applicant: Benjamin Tate, Withey Morris, PLC

Representative: Benjamin Tate, Withey Morris, PLC

Staff Recommendation: Approval.

VPC Action: The South Mountain Village Planning Committee heard the case on May 11, 2021 and recommended approval, by a vote of 11-0.

PC Action: The Planning Commission heard the case again on June 3, 2021 and recommended approval, per the South Mountain Village Planning Committee recommendation, by a vote of 8-0.

### **Location**

Approximately 100 feet north of the northwest corner of 36th Street and Wayland Drive

Council District: 8

Parcel Addresses: 5242, 5252, 5424, 5814 and 5822 S. 36th St.

### **Discussion**

Mayor Gallego mentioned Item 134 was a companion case to Item 135, and declared the public hearing open.

Benjamin Tate spoke in favor, and commented he was fortunate to have staff support on both Items 134 and 135 along with unanimous approval from the South Mountain Village Planning Committee and the Planning Commission.

Mayor Gallego declared the public hearing closed.

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

**Yes:** 9 - Councilwoman Ansari, Councilman DiCiccio, Councilwoman Guardado, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

- 135 Public Hearing and Ordinance Adoption - Rezoning Application  
Z-8-21-8 - Approximately 100 Feet North of the Northwest Corner of  
36th Street and Wayland Drive (Ordinance G-6872)**

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-8-21-8 and rezone the site from R1-6 (Single-Family Residence District) to R-3 (Multifamily Residence District) to allow a multifamily residential townhome community. This file is a companion case to GPA-SM-1-21-8 and should be heard immediately following.

**Summary**

Current Zoning: R1-6

Proposed Zoning: R-3

Acreage: 18.41 acres

Proposed Use: Multifamily residential townhome community (condominiums)

Owner: 36th Street & Southern, LLC

Applicant: Benjamin Tate, Withey Morris, PLC

Representative: Benjamin Tate, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The South Mountain Village Planning Committee heard this case on May 11, 2021 and recommended approval, per the staff recommendation with modifications by a vote of 11-0.

PC Action: The Planning Commission heard this case on June 3, 2021 and recommended approval, per the South Mountain Village Planning Committee recommendation with an additional stipulation by a vote of 8-0.

**Location**

Approximately 100 feet north of the northwest corner of 36th Street and Wayland Drive

Council District: 8

Parcel Addresses: 5242, 5252, 5424, 5814 and 5822 S. 36th St.

**The hearing was held. A motion was made by Vice Mayor Garcia, seconded by Councilwoman Stark, that this item be approved per the Planning Commission's recommendation, with adoption of the related**

**ordinance. The motion carried by the following vote:**

**Yes:** 9 - Councilwoman Ansari, Councilman DiCiccio,  
Councilwoman Guardado, Councilwoman O'Brien,  
Councilwoman Pastor, Councilwoman Stark, Councilman  
Waring, Vice Mayor Garcia and Mayor Gallego

**No:** 0

**137 Public Hearing and Ordinance Adoption - Planning Hearing Officer  
Application PHO-1-21--Z-48-07-1 - Approximately 400 Feet East of  
the Southeast Corner of I-17 and Arroyo Norte Drive (Ordinance  
G-6873)**

Request to hold a public hearing on the item and consider adoption of the  
Planning Commission recommendation on June 3, 2021.

**Summary**

Application: PHO-1-21--Z-48-07-1

Existing Zoning: C-2

Acreage: 16.0

Applicant: Law Office of David Cisiewski

Owner: Tom Tait, AV 203, LLC

Representative: Lisa Gage, FDG Acquisitions

**Proposal:**

1. Submittal of conceptual site plan and elevations for approval by the Planning Hearing Officer per Stipulation 1.
2. Modification of Stipulation 2 regarding approval of a comprehensive sign plan.
3. Technical corrections to Stipulations 3 and 7.

**Concurrence**

Village Planning Committee (VPC) Recommendation: The Rio Vista Village Planning Committee heard this request at their March 9, 2021 meeting and continued the item by a vote of 5-0. The Rio Vista Village Planning Committee heard this request at their April 13, 2021 meeting recommend approval by a vote of 4-2.

PHO Action: The Planning Hearing Officer heard this case on April 21,



2021 and recommended approval, with a modification and additional stipulations.

PC Action: The Planning Commission heard this case on June 3, 2021 and recommended approval, per the Planning Hearing Officer recommendation with an additional stipulation.

The Planning Commission recommendation was appealed on June 9, 2021 requiring that a public hearing be held on this item.

**Location**

Approximately 400 feet east of the southeast corner of I-17 and Arroyo Norte Drive

Council District: 1

Parcel Address: N/A

**Discussion**

Note: Councilwoman Guardado disconnected from the meeting.

Planning and Development Director Alan Stephenson stated this item was an appeal of a Planning Hearing Officer's decision, and noted Planning and Development Deputy Director Joshua Bednarek would give a brief staff presentation on this item.

Mr. Bednarek said the subject site was located in the Rio Vista Village just north of the Anthem Way Interchange and south of the New River Interchange. He talked about the property being 16 acres of a 46 acre site that was rezoned to C-2 in 2007. He commented the type of zoning was not the subject of this request, and discussed the conditions for approval at the time required site plan elevation for any development to come back through the public hearing process. He mentioned this request addressed those conditions, and displayed a map showing the subject site. He stated this proposal was to approve the submitted site plan and elevations, update another stipulation that required a comprehensive sign plan for commercial portions of the site, and technical corrections to Stipulations 3 and 7. He showed a map of the proposal for 170 single-story bungalow units with multi-family, and mentioned this request was approved by the Rio Vista Village Planning Committee by a 4-2 vote, approval with stipulations from the Planning

Hearing Officer, and an 8-0 vote with an additional stipulation from the Planning Commission. He concluded staff recommended approval per the Planning Commission recommendation with adoption of the related ordinance.

Mayor Gallego declared the public hearing open.

David Cisiewski spoke in favor on behalf of FDG Acquisitions who was the developer of this proposed project. He stated what was being proposed on this 16 acre portion of the larger commercially-zoned lot was 170 detached residences that would be part of a gated community. He clarified each resident would have a private rear yard with covered parking and garages, and mentioned this was being proposed as a single-family rental community. He described the number of parks and community areas that would be available, as well as walking trails through the development. He mentioned there were two areas of access that would be gated on Arroyo Norte Drive, and talked about the amenities available at the clubhouse. He said unlike other rental communities that had large open areas of parking, this community would have parking well dispersed throughout the area. He mentioned there were three separate public hearings as well as a separate community meeting that was not required and was in response to community input. He noted the name of the development was changed due to community concerns, and said the density of the development would be 12.2 dwelling units-per-acre. He said the colors of the homes in the development were changed to be a soft desert color palate, and discussed how there would be 275 parking spaces on the property.

Mr. Cisiewski mentioned he prepared a traffic analysis because of community concerns, and cited the traffic analysis determined this would have significantly fewer trips than normally accommodated for a commercial development. He stated no additional street improvements were required, and said the City did not require any improvements to Arroyo Norte Drive as part of this development. He commented the Arizona Department of Transportation did not require a traffic analysis or improvements to their section of the right-of-way, and said the developer was not looking for a change in land use, or a change in density.

Richard Zimmerman spoke in opposition and stated he was the individual that appealed this development, and talked about a meeting he requested. He said there was a lack of infrastructure on this frontage road, and requested stipulations that the developer bear the burden of increasing the capacity of the road to two lanes on each way. He suggested the frontage road was dangerous, and noted another stipulation he requested was to have the development comply with the dark sky initiative. He suggested a true traffic study needed to be required, and said in 2007 a traffic study was not required. He said if this development went forward that it would be imperative that infrastructure improvements be made. He asked for a stipulation on the property to pay Daisy Mountain Fire directly instead of the City. He stated he took issue with the amount of homes and parking spaces on the development.

Vincent Barbato spoke in favor, and mentioned he was the developer of this community. He stated he had made every attempt to find a happy median between the City, neighbors and local businesses. He said they accomplished that goal with this community, and would be an asset for the city. He mentioned they went above and beyond to meet and exceed the requirements set forth by the City, to get traffic studies done and provide open space and all other requirements.

Mayor Gallego declared the public hearing closed, and thanked Councilwoman O'Brien for her hard work and advocacy to make sure the City had great fire service resources to serve north Phoenix.

Councilwoman O'Brien made a motion to approve Item 137 per the Planning Commission recommendation, with adoption of the related ordinance.

Councilwoman Stark seconded the motion.

Councilwoman O'Brien mentioned she had a 30-minute conversation with Mr. Zimmerman over the phone, and made notes for her staff to research his concerns. She stated on the official form Mr. Zimmerman submitted to the City, it was noted he was not a Phoenix resident. She said her Chief of Staff offered to meet with residents from the area, and her office was not given the opportunity to do that. She commented she read every

letter and email message that was sent to the Rio Vista Village Planning Committee as well as the meeting minutes to learn more about the case. She said the developer had the right to build this proposed development under the current zoning, and suggested the reason this case came forward was purely for design stipulations and not a rezoning request. She talked about concerns related to traffic, and mentioned ADOT would need to be included in those discussions as well as the Maricopa County Department of Transportation. She mentioned there was rapid growth in north Phoenix, and talked about larger conversations that needed to be held with stakeholders about smart development. She discussed how she would meet with stakeholders over the coming months to ensure a well thought out regional community, and thanked Councilman Waring for the discussions he had in regards to north Phoenix and with the Fire Department on how they could support Daisy Mountain Fire.

Note: Five electronic comments were submitted in favor of Item 137.

**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 ordinance. The motion carried by the following vote:**

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

**No:** 0

**Absent:** 1 - Councilwoman Guardado

**138 First Things First Family Resource Centers - Contract Extension (Ordinance S-47833)**

Request authorization for the City Manager, or his designee, to exercise the third option to extend the term of Intergovernmental Agreement 148132 (IGA) with First Things First for an additional year through June 30, 2022 to support Phoenix Families First Resource Centers in current City facilities. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The contractual, grant-funded annual amount is \$675,000. There is no impact to the General Fund.

**Summary**

The Human Services Department and Youth and Education Office entered into an IGA with First Things First in July 2018 to create four Family Resource Centers in current City facilities controlled by the Library, Housing and Parks and Recreation departments. The Phoenix Families First Resource Centers increase families' access to concrete support and services in times of need; improve knowledge of parenting and child development; foster parental resilience and successfully connect families to support in the community; and promote social and emotional competence in children. Family Resource Centers serve as safe, accessible community hubs and provide flexible, family focused, and culturally responsive information, resources, and services covering a wide range of topics. Staff are available to help families access these resources and services and offer referrals to programs designed to meet their diverse needs.

**Contract Term**

The first contract year term started July 1, 2018, with three additional one-year options to renew, for a total of four years. The fourth and final contract year will start July 1, 2021.

**Financial Impact**

The contractual, grant-funded annual amount of \$675,000 supports staff, supplies, and site costs for implementing Family Resource Centers in City facilities. There is no impact to the General Fund.

**Concurrence/Previous Council Action**

The contract was approved by Formal Council action on April 4, 2018.

**Location**

Goelet A.C. Beuf Community Center - 3435 W. Pinnacle Peak Road  
Burton Barr Central Library - 1221 N. Central Ave.  
Cesar Chavez Library - 3635 W. Baseline Road  
Aeroterra Housing Community - 675 N. 16th St.  
Council Districts: 1, 7, and 8

**Discussion**

Councilwoman O'Brien made a motion to adopt Item 138.

Councilwoman Pastor seconded the motion.

Councilwoman O'Brien talked about the long range benefits of early childhood education and how it helped children jump start their reading skills and gave them motivation to stay in school. She noted parents and guardians of children in early childhood education were provided access to child care making it easier for parents to return to work. She said she was in favor of First Things First continuing the services they provide to families, and added she was pleased in-person programming would be happening again at the four centers operated by the City. She discussed the importance of this program for Phoenix families, and would help those families connect to other services and resources for their young children.

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

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

**No:** 0

**Absent:** 1 - Councilwoman Guardado

### **REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS**

None.

### **000 CITIZEN COMMENTS**

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

Note: Councilman DiCiccio disconnected from the meeting.

James Deibler talked about concerns he had about a fight occurring at a recent

Phoenix Suns game, and asked for increased security at Phoenix Suns Arena.

Catherine Barrett mentioned she was an elected Precinct Committee Person for Legislative District 28 in the Desert Cove Neighborhood. She said neighbors have asked for help related to the property at 11015 North 11th Place because of a house fire and death at the property. She commented the lack of concern on this property had happened over 15 years, and said the property had not been repaired six years after the fire there.

Cody Bergkamt stated he had to cut the grass and plants in his front yard because someone in his neighborhood had an issue with it. He talked about how the city had been experiencing an extreme drought, and said he could not let life live on his own property because of City ordinances.

Ari Berrong'huber said he worked at HMS Host at Sky Harbor Airport, and asked Council to stop rent relief for HMS Host. He cited the amount of money HMS Host saved in rent during the pandemic, and talked about how the restaurant he worked at was understaffed and understocked on supplies.

Scott Matos Elliot said he worked at HMS Host at Sky Harbor Airport, and stated he filed a complaint with the Equal Opportunity Department, and listed the slurs that were used against him. He noted he reported this to his manager multiple times, and said he experienced discrimination when trying to be promoted.

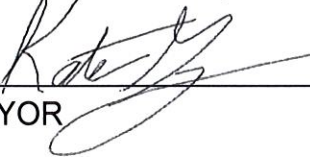
Elsie Duarte translated for Carmen Quintana, and said she worked for HMS Host at Sky Harbor Airport. She stated she was laid off in March 2020 and had not received a call back from HMS Host, and mentioned the company laid off 347 employees. She noted of the 753 employees at HMS Host, 31 percent were offered a retirement plan and wondered when the employees who were laid off would be called back to work. She suggested the company did not need additional help, and requested the City ask the company to come up with a plan to bring employees back to work.

Lucia Salinas stated she worked for HMS Host at Sky Harbor Airport, and talked about the issues she had with understaffing. She said her coworkers had been working three jobs, and added her coworkers were getting sick during the pandemic. She expressed HMS Host did not need additional rent relief.

Beatriv Topete mentioned she was the Arizona Director for Unite Here Local 11, and discussed the racial disparities at HMS Host. She cited the median wage for white baristas at Starbucks was higher than black and Latino baristas at airport locations operated by HMS Host across the country. She said 10 percent of survey respondents said they were denied a promotion while working at HMS Host Starbucks locations with 48 percent of those identified as black or African American. She suggested higher-paid positions at the airport went disproportionately to white workers and lower-paid jobs went disproportionately to workers of color.

**ADJOURN**

There being no further business to come before the Council, the meeting adjourned at 12:40 p.m.

  
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MAYOR

ATTEST:

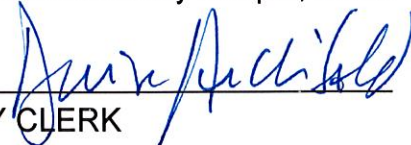
  
\_\_\_\_\_  
CITY CLERK

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**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 1st day of July, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of April, 2024.

  
\_\_\_\_\_  
CITY CLERK

