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Wednesday, March 22, 2023

2:30 PM

phoenix.gov

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\*\*\*REVISED March 21, 2023\*\*\*

Item Requested to be Continued: 67

### OPTIONS TO ACCESS THIS MEETING

#### *Virtual Request to speak at a meeting:*

- **Register online** by visiting the City Council Meetings page on phoenix.gov at least 2 hours prior to the start of this meeting. Then, click on this link at the time of the meeting and join the Webex to speak: <https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=ee8e10c99885cbd5a6e74d55d620ddfa6>

- **Register via telephone** at 602-262-6001 at least 2 hours prior to the start of this meeting, noting the item number. Then, use the Call-in phone number and Meeting ID listed below at the time of the meeting to call-in and speak.

#### **In-Person Requests to speak at a meeting:**

- Register in person at a kiosk located at the City Council Chambers, 200 W. Jefferson St., Phoenix, Arizona, 85003. Arrive 1 hour prior to the start of this meeting. Depending on seating availability, residents will attend and speak from the Upper Chambers, Lower Chambers or City Hall location.

- Individuals should arrive early, 1 hour prior to the start of the meeting to submit an in-person request to speak before the item is called. After the item is called, requests to speak for that item will not be accepted.

#### **At the time of the meeting:**

- **Watch** the meeting live streamed on phoenix.gov or Phoenix Channel 11 on Cox Cable, or using the Webex link provided above.

- **Call-in** to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 2554 999 8983# (for English) or 2555 976 4815# (for Spanish). Press # again when prompted for attendee ID.

- **Watch** the meeting in-person from the Upper Chambers, Lower Chambers or City Hall depending on seating availability.

**Para nuestros residentes de habla hispana:**

- **Para registrarse para hablar en español**, llame al 602-262-6001 **al menos 2 horas antes del inicio de esta reunión** e indique el número del tema. El día de la reunión, llame al 602-666-0783 e ingrese el número de identificación de la reunión 2555 976 4815#. El intérprete le indicará cuando sea su turno de hablar.

- **Para solamente escuchar la reunión en español**, llame a este mismo número el día de la reunión (602-666-0783; ingrese el número de identificación de la reunión 2555 976 4815#). Se proporciona interpretación simultánea para nuestros residentes durante todas las reuniones.

- **Para asistir a la reunión en persona**, vaya a las Cámaras del Concejo Municipal de Phoenix ubicadas en 200 W. Jefferson Street, Phoenix, AZ 85003. Llegue 1 hora antes del comienzo de la reunión. Si desea hablar, regístrese electrónicamente en uno de los quioscos, antes de que comience el tema. Una vez que se comience a discutir el tema, no se aceptarán nuevas solicitudes para hablar. Dependiendo de cuantos asientos haya disponibles, usted podría ser sentado en la parte superior de las cámaras, en el piso de abajo de las cámaras, o en el edificio municipal.

**CALL TO ORDER AND ROLL CALL****LIQUOR LICENSES, BINGO, AND OFF-TRACK BETTING LICENSE APPLICATIONS**

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2	Liquor License - Special Event - Swift Youth Foundation	District 2 - Page 15
3	Liquor License - Babbo Italian Eatery	District 2 - Page 16
4	Liquor License - Special Event - Phoenix Harley Owners Group Charities, Inc.	District 3 - Page 18
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7	Liquor License - Special Event - Kiwanis Club of Ahwatukee Foundation, Inc.	District 6 - Page 29
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15	Liquor License - Phoenix Rising FC	District 8 - Page 50

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52	<b>Donation from Phoenix Police Foundation for Phoenix Police Cadet Program (Ordinance S-49512)</b>	Citywide - Page 120
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| 65  | <b>Deer Valley Water Treatment Plant Rehabilitation 2019 -<br/>Engineering Services Amendment - WS85260030<br/>(Ordinance S-49499)</b>  | District 1 - Page 144 |
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| 76 | <b>Final Plat - A Replat of Lot 5, Columbia Plaza - PLAT 220008 - West of 99th Avenue and South of Camelback Road</b>                       | District 5 - Page 163 |
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| 86 | <b>Abandonment of Easements - ABND 220014 - Southwest Corner of 101st Avenue and Montebello Avenue (Resolution 22106)</b>  | District 5 - Page 173 |
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| 89 | <b>Modification of Stipulation Request for Ratification of Feb. 15, 2023, Planning Hearing Officer Action - PHO-1-22--Z-174-05-2 - Northeast Corner of Tatum Boulevard and Deer Valley Drive</b>       | District 2 - Page 176 |
| 90 | <b>Amend City Code - Official Supplementary Zoning Map 1241 (Ordinance G-7087)</b>   | District 7 - Page 181 |
| 91 | <b>Amend City Code - Official Supplementary Zoning Map 1242 (Ordinance G-7088)</b>   | District 7 - Page 185 |
| 92 | <b>(CONTINUED FROM OCT. 12 AND DEC. 7, 2022 AND FEB. 15, 2023) - Public Hearing - Appeal of Hearing Officer Decision - Abandonment of Right-of-Way - ABND 220011 - 4640 East Camelback Heights Way</b> | District 6 - Page 189 |

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

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|----|--|---|
| 93 | <b>Mobile Home Park Displacement Options</b> | District 4 - Page 246<br>District 5<br>District 8 |
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**000 CITIZEN COMMENTS****ADJOURN**



## **Liquor License - Caliente Mexican Grill**

Request for a liquor license. Arizona State License Application 229316.

### **Summary**

#### Applicant

Olivia Diaz, Agent

#### License Type

Series 12 - Restaurant

#### Location

1855 W. Deer Valley Road, Ste. 107

Zoning Classification: A-1 DVAO

Council District: 1

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

The 60-day limit for processing this application is March 27, 2023.

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

#### Other Active Liquor License Interest in Arizona

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

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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.

Caliente Mexican Grill (Series 12)

15600 N. Hayden Road, #100, Scottsdale

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

Liquor license violations: In March 2021, a fine of \$250.00 was paid for allowing alcohol to be removed from the premises.

#### 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 a clean record with no prior violations, and I am managerially certified to look over the day to day operations of the business. As I currently own a business that serves alcohol, I can confidently say I know what it takes to maintain a secure environment."

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

"We have many local customers from neighboring offices that have requested we sever liquor after a long day of work. Doing so will not only please our customers but also increase the city's economy."

#### 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 - Caliente Mexican Grill

Liquor License Map - Caliente Mexican Grill

#### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

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# Liquor License Data: CALIENTE MEXICAN GRILL

## Liquor License

Description	Series	1 Mile	1/2 Mile
Producer	1	1	1
Microbrewery	3	3	2
Bar	6	2	2
Liquor Store	9	1	1
Beer and Wine Store	10	3	0
Restaurant	12	6	1
Craft Distiller	18	1	1

## Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	57.62	46.01	39.17
Violent Crimes	11.03	5.46	3.29

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

## Property Violation Data

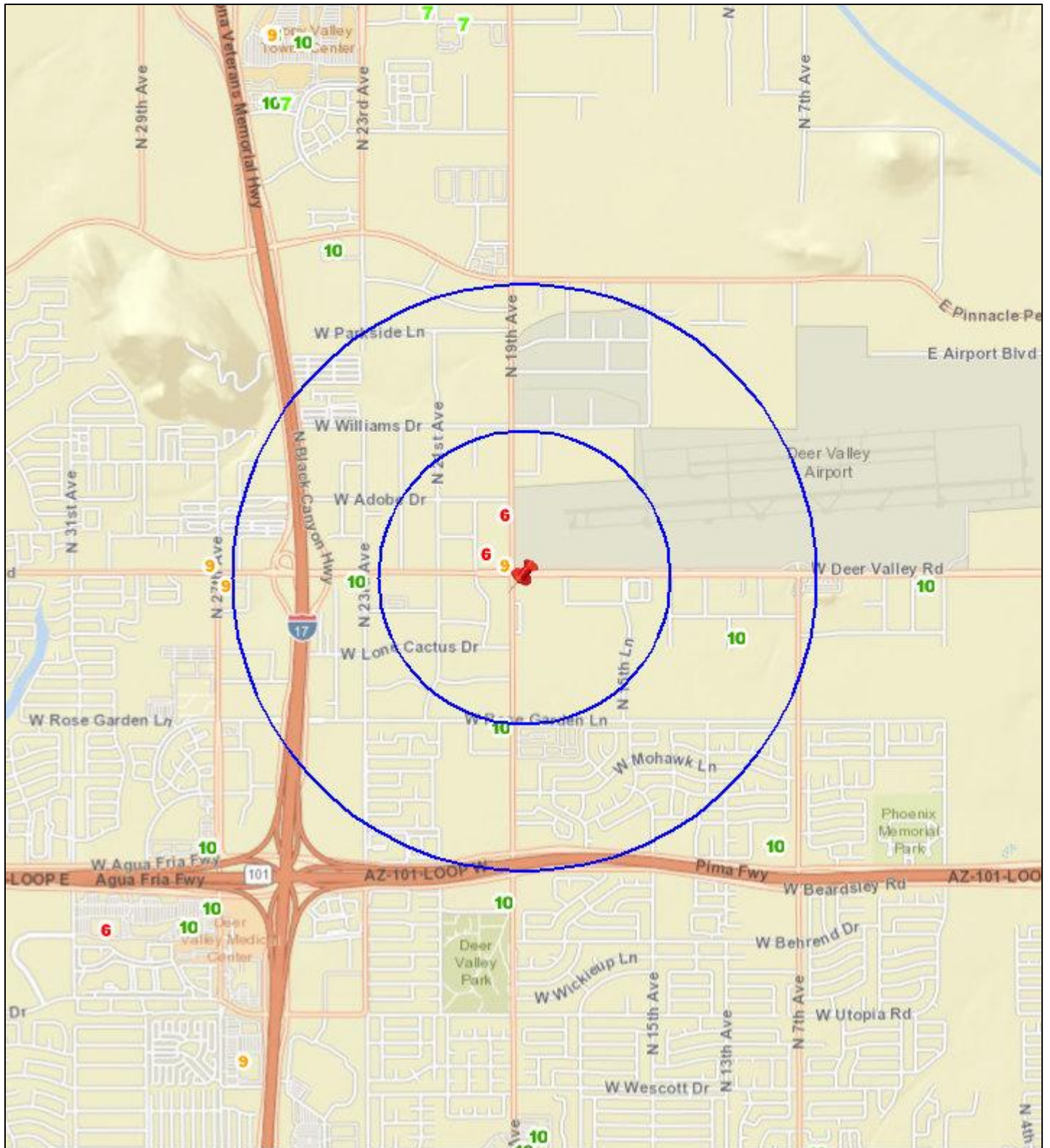
Description	Average	1/2 Mile Average
Parcels w/Violations	51	4
Total Violations	90	6

## Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
6147001	287	86 %	29 %	31 %
6147002	1049	17 %	20 %	26 %
6148001	1328	27 %	17 %	21 %
Average		61 %	13 %	19 %

# Liquor License Map: CALIENTE MEXICAN GRILL

1855 W DEER VALLEY RD



Date: 3/6/2023



0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department



## **Liquor License - Special Event - Swift Youth Foundation**

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

### **Summary**

#### Applicant

Kristi Mielke

#### Location

22500 N. Aviano Way  
Council District: 2

#### Function

Dinner

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

April 15, 2023 - 5 p.m. to 10 p.m. / 150 attendees

#### Staff Recommendation

Staff recommends approval of this application.

### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## **Liquor License - Babbo Italian Eatery**

Request for a liquor license. Arizona State License Application 12077066.

### **Summary**

#### Applicant

Charlotte Pollack, Agent

#### License Type

Series 12 - Restaurant

#### Location

29455 N. Cave Creek Road, Ste. 132, 134 and 136

Zoning Classification: C-2 PCD

Council District: 2

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

The 60-day limit for processing this application is March 31, 2023.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "I have been actively involved with Babbo Italian Eatery as an employee and owner since founded 20 years ago. I have acquired and hold all the proper and required training as a licensee as well as employ a long term qualified and trained staff who also uphold all rules and regulations. I fully understand and will uphold the great responsibility of being the license holder. Since our conception we have delivered quality products and services while being an active community member and will continue to do so."

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.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



**Liquor License - Special Event - Phoenix Harley Owners Group Charities, Inc.**

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

**Summary**

Applicant

Frank Stubbs III

Location

13850 N. Cave Creek Road  
Council District: 3

Function

Community Event

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

April 1, 2023 - 11 a.m. to 7:30 p.m. / 4,000 attendees

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## **Liquor License - Tacos Xolo**

Request for a liquor license. Arizona State License Application 229111.

### **Summary**

#### Applicant

Theresa Morse, Agent

#### License Type

Series 12 - Restaurant

#### Location

13216 N. 7th St., Ste. 4  
Zoning Classification: PSC  
Council District: 3

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

The 60-day limit for processing this application is March 27, 2023.

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

#### Other Active Liquor License Interest in Arizona

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

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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 worked in the liquor industry bartending for approximately 9 years. I have attended both Basic and Management Liquor Law training to identify underage and obviously intoxicated customers. This restaurant is a full service restaurant and the alcohol will be served to compliment my food service."

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

"This location was previously selling alcohol as a convenience to the public. There will be no food or alcohol service on the patio until a Use Permit is issued. The sale of alcohol is for on premises only (no package to go)."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Tacos Xolo

Liquor License Map - Tacos Xolo

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## Liquor License Data: TACOS XOLO

### Liquor License

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

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	58.23	23.16	57.64
Violent Crimes	11.14	1.96	5.73

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within ½ mile radius

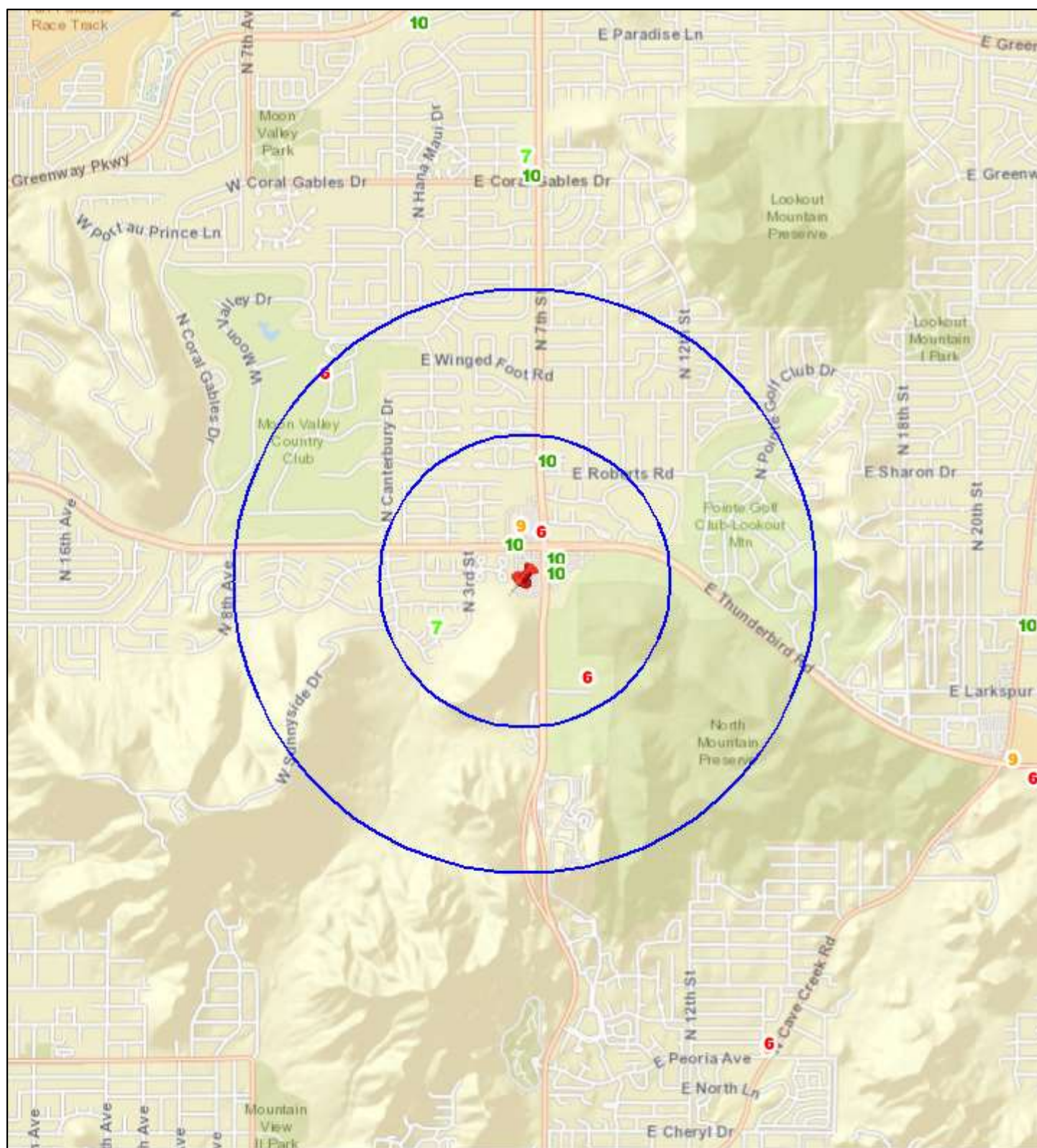
### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	51	20
Total Violations	90	27

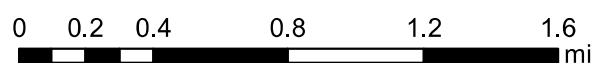
**Census 2010 Data 1/2 Mile Radius**

<b>BlockGroup</b>	<b>2010 Population</b>	<b>Owner Occupied</b>	<b>Residential Vacancy</b>	<b>Persons in Poverty</b>
1036052	2124	92	0	3
1036053	797	92	20	1
1036113	2247	95	0	1
1036142	1037	91	4	2
1036151	906	52	16	12
1037012	1871	58	17	5
1037023	1050	23	4	11
Average	0	61	13	19

13216 N 7TH ST



Date: 3/2/2023





## **Liquor License - Cerritos Mexican Food**

Request for a liquor license. Arizona State License Application 228387.

### **Summary**

#### Applicant

Theresa Morse, Agent

#### License Type

Series 12 - Restaurant

#### Location

2560 W. Indian School Road

Zoning Classification: C-2

Council District: 4

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

The 60-day limit for processing this application is March 31, 2023.

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

#### Other Active Liquor License Interest in Arizona

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

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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 open as a restaurant for several years and decided to add alcohol to complement my food menu. My son is my manager on site and we will both attend liquor law training to ensure we understand the laws and be able to identify underage and obviously intoxicated customers which we will refuse alcohol service to. My son, who is the manager has experienced bartending.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
“This is a restaurant that serves the local community. The alcoholic beverages are only available to complement my food. I have been operating my restaurant for several years without a liquor license. Many customers have asked if I could sell them a beer with their meal. The liquor license will only be a convenience to my customers. There will not be any package alcohol sales to go.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Cerritos Mexican Food

Liquor License Map - Cerritos Mexican Food

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

## Liquor License Data: CERRITOS MEXICAN FOOD

### Liquor License

Description	Series	1 Mile	1/2 Mile
Wholesaler	4	1	1
Bar	6	6	0
Liquor Store	9	4	1
Beer and Wine Store	10	19	7
Restaurant	12	9	1

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	57.62	215.73	268.25
Violent Crimes	11.03	73.40	121.76

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

### Property Violation Data

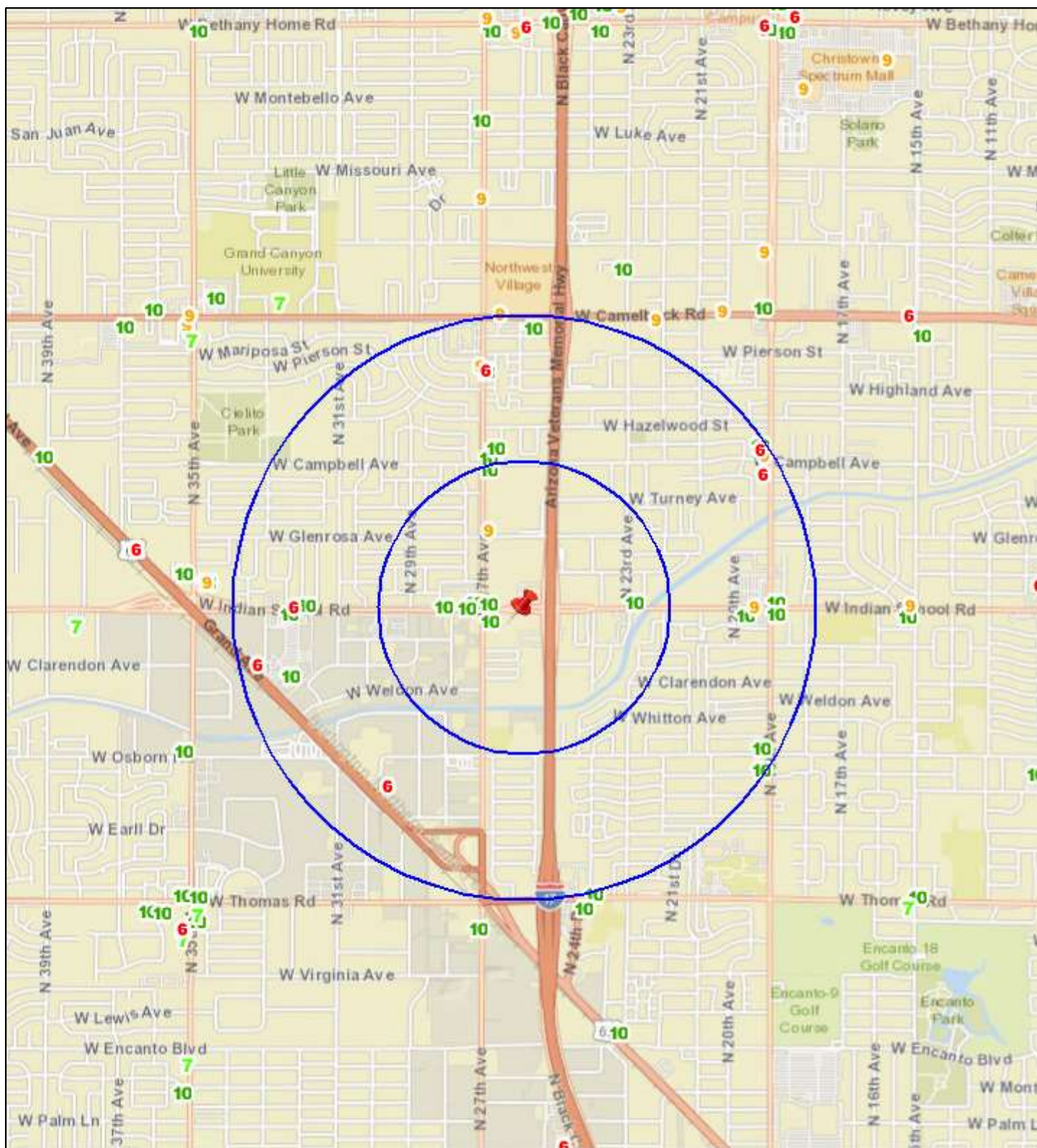
Description	Average	1/2 Mile Average
Parcels w/Violations	51	111
Total Violations	90	217

## Census 2010 Data 1/2 Mile Radius

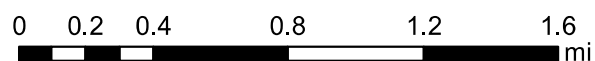
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1090011	1552	19 %	22 %	42 %
1090012	3369	0 %	11 %	59 %
1090031	2380	23 %	26 %	52 %
1090032	1204	16 %	30 %	56 %
1090033	1600	22 %	13 %	68 %
1090034	583	5 %	26 %	49 %
1091022	2966	78 %	14 %	50 %
1169001	2535	66 %	12 %	50 %
1170001	2247	42 %	14 %	25 %
1170002	1845	32 %	9 %	34 %
Average		61 %	13 %	19 %



2560 W INDIAN SCHOOL RD



Date: 2/24/2023







**Liquor License - Special Event - Kiwanis Club of Ahwatukee Foundation, Inc.**

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

**Summary**

Applicant

Andrea Pettyjohn

Location

4700 E. Warner Road  
Council District: 6

Function

Community Event

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

April 22, 2023 - 9 a.m. to 4 p.m. / 100 attendees

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



Report

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Agenda Date: 3/22/2023, Item No. 8

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**Liquor License - Special Event - Madison Camelview Parent Teacher Organization, Inc. (PTO)**

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

**Summary**

Applicant

Julie Dougherty

Location

5601 N. 16th St.

Council District: 6

Function

Concert

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

April 16, 2023 - 6 p.m. to 10 p.m. / 904 attendees

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



**Liquor License - Special Event - Madison Camelview Parent Teacher Organization, Inc. (PTO)**

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

**Summary**

Applicant

Julie Dougherty

Location

5601 N. 16th St.

Council District: 6

Function

Concert

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

May 5, 2023 - 6 p.m. to 10 p.m. / 904 attendees

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## **Liquor License - Babbo Italian Eatery**

Request for a liquor license. Arizona State License Application 12077988.

### **Summary**

#### Applicant

Charlotte Pollack, Agent

#### License Type

Series 12 - Restaurant

#### Location

6855 N. 16th St.

Zoning Classification: C-2

Council District: 6

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

The 60-day limit for processing this application is March 31, 2023.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "I have been actively involved with Babbo Italian Eatery as an employee and owner since founded 20 years ago. I have acquired and hold all the proper and required training as a licensee as well as employ a long term qualified and trained staff who also uphold all rules and regulations. I fully understand and will uphold the great responsibility of being the license holder. Since our conception we have delivered quality products and services while being an active community member and will continue to do so."

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## **Liquor License - AC Hotel Biltmore**

Request for a liquor license. Arizona State License Application 229163.

### **Summary**

#### Applicant

Lauren Merrett, Agent

#### License Type

Series 11 - Hotel/Motel

#### Location

2811 E. Camelback Road  
Zoning Classification: PUD  
Council District: 6

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

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

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

#### Other Active Liquor License Interest in Arizona

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

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Public Opinion

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

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:  
"The owners meet all requirements in Title 4 and have other licenses in AZ along with other states."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
"This location has had a liquor license and continuation of services is expected by existing and future customers."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - AC Hotel Biltmore

Liquor License Map - AC Hotel Biltmore

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

# Liquor License Data: AC HOTEL BILTMORE

## Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	6	3
Beer and Wine Bar	7	2	0
Liquor Store	9	2	1
Beer and Wine Store	10	5	0
Hotel	11	3	2
Restaurant	12	42	20

## Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	58.75	22.45	1.59
Violent Crimes	11.25	2.54	0.42

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

## Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	51	14
Total Violations	90	18

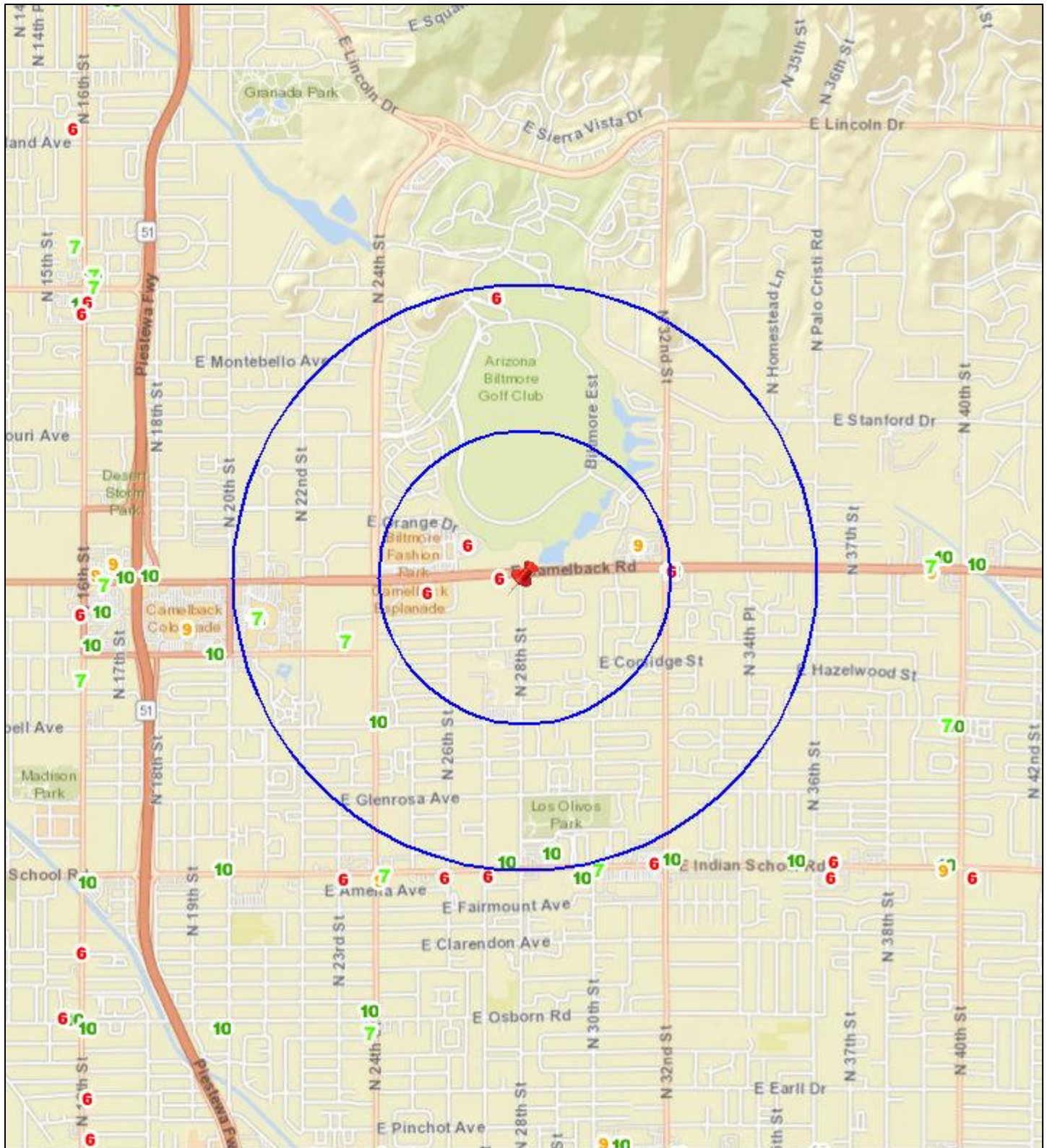


## Census 2010 Data 1/2 Mile Radius

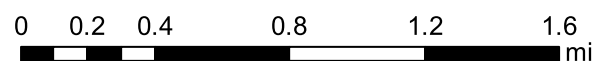
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1078002	1477	63	28	5
1083011	1100	89	14	0
1083012	1221	72	5	1
1084002	673	72	16	3
1084004	1641	65	7	19
1084005	422	16	37	13
Average	0	61	13	19

# Liquor License Map: AC HOTEL BILTMORE

2811 E CAMELBACK RD



Date: 3/6/2023





## **Liquor License - Wing Kings**

Request for a liquor license. Arizona State License Application 229651.

### **Summary**

#### Applicant

Roberto Ramos, Agent

#### License Type

Series 12 - Restaurant

#### Location

2836 E. Indian School Road, Ste. A-1

Zoning Classification: C-1

Council District: 6

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow alcohol sales. This business is currently being remodeled with plans to open in May 2023.

The 60-day limit for processing this application is April 1, 2023.

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

#### Other Active Liquor License Interest in Arizona

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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 successfully operated a bar in City of Phoenix. I have taken the manager and basic liquor trainings. I am going ensure that our business follows all liquor laws. I have a clean record and my goal is to have a good restaurant in the City of Phoenix."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
"We want to bring value to this neighborhood and community. We will be focused in training our staff to maintain a clean and good operation of all liquor. Our goal is to bring the best restaurant in Phoenix. This is going to be a neighborhood restaurant for a good aubience for families."

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 - Wing Kings  
Liquor License Map - Wing Kings

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

## Liquor License Data: WING KINGS

### Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	0
Bar	6	7	3
Beer and Wine Bar	7	3	1
Liquor Store	9	2	0
Beer and Wine Store	10	8	4
Hotel	11	1	0
Restaurant	12	26	13

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	57.62	112.50	159.66
Violent Crimes	11.03	17.54	26.64

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

### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	51	24
Total Violations	90	43

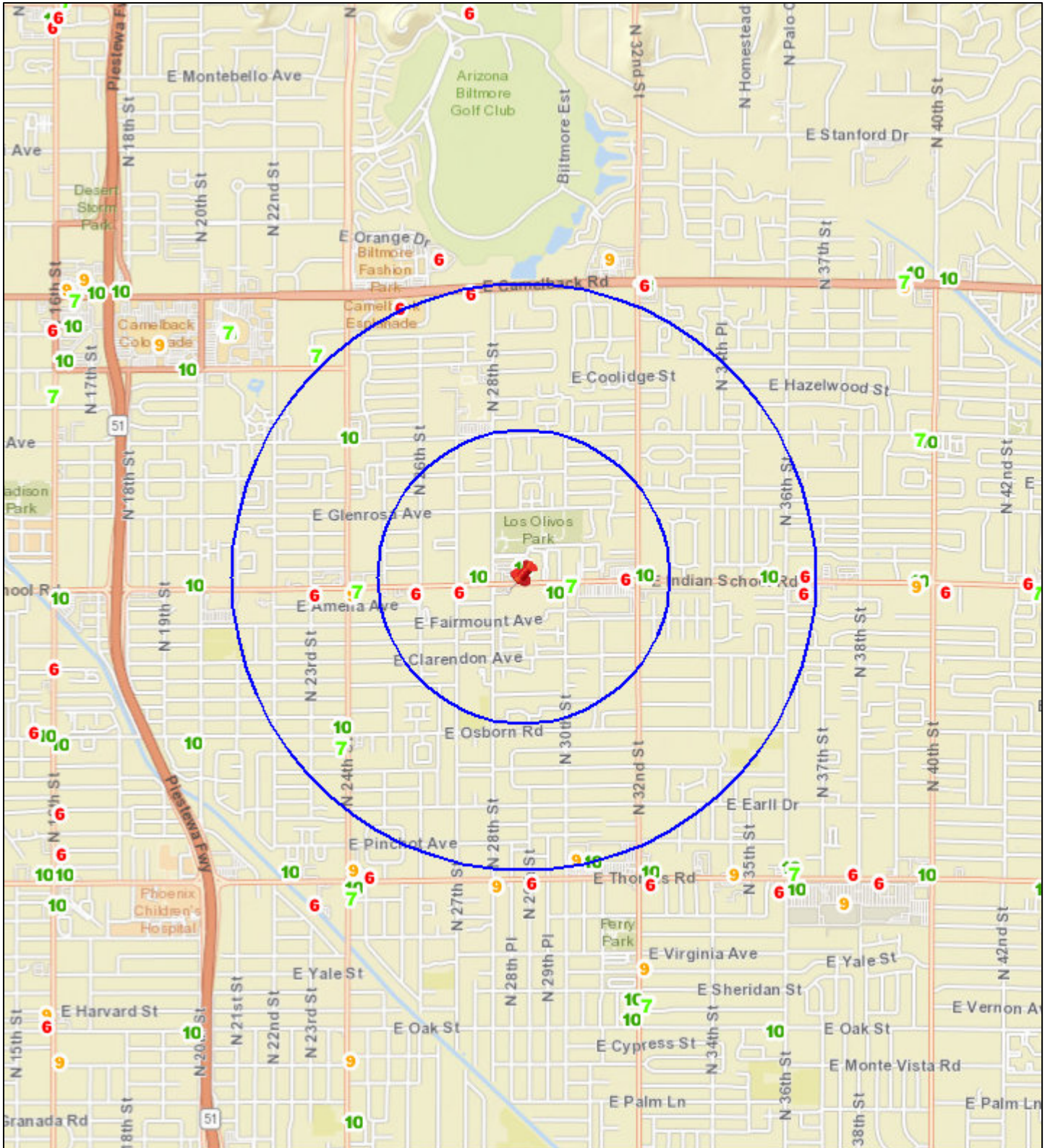
## Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1083021	1229	70 %	16 %	3 %
1084001	718	2 %	38 %	46 %
1084002	673	72 %	16 %	3 %
1084003	1071	34 %	8 %	40 %
1084004	1641	65 %	7 %	19 %
1084005	422	16 %	37 %	13 %
1108011	1736	56 %	27 %	40 %
1108012	1115	19 %	30 %	33 %
1108013	1077	47 %	26 %	14 %
1109011	665	96 %	10 %	13 %
Average		61 %	13 %	19 %

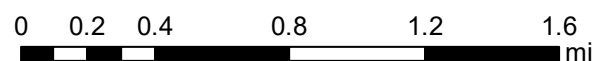


# Liquor License Map: WING KINGS

2836 E INDIAN SCHOOL RD



Date: 3/1/2023



City Clerk Department



## **Liquor License - Passport Destilados**

Request for a liquor license. Arizona State License Application 223871.

### **Summary**

#### Applicant

Jimmie Munoz, Agent

#### License Type

Series 4 - Wholesaler

#### Location

6645 S. Central Ave.

Zoning Classification: C-2 BAOD

Council District: 7

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

The 60-day limit for processing this application is March 26, 2023.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

Seven letters supporting the issuance of this license have been received and are on file in the Office of the City Clerk. The letters are from local residents. They feel that the applicant will be a responsible business owner, has supported the community and local residents for years, and will help grow economic opportunities for small



businesses in the area.

**Applicant's Statement**

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

I have the capability, reliability and qualifications to hold a liquor license because:  
“I have been a public servant in the community and fulfilled my duties with satisfaction, and I have earned a Masters Degree in Global Business Management from Thunderbird School of Global Management.”

**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.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## **Liquor License - Circle K Store #9556**

Request for a liquor license. Arizona State License Application 228138.

### **Summary**

#### Applicant

Maria Burgess, Agent

#### License Type

Series 9 - Liquor Store

#### Location

5150 W. Lower Buckeye Road

Zoning Classification: A-1

Council District: 7

This request is for a new liquor license for a convenience store that sells gas. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in October 2023.

The 60-day limit for processing this application is March 31, 2023.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

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

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

#### Staff Recommendation

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

#### Attachments

Liquor License Data - Circle K Store #9556

Liquor License Map - Circle K Store #9556

#### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

## Liquor License Data: CIRCLE K STORE #9556

### Liquor License

Description	Series	1 Mile	1/2 Mile
Wholesaler	4	1	0
Beer and Wine Store	10	4	2

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	57.62	24.30	38.64
Violent Crimes	11.03	2.70	2.86

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

### Property Violation Data

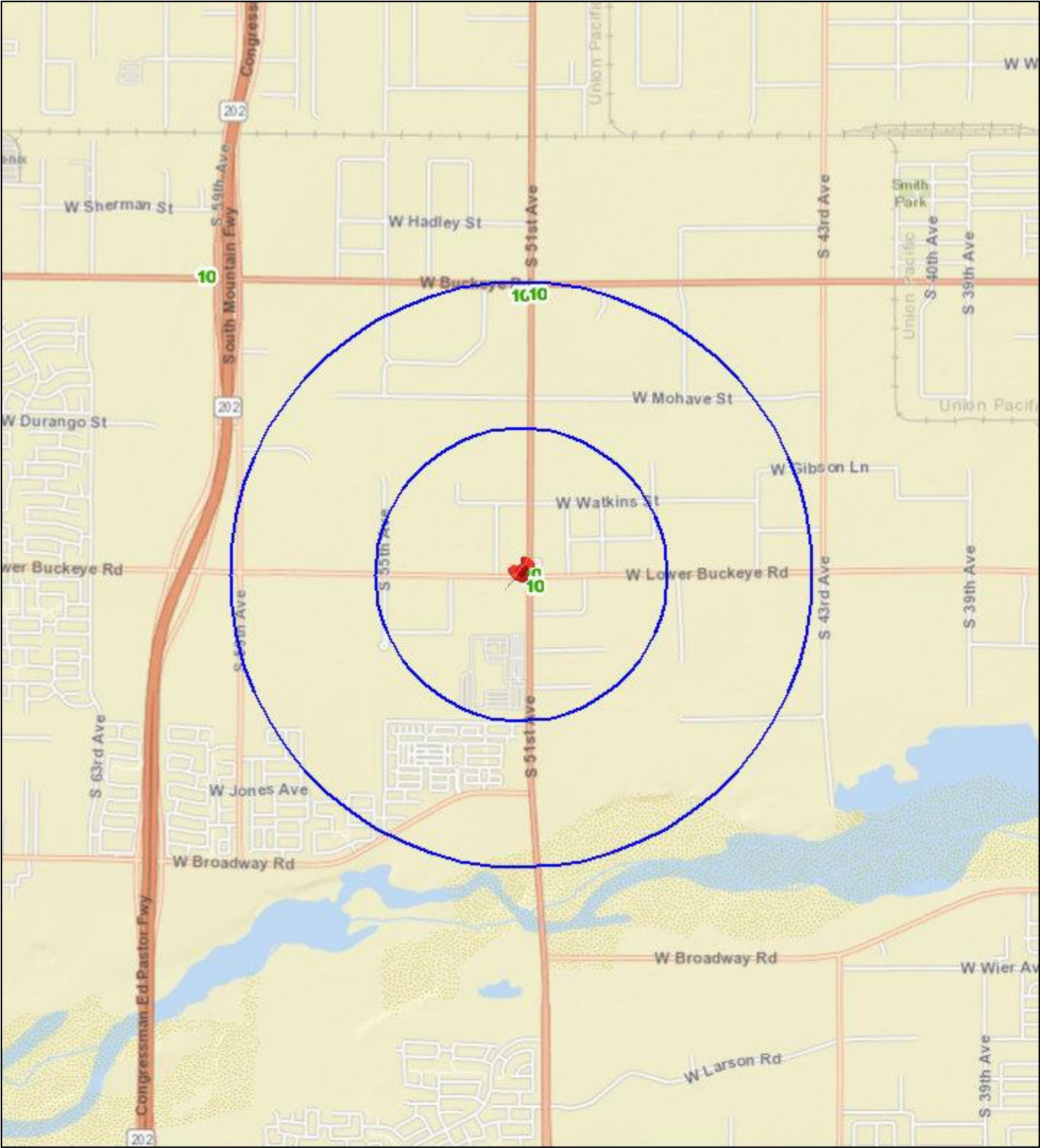
Description	Average	1/2 Mile Average
Parcels w/Violations	51	2
Total Violations	89	9

### Census 2010 Data 1/2 Mile Radius

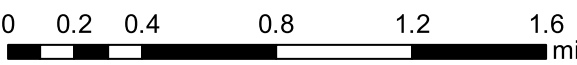
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1125132	0	0 %	0 %	0 %
1125142	1556	51 %	10 %	7 %
Average		61 %	13 %	19 %

# Liquor License Map: CIRCLE K STORE #9556

150 W LOWER BUCKEYE RD



Date: 3/2/2023





## **Liquor License - Phoenix Rising FC**

Request for a liquor license. Arizona State License Application 06070462.

### **Summary**

#### Applicant

Camila Alarcon, Agent

#### License Type

Series 6 - Bar

#### Location

3801 E. Washington St.

Zoning Classification: A1, A2

Council District: 8

This request is for a location transfer of a liquor license for a bar. The area proposed to be licensed at this address has not been previously licensed and does not have an interim permit.

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

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

Other Active Liquor License Interest in Arizona

This 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:  
"Phoenix Rising FC, LLC has held a liquor license for its soccer matches since 2017. It has not received a liquor license violation since obtaining this license. It is fully committed to upholding the highest standards with all applicable laws. All relevant staff will be fully trained in Title 4."

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

"This application is for a Series 6 liquor license at a soccer stadium that will host the home games for Phoenix Rising. The privilege of selling beer, wine, and distilled spirits is for the convenience of the public and serves the best interest of the community."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Phoenix Rising FC

Liquor License Map - Phoenix Rising FC

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

## Liquor License Data: PHOENIX RISING FC

### Liquor License

Description	Series	1 Mile	1/2 Mile
Microbrewery	3	1	1
Bar	6	4	1
Beer and Wine Bar	7	3	2
Conveyance	8	3	2
Beer and Wine Store	10	8	1
Hotel	11	5	1
Restaurant	12	14	1
Club	14	3	0

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	58.23	98.96	78.98
Violent Crimes	11.14	19.08	18.25

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

### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	51	29
Total Violations	90	50

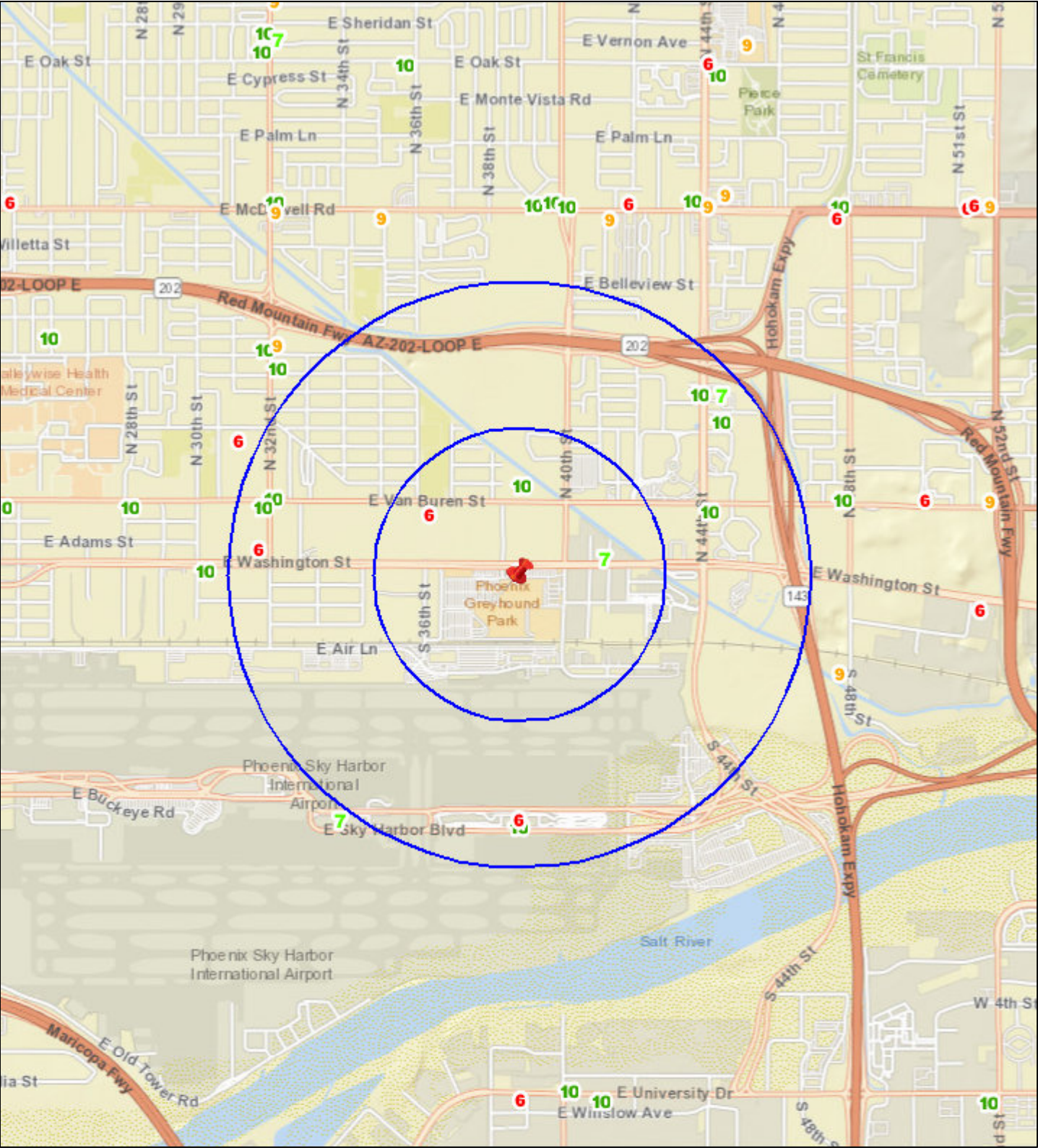


### Census 2010 Data 1/2 Mile Radius

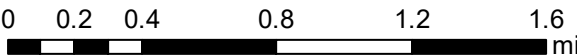
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1136011	1911	16	21	11
1136022	1619	48	14	40
1137002	1578	21	11	59
1138011	1007	13	30	31
1138021	0	0	0	0
Average	0	61	13	19

# Liquor License Map: PHOENIX RISING FC

3801 E WASHINGTON ST



Date: 2/28/2023





**PAYMENT ORDINANCE (Ordinance S-49485) (Items 16-22)**

*Ordinance S-49485 is a request to authorize the City Controller to disburse funds, up to amounts indicated below, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requests 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.*

**16 Doege Development LLC**

For \$447,864.84 in additional payment authority for Contract 154721 Change Order 3 for Phoenix Goodyear Airport Drainage Improvements Federal Aviation Administration (FAA)/Arizona Department of Transportation (ADOT) (AV41000074) project for the Aviation Department. This change order is necessary due to the discovery of unforeseen site conditions during the excavation for pipe. Since the Goodyear Airport facility was originally built before World War II and was owned by several entities, the as-built documentation for underground utilities and other unmarked communications lines were inaccurate. The existing east tie-in point for the 72-inch storm drain line was not per the drawings. A new structure for the tie-in point had to be designed and installed. This project uses Federal Funds. No General Funds are required. This change order will provide additional funds and time to the agreement.

**17 Iron Mountain Secure Shredding, Inc.**

For \$60,000 in payment authority for a new contract, entered on or about Feb. 15, 2023 for a term of six months for secured shredding services, for Citywide departments. Contractor will provide secured shredding services on-site and off-site to safeguard Personal Identifiable Information (PII) by securing and shredding documents containing PII.

**18 Biospace, Inc., dba InBody**

For \$20,000 in payment authority for a new contract, entered on or about March 22, 2023, for the one-time purchase of bioelectrical impedance equipment and service maintenance, repairs or calibration as needed for the Phoenix Fire Department Health and Wellness Center. This equipment will provide the Fire Department with the ability to use bioelectrical impedance to precisely measure body composition and conduct comprehensive medical examinations for Fire staff. Current methods of measuring body composition are outdated and produce inaccurate results across users. This upgrade in technology will allow staff to help guide diet and weight control and track post-injury rehabilitation progress.

**19 Bender Associates, Inc.**

For \$4,000 in additional payment authority and to continue using Ordinance S-44401-0027 for Contract 147224, Maintenance and Repair Services for ID Card Printer for Citywide departments. Upon approval of \$4,000 in additional funds, the revised aggregate value of the contract will not exceed \$99,000. A six-month contract extension is needed through Sept. 30, 2023, to allow the procurement process to be completed. Contractor provides certified and trained technicians to fulfill preventive maintenance on all ID card printers.

**20 Sagebrush Restoration, LLC**

For \$10,752 in payment authority to pay Sagebrush Restoration, LLC for restoration services for the Orpheum Theatre due to water damage from a faulty fire sprinkler for the Public Works Department. Due to the historic nature of the building, preservation was key and Sagebrush Restoration was the only vendor that could be dispatched within the hour.

**21 Settlement of Claim(s) Wilcox v. City of Phoenix**

To make payment of up to \$175,000 in settlement of claim(s) in *Wilcox v. City of Phoenix*, CV2020-007830, 19-0599-001, GL, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a property damage claim involving the Water Department on Dec. 13, 2019.

**22 Settlement of Claim(s) Phoenix Fit Lab v. City of Phoenix**

To make payment of up to \$45,373.30 in settlement of claim(s) in *Phoenix Fit Lab v. City of Phoenix*, 21-0582-001, GL, PD, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a property damage claim arising from a water main break that occurred on Dec. 24, 2021.



## **Canvass of Vote - March 14, 2023 Runoff Election**

Canvass of the vote for the Tuesday, March 14, 2023 Runoff Election for the City Council to canvass the votes and announce and declare the results of the election.

### **Summary**

On Tuesday, March 14, 2023, the City of Phoenix held a Runoff Election for council members in City Council Districts 6 and 8. The Runoff Election for Districts 6 and 8 was conducted because no candidate received a majority of the votes cast in the Nov. 8, 2022 Council Election. The elected District 6 and District 8 Council Members in the Runoff Election will take office for a four-year term beginning April 17, 2023.

### **Citizen Notification**

Voters on the Active Early Voting List (AEVL) received notification of the election from the City of Phoenix in December 2022 and early ballots were mailed approximately 27 days before the election. The City mailed a Sample Ballot Pamphlet in early February, before early ballots were mailed to each household with an eligible registered voter. The Pamphlet contained general information about the election, including the deadline to return early ballots by mail, in-person voting options, and voter identification requirements. The Pamphlet also contained a list of names of the qualified candidates for District 6 and District 8. Election information was available at [phoenix.gov/elections](https://phoenix.gov/elections). Additionally, information was provided through multiple publications, news releases, and the official Phoenix election Twitter account, @PHXClerk. All election information was provided in English and Spanish.

### **Concurrence**

As required by law, the Accuracy Certification Board has certified the results of the election and that the election was conducted according to law.

### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



**Request for City Council to Call to Meet in Executive Session on April 18, 2023**

Request for the City Council to call to meet in Executive Session pursuant to Arizona Revised Statutes, Section 38-431.03.A, on April 18, 2023 at noon in the Central Conference Room, 12th Floor of Phoenix City Hall, 200 W. Washington St., Phoenix, AZ 85003.

**Public Outreach**

The notice and agenda for this meeting will be posted no later than 24 hours before the scheduled meeting.

**Responsible Department**

This item is submitted by City Manager Jeffrey Barton and the Law Department.



## Proposed Dvhawk Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes section 9-471, on the proposed Dvhawk Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

### Summary

The annexation was requested by Clark Diepholz with Hawkeye Development, LLC for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation. Additionally, the annexation is recommended for adoption per the attached Task Force Analysis Report (**Attachment A**).

### Public Outreach

Notification of the public hearing was published in the *Arizona Business Gazette* newspaper, and was posted in at least three conspicuous places in the area proposed to be annexed. Also, notice via first-class mail was sent to each property owner within the proposed annexation area.

### Location

The proposed annexation area includes parcel 210-07-025A, located at 17th Avenue and Alameda Road (**Attachment B**). The annexation area is approximately 2.4 acres (0.0037 sq. mi.) and the population estimate is zero individuals.

Council District: 1

### Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.



## ATTACHMENT A

### CITY COUNCIL REPORT

**TO:** Alan Stephenson  
Deputy City Manager

**FROM:** Joshua Bednarek  
Planning and Development Director

**SUBJECT:** Request for Task Force Analysis: 17th Avenue and Alameda Road

This report recommends the **approval** of the proposed annexation of **2.4** acres located at 17th Avenue and Alameda Road (APN: 210-07-025A).

#### THE REQUEST:

The applicant is requesting to annex approximately 2.40 acres approximately 350 feet east of the northeast corner of the 17th Avenue and the Alameda Road alignments from Maricopa County. The applicant is requesting the annexation with the intention to rezone the site to Commerce Park/General Commerce Park for light industrial/ business park uses.

#### OTHER INFORMATION:

Planning Village:	Deer Valley	
General Plan	Commerce/Business Park	
Designation:		
Current County Zoning	RU-43	
District		
Equivalent Zoning	S-1	
District:		
Proposed Zoning	CP/GCP	
District:		
Current Land Use		
Conditions		
On Site:	Vacant	
To the North:	Maricopa County jurisdiction, zoned RU-43, vacant	
To the South:	City of Phoenix jurisdiction, zoned PUD DVAO, vacant	
To the West:	Maricopa County jurisdiction, RU-43, plant nursery and office	
To the East:	City of Phoenix jurisdiction, zoned CP/GCP DVAO, vacant	
Maricopa County	N	NONE PRESENT
History of Non-Conformities Present?		

## MARICIPA COUNTY ZONING CASE

### HISTORY

None.

### ALTERNATIVES:

- Option A - Annex the land as requested:

The City of Phoenix will control rezoning requests in this area to ensure conformance with the General Plan Land Use Map. The city of Phoenix will capture property tax, utility tax, state shared revenue, and impact fees when applicable.

- Option B - Deny the request for annexation:

If annexed later, this site would have been developed under County zoning and development standards that may not be consistent with the General Plan, Land Use Map, zoning, and development standards.

### RECOMMENDATION:

Located adjacent to City of Phoenix lands, this annexation is supported by the 2015 General Plan, particularly the Land Use goal for land uses and development standards for unincorporated land, under Policies 1 and 2. This annexation is recommended for approval.

Approval of annexation does not constitute recommendation for future rezoning actions.

### SUPPORTING INFORMATION:

#### I. Water and Sewer Service

#### II. Fire Protection

Servicing Station:	Phoenix Fire Station 55 26700 N. 27th Avenue Phoenix, AZ 85085		
Current Response Time:	4	Min.	15 Sec.
City Average Response Time:	5	Min.	0 Sec.
Difference from Typical Response Time:	-1	Min.	15 Sec.
Number of Service Calls Expected:	0		
Average Cost per Service Call:	<u>\$727</u>		

	Estimated Total Annual Fire Service Costs:	<b>\$0</b>
III.	Police Protection	
	Servicing Station:	Black Mountain Precinct 33355 North Cave Creek Road Phoenix AZ, 85331
	Number Of New Officers Required:	0.00
	Number Of New Patrol Cars Required:	<u>0.00</u>
	Estimated Total Annual Police Service Costs:	<b>\$0</b>
IV.	Refuse Collection	
	Number of New Containers Required:	0
	Cost for Refuse Containers, Each:	\$59.90
	Cost for Recycling Containers, Each:	<u>\$59.90</u>
	Total Start-Up Costs for Refuse Collection:	<b>\$0</b>
V.	Street Maintenance	
	Average Cost per Acre For Street Maintenance:	<u>\$131</u>
	Estimated Total Annual Street Maintenance Costs:	<b>\$314</b>
VI.	Public Transit	
	Servicing Routes:	Route 19, approx. 0.5 miles from site 23rd Ave and Farmers Way, northbound and southbound
VII.	Parks and Recreation	
	Neighborhood Park Demand in Acres:	0.00
	Community Park Demand in Acres:	0.00
	District Park Demand in Acres:	0.00

	Total Park Demand in Acres:	0.00
	Cost Per Acre, Annual Maintenance:	<u>\$17,000</u>
	Total Annual Parks and Recreation Costs:	<b>\$0</b>
VIII.	Schools	
	Elementary School District:	Deer Valley Unified
	High School District:	Deer Valley Unified
	Total Expected Elementary School Students:	0
	Total Expected High School Students:	0
	Total Expected New Students:	0
IX.	Revenues	
	Expected Total Impact Fees at Buildout:	\$0
Beginning Next Fiscal Year	Property Tax Income*:	\$304
	Utility Fee Income:	\$0
	State Shared Revenue:	\$0
	Solid Waste:	\$0
	Sales Tax Generated:	<u>\$0</u>
	Total Tax Related Income, Annually**:	<b>\$304</b>
Beginning 2023-2024 Fiscal Year	Property Tax Income*:	\$304
	Utility Fee Income:	\$0
	State Shared Revenue:	\$0
	Solid Waste:	\$0
	Sales Tax Generated:	<u>\$0</u>
	Total Tax Related Income, Annually**:	<b>\$304</b>
X.	Total Costs	
	Revenue, First Year Only:	\$304
	Revenue, Year Two:	\$304

Revenue, 2020 and        \$304  
Beyond:

Expenses, First Year        \$314  
Only:

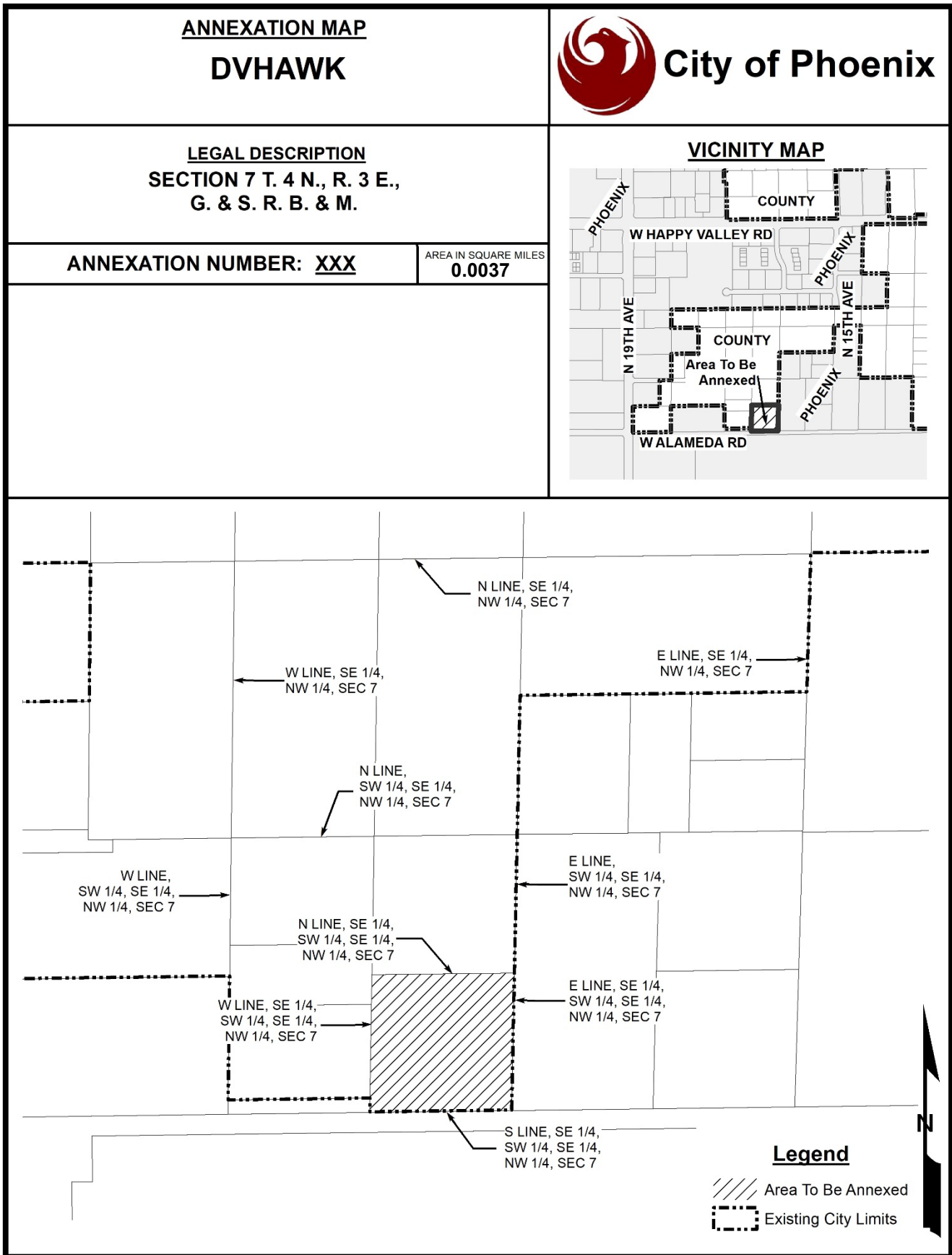
Expenses, Year Two and        \$314  
Beyond:

**Total Annual Revenue,**        -\$10  
**First Year\*\*:**

**Total Annual Revenue,**        -\$10  
**2023 and Beyond\*\*:**

*\*The above referenced **Property Tax Income** numbers are based on vacant parcels only, it does not refer to future development which will vary depending on number of lots and individual square footage.*

*\*\***Total Tax Related Income and Total Annual Revenues** will vary depending on project scope and size, the timing of permit issuance and build-out.*





## Proposed Newcomb Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes section 9-471, on the proposed Newcomb Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

### Summary

The annexation was requested by Clark Diepholz with Hawkeye Development, LLC for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation. Additionally, the annexation is recommended for adoption per the attached Task Force Analysis Report (**Attachment A**).

### Public Outreach

Notification of the public hearing was published in the *Arizona Business Gazette* newspaper, and was posted in at least three conspicuous places in the area proposed to be annexed. Also, notice via first-class mail was sent to each property owner within the proposed annexation area.

### Location

The proposed annexation area includes parcel 210-07-006A and 210-07-032A, located at 19th Avenue and Alameda Road (**Attachment B**). The annexation area is approximately 4.68 acres (0.0073 sq. mi.) and population estimate is zero individuals.

Council District: 1

### Responsible Department

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

## ATTACHMENT A

### CITY COUNCIL REPORT

**TO:** Alan Stephenson  
Deputy City Manager

**FROM:** Joshua Bednarek  
Planning and Development Director

**SUBJECT:** Request for Task Force Analysis: 19th Avenue and Alameda Road

This report recommends the **approval** of the proposed annexation of **4.68** acres located at 19th Avenue and Alameda Road (APN: 210-07-006A, 210-07-032A).

#### THE REQUEST:

The applicant is requesting to annex approximately 4.68 acres at the northeast corner of 19th Avenue and the Alameda Road alignment from Maricopa County. The applicant is requesting the annexation with the intention to rezone the site to Commerce Park/General Commerce Park for light industrial uses.

#### OTHER INFORMATION:

Planning Village:	Deer Valley
General Plan Designation:	Commerce/Business Park
Current County Zoning District	RU-43
Equivalent Zoning District:	S-1
Proposed Zoning District:	CP/GCP
Current Land Use Conditions	
On Site:	Vacant
To the North:	City of Phoenix jurisdiction, zoned A-1 DVAO, industrial uses
To the South:	City of Phoenix jurisdiction, zoned PUD DVAO, vacant
To the West:	City of Phoenix jurisdiction, across 19th Avenue, C-2 DVAP and CP/BP DVAO, multifamily residential and commercial uses
To the East:	City of Phoenix jurisdiction, zoned CP/GCP DVAO, vacant and Maricopa County Jurisdiction, zoned IND-2, industrial uses
Maricopa County History of Non-Conformities Present?	N NONE PRESENT



MARICIPA COUNTY ZONING CASE  
HISTORY

None.

ALTERNATIVES:

- Option A - Annex the land as requested:

The City of Phoenix will control rezoning requests in this area to ensure conformance with the General Plan Land Use Map. The city of Phoenix will capture property tax, utility tax, state shared revenue, and impact fees when applicable.

- Option B - Deny the request for annexation:

If annexed later, this site would have been developed under County zoning and development standards that may not be consistent with the General Plan, Land Use Map, zoning, and development standards.

RECOMMENDATION:

Located adjacent to City of Phoenix lands, this annexation is supported by the 2015 General Plan, particularly the Land Use goal for land uses and development standards for unincorporated land, under Policies 1 and 2. This annexation is recommended for approval.

Approval of annexation does not constitute recommendation for future rezoning actions.

SUPPORTING INFORMATION:

I. Water and Sewer Service

II. Fire Protection

Servicing Station:	Phoenix Fire Station 55 26700 N. 27th Avenue Phoenix, AZ 85085			
Current Response Time:	4	Min.	0	Sec.
City Average Response Time:	5	Min.	0	Sec.
Difference from Typical Response Time:	-1	Min.	0	Sec.
Number of Service Calls Expected:	0			
Average Cost per Service Call:	<u>\$727</u>			

	Estimated Total Annual Fire Service Costs:	<b>\$0</b>
III.	Police Protection	
	Servicing Station:	Black Mountain Precinct 33355 North Cave Creek Road Phoenix AZ, 85331
	Number Of New Officers Required:	0.00
	Number Of New Patrol Cars Required:	<u>0.00</u>
	Estimated Total Annual Police Service Costs:	<b>\$0</b>
IV.	Refuse Collection	
	Number of New Containers Required:	0
	Cost for Refuse Containers, Each:	\$59.90
	Cost for Recycling Containers, Each:	<u>\$59.90</u>
	Total Start-Up Costs for Refuse Collection:	<b>\$0</b>
V.	Street Maintenance	
	Average Cost per Acre For Street Maintenance:	<u>\$131</u>
	Estimated Total Annual Street Maintenance Costs:	<b>\$612</b>
VI.	Public Transit	
	Servicing Routes:	Route 19, approx 0.5 miles from site 23rd Ave and Farmers Way, northbound and southbound
VII.	Parks and Recreation	
	Neighborhood Park Demand in Acres:	0.00
	Community Park Demand in Acres:	0.00

	District Park Demand in Acres:	0.00
	Total Park Demand in Acres:	0.00
	Cost Per Acre, Annual Maintenance:	<u>\$17,000</u>
	Total Annual Parks and Recreation Costs:	<b>\$0</b>
VIII.	Schools	
	Elementary School District:	Deer Valley Unified
	High School District:	Deer Valley Unified
	Total Expected Elementary School Students:	0
	Total Expected High School Students:	0
	Total Expected New Students:	0
IX.	Revenues	
	Expected Total Impact Fees at Buildout:	\$0
Beginning Next Fiscal Year	Property Tax Income*:	\$632
	Utility Fee Income:	\$0
	State Shared Revenue:	\$0
	Solid Waste:	\$0
	Sales Tax Generated:	<u>\$0</u>
	Total Tax Related Income, Annually**:	<b>\$632</b>
Beginning 2023-2024 Fiscal Year	Property Tax Income*:	\$632
	Utility Fee Income:	\$0
	State Shared Revenue:	\$0
	Solid Waste:	\$0
	Sales Tax Generated:	<u>\$0</u>
	Total Tax Related Income, Annually**:	<b>\$632</b>
X.	Total Costs	

Revenue, First Year Only:	\$632
Revenue, Year Two:	\$632
Revenue, 2020 and Beyond:	\$632

Expenses, First Year Only:	\$612
Expenses, Year Two and Beyond:	\$612

<b>Total Annual Revenue, First Year**:</b>	\$20
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<b>Total Annual Revenue, 2023 and Beyond**:</b>	\$20
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*\*The above referenced **Property Tax Income** numbers are based on vacant parcels only, it does not refer to future development which will vary depending on number of lots and individual square footage.*

*\*\***Total Tax Related Income** and **Total Annual Revenues** will vary depending on project scope and size, the timing of permit issuance and build-out.*

## ATTACHMENT B

# ANNEXATION MAP

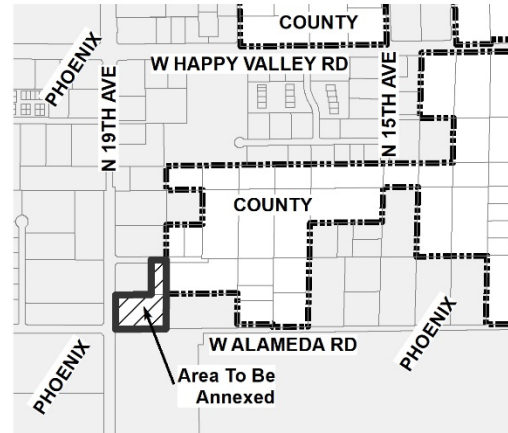
## NEWCOMB



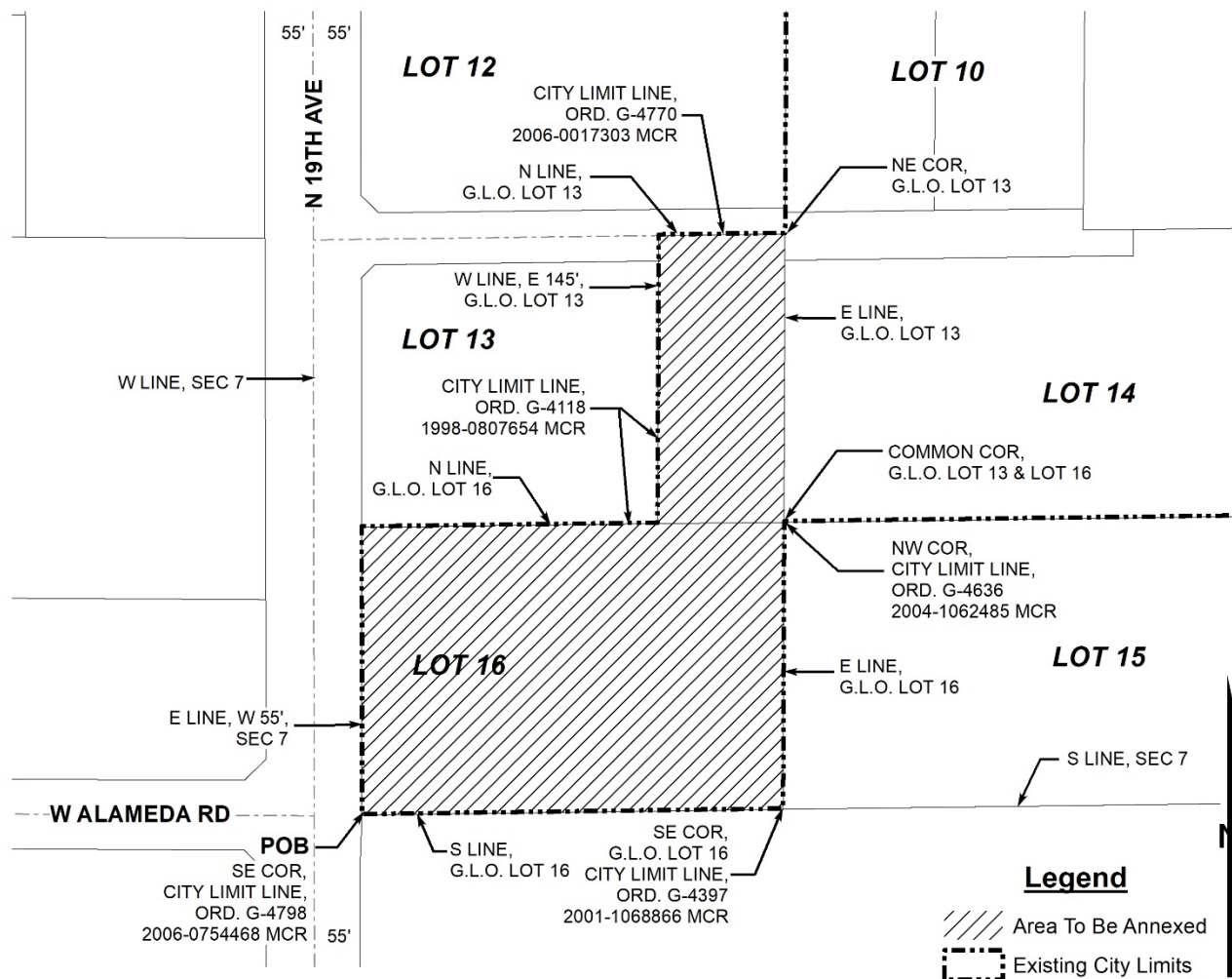
**City of Phoenix**

**LEGAL DESCRIPTION**  
**SECTION 7 T. 4 N., R. 3 E.,**  
**G. & S. R. B. & M.**

### VICINITY MAP

ANNEXATION NUMBER: XXX

AREA IN SQUARE MILES  
**0.0073**





## **Proposed 35th Avenue and Elliot Road Annexation - Public Hearing**

A public hearing, as required by Arizona Revised Statutes section 9-471, on the proposed 35th Avenue and Elliot Road Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

### **Summary**

The annexation was requested by Brian Cameron for the purpose of receiving City of Phoenix services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes section 9-471 regarding annexation. Additionally, the annexation is recommended for adoption per the attached Task Force Analysis Report (**Attachment A**).

### **Public Outreach**

Notification of the public hearing was published in the *Arizona Business Gazette* newspaper, and was posted in at least three conspicuous places in the area proposed to be annexed. Also, notice via first-class mail was sent to each property owner within the proposed annexation area.

### **Location**

The proposed annexation area includes parcel 300-11-036H, located at 9512 S. 35th Ave. (**Attachment B**). The annexation area is approximately 2.63 acres (0.0041 sq. mi.) and population estimate is three individuals.

Council District: 8

### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the City Clerk Department.

## ATTACHMENT A

### CITY COUNCIL REPORT

**TO:** Alan Stephenson  
Deputy City Manager

**FROM:** Joshua Bednarek  
Planning and Development Director

**SUBJECT:** Request for Task Force Analysis: 35th Avenue and Elliot Road

This report recommends the **approval** of the proposed annexation of **2.63** acres located at 35th Avenue and Elliot Road (APN: 300-11-036H).

#### THE REQUEST:

The applicant is requesting to annex approximately 2.63 acres at the northwest corner of 35th Avenue and Elliot Road from Maricopa County. The applicant is requesting the annexation with the intention to develop the property for multifamily residential (20 units).

#### OTHER INFORMATION:

Planning Village:	Laveen
General Plan Designation:	Residential 2 - 3.5 du/ac
Current County Zoning District:	R-3
Equivalent Zoning District:	R-3
Proposed Zoning District:	N/A
Current Land Use Conditions	
On Site:	Single-Family Residential
To the North:	Maricopa County jurisdiction, zoned R-3, single-family residence
To the South:	City of Phoenix jurisdiction, across Elliot Road alignment, zoned R1-18, single-family residences
To the West:	City of Phoenix jurisdiction, zoned R-3, vacant lot
To the East:	City of Phoenix and Maricopa County jurisdiction, across 35th Avenue, zoned R-3, single-family residences
Maricopa County History of Non-Conformities Present?	N NONE PRESENT

#### MARICOPA COUNTY ZONING CASE HISTORY

0	0
0	0

## ALTERNATIVES:

- Option A - Annex the land as requested:

The City of Phoenix will control rezoning requests in this area to ensure conformance with the General Plan Land Use Map. The city of Phoenix will capture property tax, utility tax, state shared revenue, and impact fees when applicable.

- Option B - Deny the request for annexation:

If annexed later, this site would have been developed under County zoning and development standards that may not be consistent with the General Plan, Land Use Map, zoning, and development standards.

## RECOMMENDATION:

Located adjacent to City of Phoenix lands, this annexation is supported by the 2015 General Plan, particularly the Land Use goal for land uses and development standards for unincorporated land, under Policies 1 and 2. This annexation is recommended for approval. Approval of annexation does not constitute recommendation for future rezoning actions.

## SUPPORTING INFORMATION:

### I. Water and Sewer Service

### II. Fire Protection

Servicing Station:	Phoenix Fire Station 39 2276 W. Southern Avenue Phoenix, AZ 85041			
Current Response Time:	3	Min.	45	Sec.
City Average Response Time:	5	Min.	0	Sec.
Difference from Typical Response Time:	-2	Min.	45	Sec.
Number of Service Calls Expected:	4			
Average Cost per Service Call:	<u>\$727</u>			
Estimated Total Annual Fire Service Costs:	<b>\$2,690</b>			

### III. Police Protection

Servicing Station:	Maryvale/Estrella Precinct Estrella Mountain Substation 2111 S. 99th Ave. Tolleson, AZ 85353
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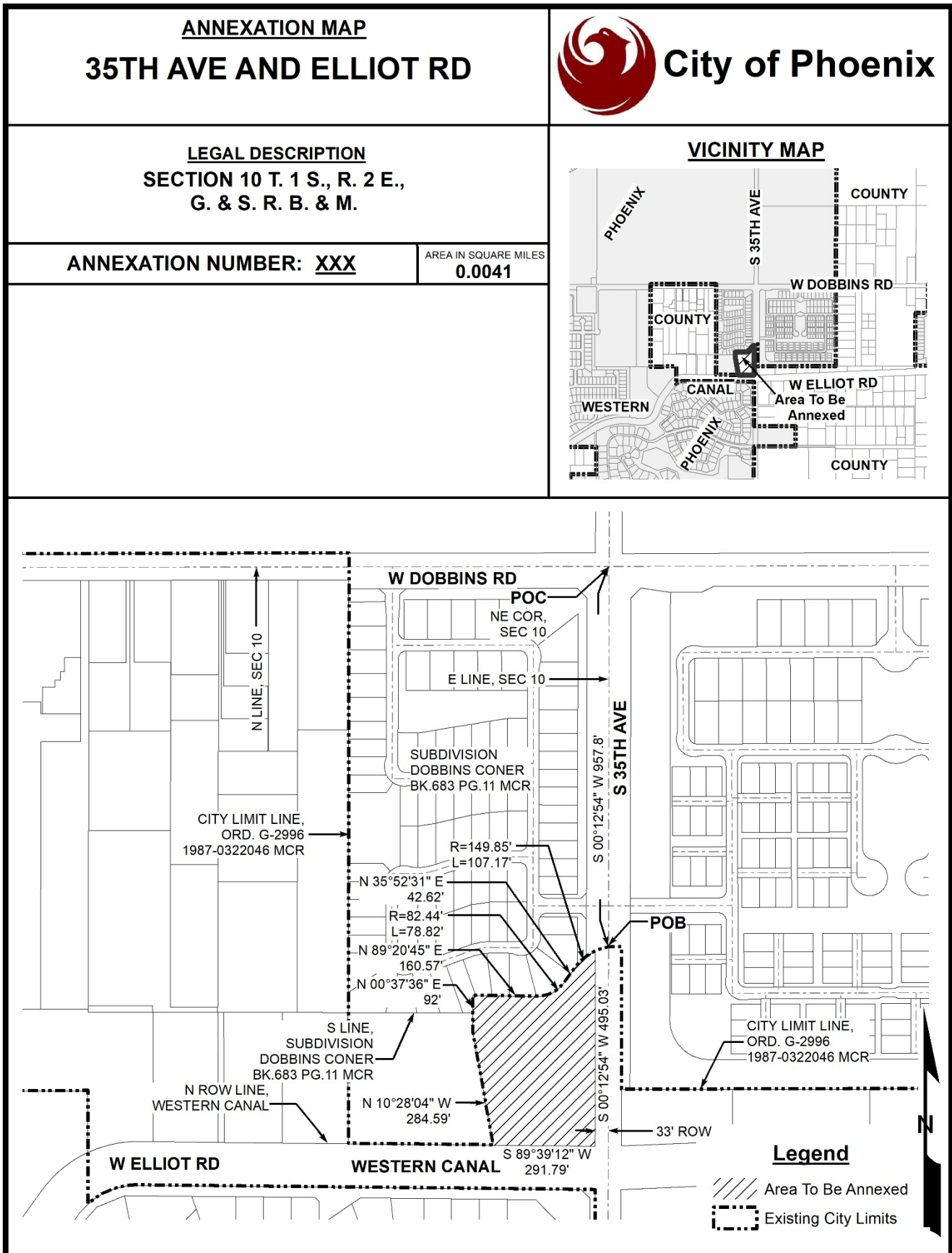
	Number Of New Officers Required:	0.03
	Number Of New Patrol Cars Required:	<u>0.01</u>
	Estimated Total Annual Police Service Costs:	<b>\$4,810</b>
IV.	Refuse Collection	
	Number of New Containers Required:	0
	Cost for Refuse Containers, Each:	\$59.90
	Cost for Recycling Containers, Each:	<u>\$59.90</u>
	Total Start-Up Costs for Refuse Collection:	<b>\$0</b>
V.	Street Maintenance	
	Average Cost per Acre For Street Maintenance:	<u>\$131</u>
	Estimated Total Annual Street Maintenance Costs:	<b>\$344</b>
VI.	Public Transit	
	Servicing Routes:	None.
VII.	Parks and Recreation	
	Neighborhood Park Demand in Acres:	0.09
	Community Park Demand in Acres:	0.05
	District Park Demand in Acres:	0.05
	Total Park Demand in Acres:	0.19
	Cost Per Acre, Annual Maintenance:	<u>\$17,000</u>
	Total Annual Parks and Recreation Costs:	<b>\$3,311</b>
VIII.	Schools	
	Elementary School District:	Laveen
	High School District:	Phoenix Union

	Total Expected Elementary School Students:	6
	Total Expected High School Students:	4
	Total Expected New Students:	10
IX.	Revenues	
	Expected Total Impact Fees at Buildout:	\$0
Beginning Next Fiscal Year	Property Tax Income*:	\$381
	Utility Fee Income:	\$0
	State Shared Revenue:	\$0
	Solid Waste:	\$0
	Sales Tax Generated:	<u>\$0</u>
	Total Tax Related Income, Annually**:	<b>\$381</b>
Beginning 2023-2024 Fiscal Year	Property Tax Income*:	\$381
	Utility Fee Income:	\$0
	State Shared Revenue:	\$0
	Solid Waste:	\$0
	Sales Tax Generated:	<u>\$0</u>
	Total Tax Related Income, Annually**:	<b>\$381</b>
X.	Total Costs	
	Revenue, First Year Only:	\$381
	Revenue, Year Two:	\$381
	Revenue, 2020 and Beyond:	\$381
	Expenses, First Year Only:	\$11,155
	Expenses, Year Two and Beyond:	\$11,155
	<b>Total Annual Revenue, First Year**:</b>	<b>-\$10,774</b>
	<b>Total Annual Revenue, 2023 and Beyond**:</b>	<b>-\$10,774</b>

*\*The above referenced **Property Tax Income** numbers are based on vacant parcels only, it does not refer to future development which will vary depending on number of lots and individual square footage.*

*\*\***Total Tax Related Income** and **Total Annual Revenues** will vary depending on project scope and size, the timing of permit issuance and build-out.*

# ATTACHMENT B





Report

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Agenda Date: 3/22/2023, Item No. 28

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**Paint Spray Equipment Parts - IFB 18-139 - Amendment (Ordinance S-49504)**

Request to authorize the City Manager, or his designee, to execute amendments to Contract 147153 with the Sherwin-Williams Company and Contract 147154 with Dunn-Edwards Corporation to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-44369.

**Summary**

This contract will provide airless paint sprayer equipment and other relevant miscellaneous equipment parts on an as-needed basis for painting at various City locations. Additional time is needed to complete the new procurement.

**Contract Term**

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

**Financial Impact**

The aggregate value of the contract will not exceed \$340,000 and no additional funds are needed.

**Concurrence/Previous Council Action**

The City Council previously reviewed this request:

- Paint Spray Equipment Parts - Contract 147153 and 147154 (Ordinance S-44369) on March 21, 2018.

**Responsible Department**

This item is submitted by City Manager Jeffrey Barton and the Finance Department.



## **Acceptance of Easements for Access and Drainage Purposes (Ordinance S-49505)**

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

### **Summary**

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

#### Easement (a)

Applicant: Camden MB Phoenix, LLC, its successor and assigns

Purpose: Access for Culvert Maintenance

Location: 6850 E. Mayo Blvd.

File: FN 220070

Council District: 2

#### Easement (b)

Applicant: Quiktrip Corporation, its successor and assigns

Purpose: Drainage

Location: 6705 W. Baseline Road

File: FN 230002

Council District: 7

### **Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development and Finance departments.



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Agenda Date: 3/22/2023, Item No. 30

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**Acceptance and Dedication of Easements for Public Utility, Landscape and Sidewalk Purposes (Ordinance S-49507)**

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

**Summary**

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

Easement (a)

Applicant: Ninety-Nine Holdings, LLC, its successor and assigns

Purpose: Sidewalk

Location: 1675 and 1701 N. 99th Ave.

File: FN 230005

Council District: 5

Easement (b)

Applicant: Socorro Hernandez; Carolina Hernandez, its successor and assigns

Purpose: Public Utility

Location: 410 W. Wier Ave.

File: FN 230011

Council District: 7

Easement (c)

Applicant: Properfoundation LLC, its successor and assigns

Purpose: Landscape

Location: 2509 E. Broadway Road

File: FN 220115

Council District: 8

Easement (d)

Applicant: Properfoundation LLC, its successor and assigns

Purpose: Sidewalk

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Location: 2509 E. Broadway Road

File: FN 220115

Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development and Finance departments.



**Risk Management Information System and Ancillary Services - RFA 14-035-  
Amendment (Ordinance S-49509)**

Request to authorize the City Manager, or his designee, to execute amendment to Contract 138020 with Riskconnect ClearSight, LLC to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$390,000.

**Summary**

This contract provides the Risk Management division of the Finance Department, a web-based risk management information system with secure data storage, client service and system maintenance and includes a key bill-payment interface that is linked to the Law Department's information system and a jointly developed transaction interface with SAP. This extension will allow additional time to establish a new agreement for this service.

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

**Contract Term**

Upon approval the contract will be extended through March 31, 2024, with an additional one-year option to extend.

**Financial Impact**

Upon approval of \$390,000 in additional funds, the revised aggregate value of the contract will not exceed \$1,715,000. Funds are available in the Finance Department's budget.

**Concurrence/Previous Council Action**

The City Council previously reviewed this request:

- Risk Management Information System and Ancillary Services Contract 138020 (Ordinance S-40639) on March 19, 2014;
- Risk Management Information System and Ancillary Services Contract 138020 (Ordinance S-43822) on Aug. 30, 2017;
- Risk Management Information System and Ancillary Services Contract 138020



(Ordinance S-48345) on Feb. 16, 2022.

**Responsible Department**

This item is submitted by City Manager Jeffrey Barton and the Finance Department.



**Legal Research Online, Software and Material - ADSP012-014733 - Amendment (Ordinance S-49510)**

Request to authorize the City Manager, or his designee, to execute amendment to Contract 147311 with West Publishing Corporation, dba Thomson West, a Thomson Reuters Business to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$1 million.

**Summary**

This contract will provide Citywide departments, including Law, Library, Neighborhood Services, Finance, and Equal Opportunity, with access to legal and investigative resources such as Westlaw's Clear, an investigate software tool, and related products, solutions and print materials. These resources include exclusive content, features and proprietary tools. Westlaw provides access to State and Federal court decisions, statutes, administrative regulations, national public records, and a comprehensive indexing system for case law materials. The Clear subscription provides investigative resources to assist locating and connecting subjects, victims and witnesses to attend trials. Clear is also used to conduct online skip tracing research for court case preparation, for abatement lien foreclosure program research, and as a guide for the Fair Housing program.

This extension allows more time to complete a new procurement without a lapse of critical Citywide services, and a three-year contract extension will result in savings of approximately seven percent per year.

**Contract Term**

Upon approval, the contract will be extended through March 31, 2026.

**Financial Impact**

Upon approval of \$1 million in additional funds, the revised aggregate value of the contract will not exceed \$2.1 million. Funds are available in various department budgets.

**Concurrence/Previous Council Action**

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The City Council previously reviewed this request:

- Legal Research Online, Software and Material Contract 147311 (Ordinance S-44456) on April 18, 2018

**Responsible Department**

This item is submitted by City Manager Jeffrey Barton and the Finance Department.



**Integrated Pest Control, Wildlife Relocation and Bird/Bat Management - IFB 18-003 - Amendment (Ordinance S-49519)**

Request to authorize the City Manager, or his designee, to execute amendments to Contract 147193 with City Wide Pest Control, Inc., and Contract 147194 with Southwest Avian Solutions, LLC, to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-44306.

**Summary**

This contract will provide integrated pest management, general pest and rodent control; German cockroach and mosquito treatment; bed bug and termite inspection and treatment; bee, wasp, and hornet removal; pocket and ground squirrel control; and bird and bat management. The six-month extension will allow time to complete the new procurement without a lapse in this critical Citywide service.

**Contract Term**

Upon approval the contract will be extended through Oct. 31, 2023.

**Financial Impact**

The aggregate value of the contract will not exceed \$2,000,000 and no additional funds are needed.

**Concurrence/Previous Council Action**

The City Council previously reviewed this request:

- Integrated Pest Control, Wildlife Relocation and Bird/Bat Management - Contracts 147193 and 147194 (Ordinance S-44306) on March 7, 2018.

**Responsible Department**

This item is submitted by City Manager Jeffrey Barton and the Finance Department.



**Sand, Rock and Quarried Material - IFB 17-039 - Amendment (Ordinance S-49520)**

Request to authorize the City Manager, or his designee, to execute amendments to Contract 144731 with Material Delivery, Inc., dba MDI Rock, and Contract 144733 with Cemex Construction Materials South, LLC, to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$2,000,000.

**Summary**

This contract will provide a wide variety of sand, rock, and quarried materials for all City departments. The materials are required to keep City sites within the community presentable and ensure compliance with Maricopa Air Quality Permits for dust control and the City's Storm Water Management Plan. The extension is necessary to allow for continuous use of the contract pending the completion of a new procurement process.

**Contract Term**

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

**Financial Impact**

Upon approval of \$2,000,000 in additional funds, the revised aggregate value of the contract will not exceed \$5,533,750. Funds are available in the various department budgets.

**Concurrence/Previous Council Action**

The City Council previously reviewed this request:

- Sand, Rock and Quarried Material Contracts 144731, 144732, and 144733 (Ordinance S-43316) on March 22, 2017.

**Responsible Department**

This item is submitted by City Manager Jeffrey Barton and the Finance Department.



**AV Equipment and Services - ADSP017-00007302 - Amendment (Ordinance S-49521)**

Request to authorize the City Manager, or his designee to allow additional expenditures under Contract 147007 with Commercial Computer Services, Inc., dba CCS Presentation Systems; Contract 147008 with Inter Technologies Corporation; Contract 147009 with Bluum USA, Inc.; Contract 147010 with Presentation Products, Inc., dba Spinitar; Contract 147011 with Level 3 Audio Visual, LLC; Contract 147438 with Ford Audio-Video Systems, LLC; and Contract 155410 with IES Communications, LLC, for the purchase of audio video equipment and services for Citywide departments. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$1,800,000.

**Summary**

These contracts will provide the City with a broad range of audio video equipment and related services. The associated contractors provide essential services and equipment for the Emergency Operations Center, 911 Operations, PHXTV, Know99, City Council Assembly Rooms and Council Chambers, as well as direct engineering support, such as analysis, design, and configuration of existing systems. Additional funds are needed to continue essential department operations through contract expirations. The main users of these contracts include the Phoenix Convention Center, Municipal Court, Water Services, Fire, Public Transit, Aviation, Library, Parks and Recreation, Police, Human Resources, Public Works, and Human Services departments.

**Contract Term**

The contract terms remain unchanged, ending on Aug.11, 2023.

**Financial Impact**

Upon approval of \$1,800,000 in additional funds, the revised aggregate value of the contracts will not exceed \$9,250,000. Funds are available in various department budgets.

**Concurrence/Previous Council Action**

The City Council previously reviewed this request:

- AV Equipment and Services Contracts 147007, 147008, 147009, 147010, 147011,

147438, 155410 (Ordinance S-44246) on Jan. 24, 2018;

- AV Equipment and Services Contract 147010 (Ordinance S-45757) on June 5, 2019;
- AV Equipment and Services Contracts 147007, 147008, 147009, 147010, 147011, 147438 (Ordinance S-46260) on Dec. 18, 2019;
- AV Equipment and Services Contract 155410 (Ordinance S-47907) on Sept. 8, 2021;
- AV Equipment and Services Contracts 147007, 147008, 147009, 147010, 147011, 147438, 155410 (Ordinance S-49132) on Nov. 2, 2022.

**Responsible Department**

This item is submitted by City Manager Jeffrey Barton and the Finance Department.



## **SAP Programming Support Services (Ordinance S-49522)**

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 147248 with SynterTec Consulting, Inc., to extend contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$3,200,000.

### **Summary**

The primary function of this contract is to provide technical support services for business functions of the SAP system. The City utilizes the SAP system for critical financial accounting and reporting, procurement, accounts payables and receivables, reporting, work order management, inventory management, and plant maintenance. Due to the highly specialized programming skills, contract services are necessary to support the SAP system, which includes more than 3,000 users and interfaces with various City systems. The extension is necessary to provide staff augmentation for the continued programming of work processes and interfaces with SAP and will also be utilized for continued modernization system upgrades.

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

### **Contract Term**

Upon approval the contract will be extended through March 26, 2028, with no options to extend.

### **Financial Impact**

Upon approval of \$3,200,000 in additional funds, the revised aggregate value of the contract will not exceed \$5,950,000. Funds are available in the Finance Department's operating budget related to SAP system support.

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

The City Council previously approved this request:  
SAP programming support services (Ordinance S-44378) on March 21, 2018.



**Responsible Department**

This item is submitted by City Manager Jeffrey Barton and the Finance Department.



**Window Treatment and Associated Services - IFB 18-128 - Amendment  
(Ordinance S-49526)**

Request to authorize the City Manager, or his designee, to execute amendment to Contract 146976 with Coyote Blind Company, Inc. to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed. Request to continue using Ordinance S-44273.

**Summary**

This contract will provide all labor, materials, equipment, and transportation to supply and install roller shades, mini-blinds, honeycomb and cellular shades, vertical blinds and exterior sunshades in various facilities within the City of Phoenix. This extension is necessary to allow for a new solicitation process to be properly concluded without any lapse in service delivery.

**Contract Term**

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

**Financial Impact**

The value of the contract will not exceed \$330,000 and no additional funds are needed.

**Concurrence/Previous Council Action**

The City Council previously approved this request:

- Window Treatment and Associated Services Contract 146976 (Ordinance S-44273) on Feb. 21, 2018.

**Responsible Department**

This item is submitted by Assistant City Manager Lori Bays, Deputy City Managers Mario Paniagua and Inger Erickson, and the Fire, Public Works, and Parks and Recreation departments.



## **Background Screening and In-Processing/Onboarding Services Contract (Ordinance S-49523)**

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146656 with Sterling Infosystems, Inc., dba Sterling to extend the contract term for three additional months. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$30,000.

### **Summary**

This contract will provide background screening and in-processing/onboarding services for employees and volunteers. The costs for employee and volunteer background services are paid by the departments utilizing these services. This extension is necessary to provide time for a new solicitation to be completed.

### **Contract Term**

Upon approval the contract will be extended through July 4, 2023.

### **Financial Impact**

Upon approval of \$30,000 in additional funds, the revised aggregate value of the contract will not exceed \$554,000. Funds are available in the various departments' budgets.

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

The City Council previously reviewed this request:

- Background Screening and In-Processing/Onboarding Services (Ordinance S-43751) on June 28, 2017.
- Additional payment authority: Sterling Infosystems, Inc., dba Sterling Contract 146656 (Ordinance S-48392-0018) on March 23, 2022.
- Background Screening and In-Processing/Onboarding Services contract extension (Ordinance S-49219) on Dec. 7, 2022

### **Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Human Resources Department.



## **Oracle Disaster Recovery Cloud Environment (Ordinance S-49486)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Oracle America, Inc. under Oracle Master Agreement 142562-AR-001, to purchase an Oracle Disaster Recovery Cloud Environment for the Information Technology Services Department in support of various departments citywide. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$670,000 including taxes.

### **Summary**

This agreement allows the City to utilize the Oracle Disaster Recovery Cloud environment for critical business systems that utilize Oracle database technology. The Oracle Disaster Recovery Cloud environment is utilized for eChris, for Customer Care & Billing, Work Order and Asset Management, and Mobile Workforce Management for the Water Services Department, and for Public Transit systems. In the event of a significant disaster, this agreement would allow City personnel to continue to operate in emergency operations mode and preserve the data until the system can be physically rebuilt, restored and reinstalled.

### **Contract Term**

This request is for a one-year agreement. Renewals will be part of the next citywide payment ordinance for Oracle.

### **Financial Impact**

The one-year cost will not exceed \$670,000, including taxes.

### **Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Information Technology Services Department.



**Payment Card Industry Qualified Security Assessor Consulting and Related Services Contract - Request for Award (Ordinance S-49487)**

Request to authorize the City Manager, or his designee, to enter into contracts with CliftonLarsonAllen, LLP, JANUS Software, Inc. (dba JANUS Associates), and Link Tech, LLC (dba Link Technologies) to provide Payment Card Industry (PCI) compliance and/or penetration and risk assessment services for the Information Technology Services Department and in support of various departments. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed \$3.5 million.

**Summary**

These contracts will provide Payment Card Industry (PCI) Certified Qualified Security Assessor(s) (QSA) to ensure compliance with PCI Data Security Standards (PCI-DSS) and assistance with related security and compliance services as requested by the City. These contracts will support the City's goal of maintaining secure and PCI-compliant payment systems as mandated. Services include, but are not limited to, conducting a PCI-DSS assessment and producing a report on compliance, reducing the City's PCI footprint, performing penetration testing and risk assessments, and providing security and compliance services and ongoing support.

**Procurement Information**

A competitive procurement in accordance with City policy and code was conducted utilizing the Information Technology (IT) Professional Services Qualified Vendor List. In Oct. 2022, the Information Technology Services Department invited 66 vendors to participate in responding to our engagement. Three offers were received and were deemed to be responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following evaluation criteria:

- Experience and References (0-425 points)
- Company Information (0-200 points)
- Pricing (0-200 points)
- Implementation (0-125 points)
- Support Services (0-50 points)

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

- CliftonLarsonAllen, LLP
- JANUS Software, Inc. (dba JANUS Associates)
- Link Tech, LLC (dba Link Technologies)

**Contract Term**

The contracts will begin on or about April 1, 2023, for a five-year period with no options to extend. The requirements of Phoenix City Code section 42-18 are waived to allow inclusion of indemnification and limitation of liability provisions in the contracts that would otherwise be prohibited.

**Financial Impact**

The aggregate contract value will not exceed \$3.5 million. Funding is available in the Information Technology Services Department's operating budget.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Information Technology Services Department.



## **Open Data Portal Hosting - Amendment (Ordinance S-49503)**

Request to authorize the City Manager, or his designee, to execute an amendment to contract 144640 with OpenGov, Inc. to extend the contract term for the renewal of support and maintenance of the City's Open Data portal and other modules. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed \$1,645,000.

### **Summary**

This contract will allow the City to continue to utilize OpenGov, Inc. for its Open Data Portal. The Open Data Portal provides transparent and easy-to-use data to residents and businesses regarding areas such as public safety, transportation, finance, energy and sustainability, libraries, parks, and arts and culture. In addition, it will continue to provide OpenGov's Procurement Solicitation Development and Citizen Services module. The Procurement Solicitation Development module is utilized citywide and is a collaborative tool that facilitates and provides consistency throughout the procurement/contracting process. The Citizen Services module is used by the City Manager's Office providing a platform that assists with the reporting related to the American Rescue Plan Act.

### **Contract Term**

Upon approval, the contract will be extended through Feb. 29, 2028.

### **Financial Impact**

Upon approval of the \$1,645,000 in additional funds, the revised aggregate value of the contract will not exceed \$2,949,147. Funds are available in various departments' operating budget.

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

The City Council previously reviewed this request:

- Authorizing the initial one-year contract and expenditures, Ordinance S-43211 on Feb. 1, 2017;
- Authorizing the second year of support and additional expenditures, Ordinance S-44503-0036 on May 2, 2018;

- Authorizing the third year of support and additional expenditures, Ordinance S-45376-0031 on Feb. 20, 2019;
- Authorizing the fourth year of support and additional expenditures, Ordinance S-46400 on March 4, 2020;
- Authorizing the fifth year of support and additional expenditures, Ordinance S-47322 on Feb. 17, 2021;
- Authorizing the sixth year of support, additional users and modules and additional expenditures, Ordinance S-48445 on March 23, 2022.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Information Technology Services Department.





**Authorization to Sponsor City of Phoenix Fast-Track Cities HIV/AIDS Community Outreach Events (Ordinance S-49508)**

Request to authorize the City Manager, or his designee, to enter into or execute all contracts, documents and agreements and take all other action necessary or appropriate to provide funding to support HIV/AIDS awareness, testing, education and support services for individuals living with HIV/AIDS through the City's Fast-Track Cities Initiative. Aggregate expenditures will not exceed \$250,000. Further request to authorize the City Controller to disburse all funds related to this item. Funding is available through the Human Services Department's General Fund.

**Summary**

The Fast-Track Cities Initiative is an international effort working to end the HIV/AIDS pandemic, and the City of Phoenix is one of the 25 cities in the U.S. working to reach this goal. The City's Fast-Track Cities community outreach sponsorships will serve to:

- Increase engagement, testing and awareness so that individuals know their HIV status;
- Support linking those living with HIV treatment;
- Support efforts in continual care for those living with HIV; and
- Support follow-up conducted with individuals who fall out of care.

The City's Fast-Track Cities Initiative will sponsor HIV/AIDS community outreach related events in the City of Phoenix. Events hosted by non-profits and other community organizations will be sponsored by the City's Fast-Track Cities Initiative to further the mission of raising awareness surrounding HIV/AIDS and further efforts within the City to combat stigma and discrimination related to HIV/AIDS.

This action will ensure all sponsorships awarded have an ordinance against which the funds can be drawn down.

**Contract Term**

The term of all contracts and agreements will be entered into and terminate between Jan. 2, 2023, and June 30, 2025.

**Financial Impact**

The aggregate value of the combined activities shall not exceed \$250,000. Funding is available through the Human Services Department's General Fund.

**Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Human Services Department.



## **Gated Alley Program Updates**

Request City Council approval to allow neighborhoods to install customized gates based on specific criteria and use available Community Development Block Grant funds to gate additional alleys in focused areas of the City's Community Safety Plans.

### **Background**

As a result of the overwhelming demand and success of the Gated Alley Program Pilot, City Council approved funding in the Fiscal Year (FY) 2022-23 program budget for an ongoing permanent Gated Alley Program. This action included creating a new project manager position in the Neighborhood Services Department (NSD) and allocated \$500,000 in general funds to install gates for an estimated 45 alley segments.

In September 2022, City Council approved the program, and the gate installations became a City function, rather than a neighborhood grant program. Interested residents requested gating their alleys by meeting eligibility requirements and submitting a request form. Neighborhoods could install the gate themselves using their own funding or apply for the City to install the gates through the allocated funding, with \$100,000 set aside to ensure equitable access for low- and moderate-income neighborhoods.

### **Summary**

Through Jan. 15, 2023, the Gated Alley Program received 137 requests. After a thorough review involving the Neighborhood Services, Public Works and Planning and Development departments, a total of 46 alley segments across the City were approved, including 10 in low- and moderate-income neighborhoods. Staff are working with two contracted gate installation vendors on the installation schedule, with a currently estimated completion in the spring.

Of the 91 remaining requests, 32 alley segments have been fully vetted and eligible; 14 segments are not eligible due to the alley locations' circumstances; and 45 requests are still under review.

Neighborhood Services staff continue to receive interest and feedback from the

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community, including recently conducting a satisfaction survey for neighborhoods the 23 alley segments included in the expanded pilot, who have had their alleys gated for one year. A total of 18 responses were provided from neighborhoods located in Council Districts 1, 3, 4, 5 and 7.

All respondents provided positive feedback, noting they felt their properties and their safety are better protected with the gates. Of the residents surveyed, no fires or graffiti were reported in the year since the alleys were gated; all but one reported no illegal dumping; all but one reported no encampments and; all but two reported no criminal activity. Even those who did report these activities noted a decrease in the activity since the gates were installed. An alley captain from District 3 commented they “feel so much safer, more comfortable leaving home or being home alone.” An alley captain in District 4 explained that prior to having a gated alley, their neighborhood constantly had to deal with illegal dumping issues.

Some of the respondents noted a few issues they experienced with the gates’ functionality, particularly with the locks. Four respondents found gate locks that have been cut, locks that were jammed due to being pried open, or locks that were simply faulty. Staff worked with the contractors to add a metal plate to deter this activity and are working with lock companies to find additional solutions to these issues.

#### Request for Customized Gates

Recently, one of the residents of the Royal Palm neighborhood expressed an interest in using program funds to install gates matching those they installed during the early pilot, which differ from the design standards established by the Gated Alley Program. This would provide better continuity with the existing neighborhood funded gates that reflect the community's appearance. However, since the newly launched Gated Alley Program made the installation and maintenance of the gates a city function, it would not be economically feasible to accommodate varying standards for gates in every neighborhood. NSD worked with the resident to develop a recommendation for new option for neighborhoods with approved gated alley requests to seek customization of their gates.

To be eligible for the customization option, the requestor must:

- Partner with an established non-profit or business registered with the Arizona Corporation Commission. This could be a neighborhood organization, if they have nonprofit status.
- Agree to receive prior review and approval of the gate design, which must meet or exceed the Gated Alley Program design standards.
- Agree to separately fund any costs beyond the average installation cost per city

standard gate.

- Agree that the city will reserve the right to remove or replace the gates with standard gates if they are not maintained in good appearance and working order.
- Agree that if the gates are not completed within the fiscal year in sufficient time for the city to expend the funds, the funds may not be available.

The partnering nonprofit or business would be required to enter into an agreement with the city to install the gates in accordance with the above criteria and be reimbursed up to the average amount for the cost, or the city could direct pay the installation contractors if they meet the additional requirements. The agreement would require all necessary permits and approvals be obtained, Gated Alley Program locks be used, and any other necessary procedures or standards as they are identified and worked thru with the city and neighborhood association.

### Community Safety Plans

In February 2022, the City Council approved a 27th Avenue Community Safety Plan that included an action to identify potential alleys, as appropriate, to recommend further expansion of the Gated Alley Program Pilot as part of the Safety of Public Areas strategy. A similar 19th Avenue Community Safety Plan was later developed and approved in the FY 2022-23 Budget. While the Gated Alley Program provides broad funding for citywide alley gates, limited funding does not currently allow for the prioritization of these Community Safety Plan corridors, which are predominately in low - and moderate-income census tracts. Currently, there are more than a dozen requests submitted that do not have available funding in these corridors. Staff recommends using Community Development Block Grant (CDBG) funds to help fund additional gates in these corridors, as available.

### **Funding Impact**

Funding for potential alley segments to be gated through the Gated Alley Program as part of the Community Safety Plans is made available through the CDBG. There is no impact to the General Fund.

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

On Feb. 1, 2023, the Community and Cultural Investment Subcommittee recommended City Council approval of the addition of the Customized Gates Request option to the Gated Alley Program and approval to use CDBG to help fund additional alley segments within the 27th Avenue and 19th Avenue Community Safety Plans.

### **Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Neighborhood Services Department.



## **Private Property Cleanup Program Pilot Update**

Request City Council approval of the Private Property Cleanup Program Pilot framework, based on feedback and recommendations from the community listening sessions conducted by the Neighborhood Services Department, and allow for flexibility on the program implementation in its first year.

### **Summary**

From 2019 to 2022, the number of unsheltered individuals in Phoenix increased from 2,030 to 3,096, almost 53 percent, according to the Maricopa County Point-in-Time Count. During that same time, PHX C.A.R.E.S. calls increased from 4,237 to a projected 11,034, more than 260 percent. Through the work of multiple departments and the Office of Homeless Solutions, the City is working to provide a variety of effective long-term solutions for homelessness, including shelter, housing, and services. In addition to providing assistance to individuals experiencing homelessness, the City of Phoenix is committed to addressing the impacts of homelessness on private property owners and neighborhoods. In the Neighborhood Strategies section of the City Council-adopted Strategies to Address Homelessness Plan, a private property clean-up program was recommended to help alleviate the disproportionate burden experienced by some property owners when people experiencing homelessness seek refuge in, or transition through, their neighborhoods. For Fiscal Year 2022-23, the City Council approved funding for the Neighborhood Services Department (NSD) to explore a pilot private property clean-up program.

NSD staff considered a variety of factors in developing a program framework for the new pilot. Among those considerations were the following:

1. Anticipated high demand due to increasing community complaints about encampments in both concentrated areas and expanding to new areas of the City;
2. Limited funding for the pilot which could not serve all residents who may be interested;
3. Legal concerns regarding activity on private property, including liability concerns regarding potential damage of property; and
4. Practical need from the community, including identifying the property for which private owners are responsible.

Based on these considerations, staff recommends two categories for the Private Property Cleanup Program pilot, leveraging existing resources:

1. Expansion of Enhanced Cleanups, providing additional biohazard waste cleanups in targeted locations identified in partnership with the community in the areas covered by regularly scheduled enhanced cleanups around the Human Services Campus and Hatcher Road.
2. Individual Property Cleanup Assistance with multiple levels of service with specific criteria, as described below.

### **Individual Properties**

#### Roll-off Dumpster Assistance

NSD will work with the Public Works Department to coordinate the delivery of a roll-off dumpster or appropriate size waste receptacle to the property site to aid in the collection and hauling of trash and debris. The property owner would be responsible for placing trash and debris into the roll-off container. Additionally, the City will assist in the disposal of biohazard waste, if needed, through an existing contract.

#### Eligibility Criteria:

- Property owner has had more than two cases in the PHX C.A.R.E.S. Customer Relationship Management system within the most recent 12 months resulting in blight and/or biohazards from unauthorized individuals on private property;
- Property owner demonstrates they have cleaned the property at their own expense at least four times in a calendar year;
- If property is a business, it must have fewer than 20 employees;
- Property owner has completed and signed an up-to-date Authority to Arrest (ATA) form and commits to update the form annually with the Phoenix Police Department;
- Property owner has posted appropriate no trespassing signage in areas recommended by the Phoenix Police Department;
- Property owner does not allow individuals to live or sleep on the property; and
- Property owner submits a request, signs an agreement, completes a liability waiver, and takes other actions necessary to participate in the program.

#### Right-of-Way (ROW) Cleanup

NSD will work with the Street Transportation Department to coordinate a cleanup of the ROW (area up to 25 feet from the edge of the curb to the edge of the property line) adjacent to an eligible private property that has experienced blight issues related to homelessness more than two times within a six-month period. An assessment by a Neighborhood Specialist would help determine the type of cleanup services needed to clear the ROW of any trash, debris and other safety hazards. Additionally, the City will assist in the disposal of biohazard waste, if needed, through an existing contract.

Eligibility Criteria (Includes all the criteria listed for the Roll-off Dumpster Assistance service, plus the following):

- Property owner has completed the Roll-off Dumpster Rental Assistance service within the last six months;
- Property owner has completed and implemented all the Crime Prevention Through Environmental Design (CPTED) concepts as recommended by Phoenix Police; and
- Property owner does not have other open cases with NSD, Planning and Development, or other City departments.

#### Advanced Private Property Cleanup

If within six months of completing a ROW Cleanup, exceptional blight issues continue to persist on the ROW and areas within the private property boundaries, NSD may work with the Street Transportation Department to perform a clean-up of the private property up to 10 feet from a physical structure (e.g. building, monuments, signs, artwork or other structures) and adjacent ROW. Additionally, the City will assist in the disposal of biohazard waste, if needed, through an existing contract.

Eligibility Criteria (Includes all the criteria listed for the Roll-off Dumpster Assistance service, plus the following):

- Property owner has completed the ROW Cleanup within the last six months;
- Staff verified persistent blight issues; and
- NSD Director approves the need for the enhanced services based on exceptional conditions.

#### **Public Outreach**

NSD presented an initial conceptual framework to the Community and Cultural Investment (CCI) Subcommittee on Dec. 7, 2022, which included a broader level of support for the current Enhanced Cleanups areas.

Following that presentation, staff hosted community listening sessions as an opportunity to better understand how the community would respond to the conceptual framework and to seek feedback and ideas for improvement. In January 2023, staff presented at the Hatcher Urban Businesses (theHUB) group and, in February, held a focused meeting with the Madison Pioneer Coalition. These groups represent stakeholders in the areas where the Expansion of Enhanced Cleanups were proposed. Feedback from community members of theHUB and Madison Pioneer Coalition was mixed. Both appreciated the city's intent to support clean neighborhoods, however many noted they did not feel the resources provided would be enough to make a meaningful impact, and several members recommended other uses of the funds to



address the underlying issues.

While both groups provided similar feedback, several members of the Madison Pioneer Coalition mentioned that specific areas could benefit from more frequent biohazard waste cleaning, disposal and sanitization. Their recommendation was to pilot more frequent biohazard cleanups in known areas where waste often accumulates. This resulted in changes to staff's final recommended framework.

Staff also conducted a citywide community listening session on Feb. 22, 2023, to receive broad input on the framework, particularly the Individual Private Properties Cleanup's three levels of cleanup assistance. Participants asked detailed questions at the meeting which demonstrated a high level of interest in the program and the need for flexibility as staff continues to refine the program design, especially in the remainder of the current fiscal year. Additionally, staff developed an online feedback form and survey as an option for residents and business owners who could not attend the meeting. Based on the feedback from both the survey and meeting, participants felt the cleanup service would be valuable to property owners and their neighborhoods, with a positive impact. The majority of respondents felt the eligibility criteria for each of the levels of service were reasonable and a means to reduce possible exploitation of the program.

### **Financial Impact**

City Council approved funding in Fiscal Year 2022-23 for NSD to explore a potential pilot private property cleanup program and to hire a Project Management Assistant to manage requests and coordination.

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

On March 6, 2023, the Community and Cultural Investment Subcommittee unanimously recommended City Council approval of the framework of the Private Property Cleanup Program Pilot by a vote of 3-0.

### **Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Neighborhood Services Department.



**Community Development Block Grant American Disability Act Housing Rehabilitation Subrecipient Award (Ordinance S-49506)**

Request to authorize the City Manager, or his designee, to enter into contract with Ability360 to administer the American Disability Act (ADA) Home Accessibility Modifications Program. This program will perform repairs to improve the accessibility of homes of low- and moderate-income disabled and or elderly Phoenix residents. The Home Accessibility Modifications Program is funded by the Community Development Block Grant (CDBG); the aggregate contract value will not exceed \$200,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Neighborhood Services Department's (NSD) Home Accessibility and Modification Program performs ADA supportive home repairs to address physical, visual, and auditory barriers and health hazards that prohibit safety and accessibility. These interior and exterior improvements, which include installing wheelchair ramps, replacing traditional bathtubs with walk-in showers, widening doorways, and lowering countertops for example, provide safeguards which improve the level of self-sufficiency and quality of life. Disabled and/or elderly low- to moderate-income Phoenix homeowners and tenants citywide are eligible.

**Procurement Information**

On Dec. 8, 2022, NSD issued a Request for Proposal (RFP) (NSD-RFP-23-001) to enter into a contract to administer ADA supportive home accessibility and modification services; and received two responsive proposals. An evaluation panel comprised of City staff evaluated the proposals based on the following criteria for a total of 1,000 total possible points:

- Proposed Outcome and Impact (400 points)
- Capability (200 points)
- Project Budget (200 points)
- Project Description and Need (100 points)
- Track Record (100 points)

The panel determined only Ability360's proposal met the RFP's eligibility criteria,

receiving a consensus score of 654 points and recommended NSD award Ability360 a Subrecipient contract to administer the CDBG funded ADA Home Accessibility Modifications Program.

**Contract Term**

The contract will commence on or about March 23, 2023, for one year. The initial term of the contract may be extended for one year at the City's sole discretion.

**Financial Impact**

The Home Accessibility and Modification Program is funded by the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant; there will be no impact on the General Fund. The aggregate contract value will not exceed \$200,000.

**Concurrence/Previous Council Action**

The Community and Cultural Investment Subcommittee recommended approval of this item by a unanimous vote of 3-0 on March 6, 2023.

Previous authorizations for various CDBG Housing Rehabilitation Programs were approved by City Council through Ordinance S-48602 on May 11, 2022, Formal Meeting.

**Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Neighborhood Services Department.



**Additional Neighborhood Commercial Rehabilitation Loan Agreement Payment Authority - Sandhu Investments, LLC (Ordinance S-49524)**

Request to authorize the City Manager, or his designee, to increase payment authority by \$150,000, for a total loan amount of up to \$250,000, with Sandhu Investments, LLC for facade and site improvements through the Neighborhood Commercial Rehabilitation program for their tenant, Hotel Electric, LLC. Further request authorization for the City Controller to disburse all funds related to this item. This program is funded by the U.S. Department of Housing and Urban Development; no General Funds are required.

**Summary**

On April 21, 2021, City Council authorized City Manager, or his designee, to enter into a loan agreement with Sandhu Investments, LLC for up to \$100,000 (Ordinance S-47499). The Neighborhood Commercial Rehabilitation (NCR) offers Community Development Block Grant (CDBG) funding for property owners to complete exterior improvements through a deferred loan, secured by a Deed of Trust which is forgiven over a period of up to 10 years. Unforeseen economic inflation and delays related to COVID resulted in increased construction costs. The additional spending authority is necessary to complete the NCR project.

**Financial Impact**

The CDBG Program is funded by the U.S. Department of Housing and Urban Development; there is no impact to the General Fund. With the \$150,000 dollars of additional funds, the revised total maximum value is now \$250,000.

**Location**

10402 N. 19th Ave.  
Council District: 3

**Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Neighborhood Services Department.



**Additional Neighborhood Commercial Rehabilitation Loan Agreement Payment Authority - Ricardo Sosa (Ordinance S-49525)**

Request to authorize the City Manager, or his designee, to increase payment authority by \$100,000, for a total loan amount of up to \$250,000 with Ricardo Sosa for facade and site improvements to the Salon Sosa property through the Neighborhood Commercial Rehabilitation program. Further request authorization for the City Controller to disburse all funds related to this item. This program is funded by the U.S. Department of Housing and Urban Development; no General Funds are required.

**Summary**

On Jan. 5, 2022, City Council authorized City Manager, or his designee, to enter into a loan agreement with Ricardo Sosa for up to \$150,000 (Ordinance S-48233). The Neighborhood Commercial Rehabilitation (NCR) offers Community Development Block Grant (CDBG) funding for property owners to complete exterior improvements through a deferred loan, secured by a Deed of Trust which is forgiven over a period of up to 10 years. Unforeseen economic inflation and delays related to COVID resulted in increased construction costs. The additional spending authority is necessary to complete the NCR project.

**Financial Impact**

The CDBG Program is funded by the U.S. Department of Housing and Urban Development; there is no impact to the General Fund. With the \$100,000 dollars of additional funds, the revised total maximum value is now \$250,000.

**Location**

6834 S. Central Ave.  
Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Neighborhood Services Department.



**Additional Neighborhood Commercial Rehabilitation Loan Agreement Payment Authority - Greektown, LLC (Ordinance S-49527)**

Request to authorize the City Manager, or his designee, to increase payment authority by \$150,000, for a total loan amount of up to \$250,000, with Greektown, LLC (dba Greektown Restaurant) for facade and site improvements through the Neighborhood Commercial Rehabilitation program. Further request authorization for the City Controller to disburse all funds related to this item. This program is funded by the U.S. Department of Housing and Urban Development; no General Funds are required.

**Summary**

On April 21, 2021, City Council authorized City Manager, or his designee, to enter into a loan agreement with Greektown, LLC (dba Greektown Restaurant) for up to \$100,000 (Ordinance S-47500). The Neighborhood Commercial Rehabilitation (NCR) offers Community Development Block Grant (CDBG) funding for property owners to complete exterior improvements through a deferred loan, secured by a Deed of Trust which is forgiven over a period of up to 10 years. Unforeseen economic inflation and delays related to COVID resulted in increased construction costs. The additional spending authority is necessary to complete the NCR project.

**Financial Impact**

The CDBG Program is funded by the U.S. Department of Housing and Urban Development; there is no impact to the General Fund. With the \$150,000 dollars of additional funds, the revised total maximum value is now \$250,000.

**Location**

8519 N. 7th St.

Council District: 3

**Responsible Department**

This item is submitted by Deputy City Manager Gina Montes and the Neighborhood Services Department.



## **Athletic Field Markings - Request for Award (Ordinance S-49511)**

Request to authorize the City Manager, or his designee, to enter into a contract with VP Construction Services, LLC dba Sport Lines to provide field lining services for the outdoor fields for youth and adult sports tournaments and leagues, in an amount not to exceed \$500,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

Parks and Recreation Department staff utilizes athletic field marking services to line outdoor fields for sports activities. The fields require continued lining maintenance for ongoing tournaments and league play throughout the City for youth and adult sports including soccer, softball and specialty sports.

Approximately 80 to 90 percent of contract expenses are for field lining services at the Reach 11 Sports Complex. Reach 11 offers 24 to 26 tournaments each year for sports activities such as soccer, lacrosse and Ultimate Frisbee. A different tournament is held each weekend from September to the end of April, and each organization/promoter requires a different field layout for field lining. It is imperative to each tournament that each field is painted to the correct size/layout (full-size or half fields, dependent on the age group of the activity). It is not uncommon for some tournaments to have up to five different-sized fields that require specific line markings.

### **Procurement Information**

In accordance with Administrative Regulation 3.10, standard competition was waived as the result of an approved Determination Memo citing Sole Source. VP Construction Services, LLC dba Sport Lines is the only provider servicing the Phoenix area.

### **Contract Term**

The initial five-year contract term will begin on or about March 1, 2023, with five additional one-year options to extend for a total contract term of up to 10 years.

### **Financial Impact**

The aggregate contract value will not exceed \$500,000, including applicable taxes. Funds are available in the Parks and Recreation Department's budget. Contract

expenditures for lining services at Reach 11 are recouped through permit fees and deposited into a restricted fund for Reach 11 use only.

**Responsible Department**

This item is submitted by Deputy City Manager Inger Erickson and the Parks and Recreation Department.





## **Enter into Contract for Medical Laboratory Testing Services for the Fire Department Health Center (Ordinance S-49498)**

Request authorization for the City Manager, or his designee, to enter into a contract with Sonora Quest Laboratories, LLC for medical laboratory testing services for the Fire Department Health Center for \$1,296,526 over a five-year period. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

The Phoenix Fire Department Health Center provides approximately 3,000 annual firefighter physical examinations for multiple fire departments throughout the Phoenix metropolitan area. Blood and urine samples are routinely collected for first responder medical physical exams, exposures, or injury visits. This contract is for the testing of blood and urine samples. The Fire Department will be reimbursed for all associated costs by participating jurisdictions for services provided to that jurisdiction.

### **Procurement Information**

An Invitation for Bid, IFB 22-F04 Medical Laboratory Testing Services - Requirements Contract, was conducted in accordance with Administrative Regulation 3.10. Four offers were received on Oct. 19, 2022.

- ARCpoint Labs of Scottsdale \$374,915 annually
- Maverick Health dba Maverick Solutions \$980,020 annually
- Premier Lab Solutions, LLC \$112,422.95 annually
- Sonora Quest Laboratories, LLC \$259,305.30 annually

It is recommended by the Procurement Officer that the bid from Sonora Quest Laboratories be accepted as the lowest, responsive and responsible bidder, based on estimated quantities as Premier Lab Solutions was deemed non-responsive.

### **Contract Term**

This request is to contract with Sonora Quest Laboratories, LLC for a five-year period beginning on or about April 1, 2023.

**Financial Impact**

The aggregate five-year cost shall not exceed \$1,296,526. Funds for this contract are included in the Fire Department's budget.

**Location**

Phoenix Fire Department Health Center, 150 S. 12th St.  
Council District: 8

**Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



## **Request to Apply for and Accept 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant (Ordinance S-49528)**

Request to retroactively authorize the City Manager, or his designee, to apply for, and accept, if awarded, up to \$11,513,376 from Federal Fiscal Year (FFY) 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program funds. If awarded, request to authorize the City Manager, or his designee, to add 32 new sworn positions. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item. If not approved, the grant, if awarded, would be declined and no new positions would be added.

### **Summary**

The purpose of SAFER grants is to increase the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards. The grant application will request \$11,513,376 to hire 32 new firefighter positions. These positions will be used to increase service coverage area and improve emergency response time. Funding will be distributed over a three-year period with no cost match required. If awarded, federal funding will be up to \$11,513,376, over the period of performance.

### **Contract Term**

The grant period of performance, if awarded, is three years and is estimated to begin around March 2024 with a program end date around May 2027.

### **Financial Impact**

If awarded, the City of Phoenix Fire Department will receive up to \$11,513,376 in grant funding for 32 new firefighter positions. No match will be required from the City.

### **Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Fire Department.



### **Donation from Phoenix Police Foundation for Phoenix Police Cadet Program (Ordinance S-49512)**

Request to authorize the City Manager, or his designee, to accept a donation of funding for the Phoenix Police Department Cadet Program from the Phoenix Police Foundation for up to \$30,000. Further request authorization for the City Treasurer to accept all funds, and for the City Controller to disburse all funds related to this item.

#### **Summary**

The Phoenix Police Cadet Program is a Public Safety Program that provides young adults with law enforcement training, leadership skills, and experiences with an emphasis on the importance of community relationships. The program instills sound morals and values, good physical fitness and provides many professional opportunities. Cadets are assisted and encouraged to pursue a career in law enforcement and mentored through the City of Phoenix career opportunities. The Phoenix Police Cadet Program succeeded in approximately 45 professional employments for the 2023 calendar year. Professional career employment gained by the Cadets included Police Assistant, Police Officer, Police Aide, Secretary, Property Tech, and COPS Volunteer.

This donation consists of funding to assist with annual expenses (not including salaries and vehicles). This program traditionally operates a \$25,000 to \$30,000 revolving budget. The grant request for calendar year 2023 is estimated at \$30,000.

The Phoenix Police Foundation is a 501(c)(3) charitable organization. The Foundation is committed to addressing unmet capital needs of the Phoenix Police Department, providing financial assistance in crisis situations, and recognizing those who protect our community.

#### **Financial Impact**

Cost to the City will include any salary and vehicle expenses, as well as any annual expenses over the \$30,000 donation. Funds are available in the Police Department's budget.

**Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Police Department.



**Donation from Phoenix Police Foundation for Phoenix Police Activities League (Ordinance S-49513)**

Request to authorize the City Manager, or his designee, to accept a donation of funding for the Phoenix Police Activities League (PAL) Elite Basketball Program from the Phoenix Police Foundation for up to \$10,000. Further request authorization for the City Treasurer to accept all funds, and for the City Controller to disburse all funds related to this item.

**Summary**

The PAL Elite club provides underserved youth positive interactions with the police on a weekly basis. Youth are given the opportunity to play a sport they enjoy and learn many valuable skills needed to positively impact their communities now and in the future. Youth learn teamwork, sportsmanship, discipline, communication, good character, leadership skills, and responsibility. They also learn the value of hard work, how to deal with adversity and how to handle success while participating in numerous competitive tournaments throughout the valley.

The PAL Elite club provides high school athletes from the underserved community with the opportunity to be seen by college coaches from around the country and to be ranked locally and nationally. This greatly increases their chances of earning full or partial scholarships toward a college education. The club also provides camps and clinics for underserved youth in the elementary and middle school grades. Athletes in middle school are also given the opportunity to play on PAL teams in local tournaments and leagues.

This donation consists of \$10,000 in funding to cover expenses including tournament entry fees, equipment and uniforms.

The Phoenix Police Foundation is a 501(c)(3) charitable organization. The Foundation is committed to addressing unmet capital needs of the Phoenix Police Department, providing financial assistance in crisis situations, and recognizing those who protect our community.

**Financial Impact**

There is no cost to the City.

**Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Police Department.



**Donation from Phoenix Police Foundation for Phoenix Police Department  
Downtown Operations Unit (Ordinance S-49514)**

Request to authorize the City Manager, or his designee, to accept a donation of two TYR Tactical Ballistic Shield Kits for the Phoenix Police Department Downtown Operations Unit from the Phoenix Police Foundation for up to \$35,082.86. Further request authorization for the City Treasurer to accept all funds, and for the City Controller to disburse all funds related to this item.

**Summary**

The Downtown Operations Unit (DOU) provides police coverage for the downtown Phoenix area which includes sporting and event venues, as well as many high-rise office and apartment buildings. DOU currently has handheld ballistic shields that provide protection against rifle projectiles which are limited to specific functions. Over the years, ballistic protection technology has improved with increased stopping capability while decreasing the weight of ballistic shields. Since this technology is essential to our job function and safety, having proper ballistic shield protection for tactical events is crucial.

The TYR Tactical Shield Kit is designed to overcome the gaps found in the current handheld ballistic shields we currently possess. The Kit has the capability to stand alone and provide cover and concealment without manually being held by hand by an officer. Previous older models of a similar nature were heavier in weight and were not practical for transport and assembly during a short time frame. The specialized advancements of the TYR Tactical Shield Kit provide a tactical advantage by allowing officers to quickly transport and assemble the shield system to be used in any type of structure or situation.

The Shield Kits would provide DOU officers optimal ballistic protection in a high-rise structure that contains long hallways or corridors where cover is very limited when confronting an armed threat or needing ballistic protection to conduct evacuations of bystanders. Having a stand-alone ballistic shield system/bunker allows officers to remain on the exterior of a structure/room for above average time frames without having the need to periodically switch out officers manually holding a ballistic shield. Having light weight ballistic shields on a three-wheeled dolly system provides cover in



a situation when a person is located, officers can safely communicate with the potentially violent criminal offender and aid in negotiating a peaceful surrender from a ballistic protected position of tactical advantage.

This donation consists of \$35,082.86 in funding to purchase two TYR Tactical Ballistic Shield Kits.

The Phoenix Police Foundation is a 501(c)(3) charitable organization. The Foundation is committed to addressing unmet capital needs of the Phoenix Police Department, providing financial assistance in crisis situations, and recognizing those who protect our community.

**Financial Impact**

There is no cost to the City.

**Location**

Downtown Phoenix corridor  
Council Districts: 7 and 8

**Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Police Department.



**Donation from Phoenix Police Foundation for Phoenix Police Department Tactical Support Bureau and Canine Unit (Ordinance S-49515)**

Request to authorize the City Manager, or his designee, to accept a donation of funding for one Throwbot 2 Robot for the Phoenix Police Department Tactical Support Bureau and one K9 Storm Vest for the Canine Unit from the Phoenix Police Foundation for up to \$19,519. Further request authorization for the City Treasurer to accept all funds, and for the City Controller to disburse all funds related to this item.

**Summary**

The Tactical Support Bureau, including the Canine Unit, is responsible for handling all violent and potentially violent incidents, particularly involving barricaded subjects. The use of a police canine provides officers with a tactical advantage when searching for criminal suspects. This advantage is an invaluable tool in the rapid detection of criminal suspects and protection of officers to ensure the safety of the community.

To assist the K-9 team during searches, the K-9 Unit is requesting a Throwbot 2 robot. This "robot" is remote controlled, which allows the person controlling the equipment to view the environment from a protected position prior to any officer or canine entering a structure or location. This "robot" can be deployed from a safe distance and are designed to be thrown, due to their robust design. Each "robot" can withstand repeated drops from 30 feet onto concrete. They can also be forward deployed in a residential structure or large building. This allows the search team to partition the search while being able to see any approaching threats.

Having knowledge of the environment and threats within prior to entering a structure is always preferred and difficult to achieve. This technology, already in use by multiple units within the Phoenix Police Department, will reduce the surprise and sometimes violent encounters with subjects by allowing the team to develop entry and arrest plans based on factual information.

Additionally, the K9 Storm Vest is a wraparound level II ballistic soft armor vest which will be issued to Officer Fisher and K9 Eli. This vest will protect K9 Eli from pistol caliber projectiles and is stab resistant. K9 Eli is deployed on numerous high-risk incidents every week. The Phoenix Police Department has lost numerous K9s to

gunshot wounds and this would provide K9 Eli maximum protection.

This donation consists of \$19,519 in funding to purchase one Throwbot 2 Robot and one K9 Storm Vest.

The Phoenix Police Foundation is a 501(c)(3) charitable organization. The Foundation is committed to addressing unmet capital needs of the Phoenix Police Department, providing financial assistance in crisis situations, and recognizing those who protect our community.

**Financial Impact**

There is no cost to the City.

**Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Police Department.



**Donation from Phoenix Police Foundation for Phoenix Police Department  
Citizens Offering Police Support Program (Ordinance S-49516)**

Request to authorize the City Manager, or his designee, to accept a donation of funding for Citizens Offering Police Support (COPS) Program from the Phoenix Police Foundation for up to \$10,000. Further request authorization for the City Treasurer to accept all funds, and for the City Controller to disburse all funds related to this item.

**Summary**

The Phoenix Police Department Community Engagement Bureau (CEB) manages the COPS program so that citizen volunteers and college interns can support the department through non-enforcement roles and assistance. The program has approximately 150 volunteers and 16 interns annually who contribute hundreds of volunteer hours each year, helping in various ways, all throughout the community. This donation will allow CEB to purchase shirts and baseball caps, which serve as uniforms for the volunteers and interns to provide recognition and awareness. The donation will also allow as well as safety vest for volunteers who work with the Accessibility Compliance Enforcement Program and the Motorist Assist Program.

This donation consists of \$10,000 to be used for the purchase of uniforms and safety vest for the COPS program.

The Phoenix Police Foundation is a 501(c)(3) charitable organization. The Foundation is committed to addressing unmet capital needs of the Phoenix Police Department, providing financial assistance in crisis situations, and recognizing those who protect our community.

**Financial Impact**

There is no cost to the City.

**Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and the Police Department.



## **One Time Purchase of an Emergency Response MedStat Ambulance (Ordinance S-49496)**

Request to authorize the City Manager, or his designee, to enter into a contract with Alternative Support Apparatus, LLC (ASAP) for the purchase of one MV500 MedStat mini ambulance. Further request to authorize the City Controller to disburse all funds related to this item. This item will not exceed \$84,000.

### **Summary**

The Public Works Department is responsible for purchasing fleet vehicles and equipment including fire apparatus. The Fire Department was awarded \$76,189 in grant funds from the Gila River Indian Community (GRIC) and has requested the purchase of one MV500 MedStat all-terrain mini ambulance for special events emergency response. This unit will remedy a gap in response capabilities for special events that have limited vehicle access due to venue constraints or crowd congestion. Also, it will allow firefighters to navigate and maneuver in congested areas more easily and provide much faster medical response times. The unit features a fully enclosed, all aluminum patient compartment and allows for two attendants and a driver. The ability to respond to medical emergencies and provide event transportation with limited and restrictive access is critical to the department.

### **Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a determination memo citing a time restriction. Due to current build times, a grant time restriction, and specialty requirements, ASAP is being utilized for this purchase.

### **Contract Term**

This item will be a one-time purchase of one MV500 MedStat ambulance on or about March 23, 2023.

### **Financial Impact**

The grant is valued at \$76,189, with the MV500 MedState being valued at \$78,025 with tax. Due to potential build changes, the aggregate value will not exceed \$84,000.

Funding is available in the Fire Department's budget.

**Concurrence/Previous Council Action**

The City Council authorized the application and acceptance of the tribal gaming grant funds from the GRIC on July 1, 2022. (Ordinance S-39421)

**Responsible Department**

This item is submitted by Assistant City Manager Lori Bays and Deputy City Manager Mario Paniagua, and the Fire and Public Works departments.



**Residential Lot Cleaning Services Contract - RFP 23-015 - Request for Award (Ordinance S-49488)**

Request to authorize the City Manager, or his designee, to enter into a contract with Berry Realty & Associates, Inc. to provide residential lot cleaning services for the Aviation Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed \$3,350,000.

**Summary**

As a part of the ongoing Community Noise Reduction Program, the Aviation Department owns 816 undeveloped, vacant land parcels surrounding Phoenix Sky Harbor International Airport located in both residential and industrial areas. The contractor will provide residential lot cleaning services for the parcels that include rights-of-way, alleys, and easements. The services will include vegetation control, trash removal, removal of illegally dumped materials, rock harrowing, fence installation and repair, tree maintenance and removal, sign installation and repair, pest control, and other services associated with property management. Upkeep of the vacant parcels is imperative to the communities that live and work in neighboring areas.

**Procurement Information**

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

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

Method of Approach (0-350 points)  
Qualifications and Experience of Firm (0-300 points)  
Operations and Staffing Plans (0-200 points)  
Fee Schedule (0-150 points)

The following vendor is selected for award:

Berry Realty & Associates, Inc.

Additional proposers:

Clean Scene AZ, LLC

Pendragon Junk Removal, LLC DBA Skunky's Junk Removal

**Contract Term**

The contract will begin on or about April 1, 2023, for a three-year term with two one-year options to extend for a five-year term. The options to extend may be exercised at the sole discretion of the Aviation Director.

**Financial Impact**

The contract value will be up to \$3,350,000 for the five-year contract term.

Funding is available in the Aviation Department's budget.

**Concurrence/Previous Council Action**

The Phoenix Aviation Advisory Board recommended approval of this item on Jan. 19, 2023 by a vote of 6-0.

**Location**

Phoenix Sky Harbor International Airport, 2485 E. Buckeye Road

Council District: 8

**Responsible Department**

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





## **Authorization to Amend Lease with BWC, LLC to Extend Term (Ordinance S-49493)**

Request to authorize the City Manager, or his designee, to amend Lease Agreement 135009 with BWC, LLC to extend the lease term for two years, with two additional, one-year options to extend. Further request authorization for the City Treasurer to accept all funds related to this item.

### **Summary**

BWC, LLC (BWC) leases approximately 1,300 square feet of interior space located at 1945 W. Dunlap Ave., Suite 8. The space is utilized for the purposes of a beauty salon. The term of the lease agreement expires March 31, 2023. The lease agreement will be amended to extend the term for two years, with two additional one-year options to extend. Base rent during the two-year extension is \$1,228.50 per month, plus applicable taxes, which is a three percent increase in the current rent and is within the range of market rents as determined by the Real Estate Division. Each option period will be exercised upon mutual agreement by the City and BWC, with annual base rent adjustments of three percent at the beginning of each option period. All other terms and conditions will remain the same. BWC is a long-term tenant in good standing.

### **Contract Term**

The term of the lease agreement will be extended two years, with two additional, one-year options to extend.

### **Financial Impact**

Revenue during the initial year of the extended term will be \$14,742, plus applicable taxes.

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

City Council previously approved:

- Agreements 135009, 135009-1, 135009-2, and 135009-3 authorized by Ordinance S-39268 adopted Oct. 17, 2012.
- Agreements 135009-4, 135009-5, 135009-6, 135009-7, and 135009-8 authorized by Ordinance S-44310 adopted March 7, 2018.

**Location**

1945 W. Dunlap Ave., Suite 8  
Council District: 5

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit and Finance departments.



**Amend Ordinance S-48404 for Acquisition of Real Property for Bus Stop Enhancements at Various Locations (Ordinance S-49492)**

Request the City Council to amend Ordinance S-48404 to grant an exception pursuant to Phoenix City Code section 42-20 to authorize inclusion of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code 42-18 in the documents pertaining to the Arizona Department of Administration acquisition.

**Summary**

A sidewalk easement is being acquired from the Arizona Department of Administration (ADOA) at the property located at 1400 W. Washington St. for bus stop enhancements. The ADOA is requiring that the City indemnify the State for any loss, cost, or damage as a result of any negligent installation, excavation, maintenance, repair or other work performed by City within the sidewalk easement.

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

**Concurrence/Previous Council Action**

Ordinance S-48404 was adopted on March 23, 2022.

**Location**

15th Avenue and Washington Street.  
Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit and Finance departments.



## **Hydraulic Hose Repair and Replacement - IFB 23-FSD-033 - Contract Recommendation (Ordinance S-49489)**

Request to authorize the City Manager, or his designee, to enter into a contract with Bridgestone HosePower, LLC, dba HosePower USA to provide hydraulic hose repair and replacement services. Further request to authorize the City Controller to disburse all funds related to this item. This contract will have a not to exceed value of \$1,000,000.

### **Summary**

The Public Works and Aviation departments are responsible for maintaining a diverse fleet with a multitude of hydraulic hose configurations. Repair and replacement of these hoses are essential to keep vital equipment, such as refuse trucks, backhoes, graders, etc., functioning for City services, as well as keep equipment at airports running that provide runway, taxiway and gate maintenance. This contract will be used to allow the vendor to repair hoses, while also allowing them to replace hoses that are not able to be repaired.

### **Procurement Information**

Invitation for Bid 23-FSD-033 was conducted in accordance with Administrative Regulation 3.10. The Public Works Department received one offer on Nov. 30, 2022. One group was identified in the bid submittal: labor charges; and parts pricing, with a grand total being used for evaluation. The following offer was received for hourly labor rate for Hydraulic Hose Repair and Replacement and deemed to be responsive and responsible to all specifications.

Bridgestone HosePower, LLC, dba HosePower USA: \$140.00

### **Contract Term**

This contract will begin on or about April 1, 2023 with a three-year initial term and two one-year options to extend, for a total contract term of five years.

### **Financial Impact**

This contract will have an estimated annual expenditure of \$200,000 with a total value not to exceed \$1,000,000.

Funding is available in the Aviation and Public Works departments' budget.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation and Public Works departments.



**Auto Body Repair IFB 23-FSD-037 - Contract Recommendation (Ordinance S-49502)**

Request to authorize the City Manager, or his designee, to enter into separate contracts with Desert Edge Auto Body LLC, Chaney's Collision Centers, Sands Motor Co. Inc., and Velocity Truck Center for the purpose of auto body repairs, fabrication and painting services for the City of Phoenix vehicles and equipment. The contracts will have an estimated total value of \$7,600,000. Further request to authorize the City Controller to disburse all funds related to this item.

**Summary**

The Aviation and Public Works departments operate a diverse fleet with vehicles ranging from passenger vehicles, light duty to heavy duty trucks, emergency vehicles and off road equipment. These contractors will be responsible for making general body repairs resulting from accidents and/or vandalism to ensure that City vehicles and equipment are professionally repaired and mechanically safe for operation.

**Procurement Information**

Invitation for Bid 23-FSD-037 was conducted in accordance with Administrative Regulation 3.10. Five offers were received on Dec. 14, 2022 by the Public Works Department. The offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services, with two groups receiving no bids. One offer was deemed non-responsive due to the inability to provide the required certifications. For Group I and II, the low bid offers were determined by the total dollar amount of the estimate on the bid submittal form, and Group V was determined by hourly rate. Due to the large volume of repair work, multiple vendors are being recommended for contract award.

Group I - Passenger Cars and Light Duty Trucks

Desert Edge Auto Body LLC: \$56,760.75

Chaney's Collision Centers: \$59,096.23

Sands Motor Co. Inc.: \$62,779.64

Group II - Medium and Heavy Duty Trucks

Velocity Truck Center: \$52,478.89

Group V - Painting Services (Only)

Desert Edge Auto Body LLC: \$48.50

Velocity Truck Center: \$110.00

**Contract Term**

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

**Financial Impact**

The contracts will have a \$1,520,000 estimated annual expenditure, with a total value not to exceed \$7,600,000 over the life of the contracts.

Funds are available in the Aviation and Public Works departments' budget.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Aviation and Public Works departments.



**Apply for Maricopa Association of Governments Congestion Mitigation and Air Quality Grant Opportunity for Federal Fiscal Year 2024-25 - Federal Bipartisan Infrastructure Law Funding (Ordinance S-49490)**

Request to retroactively authorize the City Manager, or his designee, to apply for, accept and, if awarded, enter into agreement(s) for disbursement of Federal funding from the Maricopa Association of Governments for the Congestion Mitigation and Air Quality Regional Competitive Programs: 2022 Call for Projects Supplemental for Systems Management and Operations through the Federal Fiscal Year 2024-25 grant opportunity. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. Funding for this grant opportunity is available through the Federal Bipartisan Infrastructure Law. The total grant funds applied for will not exceed \$4.6 million and the City's local match would not exceed \$535,000.

**Summary**

On Dec. 1, 2022, the Maricopa Association of Governments (MAG) announced a call for projects for Congestion Mitigation and Air Quality: Systems Management and Operations funding. There was approximately \$9,422,482 of funding available under the call.

The City submitted three applications for projects. These projects are intended to install additional fiber, replace outdated and unsupported communication devices and deploy adaptive signal technology and video detection at various intersections throughout the City. Obtaining grant funding, either federal or non-federal, allows the City to leverage local dollars to design, build and procure new projects and equipment for the benefit of the community.

The MAG grant submittal deadline was Jan. 13, 2023.

**Financial Impact**

The estimated total cost for the three projects is \$4,925,000. The maximum federal participation rate is 94.3 percent with a minimum local match of 5.7 percent of the total eligible project cost. If awarded all three applications, the federal match would not exceed \$4.4 million, and the City's costs would be approximately \$535,000 for the



local match, which includes design.

If awarded, funding for the local match is available in the Street Transportation Department's Capital Improvement Program budget. Potential grant funding received is available through the Federal Bipartisan Infrastructure Law, from MAG through the Federal Fiscal Year 2024-25 Congestion Mitigation and Air Quality grant opportunity.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Street Transportation Department.



**Water Main Replacement Area Bounded By: Camelback Road from 26th Street to 40th Street, 36th Street from Campbell Avenue to Colter Street, and 40th Street from Hazelwood Street to Camelback Road - Construction Manager at Risk Construction Services Amendment - WS85509055 (Ordinance S-49491)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 152340 with Talis Construction Corporation to provide additional Construction Manager at Risk Construction Services for the Water Main Replacement Area Bounded By: Camelback Road from 26th Street to 40th Street, 36th Street from Campbell Avenue to Colter Street, and 40th Street from Hazelwood Street to Camelback Road project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item

**Summary**

The purpose of this project is to replace approximately 3.9 miles of four-inch to 12-inch aging water mains and 27 fire hydrants within an area bounded by Camelback Road from 26th Street to 40th Street, 36th Street from Campbell Avenue to Colter Street, and 40th Street from Hazelwood Street to Camelback Road.

This amendment is necessary because additional time is needed on the project due to unforeseen delays caused by traffic control restrictions along Camelback Road. This amendment will provide additional time to the agreement.

**Contract Term**

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

**Financial Impact**

The initial agreement for Construction Manager at Risk (CMAR) Construction Services was executed for a fee not-to-exceed \$7.23 million, including all subcontractor and reimbursable costs.

**Concurrence/Previous Council Action**

The City Council approved:

- CMAR Preconstruction Services Agreement 146352 (Ordinance S-44046) on Nov. 15, 2017;
- CMAR Preconstruction Services Agreement Rescind (146352)/Re-Award Agreement 147763 (Ordinance S-44665) on June 6, 2018; and
- CMAR Construction Services Agreement 152340 (S-46662) on June 3, 2020.

**Location**

This project is located in the area bounded by:

- Camelback Road from 26th Street to 40th Street
- 36th Street from Campbell Avenue to Colter Street
- 40th Street from Hazelwood Street to Camelback Road

Council District: 6

**Responsible Department**

This item is submitted by Deputy City Managers Ginger Spencer and Alan Stephenson, the Water Services Department, and the City Engineer.



**Deer Valley Water Treatment Plant Rehabilitation 2019 - Engineering Services Amendment - WS85260030 (Ordinance S-49499)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 150253 with Wilson Engineers, LLC to provide additional Construction Administration and Inspection Services for the Deer Valley Water Treatment Plant Rehabilitation 2019 project. Further request to authorize execution of amendments to the agreement as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed \$4.3 million.

**Summary**

The purpose of this project is to rehabilitate components of the Deer Valley Water Treatment Plant. The City anticipates the following areas to be in need of rehabilitation: solids handling facility, solids area drain pump station, facility-wide valve and gate actuators, and electrical gear and duct banks for the Raw Water and Chemical electrical buildings.

This amendment is necessary due to the additional scope of work that came from the initial condition assessment during the design phase. The amendment will provide additional funds and time to the agreement.

Wilson Engineers, LLC's additional services include, but are not limited to, obtaining all required permits, providing agency coordination services, conducting construction progress meetings, and providing Construction Administration and Inspection services.

**Contract Term**

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

**Financial Impact**

- The initial agreement for Engineering Services was approved for an amount not to exceed \$5.6 million, including all subconsultant and reimbursable costs.

- This amendment will increase the agreement by an additional \$4.3 million, for a new total amount not to exceed \$9.9 million, including all subconsultant and reimbursable costs.

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

**Concurrence/Previous Council Action**

The City Council approved:

- Engineering Services Agreement 150253 (Ordinance S-45799) on June 19, 2019.

**Location**

30th Avenue and Dunlap Avenue

Council District: 1

**Responsible Department**

This item is submitted by Deputy City Managers Ginger Spencer and Alan Stephenson, the Water Services Department and the City Engineer.



**Zone 3D and 4A Improvements Program Water Treatment Plant Booster Pump Stations - Engineering Services Amendment 1 - WS85100047, WS85110008, WS85100050, WS85100052 and WS85110006 (Ordinance S-49500)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 148954 with Wilson Engineers, LLC, to provide additional Construction Administration and Inspection Services for the Zone 3D and 4A Improvements Program Water Treatment Plant Booster Pump Stations project. Further request to authorize execution of amendments to the agreement, as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item.

**Summary**

The purpose of this project is to replace the existing Finished Water Pump Station (FWPS) at the Deer Valley Water Treatment Plant (DVWTP) to provide resiliency for the water system and increase the plant's pumping capacity to supplement water in the northern portions of Phoenix's water service area. The City of Phoenix Water Services Department completed a study that identified infrastructure improvements to move water in the distribution system as needed in the event there are restrictions placed on Colorado River water delivered through the Central Arizona Project (CAP). The City of Phoenix treats CAP water at the Union Hills and Lake Pleasant WTPs, which supply water to north Phoenix. Following completion of the project, the new pump station at the DVWTP will be able to augment the water supply in areas that have typically received water from the City's CAP plants. In order to replace the FWPS, it will be necessary to move the existing chemical storage and feed facilities at the FWPS. The first phase of the project will include relocation and demolition of the chemical facilities, and the second phase will include construction of the new FWPS.

This amendment is necessary because of the need to reprogram the timing of the construction of the project due to cost increases and associated budget impacts. This amendment will add more time to the agreement for completion of the project.

**Contract Term**

The term of the agreement amendment is three years from the issuance of the Notice to Proceed. Work scope identified and incorporated into the agreement prior to the end

of the term may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

**Financial Impact**

The initial agreement for Engineering Services was approved for an amount not to exceed \$11.59 million, including all sub-consultant and reimbursable costs.

**Concurrence/Previous Council Action**

The City Council approved:

- Engineering Services Agreement 148954 (Ordinance S-45172) on Dec. 5, 2018.

**Location**

31st Avenue and Dunlap Avenue

Council District: 1

**Responsible Department**

This item is submitted by Deputy City Managers Ginger Spencer and Alan Stephenson, the Water Services Department, and the City Engineer.



**\*\*\*REQUEST TO CONTINUE (SEE ATTACHED MEMO)\*\*\* Water Line Replacement - Job Order Contracting Services Amendment - 4108JOC175 (Ordinance S-49518)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreements 150254 with Talis Construction Corporation, 150255 with WaCo Contracting, and 150256 with J Wise Corp. to provide additional Job Order Contracting Services for the Water Line Replacement program. Further request to authorize execution of amendments to the agreements as necessary within the Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in the amendments will not exceed \$18 million.

**Summary**

The purpose of this project is to continue to provide Job Order Contracting (JOC) services on an as-needed basis to support the Water Line Replacement program.

The amendments are necessary as the contract will exhaust the initial contract funding capacity within the first three years of the agreements' term. The amendments will provide additional funding that is necessary due to the continuous need for the Water Line Replacement program.

**Contract Term**

The term of the agreements will remain the same. Work scope identified and incorporated into the agreement prior to the end of the term, may be agreed to by the parties, and work may extend past the termination of the agreement. No additional changes may be executed after the end of the term.

**Financial Impact**

- The initial agreements for the JOC services were executed for a fee not to exceed \$12 million each, including all subcontractor and reimbursable costs.
- The amendments will increase the agreements by an additional \$6 million each, for a new total amount not to exceed \$18 million each, including all subcontractor and reimbursable costs.



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

**Concurrence/Previous Council Action**

The City Council approved:

- Job Order Contracting Services Agreement 150254 Talis Construction Corporation, 150255 WaCo Contracting, and 150256 J Wise Corp. (Ordinance S-45802) on June 19, 2019.

**Responsible Department**

This item is submitted by Deputy City Managers Ginger Spencer and Alan Stephenson, the Water Services Department, and the City Engineer.



## City of Phoenix

**To:** Ginger Spencer  
Deputy City Manager

**Date:** March 20, 2023

**From:** Troy Hayes   
Water Services Director

**Subject:** REQUEST FOR CONTINUANCE OF PAYMENT ORDINANCE ITEM 67  
FROM THE 3/22/23 FORMAL COUNCIL AGENDA TO THE 4/5/23  
AGENDA

This memo requests continuance of Item 67 (Water Line Replacement – Job Order Contracting Services Amendments – 4108JOC175) from the March 22, 2023, Formal Meeting to the April 5, 2023, Formal Meeting. Additional time is needed to answer questions related to this amendment.

Approved by:

  
\_\_\_\_\_  
Ginger Spencer  
Deputy City Manager

3/20/2023  
\_\_\_\_\_  
Date



**24th Street Water Treatment Plant Rehabilitation 2021 - Construction Manager at Risk Construction Services Amendment 1 - WS85290032 (Ordinance S-49494)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 154723 with PCL Construction, Inc., to provide additional Construction Manager at Risk Construction Services for the 24th Street Water Treatment Plant Rehabilitation 2021 project. Further request to authorize execution of amendments to the agreement, as necessary within the City Council approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The additional fee for services included in this amendment will not exceed \$10,242,943.

**Summary**

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

This amendment is necessary to provide continued construction services. This amendment will provide additional funds and time to the agreement.

**Contract Term**

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

### **Financial Impact**

- The initial agreement for Preconstruction and Construction Services was executed for a fee not-to-exceed \$300,000, including all subcontractor and reimbursable costs.
- This amendment will increase the agreement by an additional \$10,242,943, for a new total amount not-to-exceed \$10,542,943, including all subcontractor and reimbursable costs.

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

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

The City Council approved:

- Preconstruction and Construction Services Agreement 154723 (Ordinance S-47776) on July 1, 2021.

### **Location**

24th Street Water Treatment Plant  
Council District: 6

### **Responsible Department**

This item is submitted by Deputy City Managers Ginger Spencer and Alan Stephenson, the Water Services Department, and the City Engineer.



**Large Diameter Sanitary Sewer Rehabilitation Grade 5 and Grade 4 Manholes - South - Engineering Services Amendment 1- WS90500273 (Ordinance S-49497)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 150125 with Brown and Caldwell, Inc., to provide Construction Administration and Inspection Services for the Large Diameter Sanitary Sewer Rehabilitation Grade 5 and Grade 4 Manholes - South project. Further request to authorize execution of amendments to the agreement, as necessary within the City Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item.

**Summary**

The purpose of this project is to rehabilitate the higher priority Grade 5 and Grade 4 sanitary sewer manholes as identified by the assessment report.

This amendment is necessary because the project was phased into four design packages versus a single package. The project deliverable was changed to a manhole rehabilitation work sheet versus a typical design sheet. This change increased the overall project duration, as well as the review periods, and this amendment will provide additional time to the agreement.

Brown and Caldwell, Inc.'s additional services include, but are not limited to: administration of the construction schedule, review of submittals, issue interpretations and clarifications, certify contractor progress payments, inspections, survey, material testing, record drawings and project documents, and field administration.

**Contract Term**

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

**Financial Impact**

No additional funding for services is needed.

**Concurrence/Previous Council Action**

The City Council approved:

- Engineering Services Agreement 150125 (Ordinance S-45716) on June 5, 2019.

**Responsible Department**

This item is submitted by Deputy City Managers Ginger Spencer and Alan Stephenson, the Water Services Department, and the City Engineer.



**Itron AMR Equipment, Software Support, Upgrades, and Maintenance - Amendment (Ordinance S-49501)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 147272 with Itron Inc., to provide additional time and funding. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in this amendment will not exceed \$3,376,050.

**Summary**

The purpose of this amendment is to extend the term of the agreement for an additional two years to continue provision of all Itron Equipment, Software Support, Upgrades, and Maintenance on an as needed basis for the Water Meters Division while allowing the Water Services Department (WSD) time to develop a new agreement reflecting required technology updates and future equipment and software support.

The additional time and funds will allow Itron, Inc., to continue to provide ongoing maintenance and support for the WSD required Itron handheld devices, meter retrofit equipment and automated meter reading (AMR) software. The AMR software is critical for WSD to read over 400,000 water meters on a monthly basis. To keep Itron products in working order, hardware and software maintenance services are needed for equipment and software that exceeds the 12-month factory warranty period.

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

**Contract Term**

The amendment will extend the end date of the agreement term from March 31, 2023 to March 31, 2025.

**Financial Impact**

The initial authorization for Itron AMR Equipment, Software Support, Upgrades, and Maintenance was for an expenditure not-to-exceed \$7,958,000. An amendment increased the authorization for the agreement by \$3,355,402. This amendment will increase the authorization for the agreement by an additional \$3,376,050, for a new

total not-to-exceed agreement value of \$14,689,452.

Funding is available in the Water Services Department's Operating Budget.

**Concurrence/Previous Council Action**

The City Council approved:

- Itron AMR Equipment, Software Support, Upgrades, and Maintenance Agreement # 147272 (Ordinance S-44426) on April 4, 2018.
- Itron AMR Equipment, Software Support, Updates, and Maintenance Agreement # 147272 (Ordinance S-48218) on Jan. 5, 2022.

**Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the Water Services Department.





## **Anti-Theft Water Meter Security Products - Amendment (Ordinance S-49517)**

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 146991, with Fullerform Systems, Inc. to provide additional time to the agreement. Based on current contract usage, additional funding is not required.

### **Summary**

The purpose of the Amendment is to extend the term of the agreement for one year to continue providing anti-theft water meter security products on an as-needed basis for the Water Meter Division. Due to current supply chain issues, utilizing the current contract is in the best interest of the City for maintaining consistent supply.

Anti-theft water meter security products are utilized by the Water Services Water Meter Division to provide anti-theft security measures for the commercial and residential water meters throughout the City.

### **Contract Term**

The amendment will extend the end date of the agreement term from March 31, 2023 to March 31, 2024.

### **Financial Impact**

The initial authorization for Anti-Theft Water Meter Security Products was for an expenditure not-to-exceed \$61,460.00. This amendment will not increase the not-to-exceed value.

Funding is available in the Water Services Department's Operating budget.

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

The City Council approved Anti-Theft Water Meter Security Products Agreement 146991 (Ordinance S-44271) on Feb. 21, 2018.

### **Responsible Department**

This item is submitted by Deputy City Manager Ginger Spencer and the Water Services Department.



Report

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Agenda Date: 3/22/2023, Item No. 72

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**(CONTINUED FROM MARCH 1, 2023) - Final Plat - Norterra Parcel 24 - PLAT 220047 - Southeast Corner of Norterra Parkway and Jomax Road**

Plat: 220047  
Project: 15-3108  
Name of Plat: Norterra Parcel 24  
Owner: US Relp Norterra East I, LLC  
Engineer: Michael D. Pollock, RLS  
Request: A 110-Lot Residential Subdivision Plat  
Reviewed by Staff: Feb. 3, 2023  
Final Plat requires Formal Action Only

**Summary**

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

**Location**

Generally located at the southeast corner of Norterra Parkway and Jomax Road  
Council District: 1

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager

**Date:** March 1, 2023

**From:** Joshua Bednarek   
Planning and Development Deputy Director

**Subject:** CONTINUANCE OF ITEM 87 ON THE MARCH 1, 2023 FORMAL AGENDA –  
FINAL PLAT - NORTERRA PARCEL 24 - PLAT 220047 - SOUTHEAST  
CORNER OF NORTERRA PARKWAY AND JOMAX ROAD

Item 87, is a Final Plat Norterra Parcel 24 - Plat 220047 - Southeast corner of Norterra Parkway and Jomax Road.

Staff has received correspondence from the applicant requesting a continuance.

Staff recommends continuing this item to the March 22, 2023 City Council Formal meeting.

Approved: \_\_\_\_\_

  
Alan Stephenson  
Deputy City Manager

Attachment:  
Exhibit A – Applicant's request for continuance

## Stephanie Vasquez

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**From:** Josef Pappas <jpappas@sunbeltholdings.com>  
**Sent:** Wednesday, March 1, 2023 9:15 AM  
**To:** Stephanie Vasquez  
**Cc:** Manjula M. Vaz; Corey Hosea  
**Subject:** COP Council Agenda change: Norterra P24

Stephanie,

Thanks for the quick call. We are looking to have the Final Plat for Norterra Parcel 24 removed from this agenda and moved to the March 22<sup>nd</sup> Agenda.

This is item 87 on the agenda currently. We need to move it back due to landowner's request based on project sale coordination. We are representatives of the landowner. I've copied Corey Hosea with the developer who has been processing plan submittals.

Please let me know what else you need to help accommodate this request.

Thanks!

**SUNBELT  HOLDINGS**

**Josef Pappas, P.E.** *Vice President*

6720 North Scottsdale Road, Suite 250

Scottsdale, AZ 85253-4424

D. (480) 609-2343

M. (602) 616-8216



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Agenda Date: 3/22/2023, Item No. 73

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**Final Plat - TSMC Arizona Corporation - PLAT 220096 - Southwest Corner of 43rd Avenue and Dove Valley Road**

Plat: 220096  
Project: 20-4636  
Name of Plat: TSMC Arizona Corporation  
Owner: TSMC Arizona Corporation  
Engineer: Chad Huber, RLS  
Request: A Three-Lot Commercial Plat  
Reviewed by Staff: Feb. 16, 2023  
Final Plat requires Formal Action Only

**Summary**

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

**Location**

Generally located at the southwest corner of 43rd Avenue and Dove Valley Road  
Council District: 1

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Final Plat - Encanto Sweetwater - PLAT 220111 - 14215 North Cave Creek Road**

Plat: 220111

Project: 21-658

Name of Plat: Encanto Sweetwater

Owner: Legacy Park at Cave Creek, LLC

Engineer: James A. Loftis, RLS

Request: A One-Lot Commercial Plat

Reviewed by Staff: Feb. 24, 2023

Final Plat requires Formal Action Only

**Summary**

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

**Location**

Generally located at 14215 North Cave Creek Road

Council District: 3

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



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Agenda Date: 3/22/2023, Item No. 75

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**Final Plat - Quiktrip - SEC of 35th Ave & I-10, Lots 1 & 2 - PLAT 220065 - Southeast Corner of 35th Avenue and Interstate 10**

Plat: 220065

Project: 20-4177

Name of Plat: Quiktrip - SEC of 35th Ave & I-10, Lots 1 & 2

Owner: Quiktrip Corporation

Engineer: Jason A. Segneri, RLS

Request: A Two-Lot Commercial Plat

Reviewed by Staff: Feb. 22, 2023

Final Plat requires Formal Action Only

**Summary**

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

**Location**

Generally located at the southeast corner of 35th Avenue and Interstate 10

Council District: 4

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



Report

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Agenda Date: 3/22/2023, Item No. 76

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**Final Plat - A Replat of Lot 5, Columbia Plaza - PLAT 220008 - West of 99th Avenue and South of Camelback Road**

Plat: 220008

Project: 02-4501

Name of Plat: A Replat of Lot 5, Columbia Plaza

Owner: Columbia Plaza, LLC and Halle Properties, LLC

Engineer: Chad Huber, RLS

Request: A Two-Lot Commercial Plat

Reviewed by Staff: Feb. 2, 2023

Final Plat requires Formal Action Only

**Summary**

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

**Location**

Generally located west of 99th Avenue and south of Camelback Road

Council District: 5

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.





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Agenda Date: 3/22/2023, Item No. 77

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**Final Plat - Arcadia 32 - PLAT 210083 - South of Glenrosa Avenue and West of 32nd Street**

Plat: 210083  
Project: 20-3986  
Name of Plat: Arcadia 32  
Owner: 4220 Holdings, LLC  
Engineer: David S. Klein, RLS  
Request: A 40-Lot Residential Subdivision Plat  
Reviewed by Staff: Feb. 20, 2023  
Final Action requires Formal Action Only

**Summary**

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

**Location**

Generally located south of Glenrosa Avenue and west of 32nd Street  
Council District: 6

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



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Agenda Date: 3/22/2023, Item No. 78

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**Final Plat - Apel Extrusions 1st Addition - PLAT 210002 - South of Lower Buckeye Road and East of 59th Avenue**

Plat: 210002

Project: 19-3988

Name of Plat: Apel Extrusions 1st Addition

Owner: Apel Extrusions, Inc., A Delaware Corporation

Engineer: James A. Brucci, RLS

Request: A One-Lot Commercial Plat

Reviewed by Staff: Feb. 14, 2023

Final Plat requires Formal Action Only

**Summary**

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

**Location**

Generally located south of Lower Buckeye Road and east of 59th Avenue

Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



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Agenda Date: 3/22/2023, Item No. 79

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**Final Plat - Dobbins Industrial Tech Park Phase 1 - PLAT 220084 - Southwest Corner of 65th Avenue and Dobbins Road**

Plat: 220084

Project: 21-4899

Name of Plat: Dobbins Industrial Tech Park Phase 1

Owner: Scannell Properties # 598, LLC

Engineer: Michael A. Banta, RLS

Request: A Four-Lot Commercial Plat

Reviewed by Staff: Feb. 16, 2023

Final Plat requires Formal Action Only

**Summary**

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

**Location**

Generally located at the southwest corner of 65th Avenue and Dobbins Road

Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Final Plat - 20th Street Townhomes - PLAT 220028 - Northeast Corner of 20th Street and Desert Lane**

Plat: 220028  
Project: 21-1510  
Name of Plat: 20th Street Townhomes  
Owner: 8005 S 20th St Land, LLC  
Engineer: Troy A. Ray, RLS  
Request: A One-Lot Commercial Plat  
Reviewed by Staff: Feb. 9, 2023  
Final Plat requires Formal Action Only

**Summary**

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

**Location**

Generally located at the northeast corner of 20th Street and Desert Lane  
Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Final Plat - Proximity 36th - Phase II - PLAT 220046 - Northwest Corner of 36th Street and Southern Avenue**

Plat: 220046  
Project: 21-671  
Name of Plat: Proximity 36th - Phase II  
Owner: 36th & Southern NWC, LLC  
Engineer: James A. Loftis, RLS  
Request: A One-Lot Commercial Plat  
Reviewed by Staff: Feb. 8, 2023  
Final Plat requires Formal Action Only

**Summary**

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

**Location**

Generally located at the northwest corner of 36th Street and Southern Avenue  
Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



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Agenda Date: 3/22/2023, Item No. 82

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**Final Plat - 8034 South Central Avenue Apartments - PLAT 220075 - 8034 S. Central Ave.**

Plat: 220075

Project: 21-2510

Name of Plat: 8034 South Central Avenue Apartments

Owner: Elevation Townhomes, LLC

Engineer: Paul M. Miller, RLS

Request: A One-Lot Commercial Plat

Reviewed by Staff: Feb. 20, 2023

Final Plat requires Formal Action Only

**Summary**

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

**Location**

Generally located at 8034 S. Central Ave.

Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Final Plat - McDowell Road Data Center - PLAT 220095 - East of 36th Street and South of McDowell Road**

Plat: 220095

Project: 17-2529

Name of Plat: McDowell Road Data Center

Owner: QTS Phoenix II, LLC

Engineer: Michael A. Banta, RLS

Request: A One-Lot Commercial Plat

Reviewed by Staff: Feb. 13, 2023

Final Plat requires Formal Action Only

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with abandonment ABND 220041. This sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

**Location**

Generally located east of 36th Street and south of McDowell Road

Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Abandonment of Easements - V180047A - 66th Street and Mayo Boulevard  
(Resolution 22107)**

Abandonment: V180047A

Project: 15-41

Applicant(s): Max Friedman - Camden

Request: To abandon a portion of the access easement and drainage easement on the parcel identified as APN 215-04-725, MCR.

Date of Decision/Hearing: March 16, 2022

**Summary**

The resolution of the abandonment and the dedication DEDI 220070 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 of abandonment is recorded first, then the dedication is recorded second.

**Location**

66th Street and Mayo Boulevard

Council District: 1

**Financial Impact**

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

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.





**Abandonment of Easement - ABND 220026 - Southwest Corner of Scottsdale Road and Bell Road (Resolution 22105)**

Abandonment: ABND 220026

Project: 20-4321

Applicant(s): The Hampton Group, LLC

Request: To abandon 30 feet of the 40-foot-wide sidewalk easement and a section of the 33 feet of the 40-foot-wide sidewalk easement over Parcel C of Princess Crossing Plat, MCR.

Date of Decision/Hearing: June 9, 2022

**Location**

Southwest corner of Scottsdale Road and Bell Road

Council District: 2

**Financial Impact**

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

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Abandonment of Easements - ABND 220014 - Southwest Corner of 101st Avenue and Montebello Avenue (Resolution 22106)**

Abandonment: ABND 220014

Project: 18-3875

Applicant(s): Vincent Ruiz

Request: To abandon two drainage easements originally dedicated on Lot 3 of Aldea Centre Final Plat, Book 1482, Page 8.

Date of Decision/Hearing: April 27, 2022

**Location**

Southwest corner 101st Avenue and Montebello Avenue

Council District: 5

**Financial Impact**

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

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Abandonment of Easement - ABND 220041 - 1200 N. 40th St. (Resolution 22104)**

Abandonment: ABND 220041

Project: 17-2529

Applicant(s): QTS Investment Properties Phoenix, LLC, Angie Fealy, Jacobs Engineering

Request: To abandon the 40-foot wide sewer easement adopted by City Ordinance S-30942

Date of Decision/Hearing: July 26, 2022

**Summary**

The resolution of this abandonment and PLAT 220095 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 to be recorded first, then the plat is recorded second.

**Location**

1200 N. 40th St.

Council District: 8

**Financial Impact**

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

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



**Authorization to Convey a Portion of an Undedicated and Closed Alley to 362 North Third LLC by Quit Claim Deed (Ordinance S-49495)**

Request to authorize the City Manager, or his designee, to convey a portion of an undedicated and closed alley to 362 North Third LLC by quit claim deed via separate recording instrument.

**Summary**

Based on an owner's survey of the properties located at 350 and 362 N. 3rd Ave., the west 10-foot strip of land is listed for alley purposes. The title report and Maricopa County records reflect ownership as 362 North Third LLC with no alley encumbrance. The Real Estate Division confirmed that 1) there is no record of a dedicated alley at this location; 2) there is no access from Van Buren and Fillmore streets for an alley between 3rd and 4th avenues; and 3) the owner's survey conflicts with title research, current conditions and public records.

Resolution 17807 abandoned an undedicated but open alley between 3rd and 4th avenues, north of Van Buren Street; however, the legal description for this resolution did not include the portions of the alley in question. A quit claim deed is required to clear a cloud on the title.

**Location**

West 10 feet within Maricopa County Assessor parcel numbers 111-41-011C and 111-41-009.

Council District: 7

**Concurrence/Previous Council Action**

Resolution 17807 was adopted Jan. 2, 1991.

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development and Finance departments.



**Modification of Stipulation Request for Ratification of Feb. 15, 2023, Planning Hearing Officer Action - PHO-1-22--Z-174-05-2 - Northeast Corner of Tatum Boulevard and Deer Valley Drive**

Request to authorize the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Feb. 15, 2023. This ratification requires formal action only.

**Summary**

Application: PHO-1-22--Z-174-05-2

Existing Zoning: S-1 DRSP (Approved R-4 DRSP)

Acreage: 41.18

Owner: Ari Astalos, Garden Deer Valley LLC

Applicant and Representative: Ed Bull, Burch and Cracchiolo PA

**Proposal:**

1. Modification of Stipulation 1 regarding general conformance with the site plan date stamped Nov. 23, 2005.
  2. Modification of Stipulation 2 regarding general conformance with the elevations date stamped Nov. 23, 2006.
  3. Modification of Stipulation 3 regarding parking structure architecture.
  4. Modification of Stipulation 4 regarding useable outdoor private space, patio, and balconies.
  5. Deletion of Stipulation 5 regarding vertical landscaping enhancements.
  6. Deletion of Stipulation 6 regarding general conformance with the site plan date stamped Nov. 23, 2005, and an 882 unit maximum on Parcel 4HW.
  7. Deletion of Stipulation 8 regarding private trails.
  8. Deletion of Stipulation 15 regarding a crosswalk that connects the 404 wash corridor trail with the south side of Deer Valley Drive.
  9. Deletion of Stipulation 17 regarding a pedestrian bridge across the 404 Wash Corridor.
  10. Deletion of Stipulation 19 regarding view corridors to the south.
  11. Technical corrections to Stipulations 9, 10, 11, 12, 14, 16, and 18.
-

VPC Action: The Desert View Village Planning Committee heard this request on Feb. 7, 2023, and recommended approval with a modification by a vote of 7-3.

PHO Action: The Planning Hearing Officer recommended denial as filed and approval with modifications.

**Location**

Northeast corner of Tatum Boulevard and Deer Valley Drive

Council District: 2

Parcel Address: 5150 E. Deer Valley Drive

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

## ATTACHMENT A – Stipulations – PHO-1-22—Z-174-05-2

**Location:** Northeast corner of Tatum Boulevard and Deer Valley Drive

### **STIPULATIONS:**

1.	That THE development shall be in general conformance with the site plan date stamped <del>November 23, 2005</del> DECEMBER 22, 2022, as <del>approved or</del> modified by the FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND Development <del>Services</del> Department, WITH SPECIFIC REGARD TO THE FOLLOWING:	
	A.	THE PROJECT SHALL NOT EXCEED 882 DWELLING UNITS.
2.	That THE development shall be in general conformance with the elevations date stamped <del>November 23, 2006</del> DECEMBER 22, 2022, with specific regard to the below items, as MODIFIED BY THE FOLLOWING STIPULATIONS AND approved by the PLANNING AND Development <del>Services</del> Department, WITH SPECIFIC REGARD TO THE FOLLOWING:	
	a.	<del>Landscape trellises shall be placed where there is 10 feet of open building façade (Exhibit 2).</del>
	A. b.	WITHIN 950 FEET OF TATUM BOULEVARD, the <del>Pavilions Phase II</del> development shall be limited to 38 feet MAXIMUM building height SHALL BE 38 FEET.
	B. c.	The remaining parcels shall be limited to 48 feet building height.
3.	That, where visible, the Parking structures on the Mondrian project shall be of complementary architecture to the primary residential structures, as approved by the PLANNING AND Development <del>Services</del> Department.	
4.	That the buildings identified as “Pavilions” ALL DWELLING UNITS LOCATED WEST OF THE 404 WASH shall provide usable outdoor private space, patioS, and/or BALCONIES balcony for 100% of the units, as approved by the PLANNING AND Development <del>Services</del> Department.	
5.	That all buildings shall feature vertical landscaping enhancements as shown in Exhibit 2, as approved by the Development <del>Services</del> Department.	
6.	That the development on Parcel 4HW as described below be limited to 882 units and be in general conformance with the zoning Site Plan date stamped November 23, 2005. That development shall be comprised of	

	<del>Mondrian Phase 1 and 2 and the Pavilions Phase 1 as depicted on the site plan. Any portion of the site plan which is not included as part of the site plan as described above shall not be developed until a site plan is approved pursuant to the procedures outlined in the Desert Ridge Specific Plan.</del>
5. <del>7.</del>	<del>That</del> An eight-foot (8) wide multi-use trail shall be constructed along the north side of Deer Valley DRIVE Road in accordance with the City of Phoenix standard trail detail, as approved by the Parks and Recreation Department.
6. <del>8.</del>	<del>That</del> Private trails (with a dedicated public use easement) shall be provided within the 404 wash corridor and along the entire north property line east of the 404 wash CORRIDOR, as approved by the U.S. ARMY CORPS OF ENGINEERS AND THE PLANNING AND Development Services Department.
7. <del>9.</del>	<del>That</del> Vegetation along the wash shall be preserved in place if feasible, or re-vegetated with natural plant materials, as approved by the PLANNING AND Development Services Department.
8. <del>10.</del>	<del>That</del> An internal pedestrian circulation pathway system shall be provided linking open spaces, amenities, parking areas, the dwelling structures, and the external pedestrian access points. These pathways shall be standard sidewalks, except where the path of travel crosses a parking lot or driveway, in which case the path shall be a minimum of 3.5 feet wide and constructed of pavers, decorative concrete, or other non-asphalt material, as approved by the PLANNING AND Development Services Department.
9. <del>11.</del>	<del>That</del> The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all ADA accessibility standards.
10. <del>12.</del>	<del>That</del> One (1) bus bay (P1256-2) and one (1) transit pad (P1262) shall be dedicated and constructed along the north side of Deer Valley Drive, as approved by the PLANNING AND Development Services Department.
11. <del>13.</del>	<del>That</del> The subject site has the potential to contain archaeological resources. The applicant shall submit an archaeological survey or documentation of prior archaeological work, for review and approval by the City Archaeologist prior to issuance of a grading permit. If additional archaeological monitoring, testing, and/or data recovery is necessary, the



	developer shall complete tasks as determined and required by the City Archaeologist.
12. 44.	<del>That</del> A minimum 20-foot landscape buffer shall be provided along the northern most property line within the Pavilions Phase II development, as approved by the PLANNING AND Development <del>Services</del> Department.
13. 15.	<del>That a crosswalk with signage and safety lights shall be provided that connects the proposed 404 wash corridor trail with the south side of Deer Valley Drive, as approved or modified by the Street Transportation Department.</del>  THE DEVELOPER SHALL FULLY FUND AND CONSTRUCT A TRAFFIC SIGNAL ALONG DEER VALLEY DRIVE AT THE DRIVEWAY LOCATED IMMEDIATELY WEST OF THE 404 WASH CORRIDOR, AS DEPICTED ON THE SITE PLAN DATE STAMPED DECEMBER 22, 2022, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT AND STREET TRANSPORTATION DEPARTMENTS.
14. 46.	<del>That</del> No vehicular access shall be allowed to Tatum Boulevard unless emergency vehicle access is required by the PLANNING AND Development <del>Services</del> Department.
15. 17.	<del>That</del> A pedestrian bridge shall be provided across the 404 wash corridor, to link the Pavilions development with the Mondrian Phase I Development as APPROVED may be modified by the U.S. Army Corps of Engineers and approved by the PLANNING AND Development <del>Services</del> Department.
16. 48.	<del>That</del> The applicant shall complete a traffic study as approved by the Street Transportation Department. Any necessary street improvements required by the traffic study (resulting from the increase in density) shall be constructed, as approved by the PLANNING AND Development <del>Services</del> Department.
19.	<del>That the site plan for the Pavilions Phase II development along the northern most property line shall be redesigned to provide additional view corridors to the south, as approved by the Development Services Department.</del>



**Amend City Code - Official Supplementary Zoning Map 1241 (Ordinance G-7087)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1241. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with a portion of Z-115-99 and the entitlements are fully vested.

**Summary**

To rezone a parcel located approximately 1,321 feet west of the southwest corner of 63rd Avenue and Baseline Road.

Application No.: Z-115-99

Zoning: R1-6 PCD, R-2 PCD, C-1 PCD

Owner: QuikTrip Corporation, et. al.

Acreage: 104.62

**Location**

Located approximately 1,321 feet west of the southwest corner of 63rd Avenue and Baseline Road

Address: n/a

Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

**ATTACHMENT A**

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

**ORDINANCE G-**

**AN ORDINANCE AMENDING SECTION 601 OF THE CITY OF  
PHOENIX ZONING ORDINANCE BY ADOPTING OFFICIAL  
SUPPLEMENTARY ZONING MAP 1241.**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as**

**follows:**

**SECTION 1. That Section 601 of the City of Phoenix Zoning Ordinance is  
hereby amended by adopting Official Supplementary Zoning Map 1241, which  
accompanies and is annexed to this ordinance and declared a part hereof.**

**PASSED by the Council of the City of Phoenix this 22nd day of March,  
2023.**

**MAYOR**

**ATTEST:**

**Denise Archibald, City Clerk**

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By: \_\_\_\_\_  
\_\_\_\_\_

REVIEWED BY:

\_\_\_\_\_  
Jeffrey Barton, City Manager

PL:arm:LF23-0351:3-22-2023

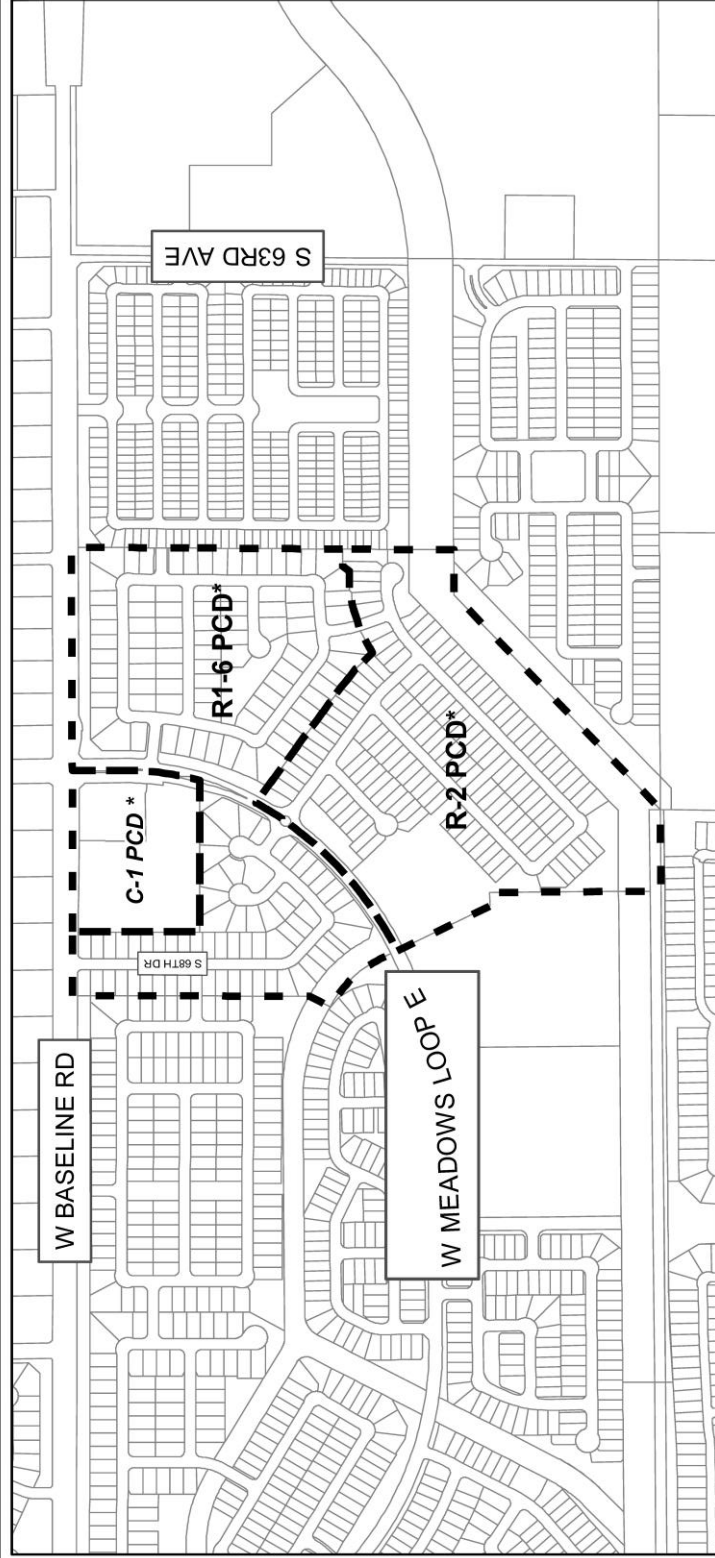
DRAFT

# OFFICIAL SUPPLEMENTARY ZONING MAP NO. 1241

Sheet 1 of 1

ORDINANCE NO. \_\_\_\_\_ AMENDING SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE

Passed by the Council of the City of Phoenix, Arizona this 22nd day of March 2023.



A Portion of Z-115-99  
CORRECTION TO SUPP NO. 1100

Drawn by: KS \_\_\_\_\_



ZONING SUBJECT TO STIPULATIONS: \*  
AREA INVOLVED BOUNDED THUS: ■■■■■■



**Amend City Code - Official Supplementary Zoning Map 1242 (Ordinance G-7088)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1242. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with a portion of Z-115-A-99 and the entitlements are fully vested.

**Summary**

To rezone a parcel located approximately 325 feet south of the southwest corner of 67th Avenue and Baseline Road

Application No.: Z-115-A-99

Zoning: C-2 SP PCD

Owner: 6725 West Baseline Road LLC

Acreage: 4.26

**Location**

Located approximately 325 feet south of the southwest corner of 67th Avenue and Baseline Road.

Address: 6725 W. Baseline Road

Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.

**ATTACHMENT A**

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

**ORDINANCE G-**

**AN ORDINANCE AMENDING SECTION 601 OF THE CITY OF  
PHOENIX ZONING ORDINANCE BY ADOPTING OFFICIAL  
SUPPLEMENTARY ZONING MAP 1242.**

\_\_\_\_\_  
  
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as  
follows:

SECTION 1. That Section 601 of the City of Phoenix Zoning Ordinance is  
hereby amended by adopting Official Supplementary Zoning Map 1242, which  
accompanies and is annexed to this ordinance and declared a part hereof.

PASSED by the Council of the City of Phoenix this 22nd day of March,  
2023.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Julie M. Kriegh, City Attorney

By: \_\_\_\_\_  
\_\_\_\_\_

REVIEWED BY:

\_\_\_\_\_  
Jeffrey Barton, City Manager

PL:arm:LF23-0354:3-22-2023

DRAFT



# OFFICIAL SUPPLEMENTARY ZONING MAP NO. 1242

Sheet 1 of 1

ORDINANCE NO. \_\_\_\_\_ AMENDING SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE

Passed by the Council of the City of Phoenix, Arizona this 22nd day of March 2023.



Z-115-A-99

Drawn by: KS \_\_\_\_\_

ZONING SUBJECT TO STIPULATIONS: \*  
AREA INVOLVED BOUNDED THUS: ■ ■ ■ ■ ■



**(CONTINUED FROM OCT. 12 AND DEC. 7, 2022 AND FEB. 15, 2023) - Public Hearing - Appeal of Hearing Officer Decision - Abandonment of Right-of-Way - ABND 220011 - 4640 East Camelback Heights Way**

Abandonment: ABND 220011

Project: 99-3459

Abandonment Applicant: Lauren Proper Potter

Date of Abandonment Hearing Officer's Decision:

Appellant: Benjamin Graff, Quarles & Brady, LLP on Behalf of Kim Komando & Barry Young

**Summary**

Rationale: The subject of the abandonment is a portion of land at North Camelback Canyon Drive and East Camelback Heights Way, located directly across from the Appellant's home (the "Abandonment Area"). The abandonment was approved on April 14, 2022, despite opposition from the Appellant and a request to continue the case to allow for further discussions between the neighbors. The Applicant would not agree to a continuance and the Hearing Officer forwarded a recommendation of approval to the City Council. Since April 14, 2022, the entire neighborhood along Camelback Heights Way (six parcel owners in total), have expressed opposition. One hundred percent of the property owners located along Camelback Heights Way, with the exception of the Applicant, and an additional property owner on Camelback Canyon Drive (directly north of the Applicant's home) have joined in this appeal and respectfully request the Phoenix City Council overturn the Hearing Officer's approval and deny the requested abandonment.

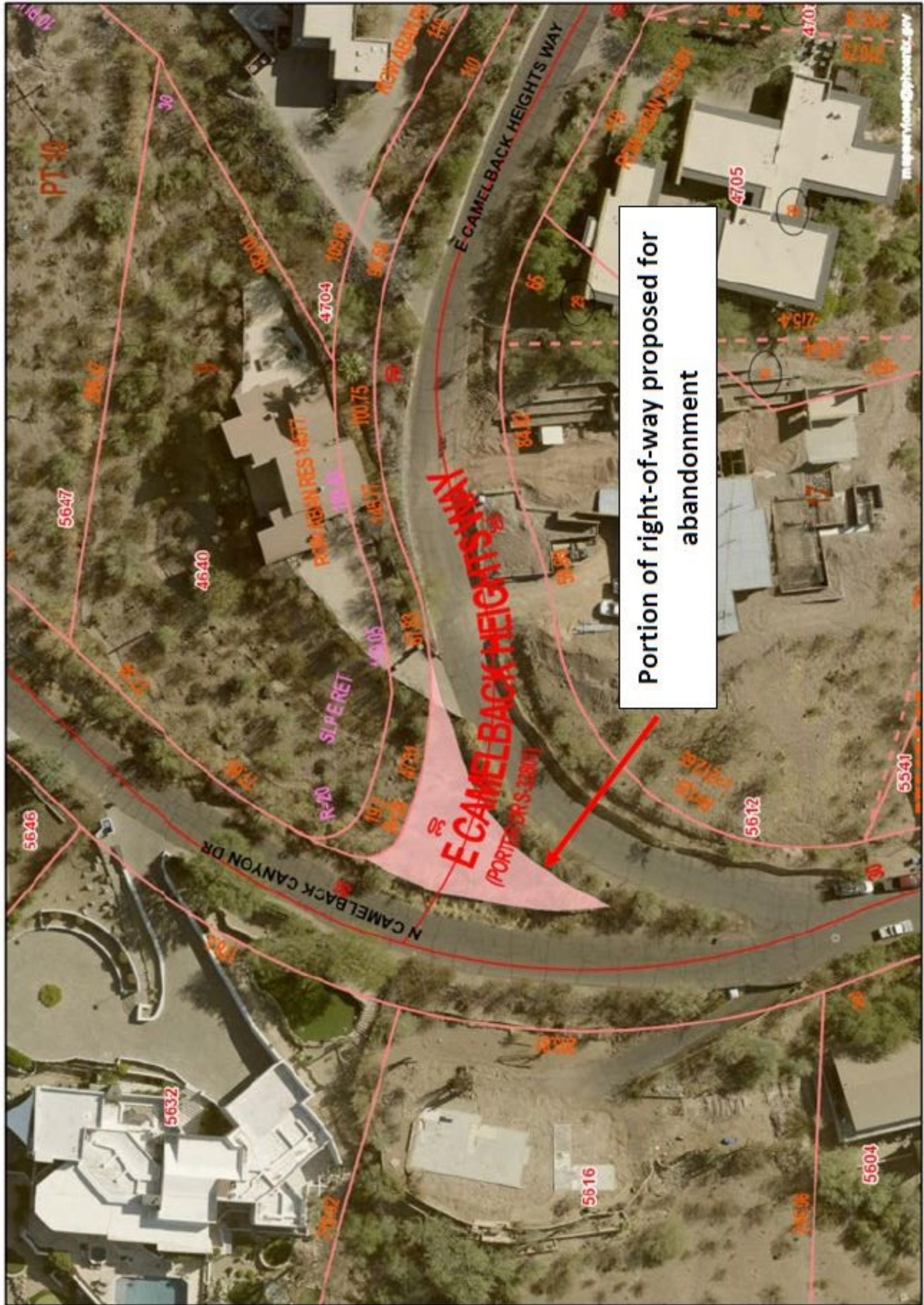
**Location**

4640 East Camelback Heights Way

Council District: 6

**Responsible Department**

This item is submitted by Deputy City Manager Alan Stephenson and the Planning and Development Department.



## ATTACHMENT B



### **City of Phoenix**

Planning and Development Department

#### **CONDITIONAL APPROVAL – ABND 220011**

Your abandonment request was granted **CONDITIONAL APPROVAL** by **Christopher DePerro, Abandonment Hearing Officer**.

This request will NOT be completed until all the stipulations have been met and this request is formally adopted by City Council. It is the **APPLICANT'S RESPONSIBILITY** to ensure that all stipulations are satisfied. **Please contact the Abandonment Coordinator at (602) 256-3487** for questions and notification of your completion of the stipulations.

Upon completion of the stipulations your request will be scheduled for City Council action.

If the stipulations of abandonment are not completed within **two years** from the date of your conditional approval (**your expiration date is April 14, 2024**), this request will then expire. At that time a new submittal will be required along with the required payment for the abandonment process. A one-time, **one year** extension can be requested prior to the expiration date, with applicable extension fee due.





## **City of Phoenix**

Planning and Development Department

April 14, 2022

Abandonment Staff Report: **ABND 220011**

Project# **99-3459**

Quarter Section: **20-38**

Council District: **6**

**Location:**

4640 East Camelback Heights Way

**Applicant:**

Lauren Proper Potter

**Request to abandon:**

The triangular portion of land where North Camelback Canyon Drive and East Camelback Heights Way meet as illustrated on the attached exhibit.

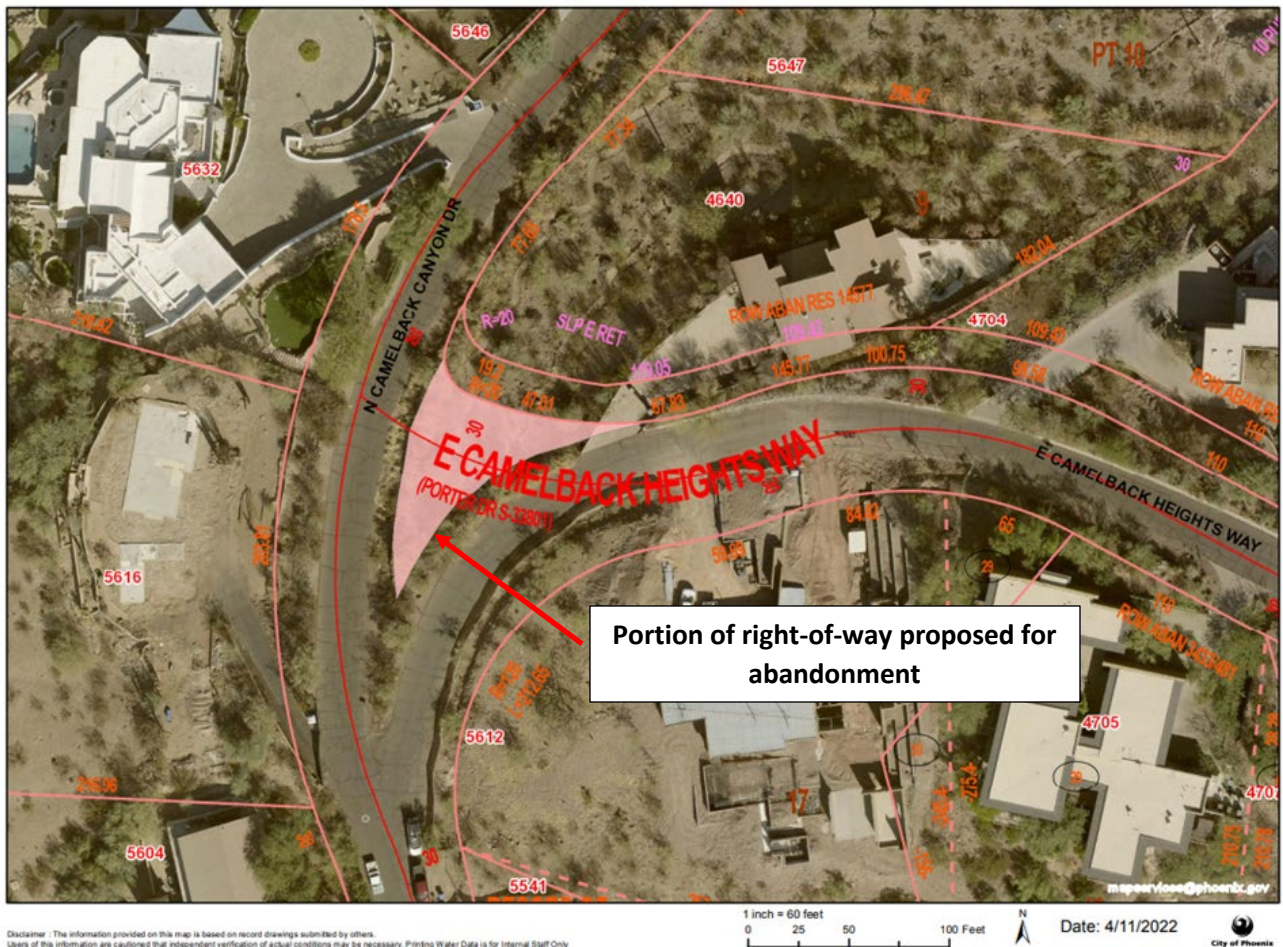
**Purpose of request:**

The applicant states to allow access to the private residence directly from the roadway right-of-way, to place responsibility to maintain vegetation upon the property owner instead of the City, and to allow the property owner to provide guest parking on their property instead of the street.

**Hearing date:**

**April 14, 2022**

## Planning and Development



### Hearing Summary

Mr. Christopher DePerro, the Abandonment Hearing Officer, called the hearing to order at 9:32 am on April 14, 2022.

Ms. Maggie Dellow, the Abandonment Coordinator introduced the abandonment case ABND 220011 by reading the abandonment case into the record by stating the applicant, location, abandonment request, and purpose of the request, as well as City staff research.

Mr. DePerro then started the discussion by asking the applicant if they would like to add any additional comments regarding the abandonment request.

Mr. Charles Huellmantel, the applicant, explained that the proposed abandonment area is a tough piece of property that doesn't serve a purpose, nor is maintained, and his client would like the opportunity to landscape it and beautify it.

Mr. DePerro explained that because this property is hillside there would be a limitation to what can be done in terms of landscaping and disturbance.

Ms. Dellow reviewed the city staff and utility provider comments received during the review period. Mr. DePerro explained that per the Street Transportation Department's comments, if the abandonment received conditional approval, it would only be for a portion of the original requested area. Mr. Huellmantel confirmed he understood.

Mr. DePerro then invited Mr. Benjamin Graff to provide public comment. Mr. Graff explained that he represented Kim Commando and Barry Young who lived across the Camelback Heights Way to the south. Mr. Graff explained that his clients had some concerns about the reasons the applicant was applying for the abandonment as stated on the application materials, such as to provide additional access to the property when existing access appears adequate. Mr. Graff also explained that the application states the abandonment would provide additional guest parking area, which raised concerns over additional disturbance area and reasons as to why such an ample amount of guest parking was being sought.

Mr. Graff requested a 30-day continuance on the case so that his client could meet with the applicant and learn more about the reasons for the request. and reasons for the request.

Ms. Lauren Proper Potter, the applicant, explained that there were no plans for additional work within the area and there would not be guest parking within the abandonment area. Ms. Potter stated that the nature of the request was to harmonize vegetation with the redevelopment of the property.

Mr. DePerro explained that even with the abandonment, the natural vegetation could not be touched or maintained without being part of the disturbance area. It must remain native and natural.

Mr. DePerro stated that he did understand Mr. Graff's concerns, but that these concerns fell outside of the purview of the abandonment request.

Mr. Graff explained that the only reason those concerns have been brought to the hearing are due to the fact that they are stated within the applicant's narrative and rationale on the abandonment application. Because the applicant stated during the hearing that the reasons for abandonment as provided on the abandonment application are not accurate, Mr. Graff shared that he was still confused as to the purpose of the abandonment request and requested continuance.

Ms. Potter stated that the abandonment would not impact Mr. Graff's concerns. Mr. Huellmantel stated that he was not supportive of a continuance.

Mr. DePerro explained that he was having trouble justifying a continuance as the abandonment request would not result in an additional hillside permissions.

Ms. Dellow then reviewed the staff recommended stipulations of approval.

Mr. DePerro stated that the concerns voiced by the opposition have more to do with hillside and zoning regulations rather than the abandonment. He further explained that what needs to be done in an abandonment hearing is determine whether or nit the proposed right-of-way to be abandoned was need. Mr. DePerro felt that in this case the right-of-way was clearly not needed and that the proposed abandonment would not permit those things shared by the opposition as concerns.

Mr. Graff agreed that the concerns brought by the opposition were not generally proper for an abandonment hearing, however they were stated in the abandonment applicant narrative as reasons for the abandonment.

The Hearing Officer granted a conditional approval subject to stipulations in the staff report.

### **Stipulations of Conditional Approval**

The request of abandonment is conditionally approved by the Abandonment Hearing Officer. The following stipulations will need to be met:

1. Either a or b shall be complied with:
  - a. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected utility company. An appropriate performance agreement, in an approved form and cost amount, must be posted with the Planning and Development Department to guarantee the improvements.
  - b. All right-of-way shall be retained as a public utilities easement with 24-hour vehicle maintenance access.
2. Consideration which provides a public benefit to the City is required in accordance with City Code Art. 5, Sec. 31-64 and Ordinance G-5332. Cost for abandoned Right-of-Way adjacent to property not zoned single family residential will be \$500 OR Fair Market Value whichever is greater. Cost for property zoned single family residential is \$1.00 a square foot for the first 500 square feet, \$0.10 a square foot thereafter; OR Fair Market Value at the option of the Planning and Development Director or designee. The applicant shall submit calculation and fee to Planning and Development Department. The applicant shall request a selection of approved appraisers from the current list maintained by the Real Estate division of the Finance Department.
3. No right-of-way within 30-feet of the Camelback Canyon Drive monument line may be abandoned.
4. No right-of-way south of the existing monument line of Camelback Heights Way may be abandoned.
5. The right-of-way shall be retained as a slope easement.
6. All stipulations must be completed within two years from the Abandonment Hearing Officer's decision.

**This conditional approval has been reviewed and approved by the Abandonment Hearing Officer.**

Hearing Officer Signature: \_\_\_\_\_



Date: 9/15/22



REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Lauren Proper Potter, Applicant/Representative  
Christopher DePerro, Abandonment Hearing Officer



In accordance with Section 31-70, Article V of the City Code, the decision of the Abandonment Hearing Officer regarding the abandonment of public rights-of way may be appealed. Any decision of the Abandonment Hearing Officer shall be considered final unless a person aggrieved thereby, files a written Notice of Abandonment Appeal with the Planning & Development Department within fifteen calendar days after the decision is made. The completed abandonment appeal form and filing fee\* must be submitted to the Planning & Development Department, Check-In/Information Counter, located at 200 West Washington Street, 2nd floor, Phoenix, Arizona 85003.

**\*All fees are pursuant to the current Fee Schedule contained in Appendix A.2. of the Phoenix City Code.**

Appellant's Name: Benjamin Graff, Quarles & Brady, LLP on Behalf of Kim Komando & Barry Young  
Address: 2 N. Central Avenue, 6th Floor City: Phoenix State: AZ Zip: 85004  
Phone: (602) 229-5683 Email: Benjamin.Graff@Quarles.com  
Affiliation: Attorney for Appellant

Appeal to City Council

Be specific as to what you are appealing. Include the rationale for your appeal. Attachments may be included.

Abandonment # v-ABND 220011 Date Heard: April 14, 2022

Located at approximately: 4640 E Camelback Heights Way, Phoenix AZ 85018

Abandonment Hearing Officer: ☒ Approved ☐ Denied

Appealing Decision: Request to Deny Abandonment. See attached Notice of Abandonment Appeal Narrative.

Appealing Stipulation: \_\_\_\_\_

Appealing Stipulation: \_\_\_\_\_

Appealing Stipulation: \_\_\_\_\_

**----- Staff Use Only -----**

Received By: MDE Receipt #: \_\_\_\_\_ Date: 4/29/2022  
Reviewed By: MDE Receipt #: \_\_\_\_\_ Date: 4/29/2022



Renaissance One  
Two North Central Avenue  
Phoenix, Arizona 85004-2391  
602.229.5200  
Fax 602.229.5690  
[www.quarles.com](http://www.quarles.com)

Benjamin W. Graff  
Direct Dial: (602) 229-5683  
E-Mail: [Benjamin.Graff@Quarles.com](mailto:Benjamin.Graff@Quarles.com)

Attorneys at Law in  
Chicago  
Indianapolis  
Madison  
Milwaukee  
Minneapolis  
Naples  
Phoenix  
Tampa  
Tucson  
Washington, D.C.

April 29, 2022

**VIA EMAIL**

Phoenix City Council  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[Mayor.Gallego@phoenix.gov](mailto:Mayor.Gallego@phoenix.gov)  
[Council.District.6@phoenix.gov](mailto:Council.District.6@phoenix.gov)

RE: Formal Notice of Abandonment Appeal: ABND 220011

Honorable Mayor Gallego, Councilmember DiCiccio, and Councilmembers,

Our firm represents Ms. Kim Komando and Mr. Barry Young (EK Holdings Delaware, LLC) (the "Appellant"), the owners of the property located at 4655 E Camelback Heights Way, Phoenix, AZ 85018 within Phoenix Council District 6, in regard to this Notice of Abandonment Appeal of the April 14, 2022 Hearing Officer approval of Case No. ABND 220011 (the "Abandonment Application"). In accordance with Section 31-70, Article V of the City Code, the decision of the Abandonment Hearing Officer regarding the abandonment of public rights-of way may be appealed. Any decision of the Abandonment Hearing Officer shall be considered final unless a person aggrieved thereby, files a written Notice of Abandonment Appeal with the Planning & Development Department within fifteen calendar days after the decision is made. Here, the Appellant has submitted the requested appeal and requisite filing fee in a timely manner before the April 29, 2022 5:00 PM deadline.

The subject of the abandonment is a portion of land at North Camelback Canyon Drive and East Camelback Heights Way, located directly across from the Appellant's home (the "Abandonment Area"). See Aerial Maps Attached at **Tab A**. The abandonment was approved on April 14, 2022, despite opposition from the Appellant and a request to continue the case to allow for further discussions between the neighbors. The Applicant would not agree to a continuance and the Hearing Officer forwarded a recommendation of approval to the City Council. Since April 14, 2022, the entire neighborhood along Camelback Heights Way (six parcel owners in total), have expressed opposition. See Opposition Map Attached at **Tab B**. 100% of the property owners located along Camelback Heights Way, with the exception of the Applicant, and an additional

property owner on Camelback Canyon Drive (directly north of the Applicant's home) have joined in this appeal and respectfully request the Phoenix City Council overturn the Hearing Officer's approval and deny the requested abandonment. See Letters of Opposition from Six Parcel Owners Attached at **Tab C**.

### **Site History**

City records show the subject right-of-way was dedicated through the Camelback Heights Plat, recorded on December 16, 1956 on docket 69, page 49 of the Maricopa County Recorder. If abandoned, the right-of-way will be conveyed back in ownership to the Applicant. This appeal does not question to whom the abandoned area should be conveyed to if approved, but instead, that the loss of naturally vegetated public right-of-way combined with the Applicant's intended use of the Abandonment Area, is detrimental to the surrounding neighborhood. As is further discussed, the proposed abandonment also conflicts with the goals of the neighborhood as a whole to privatize Camelback Heights Way and install a private access gate.

### **The Abandonment Should be Denied for Lack of Proper Notice, Petition Signatures, and Failure to Communicate with the Appellant Prior to the April 14, 2022 Abandonment Hearing.**

The City of Phoenix Abandonment process does not include a robust notification procedure, which frequently results in concerned neighbors being informed of abandonments at the last minute by signage or through word-of-mouth. However, the City also requires an abandonment petition to be signed by "one hundred percent of the property owners in and/or abutting the affected area." See Abandonment, Right-of-Way Petition included within Applicant's Application Attached at **Tab D**. In this case, the Appellant's home (Parcel No. 171-16-017A), as well as Parcel Nos. 171-16-007 and 171-16-006, are located directly adjacent to the Abandonment Area. In fact, the Appellant's home and view looking directly Northwest includes the Abandonment Area. Despite these facts, the Abandonment Petition provided by the Applicant only includes a single signature – the Applicant's signature. The petition fails to include signatures from the other affected parcels and therefore the Applicant failed to provide proper notice.

Additionally, prior to the April 14, 2022 Abandonment Hearing, the Applicant informed the Appellant that their son would be contacting them prior to the hearing to discuss the abandonment. But as the hearing began on April 14<sup>th</sup>, the Appellant had not received any communication from the Applicant.

Finally, it should be noted that during the April 14, 2022 Abandonment Hearing, the Appellant requested a continuance to allow the parties time to discuss the request, before it was forwarded to the City Council for final approval. The Applicant refused to agree to a continuance and the Hearing Officer forwarded a recommendation of approval to the City Council, notwithstanding the strong opposition present the hearing. The refusal to allow for a continuance forced the hand of the Appellant, and the other six surrounding property owners, to file this appeal. Now, the only equitable measure is for the City Council to deny the requested abandonment before the resulting use and disturbance of the area creates irreparable harm to the neighborhood.

**The Neighbors Are Opposed to the Proposed Use of the Right-of-Way, the Detrimental Impact on the Neighborhood, and the Interference With the Long-Term Goal of Privatizing Camelback Heights Way**

The property owners along Camelback Heights Way have recently begun discussions to privatize this road and construct a private access gate near the convergence of Camelback Canyon Drive and Camelback Heights Way. See Map of Approximate Locations of the Access Gate Attached at **Tab A**. The Applicant was fully aware of this intent prior to submitting the abandonment application. The privatization of the road will require coordination between the neighbors and notably, coordination with the City of Phoenix on the use (via a revocable permit) and abandonment of any public right-of-way to allow for the privatization of the road and the construction of the access gate. Despite these ongoing discussions, the Applicant's request seeks to utilize the public right-of-way for the Applicant's sole benefit, while also moving the Applicant's driveway closer to the intersection of Camelback Canyon Drive and Camelback Heights Way in conflict with possible locations for the access gate. The requested abandonment should be denied thereby allowing all property owners along Camelback Heights Way to discuss and agree upon what is beneficial for the neighborhood, rather than this unilateral request which only benefits the Applicant.

**The Abandonment Should be Denied Because Applicant's Abandonment Narrative and Submitted Site Plans Confirm the Applicant's Intent to Use the Abandonment Area for an Access Driveway, Guest Parking, and Disturbed/New Vegetation.**

**An Examination of the Applicant's Abandonment Application and Narrative**

The proposed Abandonment Application No. ABND 220011 requested to abandon a portion of land where North Camelback Canyon Drive and East Camelback Heights Way meet, as shown on the attached Abandonment Aerial Map Exhibit at **Tab A**. The Applicant provided a narrative along with the abandonment application which provided justifications for the request. See Applicant's Narrative Dated February 14, 2022 Attached at **Tab D**. The City of Phoenix also issued a Staff Report. See Abandonment Staff Report Dated April 14, 2022 Attached at **Tab E**.

As is discussed in detail in this section, the Appellant was surprised by the discrepancies between the written narrative and the Applicant's statements made during the April 14<sup>th</sup>, 2022 Hearing. The Applicant's testimony also directly conflicts with the site plan submitted to the City by the Applicant, which is further discussed in this appeal. While the Applicant stated during the hearing that the Abandonment Area would be left undisturbed with its existing natural desert vegetation, the Applicant's own narrative and site plan tell the story of significant disturbance and an extended driveway within the Abandonment Area. After a review of the Abandonment Application, Staff Report, Hearing and prior submittals, the Appellant is able to clarify the Applicant's intent for the Abandonment Area.

First, the Applicant's Right-of-Way Petition states the Applicant supports the abandonment because it "allows access from the driveway to occur directly from the street right-of-way instead of across the additional City-owned land." In response to this and similar statements within the Applicant's narrative, the City's Staff Report also states, "[t]he applicant states [the purpose is] to

allow access to the private residence directly from the roadway right-of-way, to place responsibility to maintain vegetation upon the property owner instead of the City, and to allow the property owner to provide guest parking on their property instead of the street.” See the Abandonment Application attached at **Tab D** and Staff Report attached at **Tab E**.

Regarding parking and the expansion of the driveway, Applicant’s Abandonment Application states, “[i]ncorporating the City’s right-of-way into the subject property will allow a longer driveway with room for a guest parking area that will increase safety for all residents in this area and their visitors.” Contrary to the Applicant’s own narrative, the Applicant stated during the Hearing that there would be no additional disturbance, driveway expansion, or parking in the proposed Abandonment Area. Based on the Applicant’s testimony, the Hearing Officer forwarded his recommendation of approval to City Council. But it is the Appellant’s position that if the Hearing Officer had been provided copies of the Applicant’s site plan, the proposed driveway extension and disturbed land within the Abandonment Area shown on the plan may have resulted in a recommendation of denial.

#### An Examination of the Applicant’s Site Plan Submittals to the City of Phoenix

In order to accurately compare the hearing testimony with the proposed construction of Applicant’s home, the Appellant made two separate requests to the Applicant to provide copies of the most current proposed site plan for the Applicant’s home and driveway configuration. Each time the Applicant stated the site plans would be provided. However, as of the date of this appeal, the Applicant has not provided any documents or site plans to the Appellant. After filing a public records request with the City and confirming with City Staff, the Appellant was able to locate the most recent site plan dated September 20, 2021. This site plan was reviewed during the Applicant’s prior Hillside Waiver (DSAP 21252) Hearing on January 19, 2022. See Site Plan Dated September 20, 2021 Attached at **Tab F**. Three months have passed since the DSAP Hearing and based on available public records, the Applicant has not submitted a more recent site plan. We were also able to locate an identical site plan submitted by the Applicant as part of Zoning Adjustment Case No. ZA-570-21, which requested a setback variance along the eastern property line. The site plan for this variance case also shows the same expanded driveway and disturbed area. See Variance Site Plan Dated September 20, 2021 Attached at **Tab G**. All written statements in the Applicant’s Abandonment Application Narrative regarding the expanding driveway, guest parking, and disturbed vegetation are consistent with the site plans submitted as part of Case Nos. DSAP 21252 and ZA-570-21. As mentioned above, the Applicant’s testimony during the Abandonment Hearing stated there would be no additional disturbance, driveway, or parking in the proposed Abandonment Area. However, after examining the Desert Sky Residence Survey ROW diagram provided by City of Phoenix Abandonment Staff with the most recent site plan, it is clear the proposed driveway runs through the proposed abandonment area. See Survey ROW & Site Plan Comparison attached at **Tab H**. This comparison exhibit shows the Applicant intends to remove the natural vegetation within the abandonment area and install an elongated mass of pavement to serve as a driveway and additional parking. Thus, after a review of the facts, Applicant’s purpose for the abandonment request within the Abandonment Hearing Application

and prior site plan submittals does not align with the statements made at the April 14th, 2022 Hearing.

The Applicant's proposed use of public right-of-way, which currently benefits all residents, also does not align with the goals of the united property owners along Camelback Heights Way. The Appellant and the six additional property owners joining in this appeal firmly believe the disturbance and replacement of this naturally vegetated area with the proposed driveway will only serve as a detriment which is incompatible with the goal to beautify and privatize Camelback heights Way.

### **Conclusion**

This Notice of Abandonment Appeal serves to memorialize and provide evidence of the differences between the Applicant's verbal testimony which lead to the Hearing Officer's approval, and the documented intent of the Applicant to not only remove vegetation from the Abandonment Area, but also place an elongated driveway within the same area. After a review of the facts and confirmation of evidence showing the discrepancy between Applicant's testimony and the narrative/site plans submitted to the City, we respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the Abandonment Application. Our firm can provide additional information as requested by the City. Thank you for your time and consideration.

Very truly yours,

QUARLES & BRADY LLP

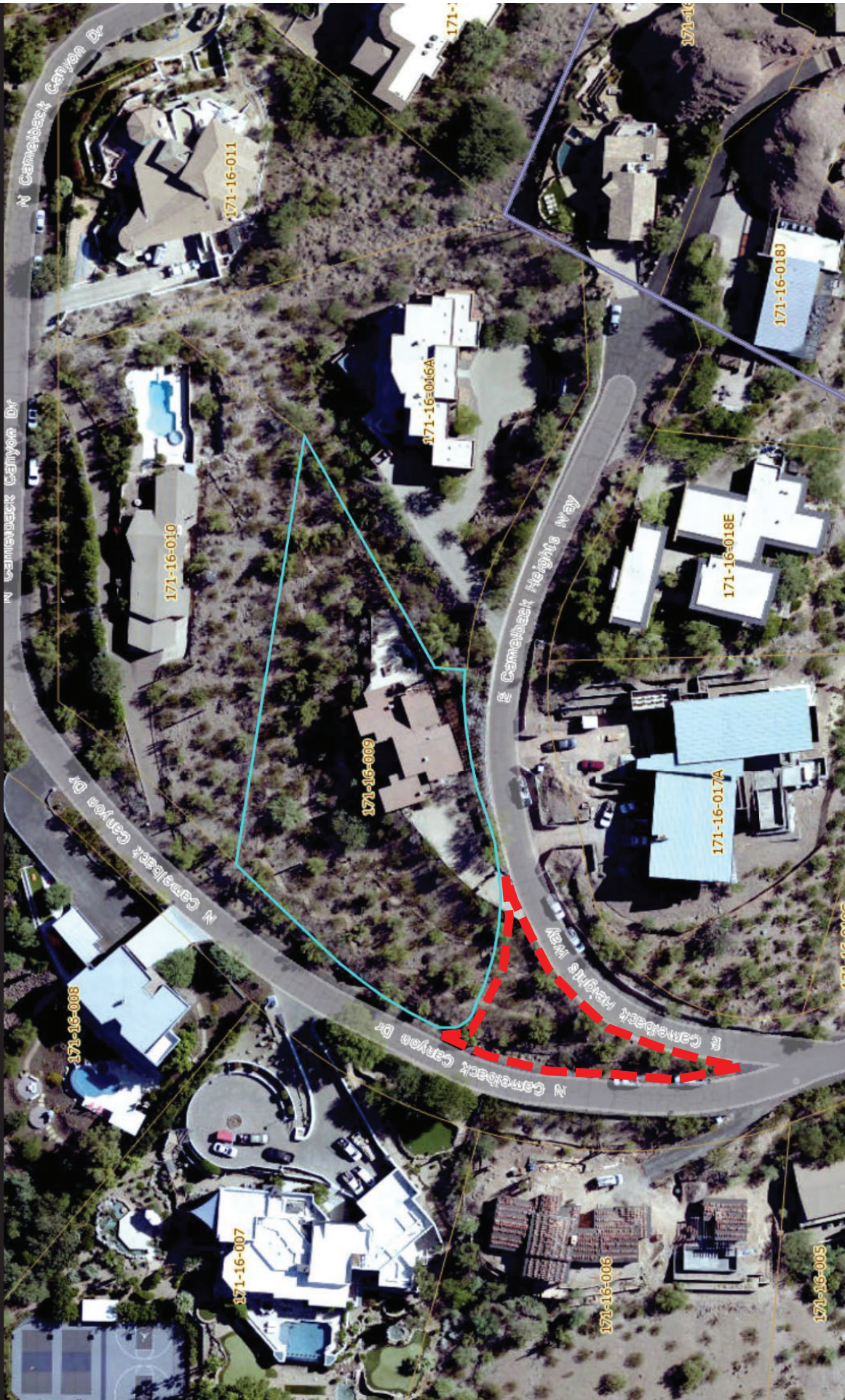
A handwritten signature in black ink, appearing to read 'B. Graff', with a stylized flourish at the end.

Benjamin W. Graff

# TAB A



# APPLICANT'S PROPOSED ABANDONMENT AREA AERIAL MAP



ABANDONMENT APPLICANT APN: 171-16-009  
4640 E CAMELBACK HEIGHTS WAY PHOENIX ARIZONA 85018

Quarles & Brady <sup>LLP</sup>



APPLICANT'S APPROVED ABANDONMENT AREA AERIAL MAP



ABANDONMENT APPLICANT APN: 171-16-009  
4640 E CAMELBACK HEIGHTS WAY PHOENIX ARIZONA 85018

*Quarles & Brady* LLP



**Quarles & Brady** LLP



Option 1

Option 2

Option 3

171-16-008

171-16-007

171-16-010

171-16-011

171-16-015

171-16-018E

171-16-017A

171-16-018C

171-16-019C

171-16-005

171-16-006

171-16-009

171-16-025E

VAL HALLA

MCC 02312

N Camelback Canyon Dr

E Camelback Heights Way

**Quarles & Brady** LLP



# TAB B

[illegible]

**Quarles & Brady** LLP

# TAB C



April 19, 2022

Phoenix City Council  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)  
[Council.district.6@phoenix.gov](mailto:Council.district.6@phoenix.gov)

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 5647 N Camelback Canyon Drive, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,  
Elaine Shay Revocable Deed of Trust



*Heather Shay-Herzig, P/O/A Elaine Shay*

Cc:

Alan Stephenson, Deputy City Manager and Planning Director  
Maggie Dellow, Planner II, Abandonment Coordinator  
Benjamin W. Graff, Quarles & Brady LLP



April 19, 2022

Phoenix City Council  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)  
[Council.district.6@phoenix.gov](mailto:Council.district.6@phoenix.gov)

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4704 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,  
David Alan Oursland



Cc:

Alan Stephenson, Deputy City Manager and Planning Director  
Maggie Dellow, Planner II, Abandonment Coordinator  
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022


Phoenix City Council  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)  
[Council.district.6@phoenix.gov](mailto:Council.district.6@phoenix.gov)

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4705 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.



Sincerely,

Martori Arthur J/Louis Sue Tr

Cc:

Alan Stephenson, Deputy City Manager and Planning Director  
Maggie Dellow, Planner II, Abandonment Coordinator  
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022

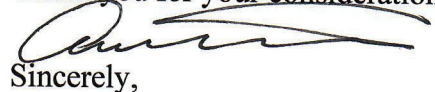
Phoenix City Council  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)  
[Council.district.6@phoenix.gov](mailto:Council.district.6@phoenix.gov)

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4707 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.



Sincerely,  
Martori Arthur J

Cc:

Alan Stephenson, Deputy City Manager and Planning Director  
Maggie Dellow, Planner II, Abandonment Coordinator  
Benjamin W. Graff, Quarles & Brady LLP



April 19, 2022

Phoenix City Council  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)  
[Council.district.6@phoenix.gov](mailto:Council.district.6@phoenix.gov)

RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4720 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,  
Robert Utterback & Jennifer Fried

Cc:

Alan Stephenson, Deputy City Manager and Planning Director  
Maggie Dellow, Planner II, Abandonment Coordinator  
Benjamin W. Graff, Quarles & Brady LLP

April 19, 2022

Phoenix City Council  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003  
[mayor.gallego@phoenix.gov](mailto:mayor.gallego@phoenix.gov)  
[Council.district.6@phoenix.gov](mailto:Council.district.6@phoenix.gov)

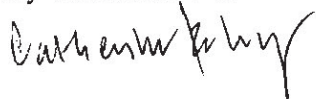
RE: Formal Opposition and Appeal of Abandonment Application: ABND 220011

Dear Mayor Gallego and Councilmember DiCiccio:

As the owner of the property located at 4713 E Camelback Heights Way, Phoenix, AZ 85018, I formally oppose the Abandonment Application No. ABND 220011 for the abandonment of a triangular portion of land at North Camelback Canyon Drive and East Camelback Heights Way. The abandonment was approved on April 14, 2022 despite opposition from the neighborhood. The proposed abandonment will alter the existing hillside and natural vegetation in a detrimental manner. Therefore, we are joining our neighbors Kim Komando and Barry Young (owners of the home located at 4655 E Camelback Heights Way, Phoenix, AZ 85018) in filing a formal appeal of the abandonment approval and respectfully request that the Phoenix City Council reverse the decision of the Abandonment Hearing Officer and deny the abandonment application.

Thank you for your consideration of our request.

Sincerely,  
Ivy Catherine E Tr



Cc:

Alan Stephenson, Deputy City Manager and Planning Director  
Maggie Dellow, Planner II, Abandonment Coordinator  
Benjamin W. Graff, Quarles & Brady LLP

# TAB D



This application must be submitted to start the process to abandon any public rights-of-way and/or easements controlled by the city of Phoenix. A completed application must be submitted, together with a sketch of the area to be abandoned and the appropriate fee to the Planning & Development Department, 200 West Washington Street (2<sup>nd</sup> floor), Phoenix, Arizona 85003. For additional information, call (602) 256-3487.

Applicant: Lauren Proper Potter - Huellmantel & Affiliates

Address: P.O. Box 1833

City: Tempe

State: Arizona

Zip: 85280-1833

Phone: (480) 921-2800

Email: lauren.proper@huellmantel.com

Contact (If other than Applicant): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

APN# of Parcel(s) Adjacent to Requested Abandonment: 171-16-009

Name of Street(s) to be abandoned: N/A

Location/Description of Alley(s) or Easement(s) to be Abandoned (please be specific):

Triangular portion of land where N. Camelback Canyon Drive and E. Camelback Heights Way meet. Please see the attached exhibit.

Quarter Section #: Q20-38

Zoning District: RE-35

Village: Camelback East

Reason to Abandon (additional pages may be attached): Please see the attached justification

**----- Staff Use Only -----**

Abandonment #: \_\_\_\_\_ Folder #: \_\_\_\_\_ Total Abandonment Application Fee: \$ 1075

Submittal Date: 2/14/2022

☐ Informal Abandonment (w/o hearing): \$ \_\_\_\_\_

Reviewed By: MDE

☐ Abandonment, Non-Single Family: \$ \_\_\_\_\_

Annexation Date: November 2, 1961

☒ Abandonment, Single Family: 1075

City Council District #: 6

☐ Complexity Fee \$ \_\_\_\_\_

Site Plan # (if applicable): 99-34593 | SDEV 9902634

☐ Appraisal Section Notified: ☐ Yes ☐ No ☐ N/A

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7811 or visit our website at <http://phoenix.gov/pdd/licensetimes.html>. This publication can be made available in alternate formats (Braille, large print, or digital media) upon request. Contact Planning & Development at (602) 262-7811 voice or (602) 534-5500 TTY.



# 4640 E. CAMELBACK HEIGHTS WAY

## ABANDONMENT



**H**UELLMANTEL  
AFFILIATES

P.O. Box 1833, Tempe, Arizona 85280-1833 ✦ T: (480) 921-2800 ✦ E: [lauren.proper@huellmantel.com](mailto:lauren.proper@huellmantel.com)



## REASON TO ABANDON

The property owner at 4640 E. Camelback Heights Way seeks the abandonment of the City right-of-way between Camelback Canyon Drive and Camelback Heights Way to allow access to the private residence directly from the roadway right-of-way.

The right-of-way the property owner seeks to abandon appears to be a remnant leftover from a previous 1973 abandonment (V-66-73) to accommodate the realignment of Camelback Heights Way – previously Porter Drive – into its current configuration. The image below depicts the subject property outlined in teal and the right-of-way the property owner seeks to have abandoned outlined with a yellow dashed line.



The subject property is located along Camelback Heights Way and currently has a portion of its driveway located in the adjacent right-of-way due to the extreme grade of Camelback Heights Way, which increases nearly 40' along the frontage of the property, particularly as the street continues up the mountain. This area appears to be a portion of the originally-planned alignment of Camelback Heights Way based on the 1956 plat shown below:



Lastly, the abandonment would allow the property owner to provide guest parking on their property instead of the street. Although it is permitted that guests of all properties may park on the public street, the extreme slope and narrow configuration of Camelback Heights Way leads to unsafe conditions as the street is not wide enough to accommodate two-way traffic when there are vehicles parked on the street. The curvature of the roadway and elevation negatively impacts visibility when vehicles are located on the street. Incorporating the City's right-of-way into the subject property will allow a longer driveway with room for a guest parking area that will increase safety for all residents in this area and their visitors.

For the reasons set forth, we believe this request for an abandonment is appropriate. Thank you for your consideration.





A signed right-of-way abandonment petition must be submitted when filing your abandonment application. Please read the entire form before signing. For additional information, contact the Planning and Development Department at (602) 256-3487.

We, as property owners, support the proposed abandonment for the following reasons:

- ☒ It will help to increase security,
- ☐ It will increase the buildable area of the lot(s),
- ☒ It will remove unnecessary right-of-way or easements to permit development of the property, or
- ☒ Other: allows access from the driveway to occur directly from the street right-of-way instead of across additional City-owned land

We, as property owners, understand that if there are public utilities located within the area to be abandoned, all right-of-way within the proposed abandonment area shall be retained as a public utilities easement (PUE) or as may be modified by the affected utility companies with 24-hour vehicle maintenance access. We further understand that no structure of any kind shall be constructed or placed within the easement except removable-type fencing and/or paving. Removable type fencing must not require the installation of footers within the PUE. No planting within the PUE unless approved by the City of Phoenix. **The affected utility company shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction.**

**Or**

We, as property owners, understand that we may choose to relocate all utilities affected by the abandonment. If we choose this alternative, we understand that we, as the property owners, would be responsible for the cost of relocating any affected utilities to locations approved by that utility company.

**To ensure continued maintenance and repairs of the street, the public rights-of-way would be abandoned to the adjacent individual property owner(s) or a Homeowners Association where one exists. The Homeowners Association or adjacent individual property owners would assume all liability and maintenance cost of the abandoned public right-of-way and any improvements.**

We, as the property owners, understand that if the abandonment of the public right-of-way is approved, the Homeowners Association (or individual property owners) shall purchase all streetlights from the City of Phoenix in the proposed abandonment area, or the Homeowners Association (or individual property owners) will be responsible for replacing them with private lighting. This will be done at no expense to the City of Phoenix. We also understand that the Homeowners Association (or individual property owners) will be responsible for and set up their own electric account with the proper electric company in order to assume the responsibility of payment of the electric costs.

We, as the property owners, understand that there may be additional costs incurred due to required improvements to provide code compliant entrances/gating, etc. Requirements may include, but are not limited to, gates, provisions for fire apparatus, dedicated right-of-way for required turnarounds, etc.

Any and all requirements and costs will be the responsibility of the Homeowners Association (or individual property owners). All required improvements within the proposed abandonment area, as required by the stipulations of the approved abandonment, will be completed at no expense to the City of Phoenix.

Per Phoenix City Code, Section 31-64 (e), if the request of abandonment is approved there will be a consideration fee due and payable after the Abandonment Hearing Officer's decision. Consideration fees are the costs associated with purchasing land within the abandoned right-of-way from the City of Phoenix and are calculated as follows:

Non-single family zoned right-of-way the greater of \$500 or Fair Market Value (FMV)<sup>1</sup> of abandoned right-of-way  
Single family residential zoned right-of-way \$1 per square foot for first 500 square feet, \$0.10 per square foot thereafter; or FMV of abandoned right-of-way, as determined by City<sup>2</sup>

Notes:

<sup>1</sup> If the area to be abandoned is within or adjacent to an established redevelopment area, consideration may be given in determining the FMV.

<sup>2</sup> For the area to be abandoned, consideration may be given to the transfer of ongoing property maintenance responsibilities in determining the Abandonment Consideration Fee.

This publication can be made available in alternate formats (Braille, large print, computer diskette, or audiotape) upon request. Contact the Planning & Development Department at (602) 262-7811 voice or (602) 534-5500 TTY.

One hundred percent of the property owners in and/or abutting the affected area, as determined by the Street Transportation Department, must be notified.

- One hundred percent of property owners abutting the proposed abandonment must sign the petition in support if four or fewer properties are immediately impacted.
- Two-thirds of the residential property owners or a majority of the commercial property owners abutting the proposed right-of-way abandonment must sign the petition in support if more than four properties are immediately impacted.

Compliance with the above petition requirement does not guarantee approval of the request. It only allows for the submittal of the Abandonment Application.

We, as the adjacent property owners, do hereby support the abandonment of: \_\_\_\_\_

the right-of-way between Camelback Heights Way and Camelback Canyon Drive

as shown in the attached map dated \_\_\_\_\_

<b>ADDRESS</b>	<b>LOT NO.</b>	<b>PRINT NAME</b>	<b>SIGNATURE</b>
4640 E. Camelback Heights Way	9	Brenda van der Hout	BvH-1

Does not include signatures from other adjacent property owners

**By abandoning the public right-of-way after all stipulations have been met, the City of Phoenix relinquishes its ownership and future obligations.**

# TAB E



## **City of Phoenix**

Planning and Development Department

April 14, 2022

Preliminary Abandonment Staff Report: **ABND 220011**

Project# **99-3459**

Quarter Section: **20-38**

Council District: **6**

**Location:**

4640 East Camelback Heights Way

**Applicant:**

Lauren Proper Potter

**Request to abandon:**

The triangular portion of land where North Camelback Canyon Drive and East Camelback Heights Way meet as illustrated on the attached exhibit.

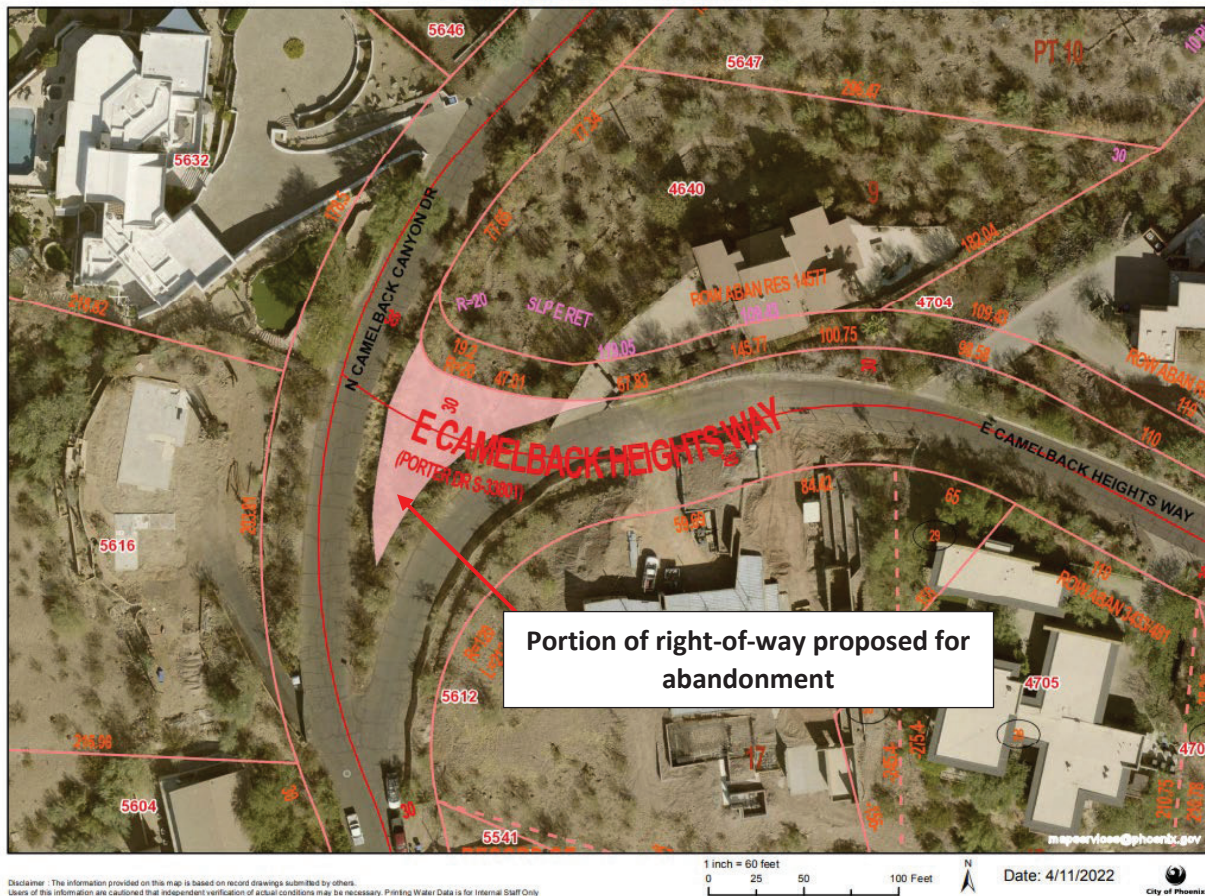
**Purpose of request:**

The applicant states to allow access to the private residence directly from the roadway right-of-way, to place responsibility to maintain vegetation upon the property owner instead of the City, and to allow the property owner to provide guest parking on their property instead of the street.

**Hearing date:**

**April 14, 2022**

## Planning and Development



### City Staff Research

Staff research shows that the subject right-of-way was dedicated through the Camelback Heights Plat, recorded on December 16, 1956 on docket 69, page 49 of the Maricopa County Recorder. If abandoned, the right-of-way will be conveyed back in ownership to the abutting property owner.

### City Staff Comments

This request was routed to various City departments for their recommendations. Listed below are the responses from each department.

#### **Street Transportation Department – Maja Brkovic**

1. No right-of-way within 25-feet of the Camelback Canyon Drive monument line may be abandoned.
2. No right-of-way with 25-feet of the Camelback Heights Way monument lines may be abandoned.

#### **PDD Traffic Department – Derek Fancon**

“Recommend approval.”

#### **PDD Site Planning – Maggie Dellow**



"PDD Site Planning would like to ensure the customer understands the abandonment will not grant any additional disturbance. The Hillside Waiver (DSAP 21252) for this site approved a total disturbance of 16,680 sf. The abandonment will not increase this allowance. If the customer wants more disturbance, the City would require a new hillside waiver submittal."

**Street Lights – Jason Fernandez**

"Recommend approval."

**Water Services – Don Reynolds**

"A 25' ft. portion of the right of way shall be retained as water easement for the existing water main with 24-hour maintenance access subject to the following standard stipulation:

No structure of any kind and/or block wall shall be constructed or placed within the easement except wood or wire fencing and/or paving. No planting except grass and/or approved ground cover shall be placed within the easement. It shall be further understood that the City of Phoenix shall not be required to replace any obstructions, paving or planting that must be removed during the course of required maintenance, reconstruction and/or construction."

**PDD Village Planner – Sarah Stockham**

No comments received.

**Public Transit Department – Michael Dwyer**

"The abandonment will not affect solid waste service."

**PDD Civil Department – Todd Coy**

"Recommend approval."

**Neighborhood Services – Lynda Lee**

No comments received.

**Utility Comments**

The request was also routed to outside utility companies for their input. Listed below are the responses from each utility.

**Cox – Zach Lawson**

"I have reviewed the abandonment request at **ABND 220011 4640 E CAMELBACK HEIGHTS WAY** in Phoenix, {Maricopa County}, AZ. Based upon the supplied drawings/exhibits that you've submitted it has been determined that COX has no facilities within the easements and therefore we approve your request to abandon.

Please note that although Cox Communications approves this abandonment, we do so with the understanding that we will not assume any construction, relocation and/or repairs costs associated or in result of this abandonment."

**Southwest Gas – Tami Garcia**

"After reviewing the plans for the above-referenced project, it has been determined that a gas line lies within the area in question. We require that a clearance of at least two feet be maintained between the gas line and other underground facilities. The procedure requires calling Blue Stake at 602-263-1100 and following their excavation instructions to determine the

exact location of the gas line. Permission is granted to abandon a portion of the right-of-way on the area located at the above-referenced location under those conditions.”

**Arizona Public Service – James Generoso**

“APS has no objection to the abandonment proposed in ABND220011.”

**CenturyLink – Mary Hutton**

“Qwest Corporation d/b/a CENTURYLINK QC (“CenturyLink”) has reviewed the request for the subject vacation/abandonment and has determined that it has no objections with respect to the areas proposed at this project site.

It is the intent and understanding of CenturyLink that this notice shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found within the vacated area as described, the Applicant will relocate the facilities at Applicant's expense and within guidelines set by CenturyLink and all regulating entities. All relocations will be done under the supervision of a CenturyLink Inspector.”

**Salt River Project – Sherry Wagner**

“Salt River Project has no objection the abandonment of the triangular portion of land where Camelback Canyon Drive and Camelback Heights Way meet as shown in your application ABND220011. This is in the Arizona Public Service serving area”

**Staff Recommended Stipulations of Approval**

The request of abandonment, if approved by the Abandonment Hearing Officer, will be subject to the following stipulations:

1. Either a or b shall be complied with:
  - a. All utilities shall be relocated to locations approved by each affected utility company. All work is to be done by each affected utility company at no expense to the affected utility company. An appropriate performance agreement, in an approved form and cost amount, must be posted with the Planning and Development Department to guarantee the improvements.
  - b. All right-of-way shall be retained as a public utilities easement with 24-hour vehicle maintenance access.
2. Consideration which provides a public benefit to the City is required in accordance with City Code Art. 5, Sec. 31-64 and Ordinance G-5332. Cost for abandoned Right-of-Way adjacent to property not zoned single family residential will be \$500 OR Fair Market Value whichever is greater. Cost for property zoned single family residential is \$1.00 a square foot for the first 500 square feet, \$0.10 a square foot thereafter; OR Fair Market Value at the option of the Planning and Development Director or designee. The applicant shall submit calculation and fee to Planning and Development Department. The applicant shall request a selection of approved appraisers from the current list maintained by the Real Estate division of the Finance Department.

3. No right-of-way within 30-feet of the Camelback Canyon Drive monument line may be abandoned.
4. No right-of-way south of the existing monument line of Camelback Heights Way may be abandoned.
5. The right-of-way shall be retained as a slope easement.
6. All stipulations must be completed within two years from the Abandonment Hearing Officer's decision.

**For assistance regarding the above stipulations, please contact the Abandonment Coordinator at 602-256-3487.**

REPORT SUBMITTED BY: Maggie Dellow, Abandonment Coordinator

cc: Lauren Proper Potter, Applicant/Representative  
Christopher DePerro, Abandonment Hearing Officer

If the area to be abandoned is within or adjacent to a redevelopment area established pursuant to A.R.S. §36-1471 ET. SEQ., Consideration may be given to the restrictions upon the property and the covenants, conditions and obligations assumed by the redeveloper in the determination of fair market value.

# TAB F



**Phoenix City Code Section 32-32**

Please be advised if there is a rezoning case in process on the subject property a Technical Appeal cannot be filed until the case has been acted on by City Council.

Note that an appeal meeting with staff will be arranged in approximately 1 week.

Please indicate your preference in attending this meeting: ☐ Yes ☐ No

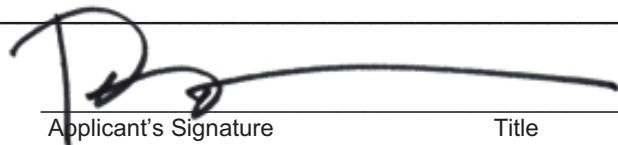
PROJECT NAME		PROJECT ADDRESS OR LOCATION	DATE
OWNERS NAME	ADDRESS	ZIP CODE	DSAP #
APPLICANT'S NAME (NOT COMPANY NAME)	APPLICANT'S ADDRESS	SUITE NUMBER	PHONE
APPLICANT'S E-MAIL ADDRESS	P&D STAFF FAMILIAR WITH PROJECT		

**RELATIONSHIP TO PROJECT AND COMPANY NAME**

A request is hereby made for an appeal, to Section(s) \_\_\_\_\_ of the Ordinance and/or Code, which require(s) that: **(use attachment if necessary):**

State the factual and/or legal basis for the appeal. Include the alternate design and design parameters based on a recognized standard and the reason(s) why the proposed appeal meets the intent of the Phoenix City Code Section 32-32 C (5)(d)(1):

**(use attachment if necessary):** \_\_\_\_\_



If applicant is not the owner or the owner's architect or engineer, owner's signature must appear on line above

Applicant's Signature

Title

**FOR CITY USE ONLY**

Technical Lead Print Name \_\_\_\_\_ Fee Code \_\_\_\_\_

☐ **APPROVED** ☐ **APPROVED WITH STIPULATIONS** ☐ **DENIED**

Attendees: \_\_\_\_\_

DATE

CITY MANAGER'S REPRESENTATIVE OR DELEGATE

**Pre-log Checklist:**

**Hillside Grading Waiver**

Phoenix City Code Section 32-32.

☐ **Initial Appeal to City Manager's Representative**

- 3 copies of narrative and graphic exhibit describing applicant proposal and basis for appeal.
- Photographs: On-site, adjacent to site within 300.'
- ~~List of property owners within 300' of site. Please contact Maricopa County Assessors website at <http://www.maricopa.gov/Assessor/GIS/Map.html>.~~
- ~~Install Autodesk MapGuide (R) Viewer Active X Control to obtain a list of property owners.~~
- Verification must be provided that owners have been notified by certified letter at least 15 days prior to the hearing.
- Dimensioned single-family plot plan or site plan/subdivision.
- Hillside calculations (See Hillside Grading Waiver Submittal Requirements).  
Total Lot Area: \_\_\_\_\_ SF      Total Hillside Area: \_\_\_\_\_ SF  
Total Area under Roof: \_\_\_\_\_ SF (From total lot) \_\_\_\_\_ %  
Proposed Under Roof: \_\_\_\_\_ SF  
Total Area Disturbed Beyond Roof: \_\_\_\_\_ SF  
Total % of Hillside Disturbed: \_\_\_\_\_ %
- If administrative approval to be done by City Manager Representative, the property must be posted for a period of 15 days prior to the administrative approval date. It shall be the responsibility of the applicant to ensure that the posting remains in place for the entire 15 day period.
- Fee(s) per Chapter 9, Appendix A.2 of Phoenix City Code are:
  - \$600.00 first appeal item plus - **SPAPPCM**
  - \$300.00 each additional appeal item

☐ **Subsequent Appeal to Development Advisory Board**

- Must submit appeal request within 10 days of the CMR decision.
- 1 copy of City Manager's Representative decision.
- Fee(s) per Chapter 9, Appendix A.2 of Phoenix City Code are:
  - \$600.00 first appeal item plus - **SPAPPDAB**
  - \$300.00 each additional appeal item





KENDLE DESIGN  
COLLABORATIVE  
6115 NORTH CATTILTRACK  
SCOTTSDALE, ARIZONA 85250  
PH 480.971.8850  
INFO@KENDLEDIGN.COM  
KENDLEDIGN.COM

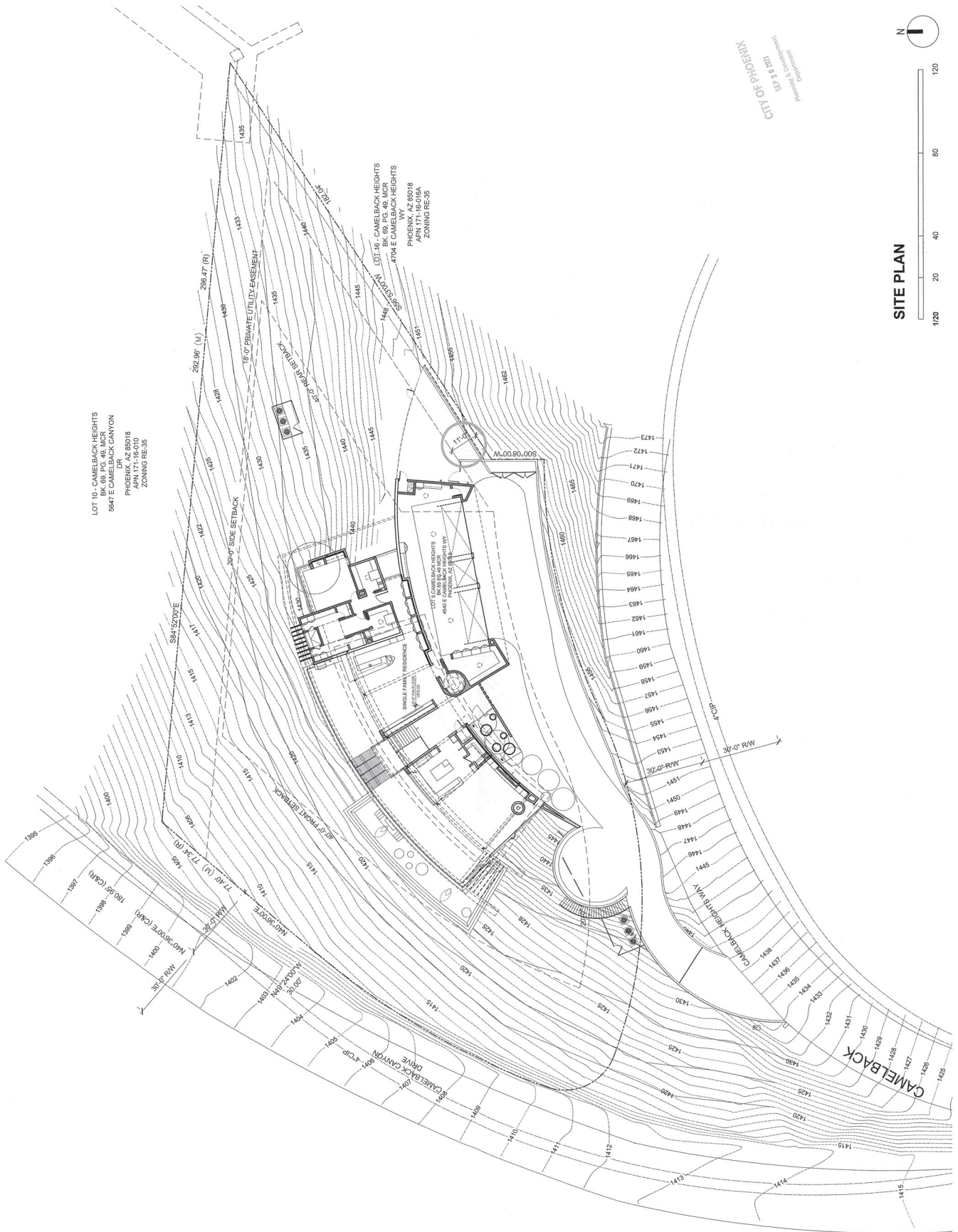
Desert Sky  
Residence  
4640 E Camelback Heights Way  
Phoenix, AZ 85018

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MARK	DATE	DESCRIPTION
Δ		VARIANCE SUBMITTAL 5-10-21
Δ		PROJECT NO.
Δ		CAD DWG FILE
Δ		DRAWN BY: CK
Δ		CHECKED BY: BK
Δ		SHEET TITLE:

ARCHITECTURAL  
SITE PLAN

A-1.0



# TAB G





# City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

## APPLICATION FOR ZONING ADJUSTMENT

APPLICATION NO: ZA-570-21

CASE TYPE: Variance  
DATE FILED: 9/20/2021

COUNCIL DISTRICT: 6  
CASE STATUS: Pending

EXISTING ZONING: RE-35  
FILING STAFF: jbraswell

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$490.00	\$0.00	09/20/2021		Original Filing Fee

### HEARING DATES

ZA: 12/23/2021 9:00 AM LOCATION: Meeting will be held virtually.

### BOA:

PROPERTY LOCATION: 4640 East Camelback Heights Way

LEGAL DESCRIPTION: See attached

### CONTACT INFORMATION

NAME	ADDRESS	PHONE	FAX	EMAIL
4640 East Camelback Heights LLC (Owner)	4640 E Camelback Heights Way Phoenix AZ 85018			
4640 East Camelback Heights LLC (Applicant)	10679 N Frank Lloyd Wright Boulevard, 103 Scottsdale AZ 85259			bzanx5@gmail.com
Brent Kendle Kendle Design Collaborative (Representative)	6115 N Cattletrack Drive Scottsdale AZ 85250	(480) 951-8558		brent@kendledesign.com brent@kendledesign.com

If, during the course of review of a pending application, the applicant submits one or more additional applications that are related to the pending application, then and in such event, the substantive review time frame shall be reset on all related applications. In this event there shall be one applicable substantive review time for all of the related applications and the time frame shall be revised to be the longest substantive review time frame that was applicable to any one of the related applications. As a result, the entire substantive review time frame for the related applications shall start over, and a fee may be charged.

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

In making this application, I understand that the filing of this application and payment of fees does not entitle me to the relief requested. (See Sec. 307 of City of Phoenix Zoning Ordinance for standards by which the hearing officer will review the application.) I understand the approval of this request does not replace the need for acquiring the appropriate building permits, site plan approval, liquor license or any other licenses required by governmental agencies. I also understand that in the case of liquor request approval of a use permit does not guarantee the CITY OF PHOENIX will recommend approval of the liquor license.

APPLICANT'S SIGNATURE: \_\_\_\_\_

DATE: 9.30.2021

**NOTE TO APPLICANT: SUCH USE PERMITS AND VARIANCES AS ARE GRANTED BY THE ZONING ADMINISTRATOR SHALL BE VOID IF THE USE IS NOT COMMENCED OR IF A BUILDING PERMIT IS NOT OBTAINED 60 DAYS OF SUCH GRANTING OR WITHIN THE TIME STIPULATED BY THE ADMINISTRATOR.**

**APPEALS OF DECISIONS OF THE ZONING ADMINISTRATOR MAY BE MADE BY ANY PERSON TO THE BOARD OF ADJUSTMENT WITHIN 15 DAYS AFTER THE DATE OF ACTIONS.**

### REQUEST

1. Variance to reduce the required side yard (east) setback to 11 feet. Minimum 20 feet required.

ZONING ORD. SECTIONS  
609.B.Table

### GEOGRAPHIC INFORMATION

APN: 171-16-009

Qtr Section(Map Index): 20-38(111)

ZA CASE NO: ZA-570-21

Date: 12/23/21 9AM

Zoning Administrator Action

Appeal Date:

☒ Approved ☐ Denied ☐ Denied, as filed ☒ Stipulations

☐ Under Advisement ☐ Withdrawn ☐ Other  
☐ Cont: \_\_\_\_\_

STIPULATIONS:

1) 2 years to apply and pay for building permits.

2) For the setback reduction as shown on the  
site plan dated September 20, 2021.

Must appeal by January 7, 2022.

12-23-21

DATE

Kim Dolarowski

BY

ZONING ADMINISTRATOR

☐ Support Present

☐ Opposition Present

STIPULATIONS MET:

YES/NO





KENDLE DESIGN  
COLLABORATIVE  
6115 NORTH CATTILTRACK  
SCOTTSDALE, ARIZONA 85250  
PH 480.971.8880  
INFO@KENDLEDIGN.COM  
KENDLEDIGN.COM

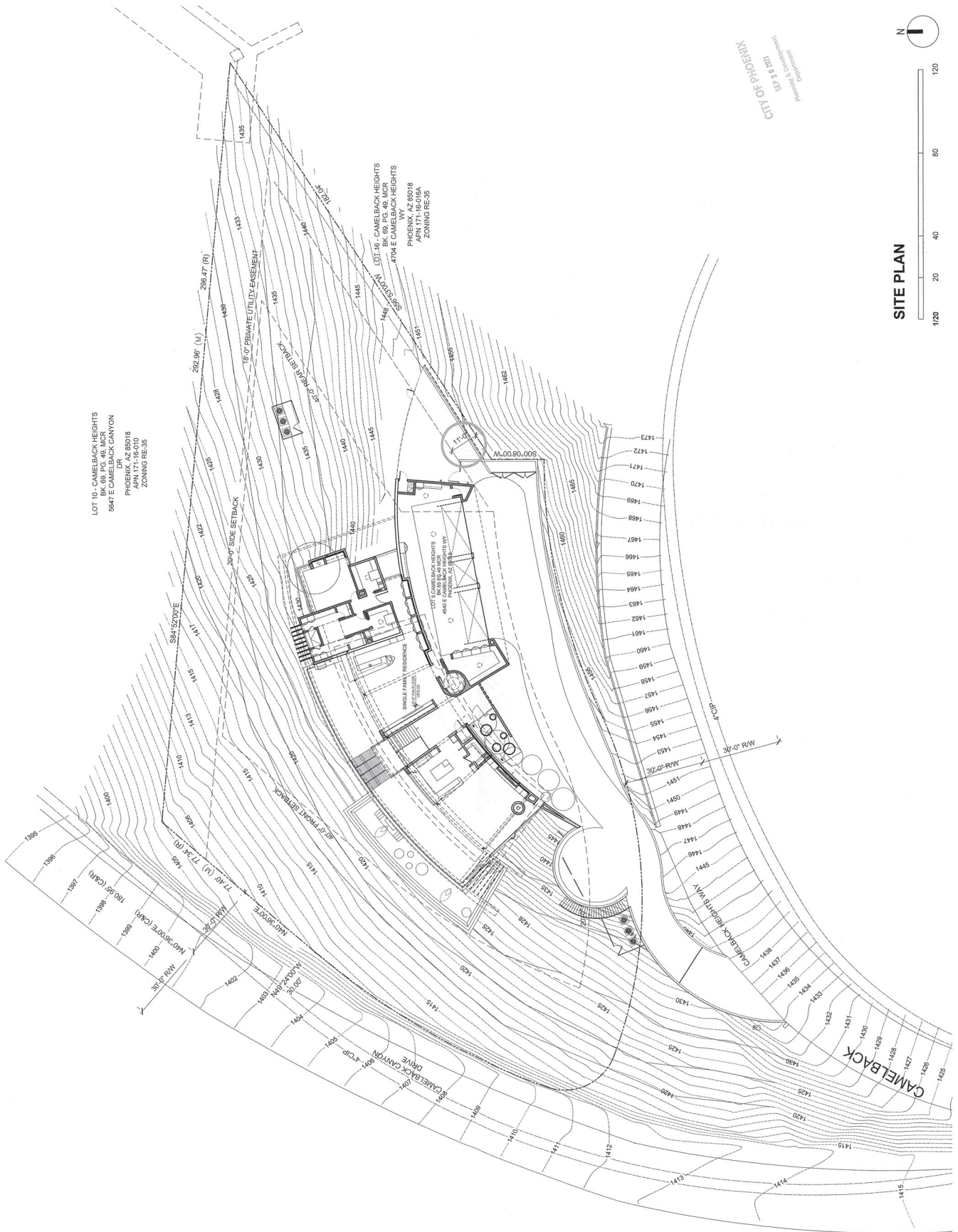
Desert Sky  
Residence  
4640 E Camelback Heights Way  
Phoenix, AZ 85018

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MARK	DATE	DESCRIPTION
Δ		VARIANCE SUBMITTAL 5-10-21
Δ		PROJECT NO.
Δ		CAD DWG FILE
Δ		DRAWN BY: CK
Δ		CHECKED BY: BK
Δ		SHEET TITLE

ARCHITECTURAL  
SITE PLAN

A-1.0



# TAB H





**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager  
Planning and Development Director

**Date:** October 5, 2022

**From:** Joshua Bednarek   
Planning and Development Deputy Director

**Subject:** CONTINUANCE OF ITEM 89 ON THE OCTOBER 12, 2022 FORMAL AGENDA  
-PUBLIC HEARING - APPEAL OF HEARING OFFICER DECISION  
ABANDONMENT OF RIGHT-OF-WAY - ABND 220011 - 4640 EAST  
CAMELBACK HEIGHTS WAY

Item 89, is a request to hold a public hearing on an appeal of the Abandonment Hearing Officer's decision to approve the abandonment of right-of-way (ABND 220011) located at 4640 East Camelback Heights Way.

Staff request this continuance to ensure requirements for notification are fulfilled and to allow the applicant and appellant additional time to discuss the request.

Staff recommends continuing this item to the December 7, 2022 City Council Formal meeting.

Approved:



Alan Stephenson  
Deputy City Manager/Planning and Development Director





**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager  
Planning and Development Director

**Date:** November 28, 2022

**From:** Joshua Bednarek   
Acting Assistant Director, Planning Division  
Planning and Development Department

**Subject:** CONTINUANCE OF ITEM 78 ON THE DECEMBER 7, 2022 FORMAL  
AGENDA –PUBLIC HEARING – APPEAL OF HEARING OFFICER DECISION  
ABANDONMENT OF RIGHT-OF-WAY – ABND220011 – 4640 EAST  
CAMELBACK HEIGHTS WAY

Item 78, is a request to hold a public hearing on an appeal of the Abandonment Hearing Officer's decision to approve the abandonment of right-of-way (ABND 220011) located at 4640 East Camelback Heights Way.

Staff has received correspondence from the representatives of the applicant and the appellant requesting a continuance to allow their clients additional time to work on a resolution to this matter.

Staff recommends continuing this item to the February 15, 2023 City Council Formal meeting.

Approved:

  
Alan Stephenson

Deputy City Manager/Planning and Development Director

MEMORANDUM

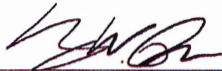
To: Mayor Gallego & Phoenix City Council Members  
From: Appellant's Representative Ben Graff & Appellee's Representative Lauren Proper Potter  
Re: Joint Request to Continue Appeal of ABND220011 to February 15, 2023  
Date: November 16, 2022

Mayor Gallego and City Council Members:

We are jointly requesting that the City Council continue the appeal hearing scheduled for December 7, 2022, to February 15, 2023, to allow our clients additional time to work on a resolution to this matter.

Thank you for your consideration.

Sincerely,



Benjamin Graff  
Attorney for Appellant



Lauren Proper Potter  
Attorney for Appellee





**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager

**Date:** February 13, 2023

**From:** Joshua Bednarek *JB*  
Planning and Development Director

**Subject:** CONTINUANCE OF ITEM 70 ON THE FEBRUARY 15, 2023 FORMAL AGENDA  
– PUBLIC HEARING – APPEAL OF HEARING OFFICER DECISION  
ABANDONMENT OF RIGHT-OF-WAY – ABND 220011 – 4640 EAST  
CAMELBACK HEIGHTS WAY

Item 70, is a request to hold a public hearing on an appeal of the Abandonment Hearing Officer's decision to approve the abandonment of right-of-way (ABND 220011) located at 4640 East Camelback Heights Way.

Staff has received correspondence from the representatives of the applicant and the appellant requesting a continuance to allow their clients additional time to work on a resolution to this matter.

Staff recommends continuing this item to the March 22, 2023 City Council Formal meeting.

Approved:

  
Alan Stephenson  
Deputy City Manager

Attachment:  
Exhibit A – Applicant's request for continuance

**From:** [Joshua Bednarek](#)  
**To:** [Lauren Proper Potter](#)  
**Cc:** [Graff, Benjamin W.](#)  
**Subject:** RE: ABND220011 - Joint Request to Continue  
**Date:** Monday, February 13, 2023 12:01:34 PM

---

Thank you Lauren. We'll get a continuance memo drafted.

Thank you,  
Josh



**Joshua Bednarek**  
**Director, Planning and Development Department**  
Office: 602-256-3555  
E-mail: [joshua.bednarek@phoenix.gov](mailto:joshua.bednarek@phoenix.gov)

City of Phoenix  
Planning & Development Department  
200 West Washington Street  
Phoenix, AZ 85003

**Mission:** Planning, Development and Preservation for a Better Phoenix

**From:** Lauren Proper Potter <[lauren.proper@huellmantel.com](mailto:lauren.proper@huellmantel.com)>  
**Sent:** Monday, February 13, 2023 11:47 AM  
**To:** Joshua Bednarek <[joshua.bednarek@phoenix.gov](mailto:joshua.bednarek@phoenix.gov)>  
**Cc:** Graff, Benjamin W. <[Benjamin.Graff@quarles.com](mailto:Benjamin.Graff@quarles.com)>  
**Subject:** ABND220011 - Joint Request to Continue  
**Importance:** High

Hello Josh,

Please see the attached joint request to continue ABND220011 to March 22, 2023. I'll follow up with you later today on some of the outstanding items we have discussed. Thank you!

Best regards,

Lauren Proper Potter



## Mobile Home Park Displacement Options

This report provides an overview of the recommendations from the Community and Cultural Investment Subcommittee regarding options to assist mobile home park residents facing displacement.

### Summary

Residents of mobile home communities throughout the City of Phoenix have faced displacement due to the redevelopment of mobile home park sites. Residents of three communities, including Periwinkle, Weldon Court, and Las Casitas, are under imminent risk of displacement. Many residents of these communities have contacted the City to seek assistance.

In response to these concerns and in coordination with the Mayor and City Council, an internal work group was formed on Sept. 28, 2022, to determine how the City can assist families facing imminent displacement and to identify measures to reduce this risk in the future. The resulting research report from the internal work group was issued Nov. 25, 2022, and an updated report was issued on Feb. 23, 2023 (**Attachment A**).

On March 6, staff presented information to the Community and Cultural Investment Subcommittee on services and assistance available to residents of the mobile home parks, information on pending legislation, zoning issues and legal concerns as well as possible options. The subcommittee ultimately recommended four actions intended to assist residents of mobile home parks facing displacement. These recommended actions are listed below. A brief staff analysis on implementation steps and impacts follows each recommendation.

### Recommendation One

Enter into an intergovernmental agreement with Arizona State University (ASU) School of Geographical Science and Urban Planning or a similar agency, or a contract with a firm, to produce a study and inventory of all mobile home parks within the city. The study and inventory should include information related to ownership, underlying zoning, number of units, vacancy rates, quality of housing, and recommendations for preservation and improvement. The overall goal of this study should be the

improvement and preservation of current mobile home park housing in Phoenix, that includes concrete policy recommendations.

#### *Implementation*

Completion of a study as described will require negotiating a scope of work and agreement with ASU or a similar agency, or a contract with a firm. That agreement or contract would be brought to the City Council for approval. The timing for completion will depend on the availability of the provider and would be negotiated as part of an agreement. Such an analysis would be available to the public and could have unintended impacts to the community. Aggregating and providing such information and data at a granular level on specific parks could potentially facilitate acquisition and redevelopment of vulnerable mobile home parks. The Council might consider a study that would provide recommendations for preservation and improvement without specific information on individual mobile home parks.

#### Recommendation Two

Reallocate the remaining \$2.5 million of American Rescue Plan Act (ARPA) funds, that have been set aside for the Landlord Incentive Program, to create a new emergency fund, specifically for individuals affected by mobile home park displacement, and work with a non-profit partner to implement this new fund.

#### *Implementation*

This emergency fund would be established for the purpose of providing housing navigation to mobile home residents facing displacement. The navigation services would assist residents in accessing available services and assistance toward relocation. Implemented in October 2020, the landlord incentive program has successfully assisted more than 2,400 voucher holders in obtaining a unit and has resulted in 350 new first-time landlords to the Housing Choice Voucher program. The reallocation of the remaining funds allocated to landlord incentives would end the program. In the current rental market, incentives are one effective tool available to assist voucher holders in competing for units, including those voucher holders that may come from the affected mobile home parks. Staff recommends that if the Council approves this recommendation, discretion be provided for staff to identify other funds to provide navigation services and that the Landlord Incentive Program remain in place.

#### Recommendation Three

Initiate a mobile home park zoning overlay on the three mobile home parks discussed during the March 6 Community and Cultural Investment Subcommittee meeting (Las Casitas, Periwinkle, and Weldon Court).

### *Implementation*

Adoption of a zoning overlay that would modify the existing zoning on each of the mobile home parks will require the City to initiate and process several actions. A text amendment to the Zoning Ordinance, creating the zoning overlay district that restricts development on-site to mobile homes, would be the first action. Next, rezoning requests for each of the subject parcels would be required in order to apply the zoning overlay and modify each of the property's existing zoning. Only the owner of the parcel or the Planning Commission can make that request. The text amendment and rezoning cases would be required to proceed through the public hearing process, which includes presentations and hearings before the village planning committees, Planning Commission and the City Council. The City will be required to comply with the notice requirements for rezoning cases which includes notifying the property owner and surrounding property owners within 600 feet, and all registered neighborhood associations within one mile. The City will also be required to host a neighborhood meeting on each rezoning request prior to proceeding through the hearing process.

As noted in the City Manager's Report attached, rezoning of a property to eliminate existing zoning entitlements will expose the City to potentially significant claims for diminution of property value under Proposition 207, also known as the Private Property Rights Protection Act. The proposition was passed by voters in 2006 and codified as Arizona Revised Statute (A.R.S.) 12-1134. The statute would require the City to compensate the landowner if the value of the property is reduced by the enactment of a land use law. Here, the overlay would diminish the fair market value of these properties.

### Recommendation Four

Institute an 18-month moratorium on all development at the three mobile home parks discussed (Periwinkle, Weldon Court, and Las Casitas). This moratorium should be in accordance with A.R.S. Chapter 9-463.06 Section C.

### *Implementation*

As noted in the City Manager's Report attached, the Arizona State Legislature has declared development moratoriums a matter of statewide concern because moratoriums could negatively affect property rights and property owners. As part of the establishment of the moratorium, the City would have to determine that the moratorium is justified (e.g. lack of adequate infrastructure, among other things), and limit the location and duration of the moratorium. Also the City would need to conduct a public hearing and provide 30 days notice to the community. Moratoriums in Arizona are very restrictive. The City would be required to demonstrate an inability to serve the new development as justified by a demonstration of compelling need for public facilities. It cannot be done solely to restrict a property right to redevelop privately owned land.

Proceeding with such a moratorium without adequate justification could subject the City to legal action.

**Location**

Periwinkle, Weldon Court, and Las Casitas  
Council District(s): 4, 5 and 8

**Responsible Department**

This item is submitted by Deputy City Managers Alan Stephenson and Gina Montes and the City Manager's Office.



## City of Phoenix

<b>RESEARCH REPORT</b> <b>CITY MANAGER'S OFFICE</b>		
		DATE ISSUED 2/23/23
TO: Mayor and Council	FROM: Jeff Barton, City Manager	
SUBJECT Mobile Home Resident and Mobile Home Park Displacement Options		

### Introduction

Residents of mobile home communities throughout the City of Phoenix have faced displacement due to the redevelopment of mobile home park sites. Residents of three communities, including Periwinkle, Weldon Court, and Las Casitas, are under imminent threat of displacement. Many residents of these communities have contacted the City of Phoenix to seek assistance. In response to these concerns and in coordination with the Mayor and City Council, an internal work group was formed on Sept. 28, 2022, to determine how the City of Phoenix can assist families facing imminent displacement and to identify measures to reduce this risk in the future.

### Background

The Work Group is comprised of City staff from throughout the organization and includes the Phoenix Industrial Development Authority (IDA). The team was charged with evaluating all legal and financial assistance the City could offer to the tenants of the three properties mentioned earlier in this report. The team also reviewed and evaluated options to develop long-term strategies to prevent this issue from happening in the future.

This report details programs, initiatives, and strategies to address the displacement of mobile home residents in the City of Phoenix. However, due to limitations from Arizona State Statutes, the City is constrained from taking certain actions. This report includes legal analysis and also covers approaches taken by other jurisdictions to address similar challenges in their communities. Each proposed program and strategy is detailed in this report along with a set of recommended actions. Recommended programs and strategies are organized by the following:

1. Immediate Solutions - Financial Assistance and Support Services;
2. Medium Term Solutions - Planning and Zoning Initiatives;
3. Long Term Solutions - Ownership and Acquisition Strategies.

Staff also recommends supporting Arizona State legislative changes that would increase the State-administered displacement funds for each resident that is impacted by redevelopment of mobile home parks, as well as any legislative changes that would allow for a Right of First Refusal Purchase by the existing residents when mobile home park developments are offered for sale.

The section entitled **Viable Options** details the actions staff recommends the City implement to assist families facing displacement. The section entitled **Non-Viable Options** provides information on programs and strategies that were evaluated but determined to be non-viable options. **Attachment A** provides an overview of staff recommendations as well as the evaluated programs which were determined to be non-viable options, based on legal analysis and the research conducted by the Work Group.

### **Legal Analysis and Discussion**

The Work Group on mobile home parks asked the Law Department to analyze the legal risks of:

1. Imposing a development moratorium on redeveloping mobile home parks;
2. Eliminating non-mobile home park zoning entitlements from existing mobile homes;
3. Requiring mobile home park landlords to pay relocation assistance exceeding the amount required by Arizona Revised Statute;
4. Using City funds to pay residents additional relocation assistance exceeding the amount required by Arizona Revised Statute.

First, the City cannot impose a development moratorium on any private property, including mobile home parks, without clear justification. The Arizona State Legislature has declared development moratoriums a matter of statewide concern, because moratoriums could negatively affect property rights and property owners. The City would have to determine that a moratorium is justified (e.g., a lack of adequate infrastructure, among other things), and limit the location and duration of any moratorium.

Second, the City can eliminate non-mobile home park zoning entitlements from an existing mobile home park without exposing the City to potentially significant claims for diminution of property value under Prop. 207. However, any land use law that diminishes a landowner's existing rights to use, divide, sell or possess their land would require the City to compensate the landowner for the diminished value.

Third, the State established a regulatory system for all mobile landlord-tenant relationships, including a relocation fund to pay relocation assistance to tenants displaced from a mobile home park. Thus, the City is potentially preempted from requiring landlords to pay more than what is available from the site relocation fund.



Finally, the Arizona Constitution prohibits the City from giving or loaning its public resources (e.g., general fund dollars) to aid, donate, or subsidize individuals or companies. The City may be subject to a challenge for violation of the gift clause if the City expends general funds to provide additional relocation assistance to mobile home park tenants.

## **Viable Options**

This section details recommended actions for the City of Phoenix to implement to assist individuals and families facing displacement from mobile home communities.

### **Immediate Solutions: Financial Assistance and Support Services**

#### **1. Rental/Utility Deposit and Rental Payment Assistance**

Staff recommends two financial assistance programs which can be implemented immediately to support impacted residents. Using already approved American Rescue Plan Act (ARPA) Tranche One and remaining Emergency Rental Assistance (ERA) funds, the proposed programs include rent and utility (water/sewer, gas and electric) deposits, and rental/utility payments for up to 15 months (inclusive of three months forward rent and utility credits) or 12 months lump sum rental payment.

The following eligibility requirements will be used for deposit and payment assistance:

- Must be a Phoenix resident.
- Must have an income at or below 120 percent of Area Median Income (AMI) or \$106,560 for a family of four.
- Must qualify for unemployment benefits, experience a reduction in income, or experience other financial hardships caused by the COVID-19 pandemic.
- Must demonstrate risk of homelessness or housing instability.
- Must have incurred rent (including deposits, move-in costs, legal and late fees) and utility bills after March 13, 2020. **(If rent has not been charged, they are not eligible for assistance beyond help securing a new dwelling unit.)**

#### **2. Case Management and Housing Navigation Services**

Staff recommends a new program to provide case management and housing navigation services in partnership with a local, community-based non-profit that specializes in providing these types of services. If approved, the Human Services Department will request Council Approval to enter into an Intergovernmental Agreement (IGA) for up to \$300,000 using American Rescue Plan Act (ARPA) Tranche One funding with the City of Phoenix Industrial Development Authority (IDA) to contract with Helping Families in Need (HFIN). Currently, Trellis is providing these services through a contract with Grand Canyon University (GCU) for Periwinkle residents.

With Council approval, HFIN would provide services to residents of the Las Casitas and Weldon Court communities. The services would include case management that supports

housing needs, access to physical healthcare, behavioral healthcare, nutrition assistance, cash assistance, workforce development, emergency rental assistance and vouchers, etc.

### **3. Emergency Housing Vouchers (EHV)**

Staff recommends providing Emergency Housing Vouchers (EHV) to assist individuals and families facing displacement from mobile home parks. The EHV program is available through the American Rescue Plan Act (ARPA) via the U.S. Department of Housing and Urban Development (HUD). The vouchers are available to assist individuals and families who are homeless, at risk of homelessness, recently homeless or have a high risk of housing instability. The program is managed through a direct referral process from the Continuum of Care (CoC) regional Coordinated Entry (CE) System and could potentially be utilized by displaced residents, pending availability and meeting eligibility requirements.

Eligibility for use of the voucher program is determined through the CoC CE System. At least one family member must be a U.S. Citizen or eligible non-citizen to utilize the program. Once eligibility has been determined, referrals are made to the Housing Department through designated coordinated entry points. This resource is limited and will be utilized until exhausted.

### **4. Communication Strategy and Action Protocol**

Staff recommends developing a communication strategy and action protocol to inform residents of critical information related to their potential displacement as well as available assistance programs and other resources.

In 2019, the City of Apache Junction and Arizona State University completed a study on Mobile Home Parks. The study focused on preserving affordable housing, improving the conditions of mobile home parks, increasing the quality of life for residents, and promoting the redevelopment of parks when appropriate. One of the key recommendations was the creation of a communication strategy and action protocol for the notification and provision of resource assistance for mobile home residents when the park in which they reside becomes available for sale.

This recommendation is to develop communication strategies that connect mobile home residents with resources and inform residents at risk of displacement of opportunities for other affordable housing options. The information would include an overview of the rights of mobile home residents, approved programs within this report and other available resources, such as the State of Arizona's Mobile Home Relocation Fund. This fund provides monetary assistance to mobile home owners when mobile home parks are closed or redeveloped. The fund provides moving expense assistance, through direct payment to an installer, of up to \$7,500 for a single-wide or \$12,500 for a multi-section home.

## 5. Homeownership Down Payment Assistance

### *A. Open Doors Down Payment Assistance Program*

Staff recommends providing residents information and assistance to participate in the Open Doors Down Payment Assistance program, which is designed to assist eligible first-time homebuyers with the purchase of an affordable home in the City of Phoenix.

The program, funded by the federal HOME Investment Partnerships Program, provides down payment and/or closing cost assistance to households earning at or below 80 percent of the Area Median Income (AMI). The beneficiary must be a U.S. citizen or eligible non-citizen. To utilize program funding for a manufactured home purchase, the home must be affixed as real property, on a permanent foundation and connected to permanent utility hook-ups.

Total assistance is based on eligibility and individual need. Homebuyers will be required to attend pre-purchasing counseling provided by a U.S. Department of Housing and Urban Development (HUD) certified housing counseling agency and certified housing counselor. Homeownership down payment assistance funds are offered as a deferred payment loan that:

- Has an interest rate of 0 percent with no monthly principal payments;
- Provides up to 10 percent of the purchase price of a home;
- Is fully forgiven after the period of affordability;
- Can be layered with other homeownership down payment assistance programs.

### *B. Additional Support through Community Development Block Grant (CDBG)*

Staff also recommends pursuing the possibility of supplementing the Housing Department's Open Doors Down Payment Assistance Program with available CDBG funding. The additional assistance could be provided to eligible families interested in homeownership. Beneficiary must be a U.S. citizen or eligible non-citizen.

CDBG funds can assist low- to moderate-income households with the following homeownership activities for the purchase of single-family homes:

- 50 percent of the lender required down payment;
- Payment of closing costs, which must be deemed reasonable;
- Subsidized interest rates and mortgage principal amounts.

**Note: The following medium- and long-term recommended solutions would be included in the City's overall strategy to assist residents of mobile home communities. However, these recommendations would not address the current concerns related to the imminent displacement of residents at the three identified communities.**

## **6. Modify Existing Special Permit Mobile Home Park Development Requirements**

Staff recommends the consideration of modifying existing Special Permit Mobile Home Park Development requirements to make it easier to continue to operate, expand, or create new mobile home parks. This could be done by modifying the existing special permit allowances.

Staff recommends modifying the existing special permit allowances for mobile home parks through a text amendment to the zoning ordinance. This text amendment would address current zoning ordinance requirements to look for ways to increase market viability so that developers could develop new mobile home parks. This amendment would look at zoning requirements for items such as but not limited to minimum acreage size, spacing between units, and common open space. It could also allow other housing types within the new mobile home park. This could allow for new parks to be built that would offer more affordable housing than traditional homes. The expansion could include additional relocation requirements if developed under the new text amendment provisions.

## **7. Create A Mobile Home Park Zoning Overlay Incentive District**

Staff recommends the consideration of drafting a Mobile Home Park Zoning Overlay Incentive District with incentives for property owners of existing mobile home parks to opt into the overlay and operate as a mobile home park.

With the Overlay District, property owners could “opt in” and obtain greater property entitlements in one of two ways. The first option would be the property owner would maintain the existing mobile home park for (e.g., 10 years) in exchange for additional density, height, or setbacks, etc. after the specified timeframe was met. The second option would allow the property owner to redevelop the site in exchange for additional density, height, or setbacks, etc., before the specified timeframe was met, if onsite affordable housing was provided or funds were allocated for relocation fees. In order for this option to be viable, logistical challenges would need to be remedied through robust stakeholder meetings and feedback, to discuss any potential incentive for additional setbacks, height requirement, density, etc. As a result, there could be significant challenges associated with this option.

Arizona Revised Statute (A.R.S.) 12-1134 precludes the City from requiring the overlay be applied to existing mobile home parks but incentivizes the maintenance of existing mobile home parks.

## **8. Modify Legal Non-Conforming Zoning Ordinance Provisions**

Staff recommends modifying Legal Non-Conforming Zoning Ordinance provisions to allow for expansion of existing mobile home parks. Staff recommends a text amendment that specifically allows for the expansion of legal non-conforming zoning rights to cite

additional mobile home units and other types of units like tiny homes in existing mobile home parks. This effort will also allow for a review of the on-site development code and infrastructure requirements to ensure that minimum requirements are as safe and efficient as possible. Staff recommends expanding the allowable housing types such as tiny homes (Park Models) to replace existing mobile homes. Tiny homes provide an affordable alternative to mobile or manufactured homes. Currently, Phoenix Zoning Ordinance allows existing mobile home parks to replace older mobile homes (built prior to June 15, 1976) with a manufactured home (built after June 15, 1976, per U.S. Department of Housing and Urban Development (HUD) standards) by right.

Additionally, most existing mobile home parks are considered nonconforming. Many were annexed from Maricopa County or were developed under different zoning requirements which rendered them nonconforming. An expansion of a nonconforming use is limited to a structure housing a nonconforming single-family residential use or an accessory structure for a nonconforming single-family residential use. Existing mobile home parks are frozen in time at the time they became nonconforming. Any expansions or changes would require bringing the site into compliance with existing requirements for mobile home parks, adding significant costs for improvements. An amendment to the Phoenix Zoning Ordinance to allow existing mobile home parks to expand by adding additional units and make proportional improvements could also be considered.

## **9. Explore Opportunities to Partner with Qualified Opportunity Fund (QOF)**

Staff recommends exploring opportunities to partner with a Qualified Opportunity Fund (QOF) to invest in purchasing mobile home park land when a property owner desires to sell for redevelopment. Purchase by the fund would allow for additional time to help impacted mobile home residents move to another location or pursue other options. Any purchased land would take advantage of the Mobile Home Park Zoning Overlay Incentive District allowances to enhance their interest in purchasing the parcel.

### Long Term Solutions: Ownership and Acquisition Strategies

## **10. Partner with Nonprofit(s) to Purchase Mobile Home Parks**

Staff recommends working to identify nonprofit partners to purchase existing mobile home parks to stabilize the existing park operations and/or allow for redevelopment of the property that limits displacement of existing residents.

If redevelopment is pursued, the City can partner by offering funding assistance for new affordable housing development that prioritizes new housing options for mobile home park residents. Available funding for purchase and/or redevelopment must be identified and may have residency requirements. Due to the timing associated with redevelopment, residents may need to be temporarily relocated and potentially pursue alternative housing options.

The Phoenix Industrial Development Authority (IDA) has agreed to work with the City to develop financing options that may assist non-profits or other community partners in their purchasing efforts.

## **11. Establish Resident Owned Communities (ROC USA)**

Staff recommends engaging with ROC USA, which is a national nonprofit that assists existing mobile homeowners in forming a cooperative entity to finance the purchase of a mobile home park.

ROC USA works with regional technical assistance affiliates to study the feasibility of purchasing mobile home parks, helping residents form a cooperative association, and identifying funding sources for the purchase. ROC USA may be able to provide loans to assist with the resident purchase of a mobile home park. To pursue resident purchase of a mobile home park, park ownership concurrence and traditional and/or nonprofit funding sources must be identified. Increasing land values and potential for park redevelopment could make it difficult to find park owners who are willing to participate in this program.

## **12. Develop a Comprehensive Strategy and Action Plan**

Staff recommends the development of a Comprehensive Strategy and Action Plan related to mobile home communities and manufactured housing. This Comprehensive Strategy and Action Plan would be developed through the formation of a steering committee comprised of City staff, community members, and housing experts.

The City of Boulder, Colorado developed a Manufactured Housing Strategy with an Action Plan focused on efforts that encourage the preservation of existing manufactured home communities, facilitating the development of new manufactured home communities, increasing opportunities for Resident Owned Communities (ROCs), reducing or eliminating health and safety issues, and rehousing displaced households.

By engaging in a comprehensive study and analysis the City will be better prepared to take a proactive approach in assisting residents of mobile home and manufactured housing communities.

## **Non-Viable Options**

This section provides information on the programs and strategies that were evaluated by staff but determined to be non-viable options to assist individuals and families facing displacement from mobile home communities.

### **Financial Assistance and Support Services**

#### **1. City of Phoenix Affordable Housing Units and Housing Choice Vouchers**

Staff evaluated the possibility of providing displaced mobile home residents access to public housing or affordable units by housing displaced communities at City properties. Staff also evaluated providing Housing Choice Vouchers to eligible individuals and families. Both strategies were determined to be non-viable solutions.

Currently all public housing and affordable housing properties have high occupancy rates and a wait list of interested residents. Similarly, the Housing Choice Voucher wait list is currently closed. The current U.S. Department of Housing and Urban Development (HUD) approved Administrative Plan for wait list local preferences does not include private displacement action, therefore mobile home park residents being displaced by private action could not be directly placed into vacant units or provided a Housing Choice Voucher.

### Ownership and Acquisition Strategies

## **2. City Purchase of At-Risk Mobile Home Parks**

Staff evaluated the possibility of the City of Phoenix purchasing mobile home parks that are at risk of investor purchase, which would potentially result in the displacement of residents. This option would prevent resident displacement and increase stability while preserving affordable housing.

However, staff determined this was a non-viable solution due to the following challenges:

- Current park owners would need to agree to sell to the City of Phoenix.
- There is a high number of mobile home parks Citywide.
- There would be additional costs including required infrastructure improvements, replacement of unsafe units, contract with third-party management companies, etc.
- It would be inconsistent with previous community planning efforts.
- Long-term financial costs associated with being a mobile home park owner are not in line with City priorities.

## **3. City Acquisition of Land for Mobile Home Use**

Staff evaluated the possibility of the City of Phoenix purchasing land for mobile home use. This option would increase affordable housing options. However, staff determined this was a non-viable solution due to the following challenges:

- It would be an inefficient use of land and subsidy when higher density housing could be developed to address the current housing shortage more effectively.
- There is limited availability of suitable sites (10-acre minimum, correct zoning, etc.).
- There would be additional costs including required infrastructure improvements, replacement of unsafe units, contract with third-party management company, etc.
- It would be inconsistent with previous community planning efforts.

#### **4. City-Owned Property for Use as Manufactured/Mobile Home Park or Tiny Homes**

Staff reviewed the list of City-owned properties for use as a manufactured home park and the requirements for use including development, relocation of units, and management. The minimum site size for development of an average 100-space park is seven and one-half acres.

Staff concluded the use of City-owned property for use as a manufactured home park is non-viable since the City does not have excess land suitable for this purpose. Furthermore, the high cost and risk associated with this type of development, as well as ongoing management and maintenance, are impediments to using City-owned property. The current inventory of City-owned land is comprised of sites that are either too small to accommodate a manufactured home park or larger sites set aside for affordable housing, future fire stations, water facilities, other public uses, or located within a residential neighborhood and originally planned for a neighborhood park.

Utilizing City-owned property would require homes currently facing displacement to be physically moved from their current locations. This type of move is estimated to cost approximately \$10,000 to relocate a mobile home. In most situations, moving professionals have been unwilling to relocate these structures due to the age and associated risk of moving these units. Additionally, development cost of a 100-space manufactured home park is estimated to be approximately \$1.8 million. Considering the gift clause, the use of City-owned land as a manufactured home park would require leases at market rent. Management fees are generally seven to ten percent of collected rents, plus ongoing operation and maintenance costs, reserves for replacement, liability, and risk. As a result, residents would still face affordability challenges. For these reasons, staff determined the utilization of City-owned property is a non-viable option.

#### **Planning and Zoning Initiatives**

#### **5. Exclusive Zoning District for Mobile Home Parks**

Staff does not recommend the consideration of drafting a Mobile Home Park Zoning District and rezoning existing mobile home parks because it would be a new land use that diminishes the value of the properties zoning entitlements, and the City would be required to pay for the diminished value under Arizona Revised Statute (A.R.S.) 12-1134.

This exclusive zoning district would limit the allowed land use to mobile home parks and accessory uses for the park (e.g., clubhouse, pool, etc.). Most existing mobile home parks are entitled with multifamily or commercial zoning which makes the land extremely vulnerable to redevelopment, loss of low-income housing options, and contributes further to resident displacement. This approach was found not to be a regulatory taking in the State of Washington under *LAUREL PARK COMMUNITY v. CITY OF TUMWATER*; however, the City is liable to diminution of property value under Arizona Revised Statute



(A.R.S.) 12-1134 if new zoning district is applied retroactively, meaning landowners would need to be compensated. American Rescue Plan Act (ARPA) funds are likely not a source of compensation for affected landowners.

## **Recommendations**

Based on legal analysis and the research conducted by the Work Group:

Staff recommends the following immediate programs:

- Utilizing American Rescue Plan Act (ARPA) and Emergency Rental Assistance (ERA) funding for Rental/Utility Deposit, Rental Payment Assistance, Case Management and Housing Navigation Services. It is important to note that the amount of funds available is limited, as is the timeframe the funds are available.
- Providing Emergency Housing Vouchers (EHV) to individuals facing displacement.
- Developing a Communication Strategy and Action Protocol.
- Focusing outreach efforts of the Open Doors Down Payment Assistance Program to benefit mobile home park residents, and possibly supplementing the program with Community Development Block Grant (CDBG) funding.

Staff recommends the following medium-term programs:

- Addressing existing Special Permit Mobile Home Park Development requirements, making it easier for landowners to continue to operate, expand, or create new mobile home parks.
- Creating a Mobile Home Park Zoning Overlay Incentive District to provide incentives for property owners to delay redevelopment of existing mobile home parks.
- Addressing Legal Non-Conforming Zoning Ordinance provisions to allow expansion of existing mobile home parks and tiny homes.
- Explore opportunities to partner with a Qualified Opportunity Fund (QOF) to invest in purchasing mobile home park land when a property owner desires to sell for redevelopment.

Staff recommends the following long-term programs:

- Partnering with nonprofit(s) to purchase mobile home parks.
- Working with residents at risk of displacement to engage with and create Resident Owned Communities (ROC USA).
- Developing a comprehensive strategy and action plan to take a proactive approach in assisting residents of mobile home and manufactured housing communities.

Staff also recommends supporting Arizona State legislative changes that would the State-administered displacement funds for each resident that is impacted by the redevelopment of mobile home parks, as well as any legislative changes that would allow for a Right of First Refusal Purchase by the existing residents when mobile home park developments are offered for sale.

## Attachment A

Based on legal analysis, staff recommends the following proposed programs and strategies to assist mobile home residents in the City of Phoenix:

RECOMMENDED PROGRAMS	TIMELINE
Rental/Utility Deposit and Rental Payment Assistance	Immediate
Case Management and Housing Navigation Services	Immediate
Emergency Housing Vouchers (EHV)	Immediate
Communication Strategy and Action Protocol	Immediate
Homeownership Down Payment Assistance	Immediate
Modify Existing Special Permit Mobile Home Park Development Requirements	Medium Term
Create A Mobile Home Park Zoning Overlay Incentive District	Medium Term
Modify Legal Non-Conforming Zoning Ordinance Provisions	Medium Term
Explore Opportunities to Partner with Qualified Opportunity Fund (QOF)	Medium Term
Partner with Nonprofit(s) to Purchase Mobile Home Parks	Long Term
Establish Resident Owned Communities (ROC USA)	Long Term
Develop a Comprehensive Strategy and Action Plan	Long Term

Staff evaluated the following programs and strategies but determined they are non-viable options to assist families facing displacement from mobile home communities:

EVALUATED PROGRAMS – NON-VIABLE OPTIONS	TIMELINE
City Affordable Housing Units and Housing Choice Vouchers	N/A
City Purchase of At-Risk Mobile Home Parks	N/A
City Acquisition of Land for Mobile Home Parks	N/A
City Property for Manufactured/Mobile Home Park or Tiny Homes	N/A
Exclusive Zoning District for Mobile Home Parks	N/A