



# City of Phoenix

## Minutes

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

### City Council Formal Meeting

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Wednesday, March 1, 2017

2:30 PM

phoenix.gov

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

The Phoenix City Council convened in formal session on Wednesday, March 1, 2017 at 2:34 p.m. in the Council Chambers.

**Present:** 9 - Councilman Sal DiCiccio, Councilman Michael Nowakowski, Councilwoman Laura Pastor, Councilwoman Debra Stark, Councilman Daniel Valenzuela, Councilman Jim Waring, Councilwoman Thelda Williams, Vice Mayor Kate Gallego and Mayor Greg Stanton

Mayor Stanton acknowledged the presence of Leticia Marquez, a Spanish interpreter. In Spanish, Ms. Marquez announced her availability to the audience.

#### **CITIZEN COMMENTS**

##### **Discussion**

Leonard Clark expressed concern regarding Federal changes impacting the Phoenix community gardens and thanked Veterans for their service.

Dianne Barker encouraged the community to take part in outdoor activities around downtown Phoenix.

John Rusinek expressed discontent with the condition of a neighboring driveway.

James Deibler stated concern for a rundown property within District 5 and asked that the Neighborhood Services Department help to improve it.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6280 through G-6289, S-43268 through S-43303, and Resolutions 21513 through 21514 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.

### **MINUTES OF MEETINGS**

#### **1 For Approval or Correction, the Minutes of the Formal Meeting on Nov. 2, 2016.**

##### **Summary**

This item transmits the minutes of the Formal Council meeting of Nov. 2, 2016 for review, correction and/or approval by the City Council.

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

The minutes of this meeting were submitted to Councilman Nowakowski for review.

**A motion was made by Councilman Nowakowski, seconded by Councilwoman Williams, that this item be approved. The motion carried by voice vote:**

**Yes:** 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

#### **2 For Approval or Correction, the Minutes of the Formal Meeting on Nov. 30, 2016.**

##### **Summary**

This item transmits the minutes of the Formal Council meeting of Nov. 30, 2016 for review, correction and/or approval by the City Council.

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

The minutes of this meeting were submitted to Councilwoman Pastor for review.

**A motion was made by Councilwoman Pastor, seconded by Councilwoman Williams, that this item be approved as corrected. The**

**motion carried by voice vote:**

**Yes:** 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

**BOARDS AND COMMISSIONS****3 City Council Appointments to Boards and Commissions****Summary**

This item transmits recommendations from the Council for appointment or reappointment to City Boards and Commissions.

The following individuals were recommended for appointment by the City Council:

**Alhambra Village Planning Committee**

Councilwoman Laura Pastor recommended the following individuals for reappointment:

Charley Jones would serve his third term which would expire on Nov. 19, 2018.

David Krietor would serve his first full term which would expire on Nov. 19, 2019.

Gary LeBlanc would serve his second term which would expire on Nov. 19, 2018.

**Maryvale Village Planning Committee**

Councilwoman Laura Pastor recommended the following individuals for reappointment:

Al DePascal would serve his first full term which would expire on Nov. 19, 2018.

Sarah Gonzalez would serve her first full term which would expire on Nov. 19, 2018.

Evelyn Shapiro would serve her first full term which would expire on Nov. 19, 2019.

Mike Weber would serve his third term which would expire on Nov. 19, 2019.

North Mountain Village Planning Committee

Councilwoman Thelda Williams recommended the following individual for appointment:

Patrick Church was the owner of Allied Print & Design and is a resident of District 1. He would fill a vacancy on the Committee and would serve a full term which would expire on Nov. 19, 2018.

**A motion was made by Vice Mayor Gallego, seconded by Councilwoman Williams, that this item be approved as corrected. The motion carried by voice vote:**

**Yes:** 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

Mayor Stanton administered the oath of office to the following Boards and Commissions appointees:

David Krietor  
Gary LeBlanc  
Patrick Church

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

**A motion was made by Vice Mayor Gallego, seconded by Councilwoman Williams, to suspend the rules to take items 43 and 94 out of order. The motion carried by the following vote:**

**Yes:** 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

**43 Selection of Vice Mayor**

Request to permit the City Council to select one of its members to serve a one-year term as Vice Mayor, pursuant to Phoenix City Charter IV, Section 3.

**Discussion**

Vice Mayor Gallego stated that it had been her privilege and honor to serve as Vice Mayor and she was honored to nominate Councilwoman Pastor.

Mayor Stanton thanked Vice Mayor Gallego for her service and opined that Councilwoman Pastor would do an outstanding job as Vice Mayor.

Councilman Valenzuela thanked Vice Mayor Gallego for her service and stated support for Councilwoman Pastor in her role as Vice Mayor.

Leonard Clark stated support for the nomination of Councilwoman Pastor as Vice Mayor.

**A motion was made by Vice Mayor Gallego, seconded by Councilman Valenzuela, that Councilwoman Pastor be selected as Vice Mayor. The motion carried by the following vote:**

**Yes:** 8 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

**No:** 1 - Councilman Waring

Councilwoman Pastor thanked Vice Mayor Gallego for nominating her for the role of Vice Mayor and thanked her fellow councilmembers for their support, noting that Councilman Waring did not support her nomination.

**94 Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-71-16-6 - Northeast Corner of the 19th Street Alignment and Glendale Avenue (Ordinance G-6285)****Summary**

Request to hold a public hearing on the rezoning application for the following item to consider adopting the Planning Commission's recommendation and the related ordinance if approved.

**Summary**

Application: Z-71-16-6

Current Zoning: R1-10

Proposed Zoning: R-O

Acreage: 1.27

Proposal: Residential Office

Owner & Applicant: ABCO Holdings LLC

Representative: Taylor Earl, Earl Curley & Lagarde PC

Staff Recommendation: Approval, subject to stipulations

VPC Action: The Camelback East Village Planning Committee heard the request on Jan.17, 2017, and recommended approval with additional stipulations. Vote: 10-3.

PC Action: The Planning Commission heard the request on Feb. 2, 2017, and recommended approval per the Alhambra Village Planning Committee with modifications to stipulation 8 and deletion of stipulation 9. Vote: 7-0.

3/4 Vote Required: Yes

The stipulations outlined in Attachment A, are subject to discussion at the meeting and the City Council may add, delete or amend stipulations.

**Location**

Northeast corner of the 19th Street alignment and Glendale Avenue.

Council District: 6

**Discussion**

A motion was made by Councilman DiCiccio, seconded by Councilwoman Pastor, that this item be continued to the March 22, 2017 City Council Formal Meeting.

Councilman DiCiccio requested staff explain the reason for continuance to a future meeting.

Planning and Development Director Alan Stephenson stated that, due to questions from Council regarding the City's acquisition of the parcel, staff was going to perform additional research and circulate it to the neighborhood.

Councilman DiCiccio requested that residents provide contact

information to have information provided to them by staff as research continues.

Mayor Stanton allowed residents to speak upon the motion for continuance.

Jeffrey Zeig spoke against the motion to continue, stating that he did not feel it was fair to be informed one hour before the meeting that the item would be continued since he had requested information regarding the history of the parcel on December 17.

Gary Stuart spoke against the motion to continue, stating that at least three of the four speakers present at the meeting would not be able to speak on March 22. He also stated the information was requested 74 days ago, adding the continuance was not timely.

Neal Haddad thanked his Councilman's office for sending notification of the request for continuance at 2:01 p.m., 29 minutes before the meeting, and stated everyone had already shown up at that point. He then urged his neighbors to attend the March 22 meeting to which the item would be continued.

A speaker, who did not state his name, expressed frustration with the City and requested that the item not be continued for the 49 neighbors who took time out of their day to attend.

Paul Klusman stated that he requested the information regarding this project in 2010. He also added that he had asked to meet with Councilman DiCiccio four times and was refused, but met with his staff instead.

Taylor Earl, who represented the property owner, supported the continuance to ensure decisions are made with the proper information.

Mayor Stanton asked Mr. Earl if he was prepared to make his case today, if the motion to continue were to fail.

Mr. Earl replied that many of their supporter's were notified of the

request for continuance and were told not to come so they would not be able to speak.

Mayor Stanton stated that he was ready to hear the case today but it was up to the members of the Council to decide if the item would be heard or continued to a later date.

Councilman DiCiccio stated the handling of this continuance was sloppy and he apologized to neighbors that information was not all there.

Mayor Stanton stated the vote would be taken by roll call.

Councilman Valenzuela explained that he would be voting yes because, though he supported the community members who were in attendance, he thought it would be fair to continue the item for the applicant who had told their supporters not to attend.

Note: A roll call occurred at this time. The vote is recorded at the end of this item.

Mr. Stuart requested that comment cards for this item be counted and put on record.

Mayor Stanton stated that 49 comment cards were submitted for this item. Of the 49 comment cards submitted, 47 were in opposition and 2 were in favor of the item.

Councilman DiCiccio offered to reconsider the motion to continue the item to the March 22, 2017 Formal meeting but the individuals in attendance responded that a later date would not be favorable.

David Topolski asked what additional information was not available that prompted the continuance.

Councilman DiCiccio stated that information regarding the purchase of the property was not complete and added that Planning and Development Director Alan Stephenson could explain further.



Mr. Stephenson stated Councilman DiCiccio's office requested, on Friday, a memo to clear up questions they received from the neighborhood, the information was still being gathered and stated staff had not had time to complete the research.

Councilman DiCiccio stated that he requested the information be provided to the neighbors in writing.

Jeffrey Zeig stated that he requested the historical information from Councilman DiCiccio's office on December 17 and stated a belief that it was not fair the item was being continued at the last minute for the applicant when the neighborhood had been denied continuances in the past. He also added that he and other speakers would not be available on March 22 and would appreciate if the item were continued to a different date.

Mayor Stanton stated that the continuance had already been voted on and the item would be heard on March 22.

Note: Speaker comment cards were submitted in opposition of Item 94 by the following individuals.

Jeff Zeig  
Gary Stuart  
Neal Haddad  
Paul Klusman  
Peter Klusman  
Leonard Lapenson  
Malkah Lapenson  
Janet Grove  
David Grove  
David Topolski  
Michaela Topolski  
Eric Van Buskirk  
Larry Whitesell  
Emily Long  
Judy Smith  
Claire Todd

Hanumanthraj Channaraj  
Martha Tully  
Thomas Tully  
Glenda Strickland  
Eric Bassingthwaight  
William Culbertson  
Mark Buda  
Sherri Schwartz  
Mary Ann Gwinn  
Charles Gwinn  
Wally Graham  
Terry Temnick  
Joshua Elder  
Priscilla Gossett  
Philip Lovell  
Lou Ann Lovell  
Dennis Scully  
John Murdy  
Dee Murdy  
Dennis Murphy  
David Gardner  
Stephen McLaughlin  
Sharon McLaughlin  
Peron McLaughlin  
Virginia McLaughlin  
Samuel Todd  
Wayne Mason  
Jane Sanford  
Patty Prelich  
Gail Barnes  
Sudhama Shastri

Note: Speaker comment cards were submitted in favor of Item 94 by the following individuals.

Taylor Earl  
James Deibler

**A motion was made by Councilman DiCiccio, seconded by**

**Councilwoman Pastor, that this item be continued to the March 22, 2017 City Council Formal Meeting. The motion carried by the following vote:**

**Yes:** 7 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilman Waring and Councilwoman Williams

**No:** 2 - Vice Mayor Gallego and Mayor Stanton

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

Mayor Stanton requested a motion on liquor license items. A motion was made.

Note: Speaker comment cards were submitted in favor of the following items, with no one wishing to speak:

Daniel Rowian, Applicant - Item 5

Brent Kleinman, Applicant - Item 7

Andrea Lewkowitz - Item 14

Michelle Dean - Item 14

Vicente Cuevas, Applicant - Item 21

**A motion was made by Vice Mayor Gallego, seconded by Councilman Valenzuela, that items 4 through 25 be recommended for approval, except item 8. The motion carried by voice vote:**

**Yes:** 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

#### **4 Liquor License - Dunes Lounge**

Request for a liquor license. Arizona State License 06070236.

##### **Summary**

##### Applicant

David Delos, Agent

##### License Type

Series 6 - Bar

Location

3611 W. Dunlap Ave.

Zoning Classification: C-2

Council District: 1

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

The sixty-day limit for processing this application is March 18, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"I have been working in the liquor industry for more than twenty-one years and have a history of operating clean and safe establishments. This is my profession and I will be involved with the business every day. My staff has been recently trained in liquor laws immediately following the purchase of the bar."

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**5 Liquor License - Tacos & Tequilas**

Request for a liquor license. Arizona State License 1207A883.

**Summary**Applicant

Daniel Rowan, Agent

License Type

Series 12 - Restaurant

Location

19401 N. Cave Creek Road, Ste. 15 & 16

Zoning Classification: C-2

Council District: 2

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

The sixty-day limit for processing this application is March 7, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

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 20 years experience as bartender, beverage manager, and have owned my own business since 1997."

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**6 Liquor License - Special Event - Brophy College Preparatory**

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

**Summary**Applicant

Annette Thomson

Location

4701 N. Central Ave.

Council District: 4

Function

Dinner

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

March 25, 2017 - 5 p.m. to 9:30 p.m. / 400 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**7      Liquor License - Special Event - Encanto Palmcroft Historic  
Preservation Association, Inc.**

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

**Summary**

Applicant

Brent Kleinman

Location

2605 N. 15th Ave.

Council District: 4

Function

Street Fair

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

March 26, 2017 - 10 a.m. to 4 p.m. / 2,000 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**9      Liquor License - Special Event - Arizona Law Enforcement  
Emerald Society Foundation, Inc.**

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

**Summary**

Applicant

Cynthia Diefert

Location

906 E. Camelback Road

Council District: 6

Function

## Cultural Celebration

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

March 17, 2017 - 9 a.m. to 2 a.m. / 1,000 attendees

### Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

## **10 Liquor License - Cactus Jacks Bar and Grill**

Request for a liquor license. Arizona State License 06070239.

### **Summary**

#### Applicant

Arturo Perez, Agent

#### License Type

Series 6 - Bar

#### Location

4747 E. Elliot Road, Ste. 5

Zoning Classification: PSC

Council District: 6

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

The sixty-day limit for processing this application is March 14, 2017.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications and not to the location.

#### 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 currently have owned the liquor license for 4 years and 11 months with no violations."

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.

**This item was recommended for approval.**

**11 Liquor License - Whining Pig**

Request for a liquor license. Arizona State License 07070568.

**Summary**

Applicant

Andrea Lewkowitz, Agent

License Type

Series 7 - Beer and Wine Bar

Location

3730 E. Indian School Road

Zoning Classification: C-2

Council District: 6

This request is for an ownership transfer of a liquor license for a beer and wine bar. This location was previously licensed for liquor sales as The Pigs Meow Beer & Wine Bar and may currently operate with an interim permit.

The sixty-day limit for processing this application is March 6, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

#### 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.

##### Whining Pig (Series 7)

1612 E. Bethany Home Road, Phoenix

Calls for police service: 0

Liquor license violations: None

##### Whining Pig (Series 7)

2512 S. Val Vista Drive, Pad E #105, Gilbert

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 retail sales of alcohol. Managers and staff will be trained in Arizona liquor law and the

techniques of responsible sales and service to guests 21 and over.”

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**12 Liquor License - Casa Amigos**

Request for a liquor license. Arizona State License 1207A885.

**Summary**

Applicant

Jeffrey Miller, Agent

License Type

Series 12 - Restaurant

Location

5600 N. 7th St., Ste. 100

Zoning Classification: C-2

Council District: 6

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

The sixty-day limit for processing this application is March 12, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

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 very strict with our liquor service policies. All of our employees will go the liquor law training course and we will have 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 offer our patrons drinks with their meals if they choose to have one."

Staff Recommendation

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

Attachments

Liquor License Data - Casa Amigos

Liquor License Map - Casa Amigos

**This item was recommended for approval.**

**13 Liquor License - Even Stevens Sandwiches**

Request for a liquor license. Arizona State License 1207A882.

**Summary**Applicant

Marc Goldsen, Agent

License Type

Series 12 - Restaurant

Location

3950 E. Indian School Road, Ste. 140

Zoning Classification: C-2  
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 sixty-day limit for processing this application is March 7, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

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.

Even Stevens Sandwiches (Series 12)  
21 W. Van Buren St., Phoenix  
Calls for police service: 4  
Liquor license violations: None

Even Stevens Sandwiches (Series 12)  
384 N. Gilbert Road, Ste. 104  
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 a proven viable business with sound operations, strong leadership and proven policies and procedures especially in the area of alcohol management.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: The applicant submitted an extensive statement. A copy is available upon request to the City Clerk's Office at 200 W. Washington Street, 1st Floor, Phoenix, AZ 85003.

#### 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 - Even Stevens Sandwiches

Liquor License Map - Even Stevens Sandwiches

**This item was recommended for approval.**

### **14 Liquor License - Zoes Kitchen**

Request for a liquor license. Arizona State License 1207A888.

#### **Summary**

#### Applicant

Steven Yost, Agent

#### License Type

Series 12 - Restaurant

#### Location

4355 E. Indian School Road, Ste. 170

Zoning Classification: C-2 HGT/WVR SP

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. This business is currently being remodeled with plans to open in June 2017.

The sixty-day limit for processing this application is March 19, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

#### 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.

##### Zoe's Kitchen (Series 12)

7135 E. Camelback Road, Ste. 165, Scottsdale

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

Liquor license violations: None

##### Zoe's Kitchen (Series 12)

14601 N. Scottsdale Road, Ste. 701, Scottsdale

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

Liquor license violations: None

##### Zoe's Kitchen (Series 12)

7131 W. Ray Road, Ste. 6, Chandler

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

Liquor license violations: None

#### Public Opinion

One letter protesting the issuance of this license has been received and is on file in the Office of the City Clerk. The letter is from a local resident who believes there is no need for another restaurant liquor license at the location. Additionally, the resident is concerned with potential noise

issues and intoxicated patrons.

#### Applicant's Statement

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

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

"I hold licenses for most of our 200+ restaurant locations in over 15 states, so I know the the responsibility and commitment it takes to hold a liquor license. I also understand the seriousness of all local and state requirements to keep the liquor licenses in place and up-to-date. We currently have three active alcohol licenses within the state of Arizona, and there has been no reason to show that we are not capable, reliable, or qualified to hold a liquor license at this location."

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 will have the option to enjoy our delicious food with an occasional glass of wine or beer at our restaurant location, since alcohol typically constitutes less than 1% of each restaurant's revenue."

#### 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 prior to beginning operations. Staff gave careful consideration to the protest letter received however, after reviewing the application in its entirety staff is recommending approval of this application.

#### Attachments

Liquor License Data - Zoes Kitchen

Liquor License Map - Zoes Kitchen

**This item was recommended for approval.**

- 15      Liquor License - Special Event - Downtown Phoenix Partnership, Inc.**



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

**Summary**

Applicant

Alison Sipes

Location

1 E. Washington St.

Council District: 7

Function

Concert

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

March 11, 2017 - 6 p.m. to Midnight / 3,000 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**16 Liquor License - Special Event - Downtown Phoenix Partnership, Inc.**

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

**Summary**

Applicant

Alison Sipes

Location

400 W. Washington St.

Council District: 7

Function

Music Festival

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

March 11, 2017 - 6 p.m. - Midnight / 5,000 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**17     Liquor License - Special Event - Downtown Phoenix Partnership, Inc.**

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

**Summary**

Applicant

Alison Sipes

Location

130 N. Central Ave.

Council District: 7

Function

Music Festival

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

March 11, 2017 - 6 p.m. to Midnight / 350 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**18     Liquor License - Special Event - Downtown Phoenix Partnership, Inc.**

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

**Summary**

Applicant

Alison Sipes

Location

200 W. Monroe St.  
Council District: 7

Function

Music Festival

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

March 11, 2017 - 6 p.m. to Midnight / 1,250 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**19     Liquor License - Special Event - Downtown Phoenix Partnership, Inc.**

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

**Summary**

Applicant

Alison Sipes

Location

345 W. Monroe St.  
Council District: 7

Function

Music Festival

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

March 11, 2017 - 6 p.m. to Midnight / 500 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**20     Liquor License - Special Event - United Phoenix Fire Fighters**

**Emerald Society, Inc.**

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

**Summary**Applicant

Michael MacKenzie

Location

18 W. Monroe St.

Council District: 7

Function

Street Fair

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

March 17, 2017 - 9 a.m. to 2 a.m. / 1,000 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**21 Liquor License - La Flama Restaurant**

Request for a liquor license. Arizona State License 1207A889.

**Summary**Applicant

Vicente Cuevas, Agent

License Type

Series 12 - Restaurant

Location

1820 N. 75th Ave., Ste. 108

Zoning Classification: C-2

Council District: 7

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

The sixty-day limit for processing this application is March 20, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

#### 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 previous experience running and managing my own business in the past."

#### Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

## **22 Liquor License - Whining Pig**

Request for a liquor license. Arizona State License 07070065.

#### **Summary**

#### Applicant

Andrea Lewkowitz, Agent

License Type

Series 7 - Beer and Wine Bar

Location

201 E. Washington St., Ste. 104

Zoning Classification: DTC - Business Core

Council District: 7

This request is for an ownership and location transfer of a liquor license from Scottsdale for a beer and wine bar. This location was not previously licensed for liquor sales and does not have an interim permit.

The sixty-day limit for processing this application is March 6, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

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.

Whining Pig (Series 7)

1612 E. Bethany Home Road, Phoenix

Calls for police service: 0

Liquor license violations: None

Whining Pig (Series 7)

2512 S. Val Vista Drive, Pad E #105, Gilbert

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. Managers and staff will be trained in Arizona liquor law and the techniques of responsible sales and service of alcohol to guests 21 and over."

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

"The Whining Pig will open its fourth Valley beer and wine bar at the Collier Center in the spring of 2017. The bar specializes in a constantly-changing menu of craft beers and unique wines, served with light snacks. The bar will offer a casual setting for professionals, neighbors and friends to gather for drinks and classic games."

#### 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 - Whining Pig

Liquor License Map - Whining Pig

**This item was recommended for approval.**

### **23 Liquor License - Special Event - Alwun House Foundation**

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

#### **Summary**

#### Applicant

Dana Johnson

Location

1204 E. Roosevelt St.

Council District: 8

Function

Art Exhibit

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

March 18, 2017 - 7 p.m. to 1 a.m. / 250 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**24     Liquor License - Special Event - St. Agnes Roman Catholic Parish  
Phoenix**

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

**Summary**

Applicant

Natalie Soto

Location

1954 N. 24th St.

Council District: 8

Function

Festival

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

March 25, 2017 - Noon to 10 p.m. / 1,000 attendees

March 26, 2017 - Noon to 10 p.m. / 1,000 attendees

Staff Recommendation

Staff recommends approval of this application.



**This item was recommended for approval.**

**25 Liquor License - AK Quick Stop**

Request for a liquor license. Arizona State License 10076840.

**Summary**

Applicant

Akram Jabaieh, Agent

License Type

Series 10 - Beer and Wine Store

Location

8802 S. Central Ave.

Zoning Classification: C-2

Council District: 8

This request is for a new liquor license for a convenience store that does not sell gas. This location was previously licensed for liquor sales as Sam's Quick Stop #2 and may currently operate with an interim permit.

The sixty-day limit for processing this application is March 6, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

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 prior experience in the operation of a convenience store. I will attend liquor training classes to become familiar with Arizona law."

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.

**This item was recommended for approval.**

**8 Liquor License - The Great Alaskan Bush Company**

Request for a liquor license. Arizona State License 06070398.

**Summary**

Applicant

Anthony Tam, Agent

License Type

Series 6 - Bar

Location

2980 Grand Ave.

Zoning Classification: A-1

Council District: 4

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

The sixty-day limit for processing this application was Feb. 25, 2017. However, the applicant has submitted a written request for more time.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption

that the public convenience and the best interest of the community were established at the time the location was previously licensed.

#### 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 five (5) years prior years prior experience working the in adult entertainment nightclub serving liquor. I am familiar with liquor laws. Previous that to I owned my own business for eleven years."

#### Staff Recommendation

Staff recommends approval of this application.

Note: A speaker comment card was submitted in favor of the item, not wishing to speak by Peter Schelstraete, Attorney.

**A motion was made by Councilwoman Pastor, seconded by Councilwoman Williams, that this item be forwarded without recommendation. The motion carried by the following vote:**

**Yes:** 7 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams and Vice Mayor Gallego

**No:** 1 - Councilman Waring

**Absent:** 1 - Mayor Stanton

## **26 Liquor License - El Rancho Bar**

Request for a liquor license. Arizona State License 07070842.

### **Summary**

#### Applicant

Nancy Vazquez, Agent

#### License Type

Series 7 - Beer and Wine Bar

#### Location

1605 W. Broadway Road

Zoning Classification: C-3

Council District: 7

This request is for an ownership transfer of a liquor license for a beer and wine bar. This location was previously licensed for liquor sales as La Camelia Antro Bar and may currently operate with an interim permit.

The sixty-day limit for processing this application is March 19, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

#### 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 possess the qualities mentioned above to run a bar. I am a responsible person that is fully capable, reliable, and am a law abiding citizen."

#### Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on concerns with the applicant's qualifications, false statements on the application, and possible hidden ownership. The applicant has not demonstrated capability, qualifications and reliability to hold and control a liquor license.

#### Attachment:

Police Department Recommendation - El Rancho Bar

#### **Discussion**

A motion was made by Councilman Nowakowski, seconded by Councilwoman Williams, that this item be continued to the March 22, 2017 City Council Formal Meeting.

A speaker comment card was submitted in opposition to the item, by Jared Smart of the Police Department, who chose not to speak based upon the motion to continue the item to March 22, 2017.

A speaker comment card was submitted in favor of the item, not wishing to speak, by Nancy Vazquez.

**A motion was made by Councilman Nowakowski, seconded by Councilwoman Williams, that this item be continued to the March 22, 2017 City Council Formal Meeting. The motion carried by the following vote:**

**Yes:** 8 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams and Vice Mayor Gallego

**Absent:** 1 - Mayor Stanton

### **ORDINANCES, RESOLUTIONS AND NEW BUSINESS**

The Mayor requested a motion on the remaining agenda items. A motion was made.

Note: Speaker comment cards were submitted in favor of the following items, with no one wishing to speak:

Brian Fracasse - Item 91

Princess Crump - Item 93

Lizz Woody - Item 93

**A motion was made by Vice Mayor Gallego, seconded by Councilwoman Pastor, that items 27 through 98 be approved or adopted, except items 39, 41, 43, 49, 64, & 94-98; and noting that item 50 is withdrawn. The motion carried by the following vote:**

**Yes:** 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

Items 27 through 42, Ordinance S-43268, were requests to authorize the City Controller to disburse funds, up to the 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.

**27 Thermal Concepts, Inc.**

For \$12,000.00 in additional payment authority for Contract 134871, through Dec. 31, 2018, to purchase evaporative cooled cloth hoods used for cooling the head, neck and body of firefighter personnel, for the Fire Department.

**This item was adopted.**

**28 Clean Scene AZ, LLC**

For \$150,000.00 in additional payment authority for Contract 130781, through March 31, 2018, for pick up and decontamination services of medical equipment, for the Fire Department. The medical equipment is

retrieved from hospital emergency rooms and other facilities.

**This item was adopted.**

**29 SpanishWorks, LLC**

For \$25,000.00 in additional payment authority for Contract 134212, through Dec. 31, 2017, to continue to provide translating services for Citywide departments. Services are needed to assist in translating a variety of City publications, flyers and announcements into other languages for the general public.

**This item was adopted.**

**30 TRAFx Research, LTD**

For \$35,000.00 in payment authority using grant funding to purchase a complete TRAFX trail counter package system, including 60 infra-red trail counters with weatherproof field cases for the Parks and Recreation Department. The FitPHX program received this grant from the Salt River Pima Maricopa Indian Community. The requirement of the grant is to advance WalkPHX efforts in 29 parks by June 2017. This grant also requires Parks and Recreation Department to track usage of these 29 parks. Grant funding will be used and no matching funds are required.

**This item was adopted.**

**31 E-Z GO, a Division of Textron and Arizona Machinery, LLC, doing business as Stotz Equipment**

For \$174,000.00 in additional payment authority, through Oct. 31, 2018, for field equipment repair and maintenance services, for various pieces of turf and grounds maintenance equipment located throughout the City for the Parks and Recreation Department.

E-Z GO, a Division of Textron, Contract 134872

Arizona Machinery, LLC, doing business as Stotz Equipment, Contract 134875

**This item was adopted.**

**32 Alfred Dimas, doing business as Extrication Concepts, LLC**

For \$150,000.00 in additional payment authority for Contract 133870, through May 31, 2018, for Holmatro rescue equipment, repair, parts and

labor, for the Fire Department. The rescue equipment is used to extricate victims trapped after road, public transportation or defense vehicle accidents. The purchase of these goods are a critical part of the Fire Department's efforts to provide life safety services to the public.

**This item was adopted.**

**33 West Publishing Corporation, doing business as Thomson Reuters Elite**

For \$150,000.00 in additional payment authority for Contract 105718, through Feb. 28, 2021, for the annual software maintenance and support plan for the Law Department's ProLaw software, which is the Civil Division's case management and client billing system. This will continue the annual maintenance plan which provides ongoing software updates and technical support.

**This item was adopted.**

**34 Confidential Background Investigations, doing business as CBI Security Services**

For \$100,000.00 in additional payment authority for Contract 134123, through May 31, 2018, to provide unarmed security guard services, for the Fire Department. Security services are provided at the Resources Campus on 19th Avenue, which includes Fire's Fleet Section, Facilities Section, and Storage Warehouse.

**This item was adopted.**

**35 Jackson White, PC, Attorneys for 32nd Avenue Property, LLC**

For \$18,085.98 to pay a court order entered against the City of Phoenix for judgement, plus statutory interest and taxable costs, in *Maricopa County v. 32nd Avenue Property, LLC*, Maricopa County Superior Court, CV2015-002710, a condemnation case for Avenida Rio Salado/Broadway Road Street Improvement Project, for the Finance Department, pursuant to Phoenix City Code Chapter 42.

**This item was adopted.**

**36 Auto Glass Direct, LLC**

For \$200,000.00 in additional payment authority for Contract 138288 through June 30, 2019, to provide windshield and automotive glass replacement and repair services on all City-owned vehicles, for the Public



Works Department. The Contractor provides all materials, equipment, supplies, travel and labor for windshield installations and window repairs on vehicles, trucks, and off-road equipment.

**This item was adopted.**

**37 Mobile Hose of Arizona, doing business as Pirtek Sky Harbor**

For \$143,000.00 in additional payment authority for Contract 138096, through March 31, 2019, for hydraulic hose services for the Public Works Department. Services cover the replacement and the repair of hydraulic hoses on vehicles, trucks and construction equipment. The Contractor provides all materials, equipment, supplies and labor for this specialized repair services, which is critical for maintaining refuse trucks, loaders, backhoes, and graders.

**This item was adopted.**

**38 Broadcast Music, Inc.**

For \$9,612.00 in payment authority for annual music licenses for the Parks and Recreation Department. These music licenses allow music to be played at various locations in compliance with the non-dramatic public performances of copyrighted works. The licenses encompass all music programming provided at all park locations.

**This item was adopted.**

**40 Fugro Roadware, Inc.**

For \$207,000.00 in payment authority, through March 1, 2022, to purchase annual software maintenance and service agreements for the Vision and Distress Processing Module Software for the Automatic Road Analyzer (ARAN) pavement management van, for the Street Transportation Department. The software is an integral part of the ARAN system and is used to evaluate the current condition of the roadway infrastructure and forecast future needs.

**This item was adopted.**

**42 Southwest Energy Systems, LLC**

For \$282,000.00 in additional payment authority for Contract 134512, through Aug. 31, 2017, for electrical equipment testing, calibration, and repair services, for the Water Services Department. An increase in funding is needed to remain in compliance with the National Electrical

Code and National Fire Protection Agency at Wastewater Lift Stations 40, 44, 64, 66, 68, as well as breaker testing and ground fault testing at Lift Station 61.

**This item was adopted.**

**44 Proposed 42nd Street and Dynamite Boulevard Annexation  
(Ordinance S-43269)**

An ordinance extending and increasing the corporate limits of the City of Phoenix, Arizona, by annexing an area not within the present limits of the City of Phoenix, designated as the 42nd Street and Dynamite Boulevard Annexation. The ordinance also authorizes current county zoning to continue in effect until municipal zoning is applied to the annexed territory.

**Summary**

This annexation was requested by Seth Jardine, with Ecovista Development, LLC, on behalf of the property owners to obtain city services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes Section 9-471 regarding annexation. The City Clerk Department has received signed petitions representing at least 80 percent of the assessed value and at least 66 percent of the owners, excluding utilities, within the proposed annexation area.

**Public Outreach**

A public hearing was conducted on Nov. 30, 2016 to allow the City Council to gather community comment regarding the annexation proposal. Notification of the public hearing was published in the *Arizona Business Gazette* newspaper, and was posted in at least three conspicuous places in the territory proposed to be annexed. Also, notice by first-class mail was sent to each property owner in the area proposed to be annexed.

**Location**

The proposed annexation area includes parcels 211-39-032A, 211-39-030 and 211-39-002R, on the northeast corner of 42nd Street and Dynamite Boulevard, in Council District 2. The annexation area is approximately 11.59 acres (0.0181 sq. mi.) and the population is estimated to be zero individuals. The Waiver of Claims for Diminution in Value of Property under Proposition 207 has been executed.

**This item was adopted.**

**45      Promega Reagents and Consumables Requirements Contract -  
RFA 17-097 (Ordinance S-43270)**

Request to authorize the City Manager, or his designee, to enter into a contract with Promega Corporation (3018787) to provide reagents and consumables for use in conjunction with Promega's Plexor HY System for the Police Department, Laboratory Services Bureau, Forensic Biology Section. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Police Department, Laboratory Services Bureau, Forensic Biology Section, utilizes Promega Corporation's reagents and consumables for DNA analysis on evidence submitted in criminal cases to determine what biological material is present and the source of the biological material in order to assist in criminal investigations.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Sole Source Determination Memo citing Promega Corporation is the sole manufacturer and distributor of these types of reagents and consumables.

**Contract Term**

The five-year contract will begin on or about March 15, 2017 and end on Feb. 28, 2022.

**Financial Impact**

The aggregate contract value will not exceed \$218,000, with an estimated annual expenditure of \$43,600.

**This item was adopted.**

**46      Purchase of OxyMulti Masks- Requirements Contract - IFB 17-061  
(Ordinance S-43271)**

Request to authorize the City Manager, or his designee, to enter into a contract with Southmedic Inc. (Vendor 3071999) for the purchase of OxyMulti Masks. Further request authorization for the City Controller to disburse all funds related to this contract.

**Summary**

The Phoenix Fire Department utilizes the Oxymulti Masks for its oxygen delivery system during emergency patient care situations. This allows the Fire Department to easily provide a variant scale of oxygen necessary for the many facets of patient care. The Oxymulti Masks allows the delivery of oxygen recommended by the American Heart Association.

**Procurement Information**

IFB 17-061 was conducted in accordance with Administrative Regulation 3.10. Two offers were received by the Procurement Division on Oct. 21, 2016. See Attachment A.

The Deputy Finance Director recommends that the offer from Southmedic, Inc. be accepted as the lowest priced, responsive and responsible offeror. The bid is deemed fair and reasonable based on comparisons with market prices and previous contracts for similar services.

**Contract Term**

The five-year contract term shall begin about April 1, 2017 and end March 31, 2022.

**Financial Impact**

The aggregate contract value shall not exceed \$270,000, with an estimated annual expenditure of \$54,000. Funds are available in the Fire Department's budget.

**This item was adopted.**

**47 Pump and Clean Out Interceptors - Requirements Contract - IFB 17-104 (Ordinance S-43272)**

Request to authorize the City Manager, or his designee, to enter into a contract with Patriot Environmental Services, Inc. (Patriot) (Vendor 3523625), for services associated with pumping and cleaning out interceptors. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Under the contract, Patriot will provide services, as necessary, to keep the oil-water separators at Phoenix Sky Harbor International Airport

functioning properly and in compliance with Arizona environmental laws. These services also will be provided to Phoenix Deer Valley Airport and Phoenix Goodyear Airport. By servicing the oil-water separators, Patriot will ensure that surface and ground water at the airports are free from contamination, which will avoid costly violations and interruptions to daily operations. The contract may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee.

**Procurement Information**

Invitation for Bids (IFB) 17-104 was conducted in accordance with Administrative Regulation 3.10. The following three offers were received by the Procurement Division on Jan.13, 2017:

Patriot Environmental Services, Inc.	\$141,890.20
MP Environmental Services, Inc.	\$209,035.00
Ancon Services Company	\$222,988.00

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

**Contract Term**

The term of the contract is five years, which will begin on or about March 1, 2017, and end on Feb. 28, 2022.

**Financial Impact**

The aggregate contract value will not exceed \$500,000 over the life of the contract. The estimated annual expenditure is \$100,000. Funds are available in the Aviation Department's budget.

**Location**

Phoenix Sky Harbor International Airport located at 3400 E. Sky Harbor Blvd.

Phoenix Deer Valley Airport located at 702 W. Deer Valley Road

Phoenix Goodyear Airport located at 1658 S. Litchfield Road, Goodyear, Ariz.

**This item was adopted.**

**48      Acceptance and Dedication of Easements for Sidewalk and  
Drainage Purposes (Ordinance S-43273)**

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

**Summary**

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

Easement (a)

Applicant: Paul Zeising and Thu Zeising

Purpose: Sidewalk

Location: 2010 W. Lawrence Road

File No.: FN 170004

Council District: 5

Easement (b)

Applicant: Cornforth Holdings, LLC

Purpose: Sidewalk

Location: 5625 N. 7th St.

File No.: FN 160102

Council District: 6

Easement (c)

Applicant: Liberty Property Limited Partnership

Purpose: Drainage

Location: 72nd Avenue and Buckeye Road

File No.: FN 160095

Council District: 7

Easement (d)

Applicant: Liberty Property Limited Partnership

Purpose: Sidewalk

Location: 72nd Avenue and Buckeye Road

File No.: FN 160095

Council District: 7

**This item was adopted.**

**50 Security Officer Services - RFP 14-058 (Ordinance S-43275)**

Request to authorize the City Manager, or his designee, to allow the use of the City of Tempe Cooperative Contract T14-058-01 with G4S Security Solutions (USA) Inc. (Vendor 3516751) to secure security officer services, in an amount not to exceed \$800,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The contract is used to enhance security at the Phoenix City Hall and Calvin C. Goode buildings and to ensure the public continues to have access to their government and elected officials. Security Officers will screen incoming individuals using walk-through, hand-held equipment, as well as physical checks. Security Officers will verify credentials of individuals for security screening purposes, remain at a fixed post or rove to monitor and observe for suspicious activity. Security duties are performed in conjunction with public safety personnel.

**Procurement Information**

By utilizing the cooperative contract, the City benefits from the cooperative contract pricing.

**Contract Term**

The City of Tempe cooperative contract commenced on Jan. 2, 2014 and has a maximum end date of Jan. 1, 2019.

**Financial Impact**

The aggregate contract value including all option years will not exceed \$800,000 with an estimated annual expenditure of \$400,000. Funds are available in the Phoenix Police Department budget.

**This item was withdrawn.**

**51 Amend Post-Employment Health Plan (PEHP) Contract with Nationwide Retirement Solutions**

Request to authorize the City Manager, or his designee, to amend the Post-Employment Health Plan (PEHP) contract 140632 between the City

of Phoenix and Nationwide Retirement Solutions, Inc. (NRS) as noted below. No disbursement of funds from the City Controller is necessary for this contract.

**Summary**

In November 2014, staff received City Council approval to enter into a contract with NRS for plan administration and record-keeping services for the City's Deferred Compensation (457) Plan, Defined Contribution (401a) Plan, and Post-Employment Health Plan (PEHP). Due to differing IRS rules, a separate contract was issued for the PEHP plan. Contract 140632 with NRS for plan administration and record-keeping services for PEHP was entered into on Nov. 20, 2014, for a three-year period with two optional one-year extensions.

At the August 2016 meeting of the City's PEHP Board, the Board approved a recommendation by the City's investment consultant, HYAS Group LLC, to restructure the current underperforming PEHP investment menu. Restructuring would provide better performing funds at a lower cost which would save money for participants. Due to the changes in the investment menu, there will no longer be revenue sharing, which will create a loss of revenue for NRS. In order to recover the loss from the elimination of revenue sharing, NRS will be increasing the administration charge per participant from \$0 to \$8.00 annually. The investment consultant also recommended the City create an individual PEHP trust and remove itself from the current three-state trust. The individual trust would eliminate the cumbersome approval process by a separate board of trustees, which will give the City more control over the investment menu. NRS has agreed to create the trust at no additional cost.

**Financial Impact**

No disbursement of funds from the City Controller is necessary for this contract. The administrative cost, which was previously waived by NRS, will now be paid by the plan participants.

**Concurrence/Previous Council Action**

This contract was initially approved by City Council on Nov. 19, 2014.

**This item was approved.**

**52      Transfer of Retirement Funds to Arizona State Retirement System**



**(Ordinance S-43276)**

Request authorization for the City Manager, or his designee, to transfer retirement funds to the Arizona State Retirement System. Request to authorize the City Controller to disburse funds.

**Summary**

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

Schwegler, Nicole            \$62,698.54

**Concurrence/Previous Council Action**

The COPERS Board approved this item at its Feb. 2, 2017 meeting.

**This item was adopted.**

**53      Reprogram Fiscal Year 2014-2015 Housing Opportunities for  
Persons with AIDS (HOPWA) Allocation**

Request authorization for the City Manager, or his designee, to amend the City's Fiscal Year (FY) 2014-2015 Annual Action Plan to reprogram approximately \$359,900 of HOPWA funds from Supportive Housing Programs to the Rental Assistance Program.

**Summary**

The Consolidated Plan and Annual Action Plan examine the housing and community development conditions and needs in the City of Phoenix, and define strategies for addressing those needs during the year. These plans contain the planning and application requirements of four major U.S. Department of Housing and Urban Development (HUD) programs so the City can receive critical funds every year, which includes funding to administer the HOPWA Program.

Approximately \$359,900 of unallocated FY 2014-2015 HOPWA funds remain that were originally designated for Supportive Housing Programs. At this time all contracts for supportive programs are fully funded. The Rental Assistance Program provides tenant-based rental assistance for

HOPWA-eligible households. Moving these funds to the Rental Assistance Program allows the program to continue to meet vital housing needs for this population. This reprogramming also will allow the Housing Department to meet the HOPWA expenditure deadline in 2017.

This action only changes the amount of funds allocated within HOPWA program activities and does not change the total amount of HOPWA funding approved in the FY 2014-2015 Annual Action Plan. The amendment will decrease the Supportive Housing Program activity from \$873,644 to \$513,744 and increase the Rental Assistance Program activity from \$550,000 to \$909,900. See Attachment A for details.

**Financial Impact**

There is no impact to the General Fund.

**Location**

HOPWA services are provided to residents in Maricopa and Pinal Counties.

**Concurrence/Previous Council Action**

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb. 21, 2017 and approved by a vote of 4-0.

**This item was approved.**

**54 Recreation Management Software - RFP PKS16-101116**

Request to authorize the City Manager, or his designee, to enter into a contract with Cirilian, Inc., dba Rec1, to provide a recreation management system with a long-term method for tracking all parks, recreation and sports complex activities, programs, and revenues.

**Summary**

The recommended recreation management software will allow the public to register for programs, reserve facilities and manage their memberships. Participants will utilize the online website to register for programs such as PAC, youth and adult sports, and all recreation classes and programs that are provided at community centers, museums, pools and mountain preserves. The participants also will be able to make a reservation request for sports fields, sports complexes, meeting rooms

and ramadas.

The software also includes a point of sale system at Pueblo Grande Museum and the 29 swimming pools during the summer season. The software will manage the sale of memberships and fitness passes to the community centers. Staff will be able to better manage facility rentals, activity registration, guided hikes, and ball field reservations for our participants.

The software will provide tracking of facility usage, membership scans, and accounting through the report function, enabling staff to analyze data and make informed management decisions. Also included is an email marketing tool that will allow staff to notify participants of new activities, programs, and any changes to an activity for which they have registered. The software will support approximately 120,000 customers and Parks and Recreation Department employees.

### **Procurement Information**

Based on the interviews and presentations, the Evaluation Panel agreed that across all categories, Cirilian, Inc. dba Rec1 had the most aesthetically appealing layout, and their demonstration and presentation surpassed that of their competition. It was clearer, easier to navigate through, cutting-edge, user-friendly, and technologically advanced. The City also is projected to make the most revenue with Cirilian, Inc., dba Rec1 over the contract term, making them most financially advantageous for the City. Below is the scoring of the three proposals:

Active Network, LLC: 68

Cirilian, Inc., dba Rec1: 87

US eDIRECT: 83

### **Contract Term**

The contract will be for three years with two one-year options to extend at the sole discretion of the Parks and Recreation Director.

### **Financial Impact**

There is no General Fund expenditure, as the software operates on a transaction fee model. The cost to operate this system is paid for by the

transaction fees generated from activities, program registration, field allocations, point of sale, and facility rentals.

**Concurrence/Previous Council Action**

This item was heard at the Feb. 22, 2017 Parks, Arts, Education and Equality Subcommittee and approved by a vote of 3-0.

**This item was approved.**

**55 Additional Federal CDBG Funds for PSA Behavioral Health Agency Affordable Housing Rehabilitation Project (Ordinance S-43277)**

Request authorization for the City Manager, or his designee, to amend the Affordable Housing Loan Program Agreement, Contract No. 76876, with PSA Behavioral Health Agency to loan up to \$137,000 in Community Development Block Grant (CDBG) funding to assist with rehabilitation costs at 2125 W. Vista Ave., and to take all actions and execute all documents to complete the loan amendments. Authorization is also requested for the City Controller to disburse the CDBG funds over the life of the loan. Additionally, approval is requested to reprogram \$137,000 of available CDBG funds from Critical Core City Department Programs to ensure funding for this affordable housing project.

**Summary**

This award of funds is based on the Housing Department's Nov. 4, 2016 issuance of a 2016-17 Fall Call for Interest (CFI) that sought proposals for acquisition, new construction, and/or rehabilitation of affordable rental housing to serve homeless or other special needs populations, or projects submitted by certified Community Housing Development Organizations. Eleven applications were reviewed by an evaluation committee and scored based on the criteria outlined in the CFI.

PSA Behavioral Health Agency's application for rehabilitation of an existing affordable housing site was selected by the committee to receive additional funds. All units will serve households with incomes at or below 60 percent of the Area Median Income and all units will serve households with residents with serious mental illness. Award of CDBG funds is contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Affordable Housing Loan Program and Underwriting Guidelines. Contract

No. 76876 was funded through Ordinance S-23982 in the amount of \$207,355 in 1996; with this additional funding the new loan total will be \$344,355.

**Financial Impact**

There is no impact to the City's General Fund. CDBG is a federally funded program.

**Concurrence/Previous Council Action**

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb.21, 2017 and approved by a vote of 3-0.

**Location**

2125 W. Vista Ave.

**This item was adopted.**

**56 Additional Federal CDBG Funding for Labor's Community Service Agency (Ordinance S-43278)**

Request authorization for the City Manager, or his designee, to amend the Affordable Housing Loan Program Agreement, Contract 79570, with Labor's Community Service Agency (LCSA) to loan up to \$60,600 in Community Development Block Grant (CDBG) funding to assist with rehabilitation costs at 10201 N. 11th Ave., and to take all actions and execute all documents to complete the loan amendment. Authorization is also requested for the City Controller to disburse the CDBG funds over the life of the loan. Additionally, approval is requested to reprogram \$60,600 of available CDBG funds from Critical Core City Department Programs to ensure funding for this affordable housing project.

**Summary**

On Nov. 4, 2016, the Housing Department issued a Call for Interest seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing for the Affordable Housing Community Priorities approved by City Council on Nov. 2, 2016, and other affordable rental housing projects. The Priorities are: 1) Projects that focus on homeless or other special needs populations and that provide appropriate services; 2) Projects submitted by qualified Community Housing Development Organizations (CHDO); 3)

Rehabilitation projects owned by non-profit developers and currently or previously funded by the City; and 4) Down payment and closing cost assistance for households earning up to 80 percent of the Area Median Income (AMI).

LCSEA's project includes the rehabilitation of an existing affordable housing site. All units will serve households with incomes at or below 50 percent of the AMI, and all units will serve homeless persons and/or persons with disabilities. Award of CDBG funds is contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Affordable Housing Loan Program and Underwriting Guidelines. Contract 79570 was originally funded through Ordinances S-25132 and S-42985 in the amount of \$197,795; with this additional funding, the new loan total will be \$258,395.

### **Financial Impact**

There is no impact to the City's General Fund. CDBG is a federally-funded program.

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

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb. 21, 2017 and approved by a vote of 3-0.

### **Location**

10201 N. 11th Ave.

**This item was adopted.**

## **57 Loan Federal HOME, CDBG, and/or Affordable Housing Funds for 19 North (Ordinance S-43279)**

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to \$1,373,800 in federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) funds, and/or Affordable Housing Funds with Helping Hands Housing Services, or a City-approved nominee, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to

disburse the funds for the life of the contract.

**Summary**

On Nov. 4, 2016, the Housing Department issued a Call for Interest seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing for the Affordable Housing Community Priorities approved by City Council on Nov. 2, 2016, and other affordable rental housing projects. The priorities are: 1) Projects that focus on homeless or other special needs populations and that provide appropriate services; 2) Projects submitted by qualified Community Housing Development Organizations (CHDOs); 3) Rehabilitation projects owned by non-profit developers and currently or previously funded by the City; and 4) Down payment and closing cost assistance for households earning up to 80 percent of the Area Median Income (AMI).

Funding for this project is available from HOME, CDBG, and/or Affordable Housing Funds from Fiscal Years 2016-17 and 2017-18. Project award is contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

19 North, confidential location, (District 5), includes the new construction of a 54-unit permanent housing community. Helping Hands Housing Services, a CHDO, requested \$1,373,800 to assist with this project. All units will serve households with incomes at or below 60 percent of the AMI with seven units serving victims of domestic violence and persons with disabilities. Supportive services will be provided by United Methodist Outreach Ministries (UMOM) New Day Center and include computer training, adult educational assistance program, job training, financial management and literacy classes, nutrition classes, food pantry, and family rental assistance program. Other proposed funding for this project includes Low Income Housing Tax Credit (LIHTC) Equity.

**Financial Impact**

There is no impact to the General Fund. HOME and CDBG are federally-funded programs and funds are available in the Housing

Department's Capital Improvement Program budget. Funding commitments for projects with LIHTC Equity are contingent upon receiving a LIHTC award from the Arizona Department of Housing in the 2017 competitive round.

**Concurrence/Previous Council Action**

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb. 21, 2017 and approved by a vote of 3-0.

**Location**

Confidential location, District 5

**This item was adopted.**

**58     Loan Federal HOME, CDBG, and/or Affordable Housing Funds for 609 Housing (Ordinance S-43280)**

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to \$1,991,241 in federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) funds, and/or Affordable Housing Funds with Native American Connections, Inc. (NAC), or a City-approved nominee, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract.

**Summary**

On Nov. 4, 2016, the Housing Department issued a Call for Interest seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing for the Affordable Housing Community Priorities approved by City Council on Nov. 2, 2016, and other affordable rental housing projects. The priorities are: 1) Projects that focus on homeless or other special needs populations and that provide appropriate services; 2) Projects submitted by qualified Community Housing Development Organizations (CHDO); 3) Rehabilitation projects owned by non-profit developers and currently or previously funded by the City; and 4) Down payment and closing cost assistance for households earning up to 80 percent of the Area Median Income (AMI).



Funding for this project is available from HOME, CDBG, and/or Affordable Housing Funds from Fiscal Years 2016-17 and 2017-18. Project award is contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

609 Housing, location confidential, (District 7), includes the new construction of a 63-unit permanent housing community. NAC, a CHDO, requested \$1,991,241 to assist with this project. All units will serve persons with chronic substance abuse with incomes at or below 60 percent of the AMI. Supportive services will be provided by NAC and include educational and vocational opportunities, weekly support groups, recreational and socialization opportunities, life skills, as well as access to outpatient services. Other proposed funding for this project includes Low Income Housing Tax Credit (LIHTC) Equity.

### **Financial Impact**

There is no impact to the General Fund. HOME and CDBG are federally-funded programs and funds are available in the Housing Department's Capital Improvement Program budget. Funding commitments for projects with LIHTC Equity are contingent upon receiving a LIHTC award from the Arizona Department of Housing in the 2017 competitive round.

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

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb. 21, 2017 and approved by a vote of 3-0.

### **Location**

Confidential location, District 7

**This item was adopted.**

## **59     Loan Federal HOME, CDBG, and/or Affordable Housing Funds for Acacia Heights Apartments (Ordinance S-43281)**

Request authorization for the City Manager, or his designee, to enter into

an Affordable Housing Loan Program agreement for up to \$400,000 in federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) funds, and/or Affordable Housing Funds with FSL Real Estate Services, or a City-approved nominee, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract.

**Summary**

On Nov. 4, 2016, the Housing Department issued a Call for Interest seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing for the Affordable Housing Community Priorities approved by City Council on Nov. 2, 2016, and other affordable rental housing projects. The priorities are: 1) Projects that focus on homeless or other special needs populations and that provide appropriate services; 2) Projects submitted by qualified Community Housing Development Organizations (CHDO); 3) Rehabilitation projects owned by non-profit developers and currently or previously funded by the City; and 4) Down payment and closing cost assistance for households earning up to 80 percent of the Area Median Income (AMI).

Funding for this project is available from HOME, CDBG, and/or Affordable Housing Funds from Fiscal Years 2016-17 and 2017-18. Project award is contingent on full underwriting, environmental release of funds, commitments of other financing, availability of federal funds and City Council approval. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Acacia Heights Apartments, located at 615 W. Pierson St. (District 4), includes the new construction of a 50-unit permanent housing community. FSL Real Estate Services, a CHDO, requested \$400,000 to assist with this project. All units will serve households with incomes at or below 60 percent of the AMI. Supportive services will be provided by Catholic Charities Community Services, Inc. and include a before and after school program, computer training, financial literacy, life skills development, and health and wellness classes. Other proposed funding for this project includes Low Income Housing Tax Credit (LIHTC) Equity.

**Financial Impact**

There is no impact to the General Fund. HOME and CDBG are federally-funded programs and funds are available in the Housing Department's Capital Improvement Program budget. Funding commitments for projects with LIHTC Equity are contingent upon receiving a LIHTC award from the Arizona Department of Housing in the 2017 competitive round.

**Concurrence/Previous Council Action**

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb. 21, 2017 and approved by a vote of 3-0.

**Location**

615 W. Pierson St.

**This item was adopted.**

**60      Loan Federal HOME, CDBG, and/or Affordable Housing Funds for De Colores (Ordinance S-43282)**

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to \$2 million in federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) funds, and/or Affordable Housing Funds with Chicanos Por La Causa, Inc. (CPLC), or a City-approved nominee, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract.

**Summary**

On Nov. 4, 2016, the Housing Department issued a Call for Interest seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing for the Affordable Housing Community Priorities approved by City Council on Nov. 2, 2016, and other affordable rental housing projects. The priorities are: 1) Projects that focus on homeless or other special needs populations and that provide appropriate services; 2) Projects submitted by qualified Community Housing Development Organizations (CHDO); 3) Rehabilitation projects owned by non-profit developers and currently or

previously funded by the City; and 4) Down payment and closing cost assistance for households earning up to 80 percent of the Area Median Income (AMI).

Funding for this project is available from HOME, CDBG, and/or Affordable Housing Funds from Fiscal Years 2016-17 and 2017-18. Project award is contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

De Colores, confidential location, (District 8), includes the rehabilitation of a 79-unit permanent housing community. CPLC, a CHDO, requested \$2 million to assist with rehabilitation. All units will serve victims of domestic violence with incomes ranging from at or below 60 percent to 80 percent of the AMI. Supportive services will be provided by CPLC and include workforce development and training, parent education, youth violence prevention, support groups, case management, counseling, and substance abuse services. Other proposed funding for this project includes private financing and CPLC's Neighborhood Stabilization Program funds.

### **Financial Impact**

There is no impact to the General Fund. HOME and CDBG are federally-funded programs and funds are available in the Housing Department's Capital Improvement Program budget.

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

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb. 21, 2017 and approved by a vote of 3-0.

### **Location**

Confidential location, District 8.

**This item was adopted.**

## **61 Loan Federal HOME, CDBG, and/or Affordable Housing Funds for**

**El Caro Homes (Ordinance S-43283)**

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to \$1.5 million in federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) funds, and/or Affordable Housing Funds with Gardner Capital Development Arizona, LLC, or a City-approved nominee, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract.

**Summary**

On Nov. 4, 2016, the Housing Department issued a Call for Interest seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing for the Affordable Housing Community Priorities approved by City Council on Nov. 2, 2016, and other affordable rental housing projects. The priorities are: 1) Projects that focus on homeless or other special needs populations and that provide appropriate services; 2) Projects submitted by qualified Community Housing Development Organizations (CHDO); 3) Rehabilitation projects owned by non-profit developers and currently or previously funded by the City; and 4) Down payment and closing cost assistance for households earning up to 80 percent of the Area Median Income (AMI).

Funding for this project is available from HOME, CDBG, and/or Affordable Housing Funds from Fiscal Years 2016-17 and 2017-18. Project award is contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

El Caro Homes, location confidential (District 5), includes the new construction of a 50-unit permanent housing community. Gardner Capital Development Arizona, LLC. requested \$1.5 million to assist with this project. All units will serve households with incomes at or below 60 percent of the AMI with 13 units serving persons with developmental disabilities. Supportive services will be provided by United Cerebral Palsy

Central Arizona via a benefits specialist and service coordinator to include life skills training, food pantry, and case management. Other proposed funding for this project includes Low Income Housing Tax Credit (LIHTC) Equity.

**Financial Impact**

There is no impact to the General Fund. HOME and CDBG are federally-funded programs and funds are available in the Housing Department's Capital Improvement Program budget. Funding commitments for projects with LIHTC Equity are contingent upon receiving a LIHTC award from the Arizona Department of Housing in the 2017 competitive round.

**Concurrence/Previous Council Action**

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb. 21, 2017 and approved by a vote of 3-0.

**Location**

Confidential location, District 5.

**This item was adopted.**

**62      Loan Federal HOME, CDBG, and/or Affordable Housing Funds for Horace Steele Commons (Ordinance S-43284)**

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to \$2 million in federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) funds, and/or Affordable Housing Funds with Arizona Housing, Inc. (AHI), or a City-approved nominee, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract.

**Summary**

On Nov. 4, 2016, the Housing Department issued a Call for Interest seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing for the Affordable Housing Community Priorities approved by City Council on Nov. 2, 2016, and other affordable rental housing projects. The priorities are: 1) Projects

that focus on homeless or other special needs populations and that provide appropriate services; 2) Projects submitted by qualified Community Housing Development Organizations (CHDO); 3) Rehabilitation projects owned by non-profit developers and currently or previously funded by the City; and 4) Down payment and closing cost assistance for households earning up to 80 percent of the Area Median Income (AMI).

Funding for this project is available from HOME, CDBG, and/or Affordable Housing Funds from Fiscal Years 2016-17 and 2017-18. Project award is contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Horace Steele Commons, location confidential, (District 4), includes the rehabilitation of an existing 84-unit permanent housing community. Six additional units will be constructed for a total of 90 units. AHI requested \$2 million to assist with rehabilitation. All units will serve chronically-homeless persons with incomes at or below 60 percent of the AMI, with 23 of the units serving chronically-homeless persons with serious mental illness. Supportive services will be provided by Arizona Housing, Inc., Community Bridges, Circle the City, Fresh Express, and Arizona State University Nursing Program. Supportive services will include case management, food resources, transportation, life skills, recreational activities, mental health services, substance abuse services, peer support, and healthcare services. Other proposed funding for this project includes Federal Home Loan Bank Affordable Housing Program, a grant from the Arizona Attorney General's Office, and Low Income Housing Tax Credit (LIHTC) Equity.

### **Financial Impact**

There is no impact to the General Fund. HOME and CDBG are federally-funded programs and funds are available in the Housing Department's Capital Improvement Program budget. Funding commitments for projects with LIHTC Equity are contingent upon receiving a LIHTC award from the Arizona Department of Housing in the

2017 competitive round.

**Concurrence/Previous Council Action**

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb. 21, 2017 and approved by a vote of 3-0.

**Location**

Confidential location, District 4.

**This item was adopted.**

**63     Loan Federal HOME, CDBG, and/or Affordable Housing Funds for Rehoboth Place II (Ordinance S-43285)**

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to \$500,000 in federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) funds, and/or Affordable Housing Funds with Rehoboth Community Development Corporation, or a City-approved nominee, and to take all actions and execute all documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract.

**Summary**

On Nov. 4, 2016, the Housing Department issued a Call for Interest seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing for the Affordable Housing Community Priorities approved by City Council on Nov. 2, 2016, and other affordable rental housing projects. The priorities are: 1) Projects that focus on homeless or other special needs populations and that provide appropriate services; 2) Projects submitted by qualified Community Housing Development Organizations (CHDOs); 3) Rehabilitation projects owned by non-profit developers and currently or previously funded by the City; and 4) Down payment and closing cost assistance for households earning up to 80 percent of the Area Median Income (AMI).

Funding for this project is available from HOME, CDBG, and/or Affordable Housing Funds from Fiscal Years 2016-17 and 2017-18. Project award is contingent on full underwriting, environmental release of



funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Rehoboth Place II, located at 4625 N. 27th Ave. (District 4), includes the new construction of a 53-unit permanent housing community. Rehoboth Community Development Corporation and Gorman and Company, Inc., requested \$500,000 to assist with this project. All units will serve households with incomes at or below 60 percent of the AMI. Other proposed funding for this project includes Low Income Housing Tax Credit (LIHTC) Equity.

### **Financial Impact**

There is no impact to the General Fund. HOME and CDBG are federally-funded programs and funds are available in the Housing Department's Capital Improvement Program budget. Funding commitments for projects with LIHTC Equity are contingent upon receiving a LIHTC award from the Arizona Department of Housing in the 2017 competitive round.

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

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb. 21, 2017 and approved by a vote of 3-0.

### **Location**

4625 N. 27th Ave.

**This item was adopted.**

## **65 Loan Federal HOME, CDBG, and/or Affordable Housing Funds for Revello Apartments (Ordinance S-43287)**

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to \$775,000 in federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) funds, and/or Affordable Housing Funds with Bethel Development, or a City-approved nominee, and to take all actions and execute all documents to complete the loan.

Authorization is also requested for the City Controller to disburse the funds for the life of the contract.

**Summary**

On Nov. 4, 2016, the Housing Department issued a Call for Interest seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing for the Affordable Housing Community Priorities approved by City Council on Nov. 2, 2016, and other affordable rental housing projects. The priorities are: 1) Projects that focus on homeless or other special needs populations and that provide appropriate services; 2) Projects submitted by qualified Community Housing Development Organizations (CHDO); 3) Rehabilitation projects owned by non-profit developers and currently or previously funded by the City; and 4) Down payment and closing cost assistance for households earning up to 80 percent of the Area Median Income (AMI).

Funding for this project is available from HOME, CDBG, and/or Affordable Housing Funds from Fiscal Years 2016-17 and 2017-18. Project award is contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Revello Apartments, located at 1600 W. Camelback Road (District 4), includes the new construction of a 76-unit permanent housing community. Bethel Development, Inc. requested \$775,000 to assist with this project. All units will serve households with incomes at or below 60 percent of the AMI with eight units serving persons with physical disabilities and elderly residents. Supportive services will be provided by Rainbow Housing Assistance Corporation and include transportation services, food pantry, health and nutrition workshops, and financial literacy workshops. Other proposed funding for this project includes Low Income Housing Tax Credit (LIHTC) Equity.

**Financial Impact**

There is no impact to the General Fund. HOME and CDBG are federally-funded programs and funds are available in the Housing

Department's Capital Improvement Program budget. Funding commitments for projects with LIHTC Equity are contingent upon receiving a LIHTC award from the Arizona Department of Housing in the 2017 competitive round.

**Concurrence/Previous Council Action**

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb. 21, 2017 and approved by a vote of 3-0.

**Location**

1600 W. Camelback Road

**This item was adopted.**

**66 Authorization to Apply for, Accept and Disburse Area Agency on Aging, Region One, Inc., Grant for Home Delivered Meal Funds (Ordinance S-43288)**

Request authorization for the City Manager, or his designee, to apply for Area Agency on Aging, Region One, Inc. (AAA) grant funding in an amount not to exceed \$2,190,325 for a one-year period and to enter into a contract with AAA upon successful award of the grant. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item if awarded.

**Summary**

AAA provides federal and state funds for home delivered meals to seniors throughout Maricopa County. The City of Phoenix has partnered with AAA for more than 30 years. In fiscal year 2017, the Human Services Department (HSD) is projected to prepare and deliver 300,000 nutritionally balanced meals to homebound seniors.

**Contract Term**

The contract is for a one-year term beginning July 1, 2017 through June 30, 2018.

**Financial Impact**

The annual amount of the contract will not exceed \$2,190,325. There is a 10-percent match requirement. General Funds for this contract are included in the FY2017-18 base request for the Human Services

Department. The total estimated annual expenditure is not to exceed \$2,409,358.

**Concurrence/Previous Council Action**

On Nov. 7, 2012, the City Council authorized the Human Services Department to contract with Selrico Services, Inc., for food management of the Senior Congregate and Home Delivered Meal Program. Selrico Services produces and delivers meals according to specified AAA standards. Funding provided by AAA represents 90 percent of the HSD budget for the Home Delivered Meal Program.

**This item was adopted.**

**67     Apply for, Accept and Expend Library Services and Technology Act (LSTA) Funds for Robotics Parts Library (Ordinance S-43289)**

Request to authorize the Phoenix Public Library Department to apply for, accept, and if awarded, authorize the City Manager to enter into an agreement for a 2017 Library Services & Technology Act (LSTA) grant in an amount not to exceed \$50,000. Further authorize the City Treasurer to accept and the City Controller to disburse the funds for purposes of this ordinance.

**Summary**

The Phoenix Public Library (PPL) seeks permission to apply for, accept and expend a \$50,000 LSTA grant through the Arizona State Library that will allow the library to expand STEM programming curriculum and add new curriculum around robotics for underserved youth. The library will leverage current partnerships and resources to encourage college and career readiness in Robotics, Engineering and Computer Science fields for youth. Grant money will be spent on a Robotics Lending Library of reusable equipment, housed within Phoenix Public Library's Makers Space, MACH1 on the 4th Floor of Burton Barr Central Library. MACH1 has a unique role in the community in that it is the only free makerspace in the City of Phoenix. MACH1 provides access to quality educational programming that prepares students and families for success, supporting PHXAchieves' priority of early literacy, math proficiency, high school completion, and college and career readiness.

MACH1 continues the PPL tradition of bridging the digital divide for students by providing access to current and future technology. In addition

to after-school and evening programming, MACH1 also offers four-day STEM camps during spring, fall and summer breaks which allow students to have an in-depth learning experience. This special collection will be loaned to Robotics teams throughout the City of Phoenix to teach robotics. A robotics parts library will last 8-10 years with only replenishment of software, rubber pieces and programmable computers. Free library programming will consist of after-school and summer classes and camps aimed at underserved youth who do not have access to robotics resources through their schools or at home.

The Library Services and Technology Act (LSTA) is the only federal program exclusively for libraries. It is administered by the Institute of Museum and Library Services (IMLS). State libraries use the funds to support statewide initiatives and also distribute the funds through sub-grants or cooperative agreements to public, school, academic, research and special libraries. Every fiscal year, Congress provides funding for LSTA in the Labor, Health and Human Services, Education, and Related Agencies Appropriations bill. Federal resources help target library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited literacy skills.

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

This item was unanimously approved at the Jan. 25, 2017 Parks, Arts, Education and Equality Subcommittee meeting.

#### **Location**

Burton Barr Central Library at 1221 N. Central Ave.

**This item was adopted.**

#### **68 Arizona Commission on the Arts FY 2017-18 Community Investment Level VI Grant Application (Ordinance S-43290)**

Request authorization for the City Manager, or his designee, to apply for, accept, and if awarded enter into an agreement for Arizona Commission on the Arts (ACA) Community Investment Level VI matching grant funds in an amount up to \$60,000 for fiscal year 2017-18. Further authorize the City Treasurer to accept and the City Controller to disburse the funds for purposes of this ordinance. The grant funds would be used by the

Phoenix Office of Arts and Culture in FY 2017-18 to support initiatives identified through the Office's planning process with the local cultural community.

**Summary**

The ACA Community Investment Level VI Grant is a flexible funding category developed to recognize and assist the cultural programming and achievements of Arizona's local arts agencies. Funds may be used to support agency operations and special projects. The Phoenix Office of Arts and Culture has applied for and received annual grant funds from the Arizona Commission on the Arts since 1994.

If awarded, the grant funds will support development and distribution of informational materials regarding the arts and cultural community; provision of management and technical assistance services to artists and cultural organizations, development of educational public outreach programs that promote an appreciation of arts and culture, and support for special community arts and culture initiatives.

**Financial Impact**

The ACA Community Investment Level VI Grant requires a 100-percent match by applicants. The Phoenix Office of Arts and Culture FY 2017-18 General Fund appropriation will be used to match the FY 2017-18 grant award.

**Concurrence/Previous Council Action**

The Phoenix Arts and Culture Commission reviewed this item at its Jan. 25, 2017 meeting and recommended approval. The Parks, Arts, Education and Equality Subcommittee recommended approval of this item at its Jan. 25, 2017 meeting by a unanimous vote.

**This item was adopted.**

**69 Authorization to Apply for, Accept, and Enter into an Agreement with National Institute of Justice for 2017 Paul Coverdell Forensic Science Improvement Competitive Grant Program (Ordinance S-43291)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to apply for \$250,000 through the FY 2017 National Institute of Justice Paul Coverdell Forensic Science

Improvement Competitive grant program. If the grant is awarded, request authorization to accept the funds and enter into a grant agreement. Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item.

**Summary**

The Police Department has applied for these types of grant funds continually over the last several years through the National Institute of Justice at the federal level. Funding is used to implement innovative solutions to the backlog issues facing many crime laboratories nationwide. The Police Department's Crime Lab has made significant strides in addressing these issues by utilizing these grant funds as part of a comprehensive approach to support and enhance the analysis of evidence. These funds will be utilized for overtime, fringe benefits, equipment, supplies, and training to improve the timeliness of forensic science services and address the backlogs in the analysis of forensic evidence.

**Contract Term**

One year beginning Jan. 1, 2018 through Dec. 31, 2018.

**Financial Impact**

This grant will provide up to \$250,000. No matching funds are required. Cost to the City would be in-kind resources only.

**Concurrence/Previous Council Action**

This item was unanimously approved by the Public Safety and Veterans Subcommittee on Feb. 8, 2017.

**This item was adopted.**

**70 Authorization to Apply for, Accept, and Enter into an Agreement with Arizona Criminal Justice Commission for 2017 Paul Coverdell Forensic Science Improvement Formula Grant Program (Ordinance S-43292)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to apply for \$50,000 through the FY 2017 Arizona Criminal Justice Commission, Paul Coverdell Forensic Science

Improvement Formula grant program. If the grant is awarded, request authorization to accept the funds and enter into a grant agreement. Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item.

**Summary**

The Police Department has applied for these types of grant funds continually over the last several years through the Arizona Criminal Justice Commission at the state level. Funding is used to implement innovative solutions to the backlog issues facing many crime laboratories nationwide. The Police Department's Crime Lab has made significant strides in addressing these issues by utilizing these grant funds as part of a comprehensive approach to support and enhance the analysis of evidence. These funds will be utilized for overtime, fringe benefits, equipment, supplies, and training to improve the timeliness of forensic science services and to address the backlogs in the analysis of forensic evidence.

**Contract Term**

One year beginning Jan. 1, 2018 through Dec. 31, 2018.

**Financial Impact**

This grant will provide up to \$50,000. No matching funds are required. Cost to the City would be in-kind resources only.

**Concurrence/Previous Council Action**

This item was unanimously approved by the Public Safety and Veterans Subcommittee on Feb. 8, 2017.

**This item was adopted.**

**71 Authorization to Apply for, Accept, and Enter into an Agreement for 2017 Intellectual Property Enforcement Program Grant (Ordinance S-43293)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to apply for the Bureau of Justice Assistance, FY 2017 Intellectual Property Enforcement Program Grant. If the grant is awarded, request authorization to accept the funds and enter into a grant



agreement. Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item.

**Summary**

The Police Department has applied for these types of grant funds continually over the last several years through the Bureau of Justice Assistance. The focus of this program is to support criminal investigation, prosecution, prevention, and community education relating to Intellectual Property Theft Enforcement through task force activities. The goal is to enforce criminal laws protecting copyrights, patents, and trademarks to combat counterfeit and infringing goods. The grant will fund overtime, fringe benefits, supplies, equipment, and other costs associated with task force activities.

**Contract Term**

Two years beginning Oct. 1, 2017 through Sept. 30, 2019.

**Financial Impact**

A maximum of \$400,000 is available. No matching funds are required. Cost to the City would be in-kind resources only.

**Concurrence/Previous Council Action**

This item was unanimously approved by the Public Safety and Veterans Subcommittee on Feb. 8, 2017.

**This item was adopted.**

**72 Authorization of Federal Transit Administration Grants (Ordinance S-43294)**

Request to authorize the City Manager, or his designee, to: (1) enter into agreements with the FTA for the purpose of accepting awarded grants; and (2) enter into an agreement with Valley Metro Rail, Inc. (VMR) receiving the FTA grant funds as pass through from the City of Phoenix. Further authorize the City Controller to receive and disburse grant funds in accordance with the terms of the aforementioned grants and agreements.

**Summary**

The City of Phoenix is the designated recipient of FTA grant funds for the Phoenix-Mesa Urbanized Area. As such, the City of Phoenix submits FTA grant applications on behalf of all local governments and agencies in the

region.

VMR was allocated federal funds of \$1,251,000 from FTA's Mobility on Demand (MOD) Sandbox Demonstration Program through a competitive selection process. This demonstration program is funded by FTA Section 5312 Public Transportation Innovation Program funds and provides a venue through which integrated MOD concepts and solutions - supported through local partnerships - are demonstrated in real-world settings. FTA seeks to fund project teams to innovate, explore partnerships, develop new business models, integrate transit and MOD solutions, and investigate new, enabling technical capabilities such as integrated payment systems, decision support, and incentives for traveler choices. This project will provide a pilot program of additional features for Valley Metro's existing mobile application, Ridekick.

#### **Financial Impact**

FTA Section 5312 funds of \$1,251,000 will be received and passed through to VMR. Required matching funds are committed from the regional Public Transportation Fund. VMR is designated as the sub-recipient of the funds as it will administer the project. There is no financial impact to the City of Phoenix.

**This item was adopted.**

#### **73 Replacement of Asphalt Distribution System for a 2,000 Fog Oil Tanker Truck (Ordinance S-43295)**

Request to authorize the City Manager, or his designee, to enter into a contract with BearCat Manufacturing (Vendor 3016486) in an amount not to exceed \$116,000 for purchase of an asphalt distribution system for a 2,000 Fog Oil Tanker Truck. Further request authorization for the City Controller to disburse all funds related to this item.

#### **Summary**

The Public Works Department will purchase an asphalt distribution system for a 2,000 Fog Oil Tanker Truck on behalf of the Street Transportation Department. The existing cab and chassis will remain in operation with the new asphalt distributor system. The model selected, BC-502, is an industry standard and replacing the asphalt unit will extend the useful life of the 16-year-old vehicle.

**Procurement Information**

A determination has been made for this one-time purchase of BearCat equipment because equipment, parts, service, warranty and training can only be provided by BearCat Manufacturing. In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Determination Memo citing that there is only one source for the necessary goods and services.

**Financial Impact**

Funds are available in the Street Transportation Department's budget.

**This item was adopted.**

**74 Thomas Road Transmission Main Rehabilitation - Construction Manager at Risk - Construction Phase Services - WS85500443 (Ordinance S-43296)**

Request to authorize the City Manager, or his designee, to enter into a contract with PCL Construction, Inc., to provide Construction Manager at Risk (CMAR) Construction Services in support of the Thomas Road Transmission Main Rehabilitation project. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Water Services Department initiated the Transmission Main Inspection and Assessment program in 2011 to inspect and assess the condition of critical transmission mains within the City's water system. The Thomas Road water transmission main was installed beginning in 1930, and its joints are starting to fail. The water main on Thomas Road between 44th and 64th streets has been selected for rehabilitation with a fully structural liner.

The initial contract services will include preparation of a Guaranteed Maximum Price (GMP) for the construction services provided under the contract. PCL Construction, Inc., will assume the risk of delivering the project through a GMP. PCL Construction, Inc., will be responsible for means and methods related to the project, participating with the City in the goal setting process for Small Business Enterprise (SBE) participation, and implementing the SBE process. PCL Construction, Inc., also will be required to solicit bids from prequalified subcontractors to perform work under the City's subcontractor selection process. PCL

Construction, Inc. also may compete to self-perform limited amounts of work.

**Procurement Information**

PCL Construction, Inc., was chosen for this project using a qualifications-based selection process according to Section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the CMAR Services procurement process.

**Contract Term**

The term of the services is expected to be 18 months after issuance of the Notice to Proceed. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties and work may extend past the termination for work in progress. No additional contract work scope may be executed after the end of the contract term.

**Financial Impact**

PCL Construction, Inc.'s fee under this contract will not exceed \$6,525,000, including all subcontractors and reimbursable costs. Funding for these services is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the contract termination.

**Concurrence/Previous Council Action**

City Council approved Design Contract 142638 on May 18, 2016.

**Location**

Thomas Road between 44th and 64th streets.

**This item was adopted.**

**75     27th Avenue Phoenix Compost Facility - Professional Services - PW16700021 (Ordinance S-43297)**

Request to authorize the City Manager, or his designee, to enter into a contract with Green Mountain Technologies, Inc. (GMT) (Bainbridge Island, Wash.) to provide professional services for commissioning, verification, oversight and training for the 27th Avenue Compost Facility at

the Resource Innovation Campus (RIC) and the Pilot Compost Area at the 27th Avenue Transfer Station. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Public Works Department's 27th Avenue Compost Facility is currently under construction with expected completion in April 2017. The facility is designed with a state-of-the-art system to produce compost from the City's green organics collection programs.

GMT has unique and specialized composting experience. GMT's services for the compost facility startup include transitioning the facilities to full operations by providing training and equipment commissioning to City staff who will assume oversight duties at the site, including checking all processing equipment and facilities' mechanical and electrical systems for designed processing capacity and load rates, equipment vendor and document key training, operation and maintenance of aeration floor and cleanout system, probes, dampers manifolds and leachate collection vault, sedimentation systems, vault, pond and tank aerators, water reuse systems, biofilters and well and city water irrigation systems.

**Procurement Information**

Green Mountain Technologies, Inc. was chosen for this project using a direct-select process in accordance with Title 34 of the Arizona Revised Statutes.

**Contract Term**

The term of this contract is expected to take approximately 24 months. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

Green Mountain Technologies, Inc.'s fee will not exceed \$123,600.40, which includes all subconsultant and reimbursable costs. Funding is available in the Public Works Department's Solid Waste Capital Replacement budget. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past

the contract termination.

**Concurrence/Previous Council Action**

Council approved Design Contract No. 140407 with Arrington Watkins Architects, LLC (AWA) on April 15, 2015. Green Mountain Technologies, Inc. has been part of the AWA team from the beginning of this process.

**Location**

3060 S. 27th Ave. (South of Lower Buckeye Road on 27th Avenue)

**This item was adopted.**

**76     Booster Pump Station Replacement Program - Construction  
Manager at Risk - Construction Phase Services - Amendment 1  
(Ordinance S-43298)**

Request to authorize the City Manager, or his designee, to execute Amendment 1 to Contract 140506 with PCL Construction, Inc., to provide additional construction services and increase the contract limit to replace existing Booster Pump Station 3A-B1 with Booster Pump Station 3A-B3 in support of the Booster Pump Station Replacement Program. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Booster pump stations move water throughout the City's water distribution system. The existing booster pump stations are at the end of their useful lives and need complete replacement. It is important to replace the aging pump stations so that reliable deliveries to these areas can continue. Booster Pump Station 3A-B1 will be replaced with Booster Pump Station 3A-B3, with the same capacity. PCL Construction, Inc.'s services include, but are not limited to: coordinating removal of the existing booster pump station, demolition, equipment decommissioning, and site grading and drainage per plans.

**Procurement Information**

PCL Construction, Inc., was chosen for this project using a qualifications-based selection process according to Section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the Construction Manager at Risk (CMAR) services procurement process.

**Contract Term**

The term of this Guaranteed Maximum Price amendment is expected to take one year to complete. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties and work may extend past the termination date for work in progress. No additional contract work scope may be executed after the end of the contract term.

**Financial Impact**

PCL Construction, Inc.'s fee will not exceed \$8,700,000, including all subconsultant, subcontractor and reimbursable costs. Funds are available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the contract termination. A Small Business Enterprise subcontractor participation goal of five percent has been established for this project.

**Concurrence/Previous Council Action**

City Council approved the Construction Manager at Risk (CMAR) Design Phase Services Contract 138063 on April 2, 2014, and CMAR Construction Phase Services Contract 140506 on May 13, 2015.

**Location**

The Booster Pump Station is located at 6202 N. 24th St.

**This item was adopted.**

**77     Booster Pump Station 3A-B1 Replacement - Structural  
Construction Administration and Inspection Services (Ordinance  
S-43299)**

Request to authorize the City Manager, or his designee, to enter into a contract with Wilson Engineers, LLC, to provide structural Construction Administration and Inspection (CA&I) services for replacement of Booster Pump Station 3A-B1 located at the 24th Street Water Treatment Plant (WTP). Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Wilson Engineers, LLC, will provide structural CA&I services for the

3A-B1 Booster Pump Station Replacement project. The engineering services are related to the construction and post-construction phases of the project and include, but are not limited to: project administration and engineering services during construction, review of structural and steel shop drawings, on-site special inspections (welding, anchors, etc.), record drawings, contractor's and manufacturer's equipment training, contractor progress payments, overall CA&I of the Electrical, Instrumentation and Control system (EIC), recording and tracking warranty requests during the 12-month warranty period, and other special services as requested. In addition, the engineering services include coordination between other consultants that may be necessary to ensure proper performance of the consultants.

**Procurement Information**

Wilson Engineers, LLC, was chosen for this project using a qualifications-based selection process according to Section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with Design Services Selection.

**Contract Term**

The term of this contract is expected to coincide with the duration of construction, which is expected to be 32 months. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

Wilson Engineers, LLC's fee for these services will not exceed \$923,296.77 including all subconsultant and reimbursable costs. Funding for this project is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

**Concurrence/Previous Council Action**

City Council approved Contract 140403 for Design Services with Wilson



Engineers, LLC, on April 15, 2015.

**Location**

Booster Pump Station 3A-B1 is located at 6202 N. 24th St.

**This item was adopted.**

**78 Citywide Construction Landscape Services - Job Order Contract - 4108JOC148 (Ordinance S-43300)**

Request to authorize the City Manager, or his designee, to enter into separate contracts with Valley Rain Construction Corporation (Tempe, Ariz.); Haydon Building Corp. (Phoenix); and SiteWorks Landscape Development, LLC (Chandler, Ariz.) to provide Citywide Construction Landscape Job Order Contract (JOC) services and to execute contract options as necessary. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

This JOC Contractor will be expected to successfully perform the following construction services including, but not limited to: construction or placement of park structures, restrooms, storage facilities, ramadas, park furniture, multi-use trails, pedestrian bridges, sport courts, and storm water management facilities; installation of natural and artificial turf sports fields, irrigation systems, concrete curbs, gutters, sidewalks and asphalt paving; new or retrofitted streetscapes including: sidewalks, Americans with Disabilities Act (ADA) ramps, site furnishings, fencing, specialty signage, security lights and sports lights; remove and replace existing landscape within street right-of-way and on City-owned property; and perform engineered grading, soil testing and soil preparation. Minor design services may be included.

**Procurement Information**

The following firms were chosen using a qualifications-based selection process according to Title 34 of the Arizona Revised Statutes (ARS). Per ARS Title 34, the City is not to release the scoring of proposers until a contract has been awarded. The top three rankings follow:

Valley Rain Construction Corporation: Ranked #1  
Haydon Building Corp.: Ranked #2

## SiteWorks Landscape Development, LLC: Ranked #3

### **Contract Term**

The initial term of this contract is for 36 months with the option to renew for an additional 24-month term. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

### **Financial Impact**

The initial three-year term of each contract will have a maximum contract capacity of \$15 million. The two-year renewal option, if exercised, will provide an additional \$10 million in capacity, for a total maximum contract capacity of \$25 million each over the five-year term of the contract, including all amendments. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the contract termination. Operating and Capital Improvement Program funding may be utilized. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement.

Authorization is requested to execute Job Order Agreements performed under this JOC for up to \$2 million each in construction costs. In no event will any Job Order Agreement exceed this limit without Council approval to increase the limit.

### Small Business Outreach

A Small Business Enterprise goal of six percent has been established for these contracts.

**This item was adopted.**

## **79 Consulting Services with Operations and Analysis at Tres Rios Wetlands - Requirements Contract (Ordinance S-43301)**

Request to authorize the City Manager, or his designee, to enter into a contract with Wass Consulting, LLC, to provide engineering and biogeochemistry services at Tres Rios Wetlands for the Water Services Department. Further request authorization for the City Controller to

disburse all funds related to this item.

**Summary**

The consultant will evaluate and provide recommendations on the operational characteristics of the Tres Rios Wetlands facilities. Efforts will include examination of water quality treatment, review research solicitation for relevance to the Tres Rios Wetlands, assistance in refinement of the hydraulic control strategies of the wetland basin in regards to mass balance and water consumption rates, and assistance with habitat development, preservation, internal programs, engineering and the chemical aspects of the Tres Rios Wetlands.

**Procurement Information**

Request for Proposal 84-16-042-RFP-8426 was conducted in accordance with Administration Regulation 3.10. There were two offers received by Water Services Internal Business Support on Aug. 26, 2016. The proposals were scored by a three-member evaluation committee based on the following criteria: Qualifications of the Firm, Years of Experience, Certification/Education, References and Payment Schedule. The proposers and their scores are as follows:

Wass Consulting, LLC:	230
Allan Plummer Associates, Inc.:	205

**Contract Term**

The initial five-year contract term shall begin on or about March 15, 2017, and end on March 14, 2022.

**Financial Impact**

The aggregate contract value will not exceed \$250,000 (including applicable taxes). Funds are available in the Water Services Department budget.

**Location**

Tres Rios Wetlands is located at 5615 S. 91st Ave.

**This item was adopted.**

- 80 Final Plat - Daisy Mountain Substation - 160113 - Southeast Corner of 43rd Avenue and Barko Lane, South of Circle Mountain Road**

Plat: 160113

Project: 16-2462

Name of Plat: Daisy Mountain Substation

Owner(s): Arizona Public Service Company

Engineer(s): Coe & Van Loo Consultants, Inc.

Request: A 1 Lot Commercial Subdivision Plat

Reviewed by Staff: Feb. 3, 2017

**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 43rd Avenue and Barko Lane, south of Circle Mountain Road.

Council District: 1

**This item was approved.**

**81 Final Plat - Desert Dawn Estates - 160026 - Southwest Corner of 33rd Avenue and Pinnacle Vista Road**

Plat: 160026

Project: 02-930

Name of Plat: Desert Dawn Estates

Owner(s): R&B Arizona Land, LLC

Engineer(s): R.B. Williams & Associates, Inc.

Request: A 9 Lot Residential Plat

Reviewed by Staff: Jan. 31, 2017

**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 approximately 950 feet south of the southwest corner of 33rd Avenue and Pinnacle Vista Road.

Council District: 1

**This item was approved.**

**82 Final Plat - View 32 - 160095 - North of the Northeast Corner of Shea Boulevard and 32nd Street**

Plat: 160095

Project: 14-2710

Name of Plat: View 32

Owner(s): View 32, LLC

Engineer(s): Terrascope Consulting LLC

Request: A 1-lot Commercial Subdivision Plat

Reviewed by Staff: Jan. 24, 2017

**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 V150002.

**Location**

Generally located north of the northeast corner of Shea Boulevard and 32nd Street.

Council District: 3

**This item was approved.**

**83 Final Plat - Westridge Commerce Replat - 160081 - Northwest Corner of 75th Avenue and Roosevelt Street**

Plat: 160081

Project: 12-2419

Name of Plat: Westridge Commerce Replat

Owner(s): McLane Foodservice, Inc.

Engineer(s): Superior Surveying Services, Inc.

Request: A 1 Lot Commercial Plat

Reviewed by Staff: Jan. 30, 2017

**Summary**

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

**Location**

Generally located at the northwest corner of 75th Avenue and Roosevelt Street.

Council District: 7

**This item was approved.**

**84 Final Plat - 1919 Baseline - 160108 - South of Baseline Road East of 20th Drive**

Plat: 160108

Project: 15-1708

Name of Plat: 1919 Baseline

Owner(s): 1919 Baseline, LLC

Engineer(s): Superior Surveying Services, Inc.

Request: A 4 Lot Commercial Subdivision Plat

Reviewed by Staff: Jan. 30, 2017

**Summary**

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

**Location**

Generally located south of Baseline Road east of 20th Drive.

Council District: 8

**This item was approved.**

**85 Abandonment of Easement - V150002A - 10801 N. 32nd St. (Resolution 21513)**

Abandonment: V150002A

Project: 14-2710

Applicant(s): Steve Pritulsky of Watt Communities of Arizona

Request: To abandon the Drainage Easement located on the parcel addressed 10801 N. 32nd St., APN 166-36-004Q, and on the parcel identified as APN 166-36-004S.

Date of Decision: July 19, 2016

**Summary**

The resolution of the abandonment and the subdivision plat View 32, Plat

160095, 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**

10801 N. 32nd St.  
Council District: 3

**Financial Impact**

Pursuant to Phoenix City Code Art. 5, Sec. 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

**This item was adopted.**

**86 Abandonment of Right-of-Way - V160060A - 51st Place and Weldon Avenue (Resolution 21514)**

Abandonment: V160060A

Project: 07-2290

Applicant: Robert Wagner

Request: To abandon the east-west Alley Right-of-Way between the parcels addressed 3604 N. 51st Place (APN 128-03-084) and 5110 and 5118 E. Weldon Ave. (APN 128-03-012A and 128-03-013); and the excess 51st Place Right-of-Way adjacent to 3604 N. 51st Place.

Date of Decision/Hearing: Dec. 28, 2016

**Location**

51st Place and Weldon Avenue  
Council District: 6

**Financial Impact**

A fee was also collected as part of this abandonment in the amount of \$1,175.15.

**This item was adopted.**

**87 Dedication of a Sidewalk Easement and Refuse Collection Easement Across City-Owned Land Located at 77 E. Polk St. (Ordinance S-43302)**

Request that the City Council dedicate to public use easements for sidewalk and refuse collection purposes across land owned by the City of Phoenix, further ordering the ordinance recorded.

**Summary**

This dedication will meet the Planning and Development Department's dedication process. The parcel is owned by the City of Phoenix Community & Economic Development Department and is in the process of being sold to a developer. As part of the sale, the City of Phoenix will be retaining an easement for sidewalk and refuse collection purposes. The Community & Economic Development Department has consented to the dedication of the easements.

**Location**

77 E. Polk St.

**This item was adopted.**

**88 Acceptance of an Easement for Public Utility Purposes (Ordinance S-43303)**

Request for the City Council to accept 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: Willie R. Reagan

Purpose: Public Utility

Location: 5229 S. 20th Place

File No.: FN 160098

Council District: 8

**This item was adopted.**

**89 Amend City Code - Ordinance Adoption - Rezoning Application Z-SP-8-16-3 - Approximately 620 Feet North and 380 Feet East of**



**the Northeast Corner of 19th Avenue and Union Hills Drive  
(Ordinance G-6280)**

**Summary**

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-8-16-3 for the C-2 SP (Intermediate Commercial, Special Permit) zoning district located at approximately 620 feet north and 380 feet east of the northeast corner of 19th Avenue and Union Hills Drive to allow a household moving center (truck rental) and all underlying C-2 uses.

**Location**

Approximately 620 feet north and 380 feet east of the northeast corner of 19th Avenue and Union Hills Drive.

Council District: 3

**This item was adopted.**

**90 Amend City Code - Ordinance Adoption - Rezoning Application  
Z-79-16-4 - Northeast Corner of Black Canyon Highway and  
Indianola Avenue (Ordinance G-6281)**

Request to authorize City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-79-16-4 for the P-1 (Parking District) to allow a surface parking use.

**Location**

Northeast corner of Black Canyon Highway and Indianola Avenue.

Council District: 4

**This item was adopted.**

**91 Amend City Code - Ordinance Adoption - Rezoning Application  
Z-82-16-4 - Approximately 110 Feet West of the Northwest Corner  
of 1st Avenue and Wilshire Drive (Ordinance G-6282)**

**Summary**

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-82-16-4 for the R1-6 HP (Single Family Residence District Historic Preservation) zoning district located

approximately 110 feet west of the northwest corner of 1st Avenue and Wilshire Drive.

**Location**

Approximately 110 feet west of the northwest corner of 1st Avenue and Wilshire Drive.

Council District: 4

**This item was adopted.**

**92 Amend City Code - Ordinance Adoption - Rezoning Application  
Z-64-16-5 - Approximately 168 Feet East of the Southeast Corner of  
21st Avenue and Northern Avenue (Ordinance G-6283)**

Request to authorize City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-64-16-5 for a PUD (Planned Unit Development) to allow commercial and retail uses.

**Location**

Approximately 168 feet east of the southeast corner of 21st Avenue and Northern Avenue.

Council District: 5

**This item was adopted.**

**93 Amend City Code - Ordinance Adoption - Rezoning Application  
Z-72-16-8 - Southwest Corner of 4th Street and Grant Street  
(Ordinance G-6284)**

**Summary**

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-72-16-8 for the DTC-Warehouse HP-L (Downtown Core-Warehouse Character Area Historic Preservation-Landmark) zoning district located at the southwest corner of 4th Street and Grant Street.

**Location**

Southwest corner of 4th Street and Grant Street.

Council District: 8

**This item was adopted.**

**39 CenturyLink Communications, LLC**

For \$89,453.59 in payment authority to purchase engineering and construction services for the Street Transportation Department. Work is to be performed by CenturyLink at two separate locations within the Avenida Rio Salado/Broadway Road: 51st Avenue to 7th Street Project ST85100259. Services include relocating existing Serving Area Interface performed at 19th Avenue and lowering cable for new storm drain at 43rd Avenue.

**Discussion**

Leonard Clark stated that he was neutral on the item and added that CenturyLink was on record as opposed to the funding of desegregation of schools and asked that the City not do business with CenturyLink in the future.

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

**Yes:** 7 - Councilman DiCiccio, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

**No:** 2 - Councilman Nowakowski and Councilwoman Pastor

**41 National Association of City Transportation Officials, Inc.**

For \$15,000.00 in payment authority for 2017 National Association of City Transportation Officials (NACTO) membership dues, for the Street Transportation Department. Membership in NACTO provides valuable interaction with other cities and a forum for a unified urban voice in U.S. transportation policy. Membership was approved by the Transportation and Infrastructure Subcommittee on Feb. 14, 2017.

**A motion was made by Vice Mayor Gallego, seconded by Councilman Valenzuela, that this item be adopted. The motion carried by the following vote:**

**Yes:** 6 - Councilman Nowakowski, Councilwoman Pastor, Councilman Valenzuela, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

**No:** 3 - Councilman DiCiccio, Councilwoman Stark and Councilman Waring

**49 Amend Ordinance S-42823 for Acquisition of Property for Light**

**Rail, 50th Street Station (Ordinance S-43274)**

Request to authorize the City Manager, or his designee, to amend Ordinance S-42823 to clarify that the property interests acquired under this ordinance may be accomplished through donation, purchase within the City's appraised value or a settlement amount arrived at through mediation and determined by the City Manager, or his designee, to be reasonable under the circumstances, or by the power of eminent domain. Further request authorization to enter into an Irrevocable Right of Entry and Agreement (IROE) with the owner of the property if circumstances warrant.

**Summary**

The above referenced ordinance authorizes the City Manager or his designee to acquire fee title or lesser interest in all or portions of certain improved or vacant parcels for the 50th Street Light Rail Station.

All of the conditions and stipulations previously stated in the above referenced ordinance will remain the same.

**Location**

Multiple locations along Washington Street, from 48th to 51st streets.

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

**Yes:** 7 - Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

**No:** 2 - Councilman DiCiccio and Councilman Waring

**64 Loan Federal HOME, CDBG, and/or Affordable Housing Funds for Laurel Tree at Northern (Ordinance S-43286)**

Request authorization for the City Manager, or his designee, to enter into an Affordable Housing Loan Program agreement for up to \$2 million in federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) funds, and/or Affordable Housing Funds with Catholic Charities Community Services, Inc., or a City-approved nominee, and to take all actions and execute all

documents to complete the loan. Authorization is also requested for the City Controller to disburse the funds for the life of the contract.

**Summary**

On Nov. 4, 2016, the Housing Department issued a Call for Interest seeking proposals for the acquisition, new construction, and/or rehabilitation of affordable rental housing for the Affordable Housing Community Priorities approved by City Council on Nov. 2, 2016, and other affordable rental housing projects. The priorities are: 1) Projects that focus on homeless or other special needs populations and that provide appropriate services; 2) Projects submitted by qualified Community Housing Development Organizations (CHDO); 3) Rehabilitation projects owned by non-profit developers and currently or previously funded by the City; and 4) Down payment and closing cost assistance for households earning up to 80 percent of the Area Median Income (AMI).

Funding for this project is available from HOME, CDBG, and/or Affordable Housing Funds from Fiscal Years 2016-17 and 2017-18. Project award is contingent on full underwriting, environmental release of funds, commitments of other financing, and availability of federal funds. The overall loan structure will be consistent with the Housing Department's Underwriting Guidelines for affordable rental housing projects.

Laurel Tree at Northern, located at 1825 W. Northern Ave. (District 5), includes the new construction of a 64-unit permanent housing community. Catholic Charities Community Services, Inc. requested \$2 million to assist with this project. All units will serve households with incomes at or below 60 percent of the AMI, with 11 units serving veterans and their families. Supportive services will be provided by Catholic Charities Community Services, Inc., and include case management, food pantry, computer training, and financial literacy workshops. Other proposed funding for this project includes Low Income Housing Tax Credit (LIHTC) Equity.

**Financial Impact**

There is no impact to the General Fund. HOME and CDBG are federally-funded programs and funds are available in the Housing

Department's Capital Improvement Program budget. Funding commitments for projects with LIHTC Equity are contingent upon receiving a LIHTC award from the Arizona Department of Housing in the 2017 competitive round.

**Concurrence/Previous Council Action**

This item was heard at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb. 21, 2017 and recommended for disapproval by a vote of 3-0.

**Location**

1825 W. Northern Ave.

**Discussion**

A motion was made by Vice Mayor Gallego, seconded by Councilwoman Williams, that this item be adopted.

Councilman Valenzuela stated a lack of support for this item based upon opposition received by his office from the community and would be opposing the item, which was consistent with the vote at Subcommittee.

Steve Capobres thanked the Council for years of support and stated that the applicant had owned the building for 60 years and worked with the community on all but two issues, height and low-income housing. He noted the height was allowed with the current zoning and that low-income housing was their mission.

Shannon McBride shared her perspective that the neighborhood was concerned about the process not the project. She also stated a belief that neighbors were fearful out of concern from uncertainty of what is being proposed.

James Deibler supported the project because he believed it was a benefit to the neighborhood and would bring jobs to the area.

Diana Yazzie Devine spoke in favor of the item and noted that the proximity to the light rail imposed zoning restrictions on the property, which made it difficult to please the neighbors.

Councilman Valenzuela provided clarification on his vote, noting that his concern with the project was not with the organization but instead with the amount of opposition received from the community, related to their communication during the application process. He noted support for the subcommittee recommendation, for the applicant to meet with the neighboring community and bring the item back before Council.

Councilwoman Stark stated she received over 200 emails regarding this item and spoke with the leader of the neighborhood group. She supported Councilman Valenzuela and his recommendation to deny the item and have the applicant come back.

Councilwoman Pastor asked staff to explain LIHTC [Low-Income Housing Tax Credits].

Deputy City Manager Deanna Jonovich explained of the process for LIHTC funding for projects by the City.

Councilwoman Pastor asked why the item came before the Council if the subcommittee unanimously voted against the item.

City Manager Ed Zuercher explained that subcommittees make recommendations to Council and the full Council was required to make decisions and take action on items.

Councilwoman Pastor requested clarity on the process, stating that there was none currently. She then asked if the subcommittee could have continued the item.

City Manager Ed Zuercher stated that subcommittees could make recommendations for approving, denying, or continuing and added that could have occurred on this item. He then turned discussion over to the Housing Director, Cindy Stotler, regarding the timing of the item.

Housing Director Cindy Stotler stated that a call for interest occurred prior to the Arizona Department of Housing qualified application process for Low Income Housing Tax Credits which was due that day. She added

that if the item were approved by Council today, it would receive gap funding from the City and they could apply for the tax credits but if the item was not approved they would not receive gap funding from the City for the project.

Councilwoman Pastor asked why the City waited until February 21 to begin the process instead of doing it sooner to give the nonprofit more time.

Ms. Stotler stated that the Housing Department met with applicants in the fall and worked continually with them up until the date applications were due but a previous Formal Council meeting was cancelled which created the timeline they were facing.

Councilman DiCiccio requested clarification as to whether or not items that were denied at subcommittee were allowed to be heard at Formal Council meetings.

City Manager Ed Zuercher stated that there is not a specific rule, but subcommittees make recommendations. A quorum of the full Council was required to make a decision on an item, unless the subcommittee is delegated to be an acting body.

Councilman DiCiccio requested an explanation on changes at the state level regarding affordable housing, to which Ms. Stotler responded with explanation of some of the changes impacting the City.

Sheila Harris stated the item was very time-sensitive due to the March 1 deadline established by the state but she supported Councilman Valenzuela's opposition to this item because of the importance of neighborhood support.

Councilman Waring stated that this project was close to the light rail, which he was against, but he noted a belief that if the light rail were there, that its use should be maximized. He then asked if the City would forego funding, if this item were not approved today.

Ms. Stotler clarified the City would be submitting applications for 8 items



to the state and typically received funding for 2-3 items.

Councilman Waring asked if this item was contingent upon zoning approval or just funding approval. Ms. Stotler responded that only funding approval was required.

Councilwoman Williams asked where the funding came from and what happened if it was not used. Ms. Stotler responded they were pass-through funds received by the City from the Federal government with spending deadlines. If the deadlines were not met, the City could do a mid-year call for interest to look for more projects that did not require Low Income Housing Tax Credits.

Councilman Nowakowski requested clarification on funding and whether the applicant needed zoning approval.

City Manager Ed Zuercher provided clarification regarding funding and Mayor Stanton stated that the project was appropriate under zoning regulations.

Vice Mayor Gallego asked if cities could support only their best projects, to which Ms. Stotler responded that she was not sure about the rules but noted that the City of Tucson approved all projects that came before them.

Note: The following individuals submitted speaker comment cards in favor of the item, not wishing to speak.

Dianne Barker

John Rusinek

**A motion was made by Vice Mayor Gallego, seconded by Councilwoman Williams, that this item be adopted. The motion failed by the following vote:**

**Yes:**                      3 - Councilman Nowakowski, Vice Mayor Gallego and Mayor Stanton

**No:** 6 - Councilman DiCiccio, Councilwoman Pastor,  
Councilwoman Stark, Councilman Valenzuela,  
Councilman Waring and Councilwoman Williams

**95 Amend City Code - Public Hearing and Ordinance Adoption -  
Downtown Code Warehouse Height and Density Text Amendment -  
Z-TA-3-16 (Ordinance G-6286)**

Request to hold a public hearing on a proposed text amendment for the following item and to consider adopting the Downtown, Aviation, Economy and Innovation Subcommittee recommendation along with the related Ordinance.

**Summary**

The intent of this amendment to the Downtown Code is to address the need to allow for greater height and density in the Warehouse Character Area as well as addressing setback/stepback requirements. The request will increase the height designation for the parcels from 35 and 40 feet to 80 feet (140 feet with bonus), and allow for unlimited density from the current 14.5 and 29 dwelling units per acre.

Application: Z-TA-3-16

Request: Downtown Code Warehouse Height and Density Text  
Amendment

Proposal: Amend Chapter 12, Section 1202 (Regulating Maps) to allow for greater height and density in the Warehouse Character Area as well as addressing setback and stepback requirements. The request will increase the height designation for the parcels from 35 and 40 feet to 80 feet (140 feet with bonus), and allow for unlimited density from the current 14.5 and 29 dwelling units per acre.

Applicant: City of Phoenix Planning Commission

Representative: City of Phoenix Planning and Development Department

Staff: Approval

**Concurrence/Previous Council Action**

The Central City Village Planning Committee reviewed this request on Dec. 12, 2016 and recommended approval by a vote of 12-3-1 (One member declared a conflict). The Planning Commission heard this case on Jan. 5, 2017 and recommended approval as recommended by the Central City Village Planning Committee. The Downtown, Aviation,

Economy and Innovation Subcommittee heard this request on Feb. 22, 2017 and recommended approval by a vote of 4-0.

**Location**

District 7

**Discussion**

Planning and Development Director Alan Stephenson introduced the item.

Mayor Stanton opened the hearing for the item.

James Deibler stated that the rezoning would benefit the community by bringing new businesses into the area.

Mayor Stanton closed the public hearing, noting there were no other speakers.

**The hearing was held and a motion was made by Councilman Nowakowski, seconded by Councilwoman Williams, that this item be adopted per Planning Commission recommendation. The motion carried by the following vote:**

**Yes:** 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

**96 Amend City Code - Public Hearing and Ordinance Adoption - Expansion of Downtown Code Van Buren Character Text Amendment - Z-TA-9-16 (Ordinance G-6287)**

Request to hold a public hearing on a proposed text amendment for the following item and to consider adopting the Downtown, Aviation, Economy and Innovation Subcommittee recommendation along with the related Ordinance.

**Summary**

The intent of this amendment is to address the need to expand the Van Buren Character Area of the Downtown Code and allowing historically designated structures to retain the historically established setbacks. The text amendment proposes revisions to the regulating maps within the Downtown Code for height, density, street designation and buffer alley

designations for inclusion of the property located at the southwest corner of 9th Avenue and Woodland Avenue. The revisions to the Downtown Code allow for preservation and adaptive reuse of a historic building, and supports the goals of the city's historic preservation plan (Preserve Historic Phoenix).

Application: Z-TA-9-16

Request: Expansion of Downtown Code Van Buren Character Area Text Amendment

Proposal: Amend Section 1202 (Regulating Maps) of the Phoenix Zoning Ordinance to replace the Downtown Code maps to expand the boundary of the downtown to include a property located at the southwest corner of 9th Avenue and Woodland Avenue. Amend Section 1207 General Standards and Guidelines to address conformity of structures with Historic Preservation designation. Amend Section 1221.G (Van Buren) of the Phoenix Zoning Ordinance to streetscape standards for Woodland Avenue.

Applicant: City of Phoenix Planning Commission

Representative: City of Phoenix Planning and Development Department

Staff: Approval

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

The Central City Village Planning Committee reviewed this request on Nov. 14, 2016 and recommended approval with a modification by a vote of 14-0. The Planning Commission heard this case on Jan. 5, 2017 and recommended approval per the staff Addendum A dated Dec. 27, 2016 by an 8-0 vote. The Downtown, Aviation, Economy and Innovation Subcommittee heard this request on Feb. 22, 2017 and recommended approval by a vote of 4-0.

### **Location**

Southwest corner of 9th Avenue and Woodland Avenue

### **Discussion**

Items 96 and 97 were heard together but voted on separately.

Planning and Development Director Alan Stephenson introduced items 96 and 97.

Mayor Stanton opened the hearing for items 96 and 97.

Taylor Earl represented the property owner and provided a presentation on items 96 and 97.

Note: Councilman DiCiccio left the voting body and joined telephonically telephonically

Councilman Waring clarified that this was a zoning change for a single property, to which Mr. Earl responded yes, it was expanding the downtown general assembly use to this property.

Duane Reichert opposed the items because of concerns with how the applicants made their money. He also stated that establishments selling alcohol would not be beneficial to the surrounding community.

James Deibler stated the City did a great job preserving this building. He supported the project and the conversion of the church to an arts center to bring people to downtown Phoenix.

Mayor Stanton closed the public hearing, noting there were no other speakers.

A motion was made by Councilman Nowakowski, seconded by Vice Mayor Gallego, that Item 96 be adopted per Planning Commission recommendation.

Councilman Nowakowski explained his support of the item to revitalize and keep historic buildings downtown, on West Van Buren.

Councilwoman Williams had a question regarding a stipulation for the property. Planning and Development Director Alan Stephenson explained the stipulation was a requirement of the current property owner to notify future owners that the property was in a flyover area, to avoid future complaints. Councilman Williams then stated she believed it was a great project to save the church and supported its preservation.

**The hearing was held and a motion was made by Councilman Nowakowski, seconded by Vice Mayor Gallego, that this item be**

**adopted per Planning Commission recommendation. The motion carried by the following vote:**

**Yes:** 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

**97 Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-68-16-7 - Southwest Corner of 9th Avenue and Woodland Avenue (Ordinance G-6288)**

**Summary**

Request for a public hearing to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-68-16-7 for the DTC - Van Buren (Downtown Code - Van Buren Character Area District) zoning district located at the southwest corner of 9th Avenue and Woodland Avenue.

**Location**

Southwest corner of 9th Avenue and Woodland Avenue.

Council District: 7

**Discussion**

Items 96 and 97 were heard together but voted on separately. See item 96 for the discussion.

**The hearing was held and a motion was made by Councilman Nowakowski, seconded by Councilwoman Williams, that this item be adopted per Planning Commission recommendation. The motion carried by the following vote:**

**Yes:** 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

**98 Amend City Code - Public Hearing and Ordinance Adoption - Self-Service Storage Warehouse Text Amendment - Z-TA-6-16 (Ordinance G-6289)**

Request to hold a public hearing on a proposed text amendment for the

following item and to consider adopting the Downtown, Aviation, Economy and Innovation Subcommittee recommendation along with the related Ordinance.

Application: Z-TA-6-16

Request: Self-Service Storage Text Amendment

Proposal: Amend Chapter 6 (Special Permitted Uses), Section 647.A.2.i (Self-Service Storage Warehouse) of the Phoenix Zoning regarding maximum building height regulations and the requirement for a staff person on the premise at all times.

Applicant: City of Phoenix Planning Commission

Representative: Planning and Development Department

Staff: Approval

### **Summary**

The intent of this text amendment is to remove the requirement for a staff person to remain on the self-storage warehouse premises at all times and remove the maximum 24-foot building height limitation in order to be consistent with the maximum building height allowed in the underlying C-2 district (See Attachment A).

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

Fourteen Village Planning Committees (VPC) have heard this request and one VPC chose not to hear this request. Eleven of the VPCs approved the amendment as proposed by staff and three approved with modifications. The Planning Commission heard this case on Jan. 5, 2017 and recommended approval per the staff recommendation. The Downtown, Aviation, Economy and Innovation Subcommittee heard this request on Feb. 22, 2017 and recommended approval by a 4-0 vote.

### **Discussion**

Planning and Development Director Alan Stephenson introduced the item.

Mayor Stanton opened the hearing for the item.

Mayor Stanton closed the public hearing, noting there were no speakers.

**The hearing was held and a motion was made by Vice Mayor Gallego,**

seconded by Councilwoman Stark, that this item be adopted per Planning Commission recommendation. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Pastor, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Vice Mayor Gallego and Mayor Stanton

**REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS**

None.

**CITIZEN COMMENTS**

There were no additional speakers for citizen comment.

**ADJOURN**

There being no further business to come before the Council, Mayor Stanton declared the meeting adjourned at 4:20 pm.



MAYOR

ATTEST:



CITY CLERK

LWS

**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 March, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of September, 2017.

  
CITY CLERK

