

City Council Formal Meeting

Wednesday, June 7, 2017

2:30 PM

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CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, June 7, 2017, at 2:34 p.m. in the Council Chambers.

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

Councilwoman Stark temporarily left the voting body following Item 89 and returned prior to staff presentation on Add-on Item 94.1. Councilman Valenzuela left the Chambers during discussion on Add-on Item 94.1 but remained as part of the voting body via telephone.

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

CITIZEN COMMENTS

Dianne Barker invited everyone to join her on Mondays for Meet Me Downtown, a group that walked the downtown area. She also wanted more people to ride transit instead of drive their cars to cut down on pollution.

Leonard Clark expressed the importance of approving funds for public defenders and testing of the water. He urged that Council continue its open government given what was happening in the federal government.

James Deibler thanked the Council for attending the ground-breaking of the 50th Street and Washington light rail station which would help businesses and people with disabilities. He conveyed there needed to be more public transit

options for people living near the Glendale Community College North campus.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6325 through G-6330, S-43598 through S-43640, and Resolutions 21389 and 21548 through 21549 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

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

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

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

Erica Peterson - Agent, Item 2

Siriphan Schuele - Agent, Item 11

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that Items 1 through 13 be recommended for approval, except Item 12 which is continued to June 21, 2017. The motion carried by voice vote:

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

1 Liquor License - Atlasta Catering

Request for a liquor license. Arizona State License 10076872.

Summary

Applicant

Andrea Lewkowitz, Agent

License Type

Series 10 - Beer and Wine Store

Location

10021 N. 19th Ave.

Zoning Classification: C-2

Council District: 3

This request is for a new liquor license for a beer and wine store/catering service. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow packaged liquor sales.

The sixty-day limit for processing this application is June 17, 2017.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"Applicant is committed to upholding the highest standards for its business, customers, and staff. All managers and staff will be trained in Arizona liquor law."

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

"Applicant is a family-owned, full-service catering and event company."

Applicant would like to offer beer and wine as a service and convenience for customers' off-premises consumption.”

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 - Atlasta Catering

Liquor License Map - Atlasta Catering

This item was recommended for approval.

2 Liquor License - Switch Restaurant and Wine Bar

Request for a liquor license. Arizona State License 1207A982.

Summary

Applicant

Erica Peterson, Agent

License Type

Series 12 - Restaurant

Location

2603 N. Central Ave.

Zoning Classification: C-2 HRI TOD-1

Council District: 4

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 outdoor alcohol consumption.

The sixty-day limit for processing this application is June 16, 2017.

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

established at the time the location was previously licensed.

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"I understand the City of Phx liquor license requirements and regulations for obtaining said license and mainting legal operational use of that license. The location and the premises to be licensed does not currently violate and will continue not to violate any requirements of the ABC law or other State or local ordinances. All educational requirements pertaining to holding a license will continue to be up to date. Both current owners of this location have been in restaurant and hotel operations for a combined 43 years. This knowledge brings the capability & reliability to ensure legal operation of a license."

Staff Recommendation

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

This item was recommended for approval.

3 Liquor License - Wyndham Garden Phoenix Midtown

Request for a liquor license. Arizona State License 11077092.

Summary

Applicant

Andrea Lewkowitz, Agent

License Type

Series 11 - Hotel/Motel

Location

3600 N. 2nd Ave

Zoning Classification: C-2 H-R

Council District: 4

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

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

Other Active Liquor License Interest in Arizona

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

Holiday Inn Phoenix West (Series 11)

1500 N. 15th Ave., Phoenix

Calls for police service: 60

Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

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

"Applicant is committed to upholding the highest standards for retail sales of alcohol. Managers and staff will be trained in Arizona liquor law and the techniques of responsible sales and service to guest 21 and over."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

4 Liquor License - Chevron

Request for a liquor license. Arizona State License 09073623.

SummaryApplicant

Hassan Zeitoun, Agent

License Type

Series 9 - Liquor Store

Location

5035 W. McDowell Road

Zoning Classification: C-2

Council District: 4

This request is for a new liquor license for a convenience store that sells gas. This location is currently licensed for liquor sales with a Series 10 - Beer and Wine Store, liquor license.

The sixty-day limit for processing this application is June 16, 2017.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"I have had series 10 liquor licenses in several businesses in Arizona for over 18 years. This provides me with the experience needed to hold a series 9 liquor license."

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

"This location currently has a series 10 liquor license, and customers current and new, will benefit from the added convenience of having a series 9 license, at a location where they are already making other purchases."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Chevron

Liquor License Map - Chevron

This item was recommended for approval.

5 Liquor License - Elly's Brunch and Cafe

Request for a liquor license. Arizona State License 1207A990.

Summary

Applicant

Petros Kompouras, Agent

License Type

Series 12 - Restaurant

Location

100 E. Camelback Road, Ste. 166

Zoning Classification: C-2 TOD-1 WSNSPD

Council District: 4

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

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

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

Other Active Liquor License Interest in Arizona

This 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 done it before."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "Its to compliment our food."

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 - Elly's Brunch and Cafe

Liquor License Map - Elly's Brunch and Cafe

This item was recommended for approval.

6 Liquor License - Forno 301

Request for a liquor license. Arizona State License 1207A981.

Summary

Applicant

Andrea Lewkowitz, Agent

License Type

Series 12 - Restaurant

Location

1616 N. Central Ave., #104

Zoning Classification: DTC-Downtown Gateway

Council District: 4

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

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

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

personal qualifications and to the location.

Other Active Liquor License Interest in Arizona

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

Forno 301 (Series 12)

301 W. Roosevelt St., Ste. 3, Phoenix

Calls for police service: 3

Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

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

“Applicant is an experienced licensee committed to upholding the highest standards to maintain compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“Applicant is relocating its popular Italian restaurant from 3rd Avenue and Roosevelt to the northwest corner of Central and McDowell. Applicant would like to continue to offer alcoholic beverages as an incident to the authentic dishes guests 21+ over enjoy.”

Staff Recommendation

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

Attachments

Liquor License Data - Forno 301

Liquor License Map - Forno 301

This item was recommended for approval.

7 Liquor License - Special Event - Freedom Farm Animal Sanctuary

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

SummaryApplicant

Kimberly Patton

Location

2209 N. 99th Ave.

Council District: 5

Function

Concert

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

June 22, 2017 - 10 a.m. to 9 p.m. / 8,000 attendees

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

8 Liquor License - Superstition Spirits

Request for a liquor license. Arizona State License 04077107.

SummaryApplicant

Scott Suciu, Agent

License Type

Series 4 - Wholesaler

Location

2999 N. 44th St., Ste. 240

Zoning Classification: C-1 H-R

Council District: 6

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. Wholesale and storage is not permitted in a C-1 zoning district.

The sixty-day limit for processing this application is June 10, 2017.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"I am a law-abiding, responsible native Arizona resident. In addition, I am a board-certified anesthesiologist with a current license in the state of Arizona with credentials at many hospitals in Phoenix."

Staff Recommendation

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

This item was recommended for approval.

9 Liquor License - Bobby Q's Ribs & Blues

Request for a liquor license. Arizona State License 1207A991.

Summary

Applicant

H. J. Lewkowitz, Agent

License Type

Series 12 - Restaurant

Location

3154 E. Camelback Road

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 Mexx32 until April 2017 and does not have an interim permit. This business is currently being remodeled with plans to open in August 2017.

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

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

Other Active Liquor License Interest in Arizona

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

Bobby Q's Ribs & Blues (Series 12)

8501 N. 27th Ave., Phoenix

Calls for police service: 38

Liquor license violations: In January 1995, a fine of \$500 was paid for selling, giving or furnishing an underage person with alcohol. In May 1996, a fine of \$250 was paid for drinking contests or delivering more than law allows. In August 1997, a fine of \$750 was paid for selling, giving or furnishing an underage person with alcohol. In May 1998, a fine of \$375 was paid for failure to protect the safety of patrons. In July 1999, a fine of \$750 was paid for failure to protect the safety of patrons. In December 2000, a fine of \$1,000 was paid for failure to report an act of violence. In April 2002, a fine of \$1,000 was paid for selling liquor to an intoxicated or disorderly person. In March 2007, a fine of \$4,500 was paid for intoxicated on premise for thirty minutes, selling liquor to an intoxicated or disorderly person, drinking contests, delivering more than the law allows, failure to request ID from underage buyer, and selling, giving or furnishing an underage person with alcohol. In December 2007 a fine of \$3,500 was paid for accepting unauthorized forms of I.D., selling, giving or furnishing underage person with alcohol, and underage on premises without a parent. In August 2008, a fine of \$500 was paid for reusing or refilling bottles. In June 2009, a fine of \$6,000 was paid for failure to request ID from an underage buyer and selling, giving, or furnishing an underage person with alcohol. In November 2010, a fine of \$1,000 was paid for failure to follow the identification procedure prescribed by statutes. In January 2014, a fine of \$500 was paid for the licensee ceasing to operate as a restaurant and purchasing from other than a primary source.

Bobby Q's Ribs & Blues (Series 12)

1610 S. Stapley Drive, Mesa

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

Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

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

“Applicant is an experienced licensee committed to upholding the highest standards to maintain compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service.”

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

“Bobby Q's Ribs & Blues is a popular Arizona restaurant focused on energetic atmosphere, engaging service, and comforting food. The Camelback location is Bobby Q's third location in Arizona. Applicant would like to offer alcoholic beverages as an incident to the dishes guests 21+ over enjoy.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Bobby Q's Ribs & Blues

Liquor License Map - Bobby Q's Ribs & Blues

This item was recommended for approval.

10 Liquor License - Arthaworks

Request for a liquor license. Arizona State License 04077109.

Summary

Applicant

Corey McGeeney, Agent

License Type

Series 4 - Wholesaler

Location

431 N. 47th Ave.
Zoning Classification: A-1
Council District: 7

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

The sixty-day limit for processing this application is June 13, 2017.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"25-year experience in international trade with extensive finance, logistics and marketing qualifications."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

11 Liquor License - Tom Yum Thai Restaurant

Request for a liquor license. Arizona State License 1207A980.

Summary

Applicant

Siriphan Schuele, Agent

License Type

Series 12 - Restaurant

Location

110 N. Central Ave.

Zoning Classification: DTC-Business Core

Council District: 7

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

The sixty-day limit for processing this application is June 11, 2017.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"I have a BA in management and Finance from Rajabhat institute in

Chiangmai, Thailand in march 1995. Maricopa Skill Center certificate for servie associate teller 2003. Payment processor-supervisor at ACS state and local solutions 2003-2013. Several part and full time waitress jobs from 2000 to 2013.”

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

12 Liquor License - House of Blunts

Request for a liquor license. Arizona State License 10076871.

Summary

Applicant

Jennifer Davenport, Agent

License Type

Series 10 - Beer and Wine Store

Location

320 N. 48th St.

Zoning Classification: C-3

Council District: 8

This request is for a new liquor license for a convenience store that does not sell gas. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow packaged liquor sales.

The sixty-day limit for processing this application is June 17, 2017.

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

Other Active Liquor License Interest in Arizona

This 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:

"Both owners have taken the basic and management training. Any employees will be required to complete the basic liquor training. Beer and wine sales will focus on local craft beers and wine. Both owners are detail oriented, responsible business professionals who strive to provide excellent customer service in a safe environment."

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

"Our store will sell craft beers and wines to the local community. We also plan to provide the service to the local tourism from surrounding hotels. We believe this will benefit other businesses in the area as well as the community."

Staff Recommendation

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

Attachments

Liquor License Data - House of Blunts

Liquor License Map - House of Blunts

This item was continued to the June 21, 2017 City Council Formal Meeting.

13 Liquor License - Taco Chelo

Request for a liquor license. Arizona State License 1207A988.

Summary

Applicant

Aaron Chamberlin, Agent

License Type

Series 12 - Restaurant

Location

501 E. Roosevelt St.

Zoning Classification: DTC-East Evans Churchill

Council District: 8

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales as Flowers Beer and Wine with a Series 10 - Beer and Wine Store, liquor license and does not have an interim permit. This business is currently being remodeled with plans to open in August 2017.

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

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

Other Active Liquor License Interest in Arizona

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

St. Francis Place (Series 12)

111 E. Camelback Road, Phoenix

Calls for police service: 4

Liquor license violations: In April 2012, a fine of \$350 was paid due to delinquent taxes. In January 2014, a fine of \$200 was paid due to storing liquor on an unlicensed premise.

Phoenix Public Market (Series 12)

14 E. Pierce St., Phoenix

Calls for police service: 9

Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

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

"I currently own and operate two other successful restaurants within the City of Phoenix including St. Francis restaurant (111 E. Camelback Road), which has been in operation 2009, and Phoenix Public Market Cafe (14 E. Pierce Street), which has been in operation since 2012. Both restaurants also hold liquor licenses 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:

"Taco Chelo will be designated and created to serve the particular function of being a community gathering space and to afford the particular convenience of serving quality food and beverage to the community. The restaurant will also showcase artworks from artists within the community, including internationally-recognized artist Gennaro Garcia."

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 - Taco Chelo

Liquor License Map - Taco Chelo

This item was recommended for approval.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

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

Note: A speaker comment card was submitted in favor of Item 69 by Candice Fremouw who did not wish to speak.

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Stark, that Items 14 through 94.1 be approved or adopted, except Items 40-46, 50, 55, 70, 74, 89 and 94-94.1; and noting that Items 52 and 64 are withdrawn. The motion carried by the following vote:

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

Items 14-39, Ordinance S-43640 was a request to authorize the City Controller to disburse funds, up to amounts indicated for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code Section 42-13.

14 Adven Capital Group, LLC, doing business as Service IT Direct

For \$10,448.28 in payment authority to purchase hardware and software maintenance support for the Phoenix Fire Department (PFD) CAD system. The PFD system supports the entire valley for Fire and Medical Emergency dispatch of first responders. Maintenance support is provided for three servers that house the PFD CAD public safety mission critical system which includes 24/7 on-site response for hardware support, including parts and materials, and 24/7 remote software support for the operating system. Continuous support is needed to mitigate the

risk of an extended outage due to a hardware or operating system failure.

This item was adopted.

15 The Center for Habilitation/TCH

For \$39,000.00 in additional payment authority for Contract 141985 for records, media, and hard drive shredding and destruction services for Citywide departments. Contractor safeguards identifying information by shredding documents containing the identifying information.

This item was adopted.

16 Bode Cellmark Forensics, Inc.

For \$35,000.00 in payment authority to enter into a new contract, entered on or about June 1, 2017, for a term of five years, to purchase Buccal Swabs for the Police Department. The contract will provide buccal swabs that are used to collect and preserve DNA at crime scenes. These are necessary to maintain the integrity and validity of DNA samples that may be used in criminal proceedings.

This item was adopted.

17 Settlement of Claim *Milbourn v. City of Phoenix*

To make payment of \$75,000.00 in settlement of claim in *Milbourn v. City of Phoenix*, United States District Court, Case CV-16-00172-PHX-SRB, 14-1067-001, for the Finance Department pursuant to Phoenix City Code Chapter 42.

This item was adopted.

18 Gary Phillips Accident Law Professionals PLLC, in trust for Nancy and Jonathan Barros

To make payment of \$55,000.00 in settlement of claim in *Barros v. City of Phoenix*, CV2016-001815, 15-0195-001, for the Finance Department pursuant to Phoenix City Code Chapter 42.

This item was adopted.

19 Waste Technologies, LLC, doing business as Right Away Disposal and United Site Services of Arizona, Inc.

For \$40,000.00 in additional payment authority for rental and servicing of portable toilets for Citywide Departments. Contractors provide rental of standard, event, trailer mounted and ADA-compliant portable restrooms,

and hand washing stations at various City sites.

Waste Technologies, LLC, doing business as Right Away Disposal,
Contract 137504

United Site Services of Arizona, Inc., Contract 137505

This item was adopted.

20 Print Solutions, LLC, doing business as Southwestern Business Forms

For \$17,000.00 in payment for a new contract, entered on or about Sept. 1, 2017, for a term of five years, to provide Arizona Traffic Ticket and Complaint forms (ATTC) for the Phoenix Municipal Court. The forms are provided in booklets of 20 and require specialized printing. These forms are used by sworn police officers to cite offenders with City and State charges.

This item was adopted.

21 Tempus Aircraft Sales and Service, LLC

For \$12,535.00 in payment authority to purchase a one-year maintenance agreement for the Pilatus PC-12 Aircraft for the Police Department, Air Support Unit. This is necessary to remain in compliance with Federal Aviation Administration (FAA) standards.

This item was adopted.

22 NicheVision Forensics, LLC

For \$32,000.00 in payment authority for a new contract, entered on or about July 1, 2017, for a term of two years for ArmedXpert maintenance and upgrade of 18 licenses for the Police Department. The service and license upgrades will provide continued access for the use of DNA software, helping increase departments efficiency with reports and statistical applications.

This item was adopted.

23 Arizona Search Dogs, Inc.

For \$18,000.00 in payment authority for services to maintain, train, and certify Federal Emergency Management Agency (FEMA)/Urban Search and Rescue (US&R) canine search specialist teams, and provide the

associated food, supplies and veterinary services, for the Fire Department. FEMA requires search dogs and handlers be trained as pairs. Any change from current trained teams would require a full retraining of the entire FEMA Arizona Task Force One (AZ-TF1) Canine US&R Team.

This item was adopted.

24 Public Safety Personnel Retirement System

For \$82,900.00 in payment authority to purchase the fiscal year 2017-18 employer cost of the Firefighter and Peace Officer Cancer Insurance Policy Program for the Fire Department.

This item was adopted.

25 United Phoenix Firefighters Association

For \$275,000.00 for annual payment for the employee wellness and assistance program for fiscal year 2017-18 for the Fire Department. The program provides AETNA EAP professional services to firefighter employees and their family members.

This item was adopted.

26 Community Information and Referral Services

For \$48,000.00 in payment authority for a new contract, entered on or about July 1, 2017, for a term of five years, for the Homeless Management Information System (HMIS) for the Human Services Department. HMIS provides information to the U.S. Department of Housing and Urban Development (HUD), local nonprofits, state-level policy makers, federal partners and other advocates in the mission to end homelessness. Every Maricopa County project that receives federal homeless project funds from HUD is required to enter data on persons served with those funds into HMIS.

This item was adopted.

27 Wilson Electric Services Corp., doing business as Netsian Technologies Group

For \$35,000.00 in payment authority for a new contract, entered on or about June 22, 2017, for a term of two years, for the Phoenix Convention Center Department. The contract is for as-needed maintenance and/or repair services for existing fire alarm field devices such as pull stations,

monitoring modules and smoke, heat and duct detectors located in the North and West Buildings of the Phoenix Convention Center.

This item was adopted.

28 B&H Foto & Electronics Corp.

For \$10,844.80 in payment authority to purchase a wireless microphone system for the Phoenix Convention Center Department. The new wireless microphone system will be used in the Orpheum Theatre which currently does not have a wireless system, a standard piece of house equipment in theater venues. Currently, clients who require wireless microphones must rent them from an outside vendor. The wireless microphones will be added to the theater's inventory of equipment available for rent.

This item was adopted.

29 Xerxes Corporation

For \$11,009.00 in payment authority to recoat an underground storage tank for the Public Works Department on behalf of the Fire Department. This effort is part of preventive maintenance for this underground storage tank. Xerxes is the tank manufacturer and must perform the service in order to preserve warranty coverage for the remaining life of the tank.

This item was adopted.

30 RWC International, LTD, doing business as RWC Group

For \$21,000.00 in payment authority for a new contract, entered on or about Aug. 1, 2017, for a term of five years for Service Maxx diagnostic software for the Public Works Department. The software is used by staff to monitor electronically-controlled engine trouble codes, signals, and engine performance parameters in the maintenance and repair of the City of Phoenix vehicle fleet.

This item was adopted.

31 Mitchell International, Inc.

For \$38,150.00 in payment authority for a new contract, entered on or about Jan. 1, 2018, for a term of five years, for diagnostic software for the Public Works Department. This software will be utilized for over 7,300 vehicles and is necessary for Fleet Services to evaluate accident repair costs independently of vendors, quality check the work performed as well

as create estimates for total loss situations for restitution cases, and improve a safer method for repairing vehicles and maintaining a serviceable fleet and reducing vehicle down time by quickly diagnosing issues.

This item was adopted.

32 City of Buckeye

For \$570,000.00 in payment authority for Contract 100744 to continue the operation of the City of Phoenix landfill within the City of Buckeye, for the Public Works Department. Payment of royalties is based on 7.5% of the gate revenue generated from solid waste received at each transfer station and disposed of at the SR85 Landfill in Buckeye. The Intergovernmental Agreement requires Phoenix to reimburse Buckeye for its solid waste collection and disposal fees paid on behalf of the prison adjacent to the SR85 Landfill.

This item was adopted.

33 State of Arizona, Arizona Department of Environmental Quality

For \$223,000.00 in payment authority for annual payment of regulatory fees for the Public Works Department. The City operates and maintains one open landfill, five closed landfills, and two transfer stations that must meet regulatory requirements as mandated by the Arizona Department of Environmental Quality (ADEQ). The ADEQ requires the City pay a number of routine fees including, landfill and transfer station registration fees, quarterly landfill fees, stormwater permit fees, superfund program oversight fees, aquifer protection permit administration fees, and financial assurance fees.

This item was adopted.

34 U.S. Environmental Protection Agency

For \$113,000.00 in payment authority for reimbursement to the U.S. Environmental Protection Agency (USEPA) for oversight of the 19th Avenue Landfill for the Public Works Department. This payment request is necessary for the City to pay costs to the USEPA for compliance review and site inspections for the annual regulatory oversight process and the Five-Year Review.

This item was adopted.

35 Maricopa County Air Quality Department

For \$118,000.00 in payment authority for annual payments of various mandated regulatory environmental permit fees for the solid waste landfill sites and transfer stations for the Public Works Department. The department is responsible for the maintenance and operations of the landfills and transfer stations and must maintain various permits, pay user fees and to adhere to regulatory requirements mandated by the Maricopa County Air Quality Department.

This item was adopted.

36 Managed Medical Review Organization, Inc.

For \$40,000.00 in payment authority for a new contract, entered on or about May 3, 2017, for a term of five years, for independent medical evaluations for the Retirement Department. Independent medical evaluations are used when either the City of Phoenix Employees' Retirement System Board, Disability Assessment Committee, or the Local Police and Fire Retirement Boards require information to determine the eligibility of individuals for a disability retirement. Further, state statute requires all public safety members who have filed an application for disability retirement be referred for an independent medical evaluation by a board certified, Arizona licensed physician in order to determine if they meet the criteria listed in Arizona Revised Statutes, Section 38-859.

This item was adopted.

37 Brycon Corporation

For \$465,500.00 in additional payment authority for Contract 140405, Change Order 1 (Project PW16700021-8), 27th Avenue Transfer Station Complex Compost Facility Project located at 3060 S. 27th Ave., to increase the size of the lined stormwater pond and to increase the size and install a complete black water tank system for the modular administration area, for the Street Transportation Department on behalf of the Public Works Department. Due to regulatory requirements, the City's permitted plans for the Phase 1 Compost Facility shall be modified to account for a completely built out facility.

This item was adopted.

38 Life Technologies Corporation

For \$14,243.37 in additional payment authority for Contract 142707 for

annual maintenance and calibration services on the ABI 7900HT Sequence Detection System for the Water Services Department. The Sequence Detection System is an automated system used to detect impurities in the drinking water. Annual maintenance and calibration is required to maintain compliance with health and safety regulations and the Fugitive Agent Monitoring Program.

This item was adopted.

39 Carollo Engineers, Inc.

For \$75,000.00 in additional payment authority for Contract 140252, Change Order 1 (Project WS85200010), for Verde Water Treatment Plant Demolition Design Services in support of the Verde Water Treatment Plant Demolition and Site Restoration Project located on N. Fort McDowell Road and State Route 87, for the Water Services Department. This change order will provide funding for construction permit fees for demolition work. Salt River Pima Maricopa Indian Community and Fort McDowell Yavapai Nation will review demolition plans and provide construction permit.

This item was adopted.

47 Appoint Election Officials and Boards for the August 2017 Council Election (Ordinance S-43635)

Request to appoint the required election officials and boards for early ballot processing and the 18 voting centers for the City of Phoenix Council Election on Aug. 29, 2017; fixing the honorariums of the election officials and boards; and authorizing payment thereof.

Summary

On Tuesday, Aug. 29, the City of Phoenix will conduct a Council Election in which registered voters residing in Council Districts 2, 4, 6, and 8 will elect a councilmember to represent their respective districts.

This election will be conducted in the usual manner for City elections. Voters on the Permanent Early Voting List (PEVL) will automatically receive an early ballot by mail unless they submit a request to not receive a ballot for this election. Voters who are not on the PEVL can also vote by mail by requesting an early ballot from the City Clerk Department no later than Friday, Aug. 18, 2017. Voting centers will be used for voting at the polls. Voters may cast a ballot at any one of the 18 voting centers.

The voting centers will be open on Saturday, Aug. 26 from 10 a.m. to 4 p.m.; Monday, Aug. 28 from 9 a.m. to 6 p.m.; and Tuesday, Aug. 29 from 6 a.m. to 7 p.m.

This request asks the City Council to appoint the board workers needed for processing early ballots received in the mail to prepare the ballots for tabulation, and the board workers needed to conduct voting at the voting centers. The City Code and ordinance authorize the City Clerk to appoint additional boards necessary to process and tabulate ballots. Board workers are paid an honorarium for their service.

This item was adopted.

48 Tires, Tubes and Services Requirements Contract - State of Arizona ADSPO16-122307 (Ordinance S-43598)

Request to authorize the City Manager, or his designee, to adopt State of Arizona Contract ADSPO16-122307 with Purcell Tire to purchase Goodyear tires, tubes and related services in an aggregate amount not to exceed \$800,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Fleet Services Division of the Public Works Department operates and maintains a diverse fleet of equipment and vehicles. Various tires are needed for light/medium-duty vehicles, heavy-duty equipment and emergency vehicles to ensure the ability to perform essential City services. These services include, but are not limited to, responding to public safety calls (Police and Fire), refuse collection, and street repairs and maintenance.

Procurement Information

In accordance with Arizona Revised Statutes Section 41-2632, the City has entered into an Intergovernmental Agreement with the State of Arizona and has the ability to use its agreements when it is beneficial for the City. The State of Arizona contract was awarded using a similar competitive process as set forth in Phoenix City Code Chapter 43. This request seeks authorization to make purchases under the State's contract throughout the contract's term.

Contract Term

The State of Arizona awarded this contract on Jan. 26, 2016, and will end on March 31, 2018, with a one-year option through March 31, 2019.

Financial Impact

Expenditures against this contract are estimated at \$400,000 annually, and will not exceed \$800,000 over the life of the contract.

This item was adopted.

49 Tires, Tubes and Services Requirements Contract - State of Arizona ADSPO16-117140 (Ordinance S-43599)

Request to authorize the City Manager, or his designee, to adopt State of Arizona Contract No. ADSPO16-117140 with Purcell Tire, Redburn Tire and Tire Centers, LLC, to purchase Michelin tires, tubes and related services in an aggregate amount not to exceed \$2,400,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Fleet Services Division of the Public Works Department operates and maintains a diverse fleet of equipment and vehicles. Various tires are needed for light/medium-duty vehicles, heavy-duty equipment and emergency vehicles to ensure the ability to perform essential City services. These services include, but are not limited to, responding to public safety calls (Police and Fire), refuse collection, and street repairs and maintenance.

Procurement Information

In accordance with Arizona Revised Statutes Section 41-2632, the City has entered into an Intergovernmental Agreement with the State of Arizona and has the ability to use its agreements when it is beneficial for the City. The State of Arizona contract was awarded using a similar competitive process as set forth in Phoenix City Code Chapter 43. This request seeks authorization to make purchases under the State's contract throughout the contract's term.

Contract Term

The State of Arizona awarded this contract on Dec. 3, 2015, and its term will end on March 31, 2018, with a one-year option through March 31, 2019.

Financial Impact

Expenditures against this contract are estimated at \$1,200,000 annually, and will not exceed \$2,400,000 over the life of the contract. Funds are available in the relevant City of Phoenix departments' budgets.

This item was adopted.

51 Guidesoft, Incorporated (dba Knowledge Services) - State of Arizona ADSPO 12-031581 (Ordinance S-43638)

Request to authorize the City Manager, or his designee, to enter into a contract for professional services with Guidesoft, Incorporated (D.B.A. Knowledge Services) using contract ADSPO 12-031581 established by the State of Arizona. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This contract will provide consulting and project management services through a Managed Services Provider (MSP) for Information Technology (IT). The MSP IT services include but are not limited to sourcing, assignment and management of projects, system implementation, data conversion and hardware and software configuration. Additionally, the contract will allow the City access to MSP IT staff to assist with ongoing work assignments which enables City staff to focus on strategic initiatives versus administrative tasks. The City will continue to benefit from the State of Arizona government pricing.

Contract Term

The five-year contract term shall begin on or about June 7, 2017.

Financial Impact

The aggregate contract value will not exceed \$1,000,000 (including applicable taxes), with an estimated annual expenditure of \$200,000. This amount is based on historical use and projected need. Funds are available in all City of Phoenix Departments budgets.

This item was adopted.

52 Panasonic Toughbooks, Tablets, Accessories and Services -

Requirements Contract - City of Tucson 12-0471 (Ordinance S-43603)

Request to authorize the City Manager, or his designee, to enter into a contract to purchase Panasonic toughbooks, tablets, accessories and services from Portable Communications Systems, Incorporated (PCS Mobile) and Mobile Concepts Technology, LLC (MCT) through the City of Tucson's National Intergovernmental Purchasing Alliance (National IPA) Cooperative Contract 12-0471. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

These contracts will provide Panasonic toughbooks, tablets, accessories and services to all City of Phoenix departments, including but not limited to Police, Fire and Water Services. The devices are used as public safety measures to help employees collect, organize and transfer data faster and more efficiently and in real time.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement processes, as set forth in Phoenix City Code, Chapter 43. Utilization of cooperative agreements allows the City to benefit from national governmental pricing and volume discounts. The City of Tucson's National IPA contract was awarded on July 25, 2012.

Contract Term

The five-year contract term shall begin on or about June 1, 2017.

Financial Impact

The aggregate contract value will not exceed \$6,000,000 (including applicable taxes) with an estimated annual expenditure of \$1,200,000. Funds are available in City of Phoenix department budgets.

This item was withdrawn.

53 IBIS Brasstrax System Maintenance and Support Services for Police Department - Requirements Contract - RFA 17-134 (Ordinance S-43613)

Request to authorize the City Manager, or his designee, to enter into a contract with Ultra Electronics Forensic Technology, Incorporated. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This contract will provide maintenance and support services for the Integrated Ballistic Identification System (IBIS) Brasstrax System for the Phoenix Police Department Laboratory Services Bureau (LSB) and Violent Crimes Bureau (VCB). The LSB and VCB operate the IBIS Brasstrax System to collect data and access the National Integrated Ballistic Information Network (NIBIN) operated by the United States Bureau of Tobacco, Firearms, and Explosives (ATF). Ballistic evidence is entered into the IBIS Brasstrax System and the findings are compared against other captured ballistic exhibits stored in the NIBIN database which enables law enforcement to link weapons and casings to crime scenes and provide investigative leads throughout the State of Arizona.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing continuity of service. The IBIS Brasstrax System has been in use by the Phoenix Police Department since 2007. The system is currently used by the ATF NIBIN program and is the only technology that works on the NIBIN network. Ultra Electronics Forensic Technology, Incorporated is the only company that provides this proprietary system, support and maintenance.

The Deputy Finance Director recommends that the contract with Ultra Electronics Forensic Technology, Incorporated be accepted.

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

Contract Term

The five-year contract term shall begin on or about June 1, 2017.

Financial Impact

The aggregate contract value will not exceed \$291,500 (including

applicable taxes), with an estimated annual expenditure of \$58,300. Funds are available in the Police Department's budget.

Location

Work will be performed at the following locations:

Phoenix Police Department - Laboratory Services Bureau
621 W. Washington St.

Phoenix Police Department - Violent Crimes Bureau
620 W. Washington St.

This item was adopted.

54 HVAC Filter Maintenance Services - IFB 15-189A (Ordinance S-43623)

Request to authorize the City Manager, or his designee, to enter into an amendment to allow additional expenditures for Contract 141099 with Aire Filter Products for the purchase of HVAC Filter Maintenance Services for citywide departments. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The additional funds are necessary to cover an increased demand for these services, which include installation of new air filters, removal and disposal of spent filters, HVAC filter inspections, and bi-monthly reporting on the condition of all facility HVAC filters. Filter replacement services are necessary to prevent restriction of air flow to the air conditioning/chiller units, which may lead to premature failure of the system. The primary departments using this agreement are Public Works, Water Services, Street Transportation, and Phoenix Convention Center.

Financial Impact

Upon approval of \$450,000 in additional funds, the revised aggregate value of the contract will not exceed \$1,728,090 through the contract term of Aug. 31, 2020. Funds are available in various department budgets.

Concurrence/Previous Council Action

This contract is a result of IFB 15-189 awarded on July 1, 2015.

This item was adopted.

56 Purchase of Property and Casualty Insurance Policies for the City of Phoenix (Ordinance S-43632)

Request to authorize the City Manager, or his designee, to purchase various property and casualty insurance policies on behalf of the City for July 2017 through July 2018; and further request authorization of the City Controller to disburse funds, not to exceed \$6,449,400.

Summary

Competitive quotes are sought from all viable commercial insurance markets to assure the best coverage and cost available. The total estimated cost for all insurance policies is \$6,449,400. Funds for those policies purchased specifically for the Aviation Department and the Police Department are available from those departments. Citywide insurance policies are purchased from the Risk Management Self-Insurance Fund or the Workers' Compensation Self-Insurance Fund and are then allocated to each department. Funds are available for the payment of these insurance allocations in each department's budget.

Insurance Policy Type	Department	Estimated Cost
- Blanket Property and Boiler and Machinery Insurance	Citywide	\$3,110,000
- Excess Liability Insurance (Multiple Layers)	Citywide	\$2,100,000
- Excess Workers' Compensation Insurance	Citywide	\$303,000
- Network Security and Cyber Liability Insurance	Citywide	\$283,800
- Police Aircraft Liability and Hull Insurance	Police	\$107,000
- Aviation Airport Liability Insurance	Aviation	\$490,000
- Miscellaneous Property and Casualty Insurance	Citywide	\$55,600

Financial Impact

Not to exceed \$6,449,400, comprised of funds from the Risk Management Self-Insurance Fund and various departments.

This item was adopted.

57 Cybersecurity Monitoring Services (Ordinance S-43637)

Request to authorize the City Manager, or his designee, to extend the contract with the Center for Internet Security, Inc., (Contract 139656) for continuous cybersecurity monitoring services through Feb. 28, 2020, in an amount not to exceed \$89,440. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Cybersecurity threats continue to put organizations worldwide at risk for data breaches, theft, and operational failure. The City utilizes cybersecurity monitoring and analysis services from the Center for Internet Security to help detect threats to the City's network and systems. The Center for Internet Security is a 501c3 nonprofit organization whose mission is to enhance the security readiness and response of public and private sector organizations. The Center for Internet Security, through its Multi-State Information Sharing and Analysis Center, has been recognized by the United States Department of Homeland Security as the governmental Information Sharing and Analysis Center and as a key cybersecurity resource for all 50 states, local governments, tribal nations, and United States territories. Services, including device monitoring, vulnerability assessments, and consulting services, will provide the City early warning cyber security event detection, 24 hours a day, seven days a week.

Contract Term

This request is to renew services through Feb. 28, 2020.

Financial Impact

The total cost for the renewal is for an amount not to exceed \$89,440. Funds are available in the Information Technology Services budget.

This item was adopted.

58 Operation, Administration of City Prosecutor's Office Prostitution

Diversion Program (Ordinance S-43620)

Request to authorize the City Manager, or his designee, to enter into a contract with Catholic Charities Community Services, Inc. (CCCS) to operate and administer the City's Prostitution Diversion Program (PDP), with funding not to exceed \$231,845.96 per year over the life of the contract. Further request authorization for the City Controller to disburse funds related to this item.

Summary

The Prosecutor's Office Prostitution Diversion Program provides and monitors rehabilitation services that focus on support, education, and treatment for participants who have been trapped in the life of prostitution. Both the offender and community benefit when the offender is rehabilitated. The City benefits by saving the costs the City would otherwise incur to prosecute and incarcerate the offender. For the period of July 2014 to February 2017, the City saved \$375,264 in jail costs alone. Under the new contract, these savings will help fund offenders' rehabilitation. These savings do not include the costs that would have been incurred by the Prosecutor's Office, the Municipal Court, and the Police Department to prosecute these cases. It should be noted that these savings do not include the cost of the defendants continuing to commit crimes. These cost savings also do not quantify the value of the participants' return to the community as productive members.

Procurement Information

In February 2017, the City issued a Request For Proposals (RFP) to seek offers from outside organizations to operate the City's PDP. CCCS was the sole organization to respond to the RFP. CCCS's proposal was reviewed by an evaluation committee. The committee determined that the CCCS proposal satisfies all requirements and CCCS, as the incumbent provider, is highly qualified to continue to provide these program services.

Contract Term

Three years beginning July 1, 2017 through June 30, 2020, with two one-year renewal options.

Financial Impact

Funding is in the amount of \$231,845.96 for each fiscal year of the contract. The funds have already been allocated in the Law Department budget. The contract would be contingent on the appropriation of funding each fiscal year.

Concurrence/Previous Council Action

The Public Safety and Veterans Subcommittee recommended this item for approval, 4-0, at its May 10, 2017 meeting.

Location

Citywide

This item was adopted.

59 Authorization to Apply for, Accept, and Enter into an Agreement for Victim of Crime Act (VOCA) Grant Funds and Create Associated Positions (Ordinance S-43630)

Request to authorize the City Manager, or his designee, to apply for, accept, and enter into an agreement with the Arizona Department of Public Safety for a Victim of Crime Act (VOCA) grant in an amount not to exceed \$2,104,725. Authorization is also requested for the City Manager, or his designee, to create seven temporary, full-time equivalent positions to operate the Victim Services programs in the City of Phoenix Prosecutor's Office. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The VOCA grant is federally funded and administered by the Arizona Department of Public Safety. In 2015, the funding allocation structure was modified at the federal level and the State of Arizona's allocation increased from approximately \$8 million to \$40 million. In 2017, it is anticipated that the State of Arizona's allocation will increase again. This increase provides an opportunity to request ongoing and additional funding to further enhance the victim services landscape in the City of Phoenix Prosecutor's Office. It is anticipated that the VOCA application will be released in May.

For more than 18 years, the City of Phoenix Prosecutor's Office has requested and received approval from City Council to apply for VOCA

grant funds to partially fund victim advocates in the Victim Services Unit. Advocates provide an array of legally mandated as well as compassionate services to victims of misdemeanor crimes that occur within the City of Phoenix. These services include assisting victims in making safety plans, assisting victims seeking shelter from their abusers, connecting victims to necessary resources inside and outside of the City, attending court, arranging for transportation to and from court, and providing legally mandated notification of court dates. The advocate is often a compassionate listener when a victim needs to talk through the emotional impact of a crime.

This grant would provide continued funding for nine employees and new funding for seven additional positions. The grant application also requests funds for equipment such as computers, monitors, telephones, office furniture, and office supplies needed to provide direct service to victims. In recent years, VOCA funding allowed the City to greatly reduce the case load of victim advocates. Reducing case load significantly increases Victim Services' opportunity to provide more personalized services to all crime victims, meeting the needs of the community in alignment with the Domestic Violence Roadmap and the Human Trafficking Compass Plan.

Contract Term

The initial grant period is Oct. 2, 2017 through Sept. 30, 2018, with a potential three-year renewal option.

Financial Impact

Total grant funding will not exceed \$2,104,725. The City's funding for current Victim Services positions provides the required 20% in-kind match.

Concurrence/Previous Council Action

The Public Safety and Veterans Subcommittee reviewed and recommended this item for approval at its May 10, 2017 meeting by a vote of 4-0.

Location

Citywide

This item was adopted.

60 Master Communications System Agreement No. 124391, Statement of Work 15, Amendment 1 Between City of Phoenix and Motorola Solutions, Inc. (Ordinance S-43622)

Request to authorize the City Manager, or his designee, to amend the Master Communications System Agreement 124391, Statement of Work (SOW) 15, with Motorola Solutions, Inc. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The scope of this SOW 15 Amendment 1 will grant the Regional Wireless Cooperative (RWC) the project management, engineering, equipment, and professional services to add two channels to Simulcast J. This integration will increase channel capacity for users operating on Simulcast J on the RWC system.

Contract Term

The terms and conditions of the Master Communications System Agreement No. 124391 will remain unchanged.

Financial Impact

This Amendment uses no City of Phoenix funds and is funded by the Cities of Buckeye and Goodyear. The total amount to be remitted to Motorola for all services under this SOW 15, Amendment 1 will not exceed \$75,000.

This item was adopted.

61 FY 2017-18 Legal Representation Services Contracts (Ordinance S-43636)

Request to authorize the City Manager, or his designee, to enter into contracts with the individuals listed below to provide legal representation services to indigent defendants in Phoenix Municipal Court for fiscal year (FY) 2017-18. Further request authorization for the City Controller to disburse funds pursuant to the contracts in the total amount not to exceed \$3,490,401.

Summary

The Public Defender Office, through its contract holders, provides legal representation services to indigent individuals charged with criminal

offenses in Phoenix Municipal Court. These services are provided in courtrooms in the Courthouse and for 365 days a year, in the Fourth Avenue Jail.

Procurement Information

On May 11, 2017, the City of Phoenix Public Defender Review Committee met to review the resumes and applications of attorneys and legal support service providers for provision of legal defense services in Phoenix Municipal Court. The review process included applications from current contract holders as well as individuals seeking to obtain a contract for the first time. The Committee approved a list of those who meet the minimum qualification requirements and who would be eligible for consideration for a contract. The approved list, which follows, contains more names than available contracts due to the necessity of having attorneys available should an unexpected opening occur during the course of the contract year. This procedure facilitates continuity in providing legal services and minimizes delay in processing and resolution of cases.

1. Bami Adelayo
2. Caroline Aeed
3. David L. Anderson
4. Amy E. Bain
5. Dan Ballecer
6. Alexander S. Benezra
7. Gillmore B. Bernard II
8. Aaron Black
9. Jocquese Blackwell
10. Diana Braaten
11. Percival R. Bradley
12. Courtney Boyd
13. Tamara Brooks-Primera
14. Jay F. Brown
15. Matthew A. Buesing
16. Michael A. Burkhart
17. Susan Cahill
18. Kristopher Califano
19. Randall Callender

20. Kathleen N. Carey
21. Michelle Carson
22. Catherine Carter
23. Celeste Casey
24. Reginald Cooke
25. Ted J. Crews
26. Jennifer M. Dalton
27. L. James Davis
28. Nicholas Dehner
29. Daniela De La Torre
30. Michael J. Dew
31. Otilia M. Diaz
32. Stephanie Ehrbright
33. Nicole Farnum
34. Jacob Faussette
35. Nicholis Faussette
36. Nathan Foundas
37. Tara L. Fuller
38. Lynn Gibson
39. W. Clifford Girard
40. Alex D. Gonzalez
41. Carmen Gosselin
42. Nora Greer
43. Samantha Herd
44. Laurie A. Herman
45. Anca D. Iacob
46. Sheri Lauritano
47. Slade Lawson
48. Vernon Lorenz
49. Matthew A. Marner
50. Maxine Marshall
51. Charles M. McNulty
52. Charles Meshel
53. Wendy Mendelson
54. Melvin Morris
55. Taras Naum
56. Mark A. Nermyr
57. Darius Nickerson

- 58. Chad Pajerski
- 59. Tara A. Parascandola
- 60. Thomas Parascandola
- 61. Gregory T. Parzych
- 62. Jelena Radovanov
- 63. Michael M. Ricard
- 64. Edward M. Robinson
- 65. Ana Maribet Sanchez
- 66. Ray Schumacher
- 67. Chad Shell
- 68. Scott Silva
- 69. Manuel S. Silvas
- 70. Kristin J. Stewart
- 71. David Teel
- 72. James Tinker
- 73. Ashley Traher
- 74. J. Michael Traher
- 75. James T. Van Bergen
- 76. David Ward
- 77. Michael Wicks
- 78. Alan H. Zimmerman

Contract Term

Contract period is one year starting July 1, 2017, and ending June 30, 2018.

Financial Impact

These contracts will have a financial impact of up to \$3,490,401. Funds are available in the department's operating budget.

This item was adopted.

62 Authorization to Enter into Contract with Community Bridges, Inc. for Outreach and Engagement Services for Persons Experiencing Homelessness (Ordinance S-43631)

Request to authorize the City Manager, or his designee, to enter into a contract with Community Bridges, Inc., to provide outreach and engagement services for persons experiencing homelessness. Further request authorization for the City Controller to disburse all funds related

to this item for the life of the contract.

Summary

The number of individuals experiencing homelessness and living unsheltered in the Maricopa County Region has increased nearly 60 percent over the past two years. Likewise, the volume of constituent requests to address issues directly related to street homelessness has also increased dramatically. The current staffing model does not provide the level of service or flexibility of coverage needed to address the need. Based on this increased need, the Human Services Department (HSD) released a competitive solicitation for professional outreach and engagement services. This contract will dramatically increase the City's ability to respond to requests for service by including a response outside of traditional work hours by certified outreach professionals with access to transport, medical, behavioral health and recovery services. The contract also will improve the City's ability to track outcomes and result in less reliance on public safety presence during engagement.

Procurement Information

RFP-17-VHS-2 was conducted in accordance with A.R. 3.10. HSD received three proposals by April 6, 2017. Following is the tabulation of the proposal scores out of a possible 1,000 points:

Community Bridges, Inc.: 898

Circle the City: 748

Southwest Behavioral & Health Services: 691

Contract Term

The term of the contract is five years, which will begin on or about July 1, 2017.

Financial Impact

The aggregate contract value will not exceed \$2.5 million over the life of the contract. The estimated annual expenditure is \$500,000. Funds are available in HSD's budget.

Concurrence/Previous Council Action

This release of an RFP was approved by the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Feb. 21, 2017.

This item was adopted.

**63 Parks and Recreation Programming Supplies and Services
(Ordinance S-43627)**

Request to authorize the City Manager, or his designee, for payment authority to purchase recreation supplies, snacks and group admissions for the Parks and Recreation summer programs. Payments would be made from the City Streets Imprest account. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Parks and Recreation Department provides recreation programming to youth in parks and community centers throughout the City. Funds are requested to purchase recreation supplies, snacks and group admission to recreational venues to support youth services for the remainder of the 2016-17 fiscal year.

Procurement Information

The Parks and Recreation Department is requesting \$80,000 to purchase these items through June 30, 2017. These funds are derived from the revenues generated from the fee-based recreation programs held throughout the year and are held in a special revenue fund for this purpose. No General Funds are used for purchasing these items.

Financial Impact

The request of \$80,000 is until June 30, 2017. The source of funds is revenue generated by the fee-based recreation programs held in community centers and park facilities throughout the year. No General Funds are used to procure these services.

This item was adopted.

64 (CONTINUED FROM DEC. 16, 2015; AND JAN. 20, MARCH 2, MAY 18, SEPT. 7, AND DEC. 7, 2016) - Roosevelt Business Improvement District Approving Assessment Diagram (Resolution 21389)

Request the City Council approve the assessment diagram of the Roosevelt Business Improvement District (BID). The Roosevelt BID is a public/private organization that allows property owners within a defined area to fund District-specific improvements, services and activities

through a self-imposed and self-governed property assessment within an area to be generally bounded by Fillmore Street on the south, Moreland Street on the north, 250 feet east of 7th Street on the east, and 7th Avenue on the west.

Summary

This File includes a Resolution approving the District assessment diagram (Attachment A). The diagram indicating the property to be assessed for Business Improvement District services is on file in the office of the Superintendent of Street Transportation in the City of Phoenix. Public streets, alleys, and property utilized for residential purposes that do not benefit by the public services are excluded from this assessment diagram.

Public Outreach

All property owners shall be notified by first-class mail of the establishment of the District, their annual Assessment cost, the proposed budget and work plan, and the method described in Statute by which protests can be made (A.R.S. 48-580). Notifications are sent by the Street Transportation Department 20 days prior to the public hearing. A public hearing was held for property owners to discuss their assessment costs and services. The public hearing was set for Dec. 16, 2015, at 2:30 p.m. in the Phoenix City Council Chambers. No further notification was required after the public hearing.

Published: The Record Reporter
 Nov. 23, 2015
 Nov. 25, 2015

Financial Impact

There is no financial impact for approving the boundary map of the Roosevelt Business Improvement District.

Location

Area bounded by Fillmore Street to Moreland Street from 7th Avenue to 250 feet east of 7th Street.

Potential Continuance Due to Protest

As required by A.R.S. 48-579(D), should a formal protest be received

within 10 days of the Dec. 16, 2015, hearing, this item would be required to be continued to a City Council meeting date in January that complies with the statutory requirements for protests.

This item was withdrawn.

65 Authorization to Issue Request for Proposals for Sale and Redevelopment of City-Owned Knipe House Properties at 1009, 1016 and 1025 N. 2nd St.

Request authorization for the City Manager, or his designee, to issue a Request for Proposals (RFP) for the sale and redevelopment of City-owned properties located on 2nd Street north of Roosevelt Street for a mixed-use, infill development project, and authorization to begin negotiations with the recommended proposer.

Summary

The City owns 65,375 square feet (about 1.5 acres) of property on both sides of North 2nd Street between Roosevelt and Portland streets (Site). The Site includes several vacant parcels plus the historic Knipe House. Vacant portions of the Site are currently licensed to the Roosevelt Row Community Development Corporation for a community garden and to nearby businesses for surface parking. These licenses expire in December 2017. As a result of input from the neighborhood and renewed business interest, staff is seeking authorization to sell these underutilized parcels and reactivate the Knipe House.

The Knipe House, which was built by Leighton G. Knipe in 1909, entered City-ownership in 2004 and was subsequently placed on the City's Register of Historical Properties. In 2010, the house was severely damaged in a fire. Through insurance proceeds, the roof was replaced and the structure stabilized. In 2012, an RFP to reactivate the house and sell the land was completed; however, the selected proposer was unable to initiate the proposed project. Over several months in 2015 and 2016, staff and Downtown Phoenix, Inc., sought feedback from the community on priorities for future redevelopment of the Site. After extensive outreach, the community's top priority remains the renovation and reuse of the Knipe House.

As part of their proposals, proposers may include properties adjacent to the Site for which they can demonstrate control. The zoning for the Site is

Downtown Code - Evans Churchill West character area, which allows for mixed-use development with a maximum building height of 250 feet. An appraisal for the Site is currently underway and will be issued with the RFP.

Proposers will be required to:

- Preserve, rehabilitate, and adaptively reuse the Knipe House in its current location within the first phase of development.
- Provide public parking spaces for the general public's use.
- Offer a proposed purchase price and public benefit that equal or exceed the Site's appraised value.
- Provide detailed information, including investment and construction costs, operating pro forma, financing details and project schedules.

The desired project will feature:

- Urban, mixed-use, infill development.
- Ground-floor activation.
- Community gathering space, community gardens or open space.
- Compliance with all applicable regulations, guidelines, and adopted plans.
- Diverse design/character, appropriate for the Evans Churchill area, for the proposed developments on each side of 2nd Street.
- Timely construction of the proposed development.

Proposers will be encouraged to conduct community outreach and incorporate community input into their proposed developments.

Proposals will be evaluated by a panel that includes City staff as well as development and community representatives. The RFP will include standard terms, conditions and other necessary requirements and the following evaluation criteria:

1. Concept to Redevelop the Site and Adaptively Re-use the Knipe House (0-350)
 - Proposed development
 - Plan to preserve, rehabilitate and adaptively re-use the Knipe House in place
 - Shared parking model

- Ground floor activation
 - Consistency with City plans and ordinances
 - Sustainability elements
 - Alignment with goals of community and adjacent neighborhoods
2. Public Benefit and Financial Return to the City (0-250)
- Proposed purchase price
 - Other tangible public and community benefits
 - Requested City assistance, if any
3. Business Plan (0-200)
- Proposed project's feasibility
 - Project budget and pro forma
 - Timeline
 - Construction mitigation plan
4. Qualifications, Experience and Financial Capacity of the Proposer (0-200)
- Number of years and type of experience financing, developing, completing and managing similar scaled projects
 - Demonstrated financial capacity to successfully develop and complete proposed project

It is anticipated the RFP will be issued in Summer 2017. Staff will negotiate business terms with the recommended proposer. The recommended proposal and business terms will be brought to Subcommittee for review and recommendation, and then to the full City Council for approval.

Public Outreach

Staff has presented to the following community groups and organizations: Evans Churchill Community Association, Roosevelt Row Merchants Association, the Historic Preservation Commission, Central City Village Planning Committee and Downtown Voices Coalition.

Concurrence/Previous Council Action

The Downtown, Aviation, Economy and Innovation Subcommittee recommended approval of this item on May 3, 2017, by a vote of 4-0.

Location

The City-owned properties are located at 1009, 1016 and 1025 N. 2nd St.

This item was approved.

66 Contract with AHS Rescue for Installation and Maintenance of Anchor Bolts for Fire Department Rescue and Training (Ordinance S-43629)

Request authorization for the City Manager, or his designee, to enter into a contract with AHS Rescue for installation and maintenance of anchor bolts used for Fire Department rescue and training in City parks and mountain preserves. Authorization also is requested for the City Controller to disburse funds.

Summary

Anchor bolts have been established in City of Phoenix parks and mountain preserves for technical rescue training and rescue operations. These anchors are critical to support technical rescue operations (mountain rescues) in these highly technical terrains. For public safety reasons, the locations of the Fire Department's established anchor bolts are undisclosed to prevent tampering, unauthorized usage, and for the safety of the public and Fire Department technical rescue team members. AHS currently provides this critical service.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived because of the unusual nature of the services and the necessity to protect Fire Department technical rescue team personnel by limiting public access to anchor bolt locations.

Contract Term

This request is to contract with AHS Rescue for a maximum of five years, with the initial three-year term of the contract from approximately July 1, 2017 through June 30, 2020, and two one-year options through June 30, 2022.

Financial Impact

The aggregate five-year cost shall not exceed \$22,500. Funds for this

service are included in the Fire Department's operating budget.

This item was adopted.

67 Agreement for Increased Traffic and Code Enforcement During the Arizona State Fair 2017 (Ordinance S-43617)

Request authorization for the City Manager, or his designee, to enter into an agreement with the Arizona Coliseum and Exposition Center for the City to provide increased traffic enforcement, perimeter security, proactive police patrol, permit parking enforcement and vending enforcement in the area surrounding the State Fairgrounds during the State Fair. Further request authorization for the City Controller to receive and disburse all funds related to this item.

Summary

The intent of this agreement is to recover the costs associated with providing such service. Additionally, Finance Tax Enforcement is requesting space at no charge for the licensing and collection of taxes from the vendors.

Contract Term

Increased traffic and code enforcement will take place from Oct. 6, 2017 through Oct. 29, 2017.

Financial Impact

The amount to be recovered is \$36,500. This figure is the cost associated with providing police services (\$24,000) and Neighborhood Services permit parking enforcement (\$12,500) to the State Fair.

Location

Area surrounding the Arizona State Fairgrounds located at 1826 W. McDowell Road

This item was adopted.

68 Request Authorization of Payment for Cancer Insurance for Police Sworn Personnel (Ordinance S-43618)

Request authorization for the City Manager, or his designee, to make payment to the Public Safety Personnel Retirement System to purchase cancer insurance for sworn personnel of the Phoenix Police Department. Further request authorization for the City Controller to disburse the funds.

Summary

The Fire Fighter Cancer Insurance Policy Program (FFCIPP) was established in 1997. The FFCIPP offers supplemental cancer insurance for fire fighters, helping to offset additional costs if a fire fighter is diagnosed with cancer after enrollment. The insurance is administered under the Public Safety Personnel Retirement System. In 2007, HB2268 changed the name of the Fire Fighter Cancer Insurance Policy Program to the Fire Fighter and Peace Officer Cancer Insurance Policy Program and extended coverage to certified peace officers under this program.

Contract Term

This payment will provide cancer insurance coverage for police sworn personnel for fiscal year 2017-18.

Financial Impact

The cost for fiscal year 2017-18 is \$50.00 per peace officer; this item requests authorization to pay up to \$164,000.00. Funds are available in the Police Department's budget.

This item was adopted.

69 Approval of Neighborhood Block Watch Oversight Committee's Recommendations for 2017 Grant Program Awards (Ordinance S-43633)

Request authorization for the City Manager, or his designee, to execute contracts between the City of Phoenix and 159 Neighborhood Block Watch (NBW) Grant Program applicants recommended for funding by the NBW Oversight Committee. The NBW program is administered by the Police Department. Authorization also is requested for the City Controller to disburse funds related to this item in the amount of \$1,271,746.00.

Summary

The NBW Oversight Committee was established to solicit, evaluate and recommend to the Mayor and City Council appropriate proposals to expend funds for the expansion of the Block Watch programs within the limits of the Neighborhood Protection Ordinance. This ordinance, known as Proposition 301, was adopted at a special election on Oct. 5, 1993. The City Council adopted the format and guidelines for this process on April 26, 1994.

The 2017 grant application process opened on Nov. 1, 2016 and closed on Dec. 8, 2016. The NBW Oversight Committee scored the grant applications based on the following criteria: crime prevention - 50%, budget evaluation - 20%, project viability/ability to complete - 10%, and community involvement - 20%.

A total of 170 grant applications were received. Of that total, 159 are being recommended for funding by the NBW Oversight Committee for a total of \$1,271,746.00. Eleven applications were disqualified for not meeting the grant program requirement of scoring a 5.25 or higher, out of 10 possible points. See Attachment A for a summary list of all 170 grant applications.

In some cases, applicants were denied partial funding due to the NBW Oversight Committee line item vetoes, capped items and applicant requests for prohibited items. There is a list of prohibited/restricted items included in every application packet. Any applicant being denied full or partial funding had the opportunity to appeal the decision to the NBW Oversight Committee during public meetings held April 5-6, 2017.

Contract Term

The funding period is July 1, 2017 through June 30, 2018.

Financial Impact

No matching funds are required.

Location

Citywide

Concurrence/Previous Council Action

This item was unanimously approved by the Public Safety and Veterans Subcommittee on May 10, 2017.

This item was adopted.

71 Broad, LLC, Corporate Hangar Lease Agreement (Ordinance S-43607)

Request to authorize the City Manager, or his designee, to enter into a

corporate hangar lease (Lease) with Broad, LLC, for approximately 11,550 square feet of hangar space located at 2531 E. Air Lane at Phoenix Sky Harbor International Airport (Hangar). The Lease will include authorization for Broad, LLC, to make additions, subtractions, and changes to the Hangar, as deemed appropriate in the sole discretion of the Aviation Director.

Summary

Broad, LLC, shall use the Hangar for aircraft storage, and will pay the rental rate of \$8.50 per square foot per year for the first year, plus applicable taxes, calculated and paid on a monthly basis. The Lease may contain other terms and conditions deemed necessary or appropriate by the Aviation Director or his designee. Upon execution of the Lease, the City will terminate Lease No. 140364 for Executive Hangar 11 at Phoenix Sky Harbor International Airport.

Contract Term

The term will be five years with five, one-year options to renew that may be exercised at the sole discretion of the Aviation Director. The City may terminate the Lease if the Hangar is needed for airport expansion purposes.

Financial Impact

The City will receive rent in the amount of \$43,628 per year (\$3,635.67 per month), adjusted annually according to the Consumer Price Index (CPI) for the duration of the Lease. The estimated revenue for the full 10-year term of the Lease is \$436,280, plus CPI adjustments.

Location

The Hangar is located at 2531 E. Air Lane at Phoenix Sky Harbor International Airport.

This item was adopted.

72 Authorization to Enter Into Ground Lease with Harris Corporation (Ordinance S-43609)

Request to authorize the City Manager, or his designee, to enter into a ground lease with Harris Corporation for two Federal Aviation Administration (FAA) navigational aid stations at Phoenix Sky Harbor International Airport. The navigational aid stations are part of the FAA's

Surveillance and Broadcast Services (SBS) Program. The ground lease will require Harris Corporation to operate and maintain the navigational aid stations. The ground lease may contain other terms and conditions deemed necessary or appropriate by the Aviation Director.

Summary

The FAA has two navigational aid stations, which have been in operation since March 1, 2012. The original land lease with Exelis, Inc., had a five-year term that expired on Feb. 28, 2017. Prior to the expiration date, Exelis, Inc., was acquired by Harris Corporation. The ground lease with Harris Corporation would maintain the operation and maintenance the FAA has for the two navigational aid stations for its SBS Program. The location of the first site is adjacent to Fire Station 29 at 3949 E. Air Lane and is comprised of 685 square feet. The second site is adjacent to the South Air Cargo Building at 3002 E. Old Tower Road and is comprised of 127 square feet. No navigational aid station improvements are required.

Contract Term

The term is five years with five, one-year options to extend the term at the sole discretion of the Aviation Director.

Financial Impact

Estimated revenue for the first year is \$2,800, which includes base rent and utility reimbursement.

Location

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

This item was adopted.

73 Extend Lease with Arizona Department of Transportation - No. 134482 (Ordinance S-43626)

Request to authorize the City Manager, or his designee, to amend Lease No. 134482 (Lease) with the Arizona Department of Transportation (ADOT) to extend the term.

Summary

In 2001, the City purchased the real property located at 2739 E. Washington St., which included an 81,815-square-foot, two-story office building. ADOT has continuously leased the building, either in whole or in

part, since 2001. ADOT currently leases 53,966 square feet of the 81,815 square foot building, including adjacent parking space. ADOT uses the building for various State of Arizona departments and for employee parking. In 2010, the current Lease was entered into and its term will expire on June 30, 2017. ADOT pays total gross rent of \$12.71 per square foot per year under the Lease. ADOT asked the City to extend the term of the Lease.

Contract Term

Subject to City Council approval, the amendment to extend the term of the Lease will contain the following terms and conditions:

- * The term will be one year, beginning July 1, 2017, with four one-year options to extend the term, which may be exercised at the sole discretion of the Aviation Director.
- * The annual gross rental rate effective on July 1, 2017, will be \$13.87 per square foot per year. The base rent will be \$12.14 per square foot per year, which is consistent with current market rates, and \$1.73 per square foot per year for actual utility costs.
- * The base rent will be adjusted annually according to the Consumer Price Index.
- * ADOT will remain responsible to perform all maintenance on the building, subject to the provisions in the Lease for structural and foundation repairs.
- * The Lease may contain other terms and conditions as deemed necessary or appropriate by the Aviation Director.

Financial Impact

The estimated rent and utility fees that will be paid to the City for the first year of the term of the Lease is \$748,510. The estimated rent and utility fees that will be paid to the City throughout the term and option period is \$3.8 million.

Location

The leased premises is located at 2739 E. Washington St.

This item was adopted.

75 Exhaust System Maintenance and Repair Contract

Recommendation - IFB 18-FMD-002 (Ordinance S-43612)

Request to authorize the City Manager, or his designee, to enter into a contract with KM Facility Services, LLC (Vendor 3060113) to provide exhaust system maintenance and repair at City facilities on an as-needed basis in an amount not to exceed \$275,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Exhaust system maintenance and repair is necessary to clean and repair rooftop exhaust fans at the City of Phoenix's 27th Avenue and North Gateway Transfer Stations. These critical systems provide ventilation to maintain the health and safety of customers and employees.

Procurement Information

Invitation for Bid (IFB) 18-FMD-002 was conducted in accordance with Administrative Regulation 3.10. One offer was received by the City on April 5, 2017. The offer was evaluated based on responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offer submitted by KM Facility Services, LLC, is deemed to be fair and reasonable based on the market.

Contract Term

The initial contract term will begin on or about Sept. 1, 2017, and end on Aug. 31, 2018. Provisions of the contract include an option to extend the term up to four years, in increments of up to one year, which may be exercised by the City Manager or his designee.

Financial Impact

The aggregate contract value will not exceed \$275,000, with an estimated annual expenditure of \$55,000. Funds are available in the Public Works Department's budget.

Location

The 27th Avenue Transfer Station is located at 3060 S. 27th Ave.; the North Gateway Transfer Station is located at 30205 N. Black Canyon Highway.

This item was adopted.

**76 Aerial Equipment Inspection and Certifications - Requirements
Contract Recommendation - IFB 17-FSD-011 (Ordinance S-43614)**

Request to authorize the City Manager, or his designee, to enter into separate contracts with Diversified Inspections/ITL, Inc. (Vendor 3016709) and American Inspection and Test, Inc. (Vendor 3046110) to provide inspection and certification services for various aerial equipment for an amount not to exceed \$381,000 over the life of the contracts. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Public Works, Aviation and Phoenix Convention Center departments are seeking inspection and certification services for various aerial equipment, including bucket trucks, man lifts, forklifts, and derricks. Annual inspections are essential to safe and efficient operations. Inspections must be performed by certified third-party equipment inspectors pursuant to National Fire Protection Association codes and standards.

Procurement Information

Invitation for Bid (IFB) 17-FSD-011 was conducted in accordance with Administrative Regulation 3.10. Two bids were received on March 22, 2017. The bids were evaluated based on responsiveness and lowest bid. Attachment A details the bid results. The low bid in each group is recommended for award.

Contract Term

The term of each contract will begin on or about July 1, 2017, and end on June 30, 2018. Each contract will include an option to extend the term up to four years, in increments of up to one year, which may be exercised by the City Manager or his designee.

Financial Impact

The aggregate value of the contracts will not exceed \$381,000, with an estimated annual expenditure of \$76,200. Funds are available in the budgets of the Public Works, Aviation and Phoenix Convention Center departments.

This item was adopted.

77 Water Main Replacement: Area Bounded by Thomas to Osborn Roads and 24th to 28th Streets - Construction Manager at Risk Design Phase Services - WS85509010 (Ordinance S-43600)

Request to authorize the City Manager, or his designee, to enter into an agreement with Kiewit Infrastructure West Co. (Phoenix) to provide Construction Manager at Risk (CMAR) Design Phase Services in support of a water main replacement project in the area bounded by Thomas to Osborn roads and 24th to 28th streets. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Water Main Replacement Program evaluates and replaces aging water mains within the City of Phoenix. The current primary focus of the program is on water mains in alleys and easements, which historically have had high break rates and are difficult to repair. Work typically includes installation of new 2-inch to 12-inch water mains, multiple cut and plugs, and installation or relocation of fire hydrants. Coordination with City staff and plumbing contractors regarding relocation of water services also may be required.

Kiewit Infrastructure West Co. will begin in an agency support role for the design phase service and then hold the construction contract with the City for construction of the project. Services during the CMAR design phase include providing detailed cost estimating and knowledge of marketplace conditions; project planning and scheduling; construction phasing and scheduling that will minimize interruption to the City; alternate systems evaluation and constructability studies; advising the City on ways to gain efficiencies in project delivery; long-lead procurement studies and initiating procurement of long-lead items; assisting in the permitting processes; protecting the owner's sensitivity to quality, safety, and environmental factors; and advising the City on choosing green building materials.

Procurement Information

Kiewit Infrastructure West Co. was chosen for this project using a qualifications-based selection process according to Section 34-603 of the Arizona Revised Statutes (A.R.S.). Pursuant to A.R.S. title 34, the City is not to release the scoring of proposers until a contract has been

awarded. The top three rankings follow:

Kiewit Infrastructure West Co.: Ranked #1

Pulice Construction, Inc.: Ranked #2

Haydon Building Corp.: Ranked #3

Contract Term

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

Financial Impact

Kiewit Infrastructure West Co.'s fee will not exceed \$13,378.68, including all subconsultant, subcontractor, and reimbursable costs. Funding for these services is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the contract termination.

Small Business Outreach

A small business enterprise goal will be established for this project prior to the start of construction.

Location

Area bounded by Thomas to Osborn roads and 24th to 28th streets.

This item was adopted.

78 Water Main Replacement: Area Bounded by 15th to 19th Avenues and Broadway to Roeser Roads Design-Bid-Build - WS85509004 (Ordinance S-43602)

Request to authorize the City Manager, or his designee, to enter into an agreement with Blucor Contracting, Inc. (Phoenix) to provide construction services in support of a water main replacement project in the area bounded by 15th to 19th avenues and Broadway to Roeser roads. Further request authorization for the City Controller to disburse all funds

related to this item.

Summary

Blucor Contracting, Inc. will provide construction services for the water main replacement project in the area bounded by 15th to 19th avenues and Broadway to Roeser roads. The project consists of installation of four-inch to 12-inch water main pipes, installation of fire hydrants and fire lines, abandonment of existing water mains, and removal and replacement of concrete, asphalt, and landscaping to complete the new water main replacement.

Procurement Information

Seven bids were received in compliance with Section 34-201 of the Arizona Revised Statutes by the Street Transportation Department on Feb. 28, 2017. The bids were reviewed by the Equal Opportunity Department to determine subcontractor eligibility and general contractor responsiveness in demonstrating compliance with the project's Small Business Enterprise goal. All seven bidders were found responsive.

Bids ranged from a low of \$2,905,260.16 to a high of \$4,293,113.32. The engineer's estimate and the three lowest-priced, responsive and responsible bidders are listed below:

Engineer's Estimate: \$3,129,688.25

Blucor Contracting, Inc.: \$2,905,260.16

Kinkaid Civil Construction, LLC: \$3,108,231.00

McCain Construction, LLC: \$3,277,896.00

Contract Term

Work is expected to be completed within 330 calendar days from issuance of the Notice to Proceed. The contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

The bid award amount is within the total budget for this project. Funding is available in the Water Services Department's Capital Improvement

Program budget. Contract payments may be made up to the contract limits for all rendered contract services which may extend past the contract termination.

Small Business Enterprise

A SBE goal of 10 percent has been established for this project.

Location

Area of 15th to 19th avenues and Broadway to Roeser roads.

This item was adopted.

79 2016 CMAQ Alley Dust Proofing Federal Aid Design-Bid-Build - ST87400239 (Ordinance S-43604)

Request to authorize the City Manager, or his designee, to accept VSS International, Inc. (Chandler, Ariz.) as the lowest-priced, responsive, and responsible bidder, and to enter into an agreement with VSS International, Inc. for construction services. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

VSS International, Inc. will provide construction services in support of the 2016 CMAQ Alley Dust Proofing project. The work will include approximately 205,196 square yards of clearing, grubbing, and subgrade preparation, including removal, hauling, and disposal of deleterious materials and degraded asphalt millings; 188,096 square yards of single application of MC-800TR and pre-coated fractured aggregate; weed control; traffic control; and other miscellaneous items in various alleys within the City of Phoenix.

Procurement Information

Three bids were received according to Section 34-201 of the Arizona Revised Statutes (A.R.S.) by the Street Transportation Department on Feb. 28, 2017. The three bids were sent to the Equal Opportunity Department (EOD) for review to determine subcontractor eligibility and general contractor responsiveness in demonstrating compliance with the project's Disadvantaged Business Enterprise (DBE) goal of 2.77 percent. EOD deemed all bidders responsive.

The engineer's estimate was \$1,197,940.85. Bids ranged from a low of

\$2,477,169.00 to a high of \$2,643,779.20. There are several factors that contributed to this difference in cost: the Engineer's Estimate was based on historical prices for similar projects completed in 2013 and 2014, and the bid item related to clearing and grubbing requires more work than in previous years of similar work. The three bids received were all within six percent of the total amount of the low bid. These factors indicate that the City received competitive bids for the project. Based on the additional analysis conducted by staff, the City also receives a fair and reasonable bid for the required contract work.

The Engineer's estimate and the three lowest-priced, responsive, and responsible bidders are listed below:

Engineer's Estimate: \$1,197,940.85

VSS International, Inc.: \$2,477,169.00

Cactus Asphalt, Inc.: \$2,527,081.72

Cholla Pavement Maintenance, Inc.: \$2,643,779.20

Contract Term

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

Financial Impact

The bid award amount is within the total budget for this project. Funding is available in the Street Transportation Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

This item was adopted.

**80 91st Avenue Wastewater Treatment Plant Sludge Solar Drying
Beds Improvements Construction Administration and Inspection
Services - WS90100098 (Ordinance S-43605)**

Request to authorize the City Manager, or his designee, to enter into an

agreement with Stantec Consulting Services, Inc. (Phoenix) to provide Construction Administration and Inspection (CA&I) services in support of reconstruction of existing soil-cement base sludge lagoons at the 91st Avenue Wastewater Treatment Plant. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The purpose of this project is to develop a long-term, holistic evaluation of the 91st Avenue Wastewater Treatment Plant's on-site sludge drying system.

Stantec Consulting Services, Inc.'s services include, but are not limited to: administering the construction schedule; reviewing shop drawings and test results; issuing interpretations and clarifications; certifying contractor progress payments; conducting inspections; and providing post-construction services to meet the plant's future sludge production.

Procurement Information

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

Contract Term

The term of the contract is expected to coincide with the duration of construction, which is expected to take approximately ten months to complete from issuance of the notice to proceed. The contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

Stantec Consulting Services, Inc.'s fee for CA&I services will not exceed \$325,000, including all subconsultants and reimbursable costs. Funds are available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

Concurrence/Previous Council Action

City Council approved Contract 141600 for Design Services on Oct. 21, 2015.

Location

The 91st Avenue Wastewater Treatment Plant is located at 5615 S. 91st Ave.

This item was adopted.

81 2010 Sanitary Sewer Relief Program Project 2A - Design-Bid-Build - WS90500256 (Ordinance S-43606)

Request to authorize the City Manager, or his designee, to accept Blucor Contracting, Inc. (Phoenix) as the lowest-priced, responsive and responsible bidder, and to enter into a contract with Blucor Contracting, Inc., for construction services for the 2010 Sanitary Sewer Relief Program Project. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This project is part of the 2010 Sanitary Sewer Relief Program. The intent of the Sanitary Sewer Relief Program is to review and manage the capacity of Phoenix's wastewater collection system to avoid sanitary sewer overflows. Managing capacity is a basic tenet of the City's Capacity Management, Operations and Maintenance Program. Capacity concerns are triggered when the City's sanitary sewer model indicates sewer segments are flowing at or above 80 percent of the maximum capacity during peak dry weather flows.

Sanitary Relief Sewer Project 2A involves installation of approximately 2,312 linear feet of 15-inch sanitary sewer line along 19th Avenue from Ironwood Drive to Peoria Avenue, as well as extension of 10 4-inch and 6-inch service lines to the new 15-inch sanitary sewer line. The new line will replace the existing 12-inch sewer line. The existing line along 19th Avenue will be abandoned in place.

Procurement Information

Five bids were received in compliance with Section 34-201 of the Arizona Revised Statutes by the Street Transportation Department on

April 18, 2017. The bids were reviewed by the Equal Opportunity Department (EOD) to determine subcontractor eligibility and general contractor responsiveness in demonstrating compliance with the project's Small Business Enterprise (SBE) goal. All five bidders were found responsive.

Bids ranged from a low of \$1,658,472.65 to a high of \$1,988,505.21. The engineer's estimate and the three lowest-priced, responsive and responsible bidders are listed below:

Engineers Estimate: \$1,691,565.50

Blucor Contracting, Inc.: \$1,658,472.65

Action Direct, LLC, dba Redpoint Contracting: \$1,722,787.00

T&T Construction, Inc.: \$1,856,165.50

Contract Term

The term of the contract is 270 calendar days. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

The bid award amount is within the total budget for this project. Funding is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the contract termination.

Small Business Outreach

A small business goal of 3 percent has been established for this project.

Location

19th Avenue between Ironwood Drive and Peoria Avenue.

This item was adopted.

- 82 Van Buren Street and 52nd Street Relief Sewer Project Design Services - WS90500295 (Ordinance S-43608)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Project Engineering Consultants, LTD. (Phoenix) to perform an alignment study, design and possible construction administration and inspection services in support of the Van Buren Street and 52nd Street Relief Sewer Project. Further request authorization for the City Controller to disburse all funds related to this item.

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

Summary

This project is part of the Sanitary Sewer Relief Program that reviews and manages the capacity of Phoenix's wastewater collection system to prevent sanitary sewer overflows. The Van Buren Street and 52nd Street Relief Sewer Project will involve installation of approximately 5,500 linear feet of 12-inch diameter sanitary sewer line to increase the capacity of the existing 8-inch sanitary sewer line.

Procurement Information

Project Engineering Consultants, LTD. (PEC) was chosen for this project using a qualifications-based selection process according to Section 34-603 of the Arizona Revised Statutes (A.R.S.). Pursuant to A.R.S. title 34, the City is not to release the scoring of firms until a contract has been awarded. Top-three rankings follow:

Project Engineering Consultants, LTD.: Ranked #1

Hoskin Ryan Consultants, Inc.: Ranked #2

Kimley-Horn and Associates, Inc.: Ranked #3

Contract Term

The project is expected to be completed within one year. Contract work scope identified and incorporated into the contract prior to the end of the

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

Financial Impact

PEC's fee will not exceed \$400,000, including all subconsultant and reimbursable costs. Funding is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

Public Outreach

The consultant will provide public information services based on the project's impacts.

Location

The project is located in the vicinity of Van Buren Street and 52nd Street to the Phoenix Zoo sewer connection near Van Buren Street and Project Drive (sanitary sewer manhole 11-40-121 to manhole 10-41-305).

This item was adopted.

83 Val Vista Transmission Main Rehabilitation 2016 - Construction Administration and Inspection - WS85500437 (Ordinance S-43615)

Request to authorize the City Manager, or his designee, to enter into an agreement with Stanley Consultants, Inc. (Phoenix) to provide Construction Administration and Inspection (CA&I) services for the Val Vista Transmission Main Rehabilitation 2016 project. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

In 2005, consultants completed a rehabilitation design for a portion of the Val Vista Transmission Main that included pipe sizes ranging from 72 inches to 108 inches in diameter. Construction followed completion of the design; however, the entire 13.3 miles was not constructed at that time. A majority of the Val Vista Transmission Main still requires slip-lining or rehabilitation.

A scoping analysis was completed on the transmission main in 2016,

which determined the first four sections require priority slip-lining of approximately 5,070 linear-feet of 90-inch and 96-inch transmission main. Additional sections will be rehabilitated in future construction phases.

Services provided by Stanley Consultants, Inc., include, but are not limited to: participation in final design meetings and review of construction plans and specifications; review of proposed cost models delivered by the City's Construction Manager at Risk Contractor; general project administration, construction inspections, special pipeline inspections; provide resident engineering services during construction and act as the City's representative; and provide daily interaction with contractors to clarify job requirements.

Procurement Information

Stanley Consultants, Inc., was chosen for this project using a qualifications-based selection process according to Section 34-603 of the Arizona Revised Statutes (A.R.S.). Pursuant to A.R.S. title 34, the City is not to release the scoring of proposers until a contract has been awarded. Top-three rankings follow:

Stanley Consultants, Inc.: Ranked #1
Brown and Caldwell, Inc.: Ranked #2
Wilson Engineers, LLC: Ranked #3

Contract Term

The term of this contract will coincide with the duration of construction, which is expected to take approximately four years to complete. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope charges may be executed after the end of the contract term.

Financial Impact

Stanley Consultants, Inc's fee under this contract will not exceed \$600,000, including all subconsultant and reimbursable costs. Funding is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the

contract termination.

Location

Bass Pro Drive and Alma School Road (Mesa, Ariz.)

North Country Club Drive and West Juniper Street (Mesa, Ariz.)

West Juniper Street and Grand Avenue (Mesa, Ariz.)

This item was adopted.

84 Phoenix Convention Center Audio Visual Infrastructure Replacement - Professional Services - CP10400026 (Ordinance S-43621)

Request to authorize the City Manager, or his designee, to enter into an agreement with McCarthy O'Connor, LLC (Phoenix) to provide Project Management Services in support of the Phoenix Convention Center Audio Visual Infrastructure Replacement Project. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This project is for the assessment, design, and replacement of the existing Audio Visual (AV) control and network systems with compatible leading edge technology, and complete retrofit of Audio Visual Lighting in Symphony Hall as well as the North, West, and possibly the South Building. During all phases of work, the Phoenix Convention Center Complex will remain in full operation and open at all times.

McCarthy O'Connor, LLC's Audio Visual project management expertise and experience is unique and very specialized, and the size, scope and cost of this project warrants an Owner's Representative. McCarthy O'Connor, LLC's Project Management services will include, but are not limited to: project administration; cost management; project quality and schedule management to ensure no interruptions to City operations; working as Owner's Representative in association with the Design-Build Team; reviewing design plans and technical specifications; system programming; testing procedures; overseeing operator training; and participation in the process to establish the Small Business Enterprise (SBE) goal for construction.

Procurement Information

McCarthy O'Connor, LLC was chosen to provide Project Management Services for this project using a direct-select process according to Section 34-103 of the Arizona Revised Statutes (A.R.S).

Contract Term

The term of the contract is expected to be completed by Oct. 20, 2017. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

McCarthy O'Connor, LLC's fee for Project Management Services will not exceed \$140,000, including all subconsultants, and reimbursable costs. Funding is available in the Phoenix Convention Center Department's Capital Improvement Program budget. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the contract termination.

Location

100 N. 3rd St.

This item was adopted.

85 Maintenance Services for Water Services Department Zeta Potential Analyzers (Ordinance S-43616)

Request to authorize the City Manager, or his designee, to enter into an agreement with Malvern Instruments, Inc. (Vendor 3523735), for purchase of annual maintenance services for four Zeta Potential Analyzers for the Water Services Department. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Water Services Department has four Malvern Zeta Analyzers, one at each Water Treatment Plant. The Zeta Analyzers measure the water filtration process and provide results on water quality. The Analyzers are sensitive instruments that require annual maintenance to keep them in optimal working condition.

Procurement Information

In accordance with City of Phoenix Administrative Regulation 3.10, normal competition was waived because there is only one source for the necessary goods or services. Malvern Instruments, Inc. is a proprietary vendor and does not certify other vendors to provide maintenance on their instruments.

Contract Term

The agreement term will be for five years starting July 1, 2017, through June 30, 2022.

Financial Impact

Anticipated expenditures are not to exceed \$100,000. Funding for this item is available in the Water Services Department's budget.

This item was adopted.

86 Abandonment of Right-of-Way - V170002A - 17th Avenue and Camelback Road (Resolution 21549)

Abandonment: V170002A

Project: 02-2944

Applicant: C17 Investment Holdings, LLC

Request: To abandon the 20-foot alley Right-of-Way bounded by north 17th Avenue and the parcels addressed 4824 and 4830 N. 17th Ave., APN 155-53-029 and 155-53-031B, and 1707 W. Camelback Road, APN 155-53-025B.

Date of Hearing: March 7, 2017

Location

17th Avenue and Camelback Road

Council District: 4

Financial Impact

A fee was also collected as part of this abandonment in the amount of \$7,700.

This item was adopted.

87 Acceptance of Easements for Public Utilities and Refuse Collection Purposes (Ordinance S-43624)

Request for the City Council to accept easements for public utilities and

refuse collection purposes; further ordering the ordinance recorded.

Summary

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

Easement (a)

Applicant: SWC 28th and Peoria Investors, LLC

Purpose: Public Utilities

Location: 10450 N. 28th Drive

File: 170030

Council District: 1

Easement (b)

Applicant: 19th & Lower Buckeye, LLC

Purpose: Public Utilities

Location: 3000 S. 19th Ave.

File: 170031

Council District: 7

Easement (c)

Applicant: Cima Holdings, LLC

Purpose: Refuse Collection

Location: 1624 N. 32nd St.

File: 170032

Council District: 8

This item was adopted.

88 Acceptance and Dedication of Deeds and Easements for Roadway, Sidewalk and Traffic Control Purposes (Ordinance S-43619)

Request for the City Council to accept and dedicate deeds and easements for roadway, sidewalk and traffic control purposes; further ordering the ordinance recorded.

Summary

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

Easement (a)

Applicant: Jersey Industrial Capital, LLC

Purpose: Sidewalk

Location: 1635 S. 43rd Ave.

File: 170025

Council District: 7

Easement (b)

Applicant: 19th & Lower Buckeye, LLC

Purpose: Sidewalk

Location: 3000 S. 19th Ave.

File: 170031

Council District: 7

Easement (c)

Applicant: Cloquet Metrowest, LLC

Purpose: Sidewalk

Location: 888 N. 1st Ave.

File: 170020

Council District: 7

Easement (d)

Applicant: Cloquet Metrowest, LLC

Purpose: Sidewalk and Traffic Control

Location: 888 N. 1st Ave.

File: 170020

Council District: 7

Deed (e)

Applicant: Jesus Macias Alvarez

Purpose: Roadway

Location: 5810 S. 46th Ave.

File: 170023

Council District: 7

Deed (f)

Applicant: Silva Farming Enterprises Limited Partnership

Purpose: Roadway

Location: 35th Avenue and Baseline Road

File: 170017

Council District: 8

This item was adopted.

**90 Amend City Code - Ordinance Adoption - Rezoning Application
Z-13-17-2- Approximately 980 Feet East of the Northeast Corner of
Cave Creek Road and Mohawk Lane (Ordinance G-6326)**

Summary

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-13-17-2 and rezone the site from RE-35 (4.99 acres) to CP/BP (4.99 acres) to allow multi-tenant office warehouse.

Location

Approximately 980 feet east of the northeast corner of Cave Creek Road and Mohawk Lane.

Council District: 2

This item was adopted.

**91 Amend City Code - Ordinance Adoption - Rezoning Application
Z-9-17-3 - Approximately 435 Feet East of the Southeast Corner of
12th Street and Bell Road (Ordinance G-6327)**

Summary

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-9-17-3 and rezone the site from C-O/M-O, Approved R-3A (0.72 acres) to C-1 (0.72 acres) to allow commercial/retail.

Location

Approximately 435 feet east of the southeast corner of 12th Street and Bell Road.

Council District: 3

This item was adopted.

92 Amend City Code - Ordinance Adoption - Rezoning Application

Z-7-17-8 - Approximately 260 Feet South of the Southeast Corner of 20th Street and Roosevelt Street (Ordinance G-6329)**Summary**

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-7-17-8 and rezone the site from C-1 (2.84 acres) to WU T5:5 EG (2.84 acres) to allow multifamily residential.

Location

Approximately 260 feet south of the southeast corner of 20th Street and Roosevelt Street.

Council District: 8

This item was adopted.

93 Amend City Code - Ordinance Adoption - Rezoning Application Z-8-17-8 - Generally Bounded by 24th Street to the West, Chipman Road to the North, 31st Street to the East, and Roeser Road to the South (Ordinance G-6325)

Summary

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-8-17-7 and rezone the site from R-3 SPVTABDO (9.03 acres) to R1-6 SPVTABDO (9.03 acres) zoning district to allow single-family residential.

Location

Generally bounded by 24th Street to the west, Chipman Road to the north, 31st Street to the east, and Roeser Road to the south.

Council District: 8

This item was adopted.

40 Public Hearing on the 2017-22 Capital Improvement Program

As required by the City Charter, this item requests the City Council conduct a public hearing on the 2017-22 Capital Improvement Program for purposes of receiving public comments.

Discussion

Mayor Stanton declared the public hearing open. Noting no one was

present wishing to speak, he declared the public hearing closed.

The hearing was held for this item.

41 Adoption of the 2017-22 Capital Improvement Program (Resolution 21548)

Request City Council approval of a resolution adopting a 2017-22 Capital Improvement Program (CIP) for the City of Phoenix. This resolution does not appropriate or commit any public funds, but represents an endorsement of the proposed capital improvements and the five-year plan of expenditure as a reasonable and desirable plan to be accomplished by the City. A five-year capital plan is considered a best financial practice.

Summary

The Five-Year Capital Improvement Program (CIP) is a plan for the replacement, expansion and improvement of city infrastructure, facilities and technology used to deliver community services. It is financed from pay-as-you-go funds, property tax and revenue supported bond proceeds, federal and state participation funds, passenger facility charges, customer facility charges, participation by other governmental entities in certain projects, development impact fees, capital grants, capital reserves, solid waste remediation funds and other capital funding sources.

The Preliminary Five-Year CIP was presented to the City Council on March 21, 2017. Overviews of various CIP programs were presented for information, discussion and input at applicable City Council Subcommittee meetings.

The City Charter requires that the Five-Year CIP be adopted by resolution immediately following the advertised public hearing, which this year will take place at the Formal meeting on June 7, 2017.

Adoption of the resolution (Attachment A) does not commit any funds, but represents an endorsement of the CIP as a desirable plan to be accomplished over the next five years. The first year of the CIP is adopted by ordinance as part of the annual budget adoption process, which provides the only authority to commit funds.

A motion was made by Vice Mayor Pastor, seconded by

Councilwoman Williams, that this item be adopted. The motion carried by the following vote:

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

No: 1 - Councilman Waring

42 Public Hearing on Adoption of the Tentative 2017-18 Annual Budget Ordinances

As required by the City Charter and State statute, this item requests the City Council conduct a public hearing on the adoption of the tentative 2017-18 Annual Budget ordinances (see Attachment A for additional information).

Discussion

Mayor Stanton declared the public hearing open. Noting no one was present wishing to speak, he declared the public hearing closed.

The hearing was held for this item.

43 Adoption of the Tentative 2017-18 Annual Budget (Ordinance S-43610)

An ordinance (Attachment A) adopting the tentative estimates of the amounts required for public expense for operating funds for the City of Phoenix for the fiscal year 2017-2018; adopting a tentative budget; setting forth the receipts and expenditures and the amounts estimated as collectible for the fiscal year, and the amount proposed to be raised by direct property taxation for primary and secondary purposes; giving notice of the time and place for hearing taxpayers and for adoption of the budget and fixing the tax levies.

Concurrence/Previous Council Action

This reflects the budget approved by the Council on May 23, 2017 and complies with the requirements set forth in the City Charter and Code and State Statutes. Final adoption is scheduled for June 21, 2017.

Discussion

Councilman DiCiccio stated he would be voting against this item since Phoenix was facing a budget deficit. The City had an opportunity to fix the problem next year by doing a strategic plan where functions were ranked

in order of importance. He conveyed Phoenix would continue to have this issue without a strategic plan in place even though it had the most revenue in its history.

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

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

No: 2 - Councilman DiCiccio and Councilman Waring

44 Adoption of the Tentative 2017-18 Capital Funds Budget (Ordinance S-43625)

An ordinance (Attachment A) adopting the tentative Capital Funds Budget for the City of Phoenix for the fiscal year 2017-18.

Summary

This adopts the tentative 2017-18 Capital Funds Budget for the fiscal year beginning July 1, 2017, and ending June 30, 2018. The Capital Funds Budget will be funded by property tax and revenue supported bond proceeds, federal and state participation funds, passenger facility charges, customer facility charges, participation by other governmental entities in certain projects, development impact fees, capital grants, capital reserves, solid waste remediation funds and other capital funding sources.

Final adoption is scheduled for June 21, 2017.

Concurrence/Previous Council Action

The 2017-18 Capital budget is included in the Five-Year Capital Improvement Program resolution also requested for Council approval on the June 7, 2017 Formal Agenda and complies with requirements set forth in the City Charter and Code and State Statutes.

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

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

No: 2 - Councilman DiCiccio and Councilman Waring

45 Adoption of the Tentative 2017-18 Reappropriated Funds Budget (Ordinance S-43611)

An ordinance (Attachment A) adopting the tentative Reappropriation Budget for items of expenditure previously adopted as part of the 2016-17 fiscal year Operating and Capital Funds Budgets of the City of Phoenix but remaining as unexpended funds as of June 30, 2017.

Summary

This adopts the tentative budget of the City of Phoenix for encumbrance (outstanding contracts) balances at June 30, 2017, to allow for liquidation of those balances during the 2017-2018 fiscal year.

This complies with requirements set forth in the City Charter and Code and State Statutes.

Discussion

Mayor Stanton asked staff to provide an explanation of the Reappropriated Funds budget.

Deputy City Manager Paul Blue remarked this budget allowed staff to take funding that was appropriated in a previous fiscal year and reserved for a particular purpose and continue payment in the upcoming fiscal year by rolling those funds forward.

Councilman Waring further clarified this item referred to money owed from last year and not the actual budget going forward.

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

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

46 Swearing in of Chief Presiding Judge and Municipal Court Judges

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

Summary

Administer the oath of office for the Honorable B. Don Taylor III as Chief Presiding Judge of the Phoenix Municipal Court for a term to expire on June 30, 2018 and a four-year term as Judge of the Phoenix Municipal Court to end on Feb. 8, 2021.

Administer the oath of office for the Honorable Carrie P. Withey to a four-year term as Judge of the Phoenix Municipal Court to end on July 12, 2021.

Administer the oath of office for the Honorable Carol Scott Berry to a four-year term as Judge of the Phoenix Municipal Court to end on July 2, 2021.

Concurrence/Previous Council Action

On April 11, 2017 the Judicial Selection Advisory Board recommended approval to the Public Safety and Veterans Subcommittee.

On May 10, 2017 the Public Safety and Veterans Subcommittee recommended approval to the City Council by a vote of 4 to 0.

Discussion

Mayor Stanton administered the oath of office to Chief Presiding Judge Taylor and Municipal Court Judge Withey. The judges were then invited to approach the dais so Council could extend the appreciation.

Mayor Stanton congratulated Chief Presiding Judge Taylor and Municipal Court Judge Withey, noting Council expected nothing but the best as the judges helped run the busiest and best lower jurisdiction court in the State of Arizona.

The swearing in of Judges was performed.

50 Grant of Public Utility Easement on City-owned Property Located at 8815 N. 19th Ave. for Light Rail, Northwest Extension (Ordinance S-43601)

Request the City Council to grant a public utility easement necessary to provide utilities and other services for Phase I of Light Rail, Northwest Extension on City-owned property in the Salt River Project (SRP) service area, and further ordering the Ordinance recorded. This easement is located within a portion of assessor parcel number 158-37-128 located at 8815 N. 19th Ave., and identified as project parcel NW.1611.

Summary

This public utility easement will be for the area described in the legal description to be sent to the Law Department ("Easement Premises") and will be granted to all public service corporations, agricultural improvement districts and telecommunication corporation providing utility service to the property located at 8815 N. 19th Ave. (collectively "Grantee") for an indefinite period subject to the following terms and conditions:

A. Grantee is hereby granted the right to construct, reconstruct, replace, repair, operate and maintain utility facilities together with appurtenant fixtures for use in connection therewith for the transmission and distribution of utility and communication facilities (collectively "Grantee Facilities"), to, through, across, and beyond Grantor's Property within the Easement Premises. Subject to the notice requirement provided in Paragraph "I," Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified. Grantee acknowledges and accepts that Grantee shall share the Easement Premises with other Grantees and shall use such Easement Premises with other Grantees in accordance with and consistent with industry standards and customs for such shared use. Grantor agrees to coordinate the location of Grantee's Facilities within the Easement Premises and to pay costs for relocation of Grantee's Facilities as provided in Paragraph "F."

B. Grantor shall not locate, erect or construct, or permit to be located or erected or constructed, any building or other structure or drill any well

within the limits of the Easement Premises. However, Grantor reserves all other rights, interests, and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities.

Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of Easement Premises without the prior written consent by the Grantee whose facilities will be affected by the change of elevation.

C. Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate or maintain the Grantee Facilities.

D. Grantor shall maintain a three-foot clear area around all edges of all equipment pads for Grantee Facilities, in addition to a clear operational area that extends 10 feet immediately in front of all transformer or switching cabinet openings, within the Easement Premises. No obstructions, trees, shrubs, fixtures, or permanent structures shall be placed or permitted by Grantor within said areas. Grantee is hereby granted the right to trim, prune, cut, and clear away trees, brush, shrubs, or other obstructions within said areas.

E. Grantee shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon and agrees that following any work or use by Grantee within the Easement Premises, the affected area, including without limitation, all pavement, landscaping, concrete and other improvements permitted within the Easement Premises pursuant to this easement will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

F. Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's property; provided however, that: (1) Grantor pays the entire cost of redesigning and relocating existing Grantee Facilities to the new location; and (2) Grantor provides Grantee with a new and substantially similar public utility easement at no cost to Grantee. After relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement without cost or consequence to Grantor.

G. Each public service corporation and telecommunication services corporation as a Grantee shall coordinate and work with other Grantees in the use of the Easement Premises. In the event that a third party or other Grantee requests the relocation of existing Grantee Facilities to a new location (whether or not) within the Easement Premises, the requesting party shall pay the entire cost of redesigning and relocating the existing Grantee Facilities.

H. Grantee shall not have the right to transfer, convey, or assign its interests in this easement to any individual, corporation, or other entity without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of any proposed transfer, conveyance or assignment of any rights, granted herein at the address listed below.

I. Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where such Easement Premises are located: (1) on a site that includes Aviation Department facilities, water and wastewater treatment facilities, the Police Department headquarters located at 620 W. Washington St., the Fire Department headquarters located at 150 S. 12th St., City Hall located at 200 W. Washington St., City Court Building located at 300 W. Washington St., Calvin C. Goode Building located at 251 W. Washington St., Transit Operations Center located at 320 N. 1st Ave. or West Transit Facility located at 405 N. 79th Ave.; or (2) in a secured or fenced area.

Location

8815 N. 19th Ave.

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

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

No: 2 - Councilman DiCiccio and Councilman Waring

55 Grant of Easement Within Laveen Area Conveyance Channel to Arizona Department of Transportation for South Mountain Freeway (Ordinance S-43628)

Request authorization for the City Manager, or his designee, to grant an easement to the Arizona Department of Transportation (ADOT) for consideration in the amount of the appraised value and other consideration. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The proposed easement is located within the Laveen Area Conveyance Channel, and is approximately 114,506 square feet. The easement is required for the construction of South Mountain Freeway for purposes of underground utility lines and air rights. ADOT shall not interfere with the flood control purposes for which the Laveen Area Conveyance Channel was built, and shall maintain continuity of the maintenance roads and all existing outlets draining to the channel.

Financial Impact

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

Location

The easement is located within the Laveen Area Conveyance Channel between south 59th Drive and south 63rd Avenue, identified by assessor parcel number 300-02-017M.

Discussion

Leonard Clark spoke in opposition because the South Mountain freeway

was being built on sacred indigenous land.

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

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

No: 1 - Councilman DiCiccio

70 Authorization to Enter into Agreement with Grand Canyon University for Police Services (Ordinance S-43639)

Request authorization for the City Manager, or his designee, to enter into an agreement with Grand Canyon Education, Incorporated, dba Grand Canyon University (GCU), for police services. Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item.

Summary

This is a continuing agreement with GCU that originated in 2012. The purpose is to enhance police services within designated areas around and on the GCU campus. The designated area is the Black Canyon Freeway (I-17) to 35th Avenue, and Indian School to Bethany Home roads. Additional designated areas also may be identified during the agreement period. Crime suppression programs will be conducted on a weekly basis with the goal of impacting the crime rate and the perception of crime in the designated area. GCU will provide annual funding of \$100,000.00, with an in-kind match from the City of approximately \$100,000.00. The total commitment is an average of 58 manpower hours per week.

Contract Term

Three years from July 1, 2017 through June 30, 2020.

Financial Impact

This agreement provides the Police Department with an annual reimbursement of \$100,000.00, and the City will incur an annual in-kind match of approximately \$100,000.00.

Concurrence/Previous Council Action

This item was unanimously approved by the Public Safety and Veterans Subcommittee on May 10, 2017.

Discussion

Gail Palmer spoke in favor though the neighborhood had experienced problems the last five years because the Phoenix Police Department was not doing their job due to bribery. For example, he called for help with an irrigation issue and was harassed by police officers for not selling his property to GCU. Another situation was the GCU golf carts did not have front lights or license plates and police officers did not stop them from being driven on the sidewalks and public streets. He wanted crime to decrease but those in the Cordova neighborhood thought there was a lot of white collar crime on the campus. He noticed the blue collar crime had gone down as it had moved north which was good for the school but bad for those neighborhoods.

Mayor Stanton stated that he respected Mr. Palmer's opinion about the City's relationship with Grand Canyon University but thought it was inappropriate to suggest the Phoenix Police Department engaged in bribery.

Leonard Clark understood some people took offense to what was or was not a bribe; however, he expressed certain politicians were causing the problem. He liked that crime had gone down in this area but believed it had been driven to other neighborhoods. He was concerned about the close relationship with religious officials and was uncomfortable with this religious affiliated university participating in harassment.

Councilman Valenzuela was proud of the relationship and agreement between GCU and the City of Phoenix. Since taking office in 2012 he had been working to connect with stakeholders throughout the City, especially those in his district. He noted GCU was a strong stakeholder that did not have much of a relationship with the City but was now the fastest growing university in the country. He remarked the organization had invested \$600 million over the last few years and was halfway through its renovation plans which was a great investment for West Phoenix.

Councilman Valenzuela emphasized this agreement was the first of its kind as it was a public-private partnership for enhanced policing for the surrounding areas off campus from I-17 to 35th Avenue, Indian School Road to Bethany Home Road. He wanted to see more of this type of cooperation because crime rates were down as it usually expanded to other neighborhoods or went away altogether while property values were up. Besides, he did not think parents were comfortable sending their kids to school in an unsafe environment. He pointed out GCU was contributing \$100,000 a year for enhanced policing to help clean up the area. Again, he was proud of the agreement made a few years earlier and was excited about this expansion.

Councilman DiCiccio thought people needed to understand Grand Canyon University had a choice of staying at this location or moving elsewhere so this was a commitment to the community. Moreover, it showed how the Police Department and these types of public-private partnerships dramatically decreased crime in a focused area. He saw this as a test case and also wanted to see this focus expanded throughout the City.

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

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

74 Enter into Agreement with Valley Metro Rail for Operational Costs for Light Rail Services (Ordinance S-43634)

Request to authorize the City Manager, or his designee, to enter into a contract with Valley Metro Rail, Inc. (METRO) for the Phoenix share of costs in operation of the Light Rail service, and for the Phoenix share of agency operating costs; and authorizing the City Controller to disburse funds in an amount not to exceed \$31,156,000 for FY 2017-18.

Summary

The operations and maintenance budget include: transportation contractors, propulsion power, vehicle maintenance, systems and

facilities maintenance/materials/supplies, METRO staff costs, safety, consultants, regional customer services, utilities, general and administration costs, and liability insurance.

Financial Impact

The Phoenix share of METRO's agency operating cost is \$793,000 and operation costs are estimated at \$30,363,000 for FY 2017-18. Funds are available in the Public Transit Department's operating budget Transportation 2050 funds.

Discussion

Vice Mayor Pastor confirmed this allocation included transit safety on the platforms. She asked if this money was for previous or current invoices.

Public Transit Director Maria Hyatt replied these funds were for next year's allocation of operating costs. Each of the cities were allotted their fair share of the operating costs based on mileage of the 26 miles of light rail. She conveyed the costs included operations, cleaning, fueling, security and other elements. She pointed out the cost did not take into consideration what Valley Metro collected on behalf of Phoenix for fare revenue and advertising which were provided as a credit on the total amount at the end of the year.

Vice Mayor Pastor questioned if staff determined how the transit security amount would be used.

City Manager Ed Zuercher responded there were two pieces that made up transit security. One piece was the transit security on platforms that Valley Metro contracted for themselves which would be in this agreement. The other part was the transit security bureau in the Phoenix Police Department that worked on buses and light rail which was not in this agreement.

Ms. Hyatt added the budget for extra duty officers that were Phoenix's commitment to providing additional security on light rail was under the Public Transit Department. She indicated Valley Metro's costs pertained to the private security guards they managed.

Vice Mayor Pastor confirmed this was Phoenix's share that was being

paid.

Councilman DiCiccio recalled the incident with the previous head of Valley Metro who was accused of stealing taxpayer money and also given a large payoff when terminated. In spite of this, Council was advised the benefits and retirement packages of that person could not be touched but he contacted the Attorney General's Office and found out that was not true. He would be voting against this matter just as he did last year.

Councilwoman Williams stated she was the Mayor's representative on the RPTA and was the Chair when that incident happened. The RPTA had worked diligently since then to reorganize along with Valley Metro which now had new staff, CEO and CFO as well as an internal independent auditor that scrutinized everything. She remarked the incident with the previous CEO comprised a long conversation amongst many lawyers regarding a settlement. She was not sure if the investigation conducted by several entities had been totally resolved but a settlement was reached through negotiations due to true statements made before Council. She remembered being told the CEO's annuity could not be taken away but the settlement included that the CEO pay between \$125,000 to \$130,000 of the annuity. Also, the audit showed the CEO was responsible for \$40,000 so she felt very strongly the matter was resolved in a legal manner, plus it was handled in public meetings. Therefore, she was supportive of this action.

Mayor Stanton confirmed Dianne Barker submitted a speaker comment card in opposition and was not present to speak, but noted on the card fixed light rail operating costs up ten percent which was too expensive. He added Leonard Clark submitted a speaker comment card in opposition and was also not present to speak.

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

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

No: 2 - Councilman DiCiccio and Councilman Waring

**89 Amend City Code - Ordinance Adoption - Rezoning Application
Z-SP-1-17-1 - Southeast Corner of I-17 and Happy Valley Road
(Ordinance G-6328)**

Summary

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-1-17-1 and rezone the site from C-2 DVAO (0.50 acres) to C-2 DVAO SP (0.50 acres) to allow a massage establishment and all underlying C-2 uses.

Location

Southeast corner of I-17 and Happy Valley Road.

Council District: 1

Discussion

Mayor Stanton stated Leonard Clark submitted a speaker comment card in favor, but was not present to speak.

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

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

Note: Councilwoman Stark temporarily left the voting body.

**94 Amend City Code - Public Hearing and Ordinance Adoption -
Rezoning Application Z-12-17-4 - Northeast corner of 3rd Street
and Earll Drive (Ordinance G-6330)**

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

Summary

Application: Z-12-17-4

Current Zoning: R1-6 and R-5

Proposed Zoning: WU T5:6 MT

Acreage: 5.05 acres

Proposal: Multifamily Residential

Owner: Various

Applicant/Representative: Mike Withey, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations

VPC Action: The Encanto Village Planning Committee heard the request on April 3, 2017 and approved, with a modified stipulation, by a 11-3 vote.

PC Action: The Planning Commission heard the request on May 4, 2017 and approved as recommended by the Encanto Village Planning Committee with a modification to Stipulation 4 by a 7-0 vote.

Location

Northeast corner of 3rd Street and Earll Drive

Council District: 4

Discussion

Planning and Development Director Alan Stephenson stated this was a rezoning request from R1-6 and R-5 to Walkable Urban Code T5:6 to allow for multifamily residential development on the northeast corner of 3rd Street and Earll Drive. He specified the Encanto Village Planning Committee (VPC) recommended approval with a modified stipulation and the Planning Commission recommended approval per the VPC recommendation with a modification. Staff recommended withdrawal of the 3/4 vote requirement but hold a public hearing and approve the case per the revised stipulations in staff's memo dated June 6 and to adopt the related ordinance. He explained the revised stipulations dropped the building height on a portion of the site up to 38 feet to garner support from adjacent residents who triggered the 3/4 vote. Since the residents withdrew their opposition this case was eligible to be approved without the 3/4 vote.

Mayor Stanton declared the public hearing open. He stated a speaker comment card was submitted in favor by Brent Kleinman who did not wish to speak. Noting there was no one present wishing to speak, Mayor Stanton declared the public hearing closed.

The hearing was held. A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, to approve this item per the

Planning and Development Director's memo dated June 6, 2017, and to adopt the related ordinance. The motion carried by the following vote:

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

Absent: 1 - Councilwoman Stark

94.1 ADD-ON - Bus and Light Rail Youth Pass - Citizen Petition

This request is for the City Council to take action regarding a petition presented by Ms. Denise Rivera during the Citizen Comment session at the May 31, 2017 regular City Council Formal Meeting pursuant to Chapter IV, Section 22, of the Phoenix City Charter (Attachment A).

The May 31 petition requests the City Council provide free bus and light rail transportation to pre-school through high school students 19 years of age or younger, traveling to and from school, and to the accompanying parents or guardians of said students.

THIS ITEM IS FOR DISCUSSION AND POSSIBLE ACTION.

Summary

The regional fare policy, last modified by the City Council on Feb. 15, 2017, provides for Reduced Fares, which includes Youth, ages 6 to 18. Youth age 5 and under ride free when accompanied by a fare-paying caretaker or guardian. All youth are eligible for a Reduced Fare, which is \$1 for a single ride or \$2 for a one-day pass. The regional fare policy provides several additional fare options for youth and schools.

Platinum Pass - a Platinum Pass is a transit card available to companies, organizations or schools for their employees or students. It requires a minimum of 20 active monthly users. The cardholder is charged the appropriate fare (in this case, a reduced fare), for each boarding on Local and Express/RAPID bus and rail service. At the end of the month, a bill is issued for each boarding up to the monthly cap of \$32 for a 31-Day reduced local pass. The company or organization is solely responsible for the cost of the program. The Phoenix Union High School District is

enrolled in the Platinum Pass program.

Semester Pass - this pass can be purchased by high schools for student use, at no cost to students, and by full-time students enrolled in high schools, technical, trade, college, or graduate courses at participating schools. Passes are good for unlimited rides on local bus/rail service. A Fall/Spring Semester Pass costs \$230 and a Summer Semester Pass costs \$154.

All passengers are required to pay a fare to ride the bus and light rail. The City of Tempe funds a "Youth Free Transit Pass Program" for youth ages 6 to 18 who live in Tempe. The Tempe youth transit pass is valid on all Valley Metro bus routes and the light rail. Through the program, youth are able to receive an annual transit pass valued at \$384, which is paid for by the City of Tempe. Additionally, the City of Tempe reimburses the region for all youth trips that occur in other cities. The total estimated cost to the City of Tempe is approximately \$395,000, including \$284,000 in lost revenue and \$111,000 in reimbursement to regional cities.

The petition inaccurately indicates that City of Phoenix employees are provided "free" mass transit passes. Actually, similar to the State of Arizona and several other local employers that provide or subsidize Platinum passes for their employees, the City of Phoenix provides Platinum passes as an employee benefit, which is included in negotiated employee contracts. The City of Phoenix is responsible for the full cost of the program, is billed monthly, and budgets for the annual costs as an employee expense.

In a review of other transit systems, it is common for transit authorities to provide a reduced fare for youth similar to our current fare policy. Only two out of 18 comparable systems provide limited free youth passes that somewhat compare to what is proposed in the petition. San Francisco Muni provides income-based free transit passes to eligible participants. The Washington Metropolitan Area Transit Authority (WMATA) in Washington DC has a variety of youth fare types, with some free fares on buses for District residents only. The attached chart provides information from the transit authorities Valley Metro compares to, as well as larger transit systems (Attachment B).

The petition requests that the City provide free transit to youth traveling to and from school as well as an accompanying adult. It would be difficult to track whether a youth is going to or from school and if the adult is accompanying the youth. As a result, treating youths and adults separately and consistently is the most viable solution.

Options for Action

A. Accept or amend the petition and modify it to fund and provide transit passes for youth. As an example, if Phoenix replicated the City of Tempe's program, the City of Phoenix would fund and provide transit (Platinum) passes for 6-18 year old youth. This would cost the City of Phoenix approximately \$8 to \$12 million per year in lost fare revenue and additional expense for reimbursement to the region for all youth trips that occur in other cities. The \$8 million at the low end of the range is based on Tempe's program utilization with adjustments that account for Phoenix youth ridership levels. The \$12 million is based on Phoenix Union High School's Platinum Pass actual utilization applied to the overall Phoenix youth population. Additionally, to implement this program, two staff positions would be needed to manage the program and funds would be needed for marketing/outreach, purchasing and printing passes. Funding of this option would require cuts to existing transit or other services and/or an additional revenue source.

B. Deny the petition based on the cost impact. Staff recommends denying the petition based on the cost impact estimated at between \$8 and \$12 million a year and work with interested schools to implement a youth pass, which could include a Platinum Pass or Semester Pass. The Phoenix Union High School District and the City of Phoenix have partnered for 10 years on transit service. With more than 27,000 students attending schools within the District and almost 30 percent of these students using a Platinum Pass, this program is a way for schools to provide students with easy connections to transit while containing costs at a maximum of \$32 per month. Phoenix Union's costs average \$27 per month for each student using a Platinum Pass.

Discussion

Mayor Stanton advised this item concerned a citizen petition related to a bus and light rail youth pass proposal. He conveyed City management

reviewed the citizen petition and provided their analysis and recommendation, and requested staff give a report on their analysis.

Note: Councilwoman Stark returned to the voting body.

Deputy City Manager Mario Paniagua stated this citizen petition proposed bus and light rail youth passes be provided by the City for free. Public Transit staff's analysis showed a considerable cost to the City to implement these passes, somewhere between \$8 and \$12 million depending on the usage of youth citywide. He remarked based on the costs and need to either identify cuts to pay for these services or an additional revenue source, staff recommended denying the petition at this time.

City Manager Ed Zuercher pointed out the City and region already subsidized youth by providing half-price fares so someone who was 18 years old or younger could ride the bus and light rail for \$2 all day. He noted another program was a school could invest money in providing transit opportunities for their students. For example, the Phoenix Union High School District worked with the Public Transit Department and paid a subsidized amount so their students could use the transit system for free. He emphasized nobody used the transit system for free as everyone was paid for in some way, such as half price passes for youth or as a benefit of an employer like the City which paid for subsidized passes for its employees. Thus, staff's recommendation was based on available programs schools could take advantage of at a reduced rate.

Patricia McCarty spoke in favor on behalf of herself and Denise Rivera who brought up this petition. Ms. Rivera was a mother and employee of Starshine Academy which was a school that reached out to high-risk kids so she knew some students had a hard time getting to school since many families could not afford bus fare. Ms. Rivera thought Phoenix should join Tempe and offer free bus service to students to keep them in school.

Ms. McCarty started Starshine Academy in 2002 to help children in that area of town because the drop-out rate was terrible. The school paid for their students bus passes even though it had an extremely tight budget as it was a small charter school. Also, she had a banking background and

had a hard time understanding the City's projected costs for this service. She urged Council to think about this proposal as it was very impactful.

Gabriela Ascencio spoke in favor. She was an education advocate and helped parents in low-income areas, noting one of their biggest hurdles was transportation as it was expensive. She expressed providing bus transportation would help children get the best education possible.

Chris Perea spoke in favor. He was a teacher at Gateway Academy, the only school in Arizona that specialized in teaching twice-exceptional students which were kids with Asperger, a high functioning form of autism. Students came from all over the City and neighboring cities since the alternative was to be warehoused in schools that could not teach to their unique intellect. He added socially these kids were severely bullied because they did not fit in with their peers at prior schools. He told the story of a student who at first hated school and planned to drop out until finding the academy and gained a love of learning. The story was important to this discussion because that student used a cab to and from school. He stressed the traditional public school bus system was not the only solution or in some cases not the ideal answer. He thought providing a bus or light rail pass to students at no cost was the obvious resolution.

Reverend Jarrett Maupin spoke in favor as this proposal would impact an estimated 40,000 youth, primarily from low-income households. He recited the following Census Bureau statistics:

- Seventeen percent of families living in Phoenix were at or under the federal poverty level, noting 31 percent of those people identified by the federal government as living in poverty were under the age of 18.
- Fifteen percent of Phoenix households were led by single mothers with almost a third of them having three or more children under 18 years of age.

Reverend Maupin realized \$2 a day did not seem like a lot of money but that was \$730 a year for a daily bus pass and if multiplied by three the total was over \$2,000. He assumed most of these kids also got reduced or free lunch at school so if they could not buy lunch he did not know how they could purchase a bus pass. He thought this was a wise investment to

provide kids with free transportation to obtain resources and keep them out of trouble. A free bus pass or ride on the light rail would save criminal justice dollars, tax revenue would increase from young people working and productive kids would be empowered to do the right thing.

Leonard Clark strongly supported this item. He urged Council to think of this as an investment as academic studies showed children that lacked proper education would end up in prison. He thought Tempe was on the right track and did not want to punish children for not being able to afford to ride the bus.

Mayor Stanton stated comment cards were submitted in favor by the following individuals who did not wish to speak:

Jhonny Sanchez
Maria Retamoza
Nelly Valles
Dianne Barker

James Deibler supported this free bus pass idea because there were a lot of low-income students living in the Phoenix Union High School District. He suggested Phoenix partner with the Glendale Union High School District so those low-income students could also get a free bus pass.

Councilwoman Williams recalled a list of grants from the tribes was approved by Council at the last meeting. She wondered if schools could apply for similar grants for transportation.

Mr. Zuercher wished to clarify a less expensive option was purchasing a monthly pass for \$32. He thought a better idea was to identify grant funds that could pay for it rather than force a program on the entire city which would be difficult to manage and very expensive. However, there was nothing that prevented schools from identifying other fund sources such as tribal grants to pay this expense.

In further response to Councilwoman Williams, Public Transit Director Maria Hyatt conveyed staff was able to work with the schools and would

look into doing that immediately.

Councilwoman Williams wished Phoenix could follow Tempe on this but there was a considerably larger number of students as well as miles which was a Phoenix cost. Therefore, she was going to make a motion to deny the petition.

A motion was made by Councilwoman Williams, seconded by Councilwoman Stark, to approve staff's recommendation and deny the citizen petition.

Councilman DiCiccio wanted to make an alternative motion that would accommodate the desire of a majority of Council to work through this issue over the summer since there was no plan. He believed schools were under-funded and teachers were under-paid so this gave Phoenix the opportunity to do its fair share and help the community. This idea was brought to his attention by Denise Rivera and after learning about it he recommended she bring it forward as many people had been working on this issue for some time. He understood every dollar mattered because when the City raised after-school program rates by \$30 there was a 63 percent drop in attendance over a two-month period which proved the community would be impacted.

Councilman DiCiccio thought Council needed to look at this and provide a plan for free passes, especially since he did not understand how staff came up with \$12 million. The other part to this issue was when a child boarded a bus all they had to do was show their school card which was a way of managing it. He wished to make a motion to have staff work on this proposal through the summer to find funding sources, come up with more realistic numbers and come back to Council the first part of September. He also suggested the Mayor create a committee consisting of staff and individuals in the audience.

A substitute motion was made by Councilman DiCiccio to have staff work on this proposal through the summer to find funding sources and come back to Council in September.

Councilwoman Gallego said she recently learned Arizona was one of very

few states in the entire country that did not fund mass transit at the state level. Since the state had primary responsibility for funding the education system she wondered if a comprehensive proposal could be created to ask the State of Arizona to fund transit for students.

Councilman DiCiccio agreed to include that but in the end he did not want to deflect this issue onto another entity. He wanted staff to work on it and put a working group together with people from the community to work on this matter as well as that proposal.

Councilwoman Stark recalled her kids went to public school and rode the bus every day which was paid for by taxpayers. She thought the city needed to have a discussion with the state since this dialogue was mainly about charter and private schools that were funded by the state. There had to be an equitable solution so kids could get to school and receive an education.

Councilman DiCiccio concurred with including that in the discussion. He pointed out this also impacted public schools as the Phoenix Union High School District purchased bus passes for their students instead of that money going directly to students.

Councilwoman Stark indicated schools chose to use City buses instead of buying their own and agreed with studying it further.

Councilman DiCiccio reiterated he wanted staff to come back with alternatives to make this work.

Vice Mayor Pastor highly suggested Gateway Academy work with the public schools in order for them to pay for transportation so students could attend their alternative school.

Mayor Stanton thought the model the citizen pointed to was the City of Tempe which paid a significant amount of resources of its annual budget to provide this service to students. Phoenix subsidized the amount so students could get a pass at a lower price. He requested staff provide further details as he did not want to leave a false impression that someone could get this service for nothing as well as why the dollar

amount described in the memo.

Mr. Zuercher emphasized there was no such thing as free bus rides as every bus rider was paid for in some way. Staff did research to identify what the cost would be to do something as broad ranging as this proposal with 18-year-olds and younger riding for free.

Ms. Hyatt explained when Tempe passed their perpetual transit tax the ballot language stated the City would always provide free passes for youth. Over the past ten years Tempe had seen the cost for this program go from about \$120,000 the first year to its highest year at \$432,000. She conveyed this past fiscal year the cost was \$395,000 of which \$111,000 Tempe paid to other cities because kids rode in other cities, so the total loss in revenue was \$284,000. She specified 1,700 youth had signed up for Tempe's platinum pass and approximately 17 percent of them used that pass.

Ms. Hyatt stressed Phoenix had more youth than Tempe at roughly 160,000 youth in the age category staff was looking at based on the 2015 census, whereas Tempe only had 10,000. So, the \$8 million potential cost was based on 20 percent of the 160,000 youth in Phoenix taking advantage of this program. She remarked the Phoenix Union High School District alone had 30 percent of their children who were active users of Phoenix transit. In fact, all of the kids had a platinum pass which capped the cost for the school district, noting children from 6- to 18-years-old were eligible for half-price fares at \$32 a month. However, the average cost for the Phoenix Union High School District was \$27 which was a big advantage. Staff estimated the cost would be \$250 a year for use of this pass, so 20 percent of all Phoenix youth within the age category was 32,000 times the total cost of \$250 came out to \$8 million.

She continued staff then took the worst case scenario at the 30 percent level and based that on \$250 a month which totaled \$12 million. Ms. Hyatt pointed out those numbers did not include what Phoenix Union High School District and other school districts in Phoenix currently paid the City in fares which was a little over \$2 million. Therefore, \$2 million would need to be added to those totals if the City did a youth fare as it would not

get that money from students who were currently part of the platinum pass program.

Note: Councilman Valenzuela left the Chambers but remained part of the voting body via telephone.

Mayor Stanton stated the Transportation and Infrastructure Subcommittee reviewed the City's youth fare policy earlier this year with Council voting on it in February which significantly reduced fare for youth, including the platinum pass. He was not sure if Councilman DiCiccio was not supportive of the petition but instead wanted to review it and thought the youth fare policy could be reviewed again by Subcommittee. Although that might not change their recommendation it would come back to Council if there were proposed changes to the current youth fare policy. Mayor Stanton clarified the original motion was to deny the petition followed by a substitute motion, with no second, to have this go back to Subcommittee to review the youth fare policy.

Councilman Nowakowski seconded the substitute motion.

Councilman Nowakowski recognized kids that wanted to get involved in extracurricular activities needed to have a way to participate as well as get home safely. He thought this should be looked at, especially with the federal government possibly making cuts to public education. He also wanted to look at the poverty level to not just reduce the fare but provide free bus rides for needy families.

Mayor Stanton understood the request was to have Subcommittee look at a needy family bus policy.

Councilman DiCiccio was willing to move that motion to go through Subcommittee, but he wanted staff to work on it over the summer. He supported the proposal, at least in concept, and wanted to see what the details would be in the end. He liked the idea of moving forward and considered this to be an important function of government to make sure kids were able to get to school. Another good point was a lot of children had no way of getting home after hours. Again, he agreed with bringing it back to Subcommittee if that was the process.

Mayor Stanton asked if the substitute motion was to support the petition.

Councilman DiCiccio clarified his substitute motion was to have City staff work on it through the summer and come back to Council or the Subcommittee.

Councilwoman Williams inquired if Council had to accept or deny the petition based on how it was posted.

City Attorney Brad Holm advised a substitute motion could be made, noting there were a couple of options that were suggested the way it was posted but they were not exclusive.

Mayor Stanton restated the Subcommittee adopted a youth fare policy earlier this year but a request was made to go back before the Subcommittee and see if those members wanted to make any changes to it. He thought the analysis on the economic side would likely not change as staff did a thorough review of the dollar amounts involved.

Councilwoman Williams remarked as Chair of the Subcommittee she was willing to take this back, but she wanted to meet with school district staff to discuss options and whether they were willing to contribute even on a partial basis in order to have a broad view of what was available. She would like to see this happen but was concerned about how the City would handle the financial responsibility. She asked if it could be brought back in October as that would be a reasonable time for staff to talk with people and have some answers.

Councilman DiCiccio conveyed this was not on his radar until people brought this issue up to him and thought October was a reasonable time to come back. He did not think it would solve the immediate issue but at least some sort of plan could be put in place. Also, that provided staff the opportunity to meet with school districts and individual schools while putting together a proposal for the state, if that was required, to look at this specific area for transportation.

Mayor Stanton further clarified the substitute motion was now to take the

time for staff to talk to all relevant players not currently at the table to identify alternative funding sources to pay the additional cost and then have it come back before Subcommittee in October.

Councilman DiCiccio requested another change that staff come back with a plan of how to do it with alternative funding as part of that plan.

Mayor Stanton understood the request was now to determine the outcome in advance on how to do it.

Councilwoman Williams thought this was to come back with options on how to fund a plan to which Councilman DiCiccio agreed.

Councilwoman Williams commented there were schools in her district and possibly others that did not have bus service. She wondered about the legal ramifications if this was done in one area that it had to be done everywhere and wanted that as part of the conversation.

Councilman Nowakowski mentioned there was free bus service in certain communities, like ALEX in Laveen, that connected people in different parts of the city to the bus system, so the whole structure needed to be analyzed.

Mayor Stanton asked if there was enough clarity on the substitute motion.

Mr. Holm replied there was a substitute motion and things added to the substitute motion but if the seconder agreed with the additions it could go to the next step. He cited the items added were to come back in October, consider alternative funding sources, look at under-served areas and potential issue of discrimination in favoring one area versus another. He thought another addition related to means testing or poverty threshold.

Councilman DiCiccio confirmed the motion included staff coming back with multiple options.

Mayor Stanton recalled discussion about the State providing appropriate funding to education since they were more of a direct funding source. He continued Council would then approve a policy asking for full funding that

comprised proper transportation dollars from the State of Arizona.

Mr. Holm affirmed that was embedded in the original substitute motion or as part of the discussion that lead to the second.

Councilman Nowakowski seconded the revised substitute motion.

Councilman Waring questioned if the part just mentioned by the Mayor related to transportation dollars.

Mayor Stanton conveyed there was a lot of discussion at the state legislature about funding for education. Most of the momentum had gone towards in the classroom dollars but there were also a lot of people in the education world that said transportation was an important part of education. He stressed Council would be voting on a policy that would state Phoenix needed to fully fund education transportation. So, it was a controversial subject to spend new education dollars on transportation and not in the classroom.

Councilman Waring was interested in how staff wrote that portion down.

Mr. Holm recited that as part of the study over the summer and involvement of interest groups in this issue that staff would work with and reach out to state authorities as well as school districts to ascertain funding sources and their willingness to participate in devising a resolution.

Councilman Waring stated Council did not have control over education funding at the state level but could make a request.

Mayor Stanton recounted the original motion was to reject the citizen petition based upon staff's research. A substitute motion was made which added options for alternative funding but he did not want to give people false hope on the funding side. The substitute motion also included stronger advocacy at the state level and to assist schools with grant opportunities. He thought the point was to find out if there were other funding mechanisms for this important goal.

Councilman Waring wondered if this was what Councilman DiCiccio had in mind.

Councilman DiCiccio really liked the idea as it was a critical function to help these individuals who could not make it to school or get home after school. This was a process of getting it through and required staff to look at it. He thought asking the state to fund school transportation was a great idea but did not think it was that controversial as it could come from other funding sources.

Councilman Waring suggested that part be removed and have staff look at what the City could vote on, what resources could be redirected from current monies and then prioritize from there. He was afraid the City would send a letter requesting the state legislature spend more money on transportation and no action would come of it.

Mayor Stanton clarified there was a friendly amendment to look at only city funds.

Councilman Waring asked for Councilman DiCiccio's thoughts on the matter.

Councilman DiCiccio wanted it included because the purpose was to come back with multiple options and state funding could be one of them. Similarly, no one knew if grants were available but once the tribal communities realized this was a high priority they might contribute since some of their kids had a hard time getting to school.

Mayor Stanton thought Councilman DiCiccio was requesting that staff continue looking at non-city sources to fund this which included state resources and grant dollars.

Vice Mayor Pastor wanted the Subcommittee to look at the platinum pass program or other types of programs for students.

Ms. Hyatt responded the platinum pass program only needed 20 active users. The City worked with schools who provided it for their youth and employees as an alternative which saved them money. She added if

someone bought a reduced fare pass it cost \$32 for youth; however, the platinum pass program only charged for actual use and no more than the cost of a full pass. So, when she cited the Phoenix Union High School District averaged \$27 a month they saved money over the reduced fare pass. She conveyed it was a viable option while staff did the study.

Mayor Stanton emphasized the platinum pass was current city policy, noting the Subcommittee would look at all options. He reiterated there was a substitute motion and a second. He commented there could be multiple interpretations as to what was included but thought Council provided general direction on this issue.

Councilman Nowakowski requested if the motion passed that the individuals in support be invited to the Subcommittee meeting to provide their input.

Councilman DiCiccio believed that was part of the motion to work with them through the summer.

Mayor Stanton confirmed staff would talk to the folks present as well as people in the education community at large representing all districts, especially the northern-most regions as that was a concern of Councilwoman Williams' that this was done in some areas and not in others. Also, staff would be looking at what other funding mechanisms existed including a possible advocacy position with the city related to state funding of education dollars with a potential increase of Proposition 301 as another option. He indicated this body could advocate there be more emphasis on the importance of transportation and alternative ways of finding funds to support education in Phoenix. It would then come back before the Subcommittee in the fall. The motion was a bit convoluted but he was trying to accurately summarize what was stated by Council.

A substitute motion was made by Councilman DiCiccio, seconded by Councilman Nowakowski, that over the summer staff work with state authorities, school districts, citizens and other interest groups to look at the following: alternative funding sources, under-served areas, potential issue of discrimination in favoring one area versus another and the poverty threshold; that Council request the State provide full funding for school transportation; and that staff come back to

Subcommittee in October with a report that addresses the petition and reviews the options. The motion carried by voice vote:

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

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

CITIZEN COMMENTS

There were no additional speakers for Citizen Comment.

ADJOURN

There being no further business to come before the Council, Mayor Stanton declared the meeting adjourned at 4:16 p.m.

MAYOR

ATTEST:

CITY CLERK

SC

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the

minutes of the formal session of the City Council of the City of Phoenix held on the 7th day of June, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of September, 2017.

CITY CLERK