

City Council Formal Meeting

Wednesday, February 15, 2017

2:30 PM

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CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, Feb. 15, 2017, at 2:39 p.m. in the Council Chambers.

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

Vice Mayor Gallego participated in the meeting via telephone. Councilwoman Pastor joined the voting body following the introduction of the Spanish interpreter. Councilman Valenzuela temporarily left the voting body prior to approval Mayor's Boards and Commissions nominations and returned during approval of City Council Boards and Commissions nominations.

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

Note: Councilwoman Pastor entered the Chambers and joined the voting body.

CITIZEN COMMENTS

Leonard Clark expressed concern regarding a bill at the State Legislature that would limit his right to protest. Also, he noticed Phoenix Law Enforcement Association officials testify in favor of it. He wanted Council to ask the Governor to not sign the bill.

Alice Jones represented property owners on Squaw Peak Drive who signed a petition to retain the street name which was not submitted at the meeting. The street name was a part of their history and she hoped it would be a part of the

City's history.

Tim Rafferly believed Phoenix would become a sanctuary city if it issued I.D. cards to undocumented people.

Vince Anselmo urged Council to vote no on the sanctuary city petition.

Mayor Stanton pointed out individuals who wished to speak during Citizen Comments should testify on non-agendized items.

John Rusinek requested staff provide information regarding an incident where additional funds were found in the garbage that equaled \$90,000.

Dianne Barker supported Mr. Rusinek's request and asked that the police report be included in the City's investigation which absolved the mailroom employees. Secondly, she wanted the City to provide education and incentives for a walkable downtown given the buildings and cars. Lastly, she sought correction for a document she was submitting related to a deposition of herself that the City was party to from 1997 along with another paper regarding a hearing and settlement.

James Deibler disagreed with the Trump administration's decision to ban refugees from entering the United States.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6274 through G-6279, S-43234 through S-43267, and Resolutions 21511 through 21512 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.

Note: Councilman Valenzuela temporarily left the voting body.

BOARDS AND COMMISSIONS

1 Mayor's Appointments to Boards and Commissions

Summary

This item transmits the Mayor's recommendations for appointments and reappointments to various city boards and commissions.

The following individuals were recommended for appointment by Mayor Stanton:

Citizens Transportation Commission

Bill Adams, replacing Lou Snow, for a term to expire Oct. 28, 2018, also submitted by Councilwoman Williams.

Development Advisory Board

Nguyen Lam, for a term to expire Feb. 15, 2020.

Human Services Commission

Jim Domschke, serving as the Senior Services representative for Area C: South of Camelback, East of 7th Avenue by the Human Services Advisory Committee, for a term to expire June 30, 2017.

Susan Levy, representing organizations and other interest groups, for a term to expire June 30, 2017.

Trina Soderquist, serving as the Head Start representative for Area A: North of Camelback Road by the Human Services Advisory Committee, for a term to expire June 30, 2017.

Bonnie Temme, representing organizations and other interest groups, for a term to expire June 30, 2017.

Fast-Track Cities Initiative Ad Hoc Committee

Kirk Baxter

Phoenix Business and Workforce Development Board

Jeff Holly, replacing Mitra Vazeen, for a term to expire June 30, 2019.

Industrial Development Authority Board

Nicole Ong Colyer, replacing Marian Yim, for a term to expire Nov. 1, 2019, also submitted by Councilwoman Pastor.

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

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

Absent: 1 - Councilman Valenzuela

2 City Council Appointments to Boards and Commissions

Summary

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

The following individuals were recommended for appointment by Councilmembers:

Camelback East Village Planning Committee

Blake McKee, for a term to expire Nov. 19, 2019, as submitted by Councilman DiCiccio.

Encanto Village Planning Committee - as submitted by Councilwoman Pastor

Ricardo Acevedo, for a term to expire Nov. 19, 2018.

Dawn Klecka, for a term to expire Nov. 19, 2018.

Rocio Summer, for a term to expire Nov. 19, 2018.

Neighborhood Block Watch Fund Oversight Committee

Lilia Wilson, for a term to expire Aug. 31, 2018, as submitted by Councilwoman Stark.

North Mountain Village Planning Committee

Patricia Ford, for a term to expire Nov. 19, 2019, as submitted by Councilwoman Stark.

Note: Councilman Valenzuela rejoined the voting body.

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

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

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

Nguyen Lam, Development Advisory Board;
Rocio Summer, Encanto Village Planning Committee;
Kirk Baxter, Fast-Track Cities Initiative Ad Hoc Committee;
Susan Levy, Trina Soderquist, and Bonnie Temme, Human Services Commission;
Nicole Ong Colyer, Industrial Development Authority Board; and
Patricia Ford, North Mountain Village Planning Committee.

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

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.

Saad Nemer Saad - Applicant, Item 3
Subhash Thathi - Applicant, Item 8
Lee Mark, Item 12

A motion was made by Councilman Valenzuela, seconded by Councilwoman Williams, that Items 3 through 15 be recommended for approval, except Item 5. The motion carried by voice vote:

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

3 Liquor License - ARCO AM/PM

Request for a liquor license. Arizona State License 09073617.

Summary

Applicant

Saad Saad, Agent

License Type

Series 9 - Liquor Store

Location

2635 W. Deer Valley Road

Zoning Classification: A-1 DVAO

Council District: 1

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 Feb. 21, 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:

"Our focus is on customer service and serving the needs of the

community. We have been in business for more than a decade and are committed to upholding the highest standards for alcohol sales, customer service and detection of false identification presented by underage and obviously intoxicated customers.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “This is an existing liquor licensed location with a beer and wine license. Earlier this year the location was drawn for a Series 9 liquor license. The series 10 beer and wine license is in current use and was renewed in December 2016. Our current clientele purchase gasoline, groceries and other commodities versus having to go to a 'big box' store. Many of our clients have asked why we do not have a full alcohol selection similar to 'Bevmo' therefore the lottery license was applied for. This is a convenience to the community.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - ARCO AM/PM

Liquor License Map - ARCO AM/PM

This item was recommended for approval.

4 Liquor License - Special Event - Lump Busters

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

Summary

Applicant

Terri Gall

Location

2601 E. Rose Garden Lane

Council District: 2

Function

Dinner

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

April 22, 2017- 4:30 p.m. to 11 p.m. / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

6 Liquor License - Good Spirits

Request for a liquor license. Arizona State License 09070462.

Summary

Applicant

H. J. Lewkowitz, Agent

License Type

Series 9 - Liquor Store

Location

10660 N. 32nd St.

Zoning Classification: C-2

Council District: 3

This request is for an ownership transfer of a liquor license for a liquor store. This location was previously licensed for liquor sales as Cellar's Fine Wine and Spirits and may currently operate with an interim permit.

The sixty-day limit for processing this application is Feb. 25, 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

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.

Bahia De Kino (Series 7)

1040 W. Broadway Road, Mesa

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

Liquor license violations: In February 2015, a fine of \$375 was paid for delinquent taxes and a fine of \$200 was paid for purchasing from other than a primary source.

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 the responsible sale of alcoholic beverages. Managers and staff will be trained in Title IV liquor law."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

7 Liquor License - Blaze Pizza #1180

Request for a liquor license. Arizona State License 1207A868.

Summary

Applicant

Amy Nations, Agent

License Type

Series 12 - Restaurant

Location

950 E. Bell Road, Ste. 190

Zoning Classification: C-2

Council District: 3

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in May 2017.

The sixty-day limit for processing this application is Feb. 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

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.

Blaze Pizza (Series 12)

105 W. University Drive, Tempe

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:

“Blaze Pizza has numerous locations with liquor licenses throughout the US and Canada. We are very conscientious about liquor laws and make sure all our employees go through a State certified liquor training program.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“We would like to offer our clients everything in one restaurant. We would like to offer beer & wine if our customers choose to have it.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Blaze Pizza #1180

Liquor License Map - Blaze Pizza #1180

This item was recommended for approval.

8 Liquor License - Mobil Kwik Corner 305

Request for a liquor license. Arizona State License 10074998.

Summary

Applicant

Subhash Thathi, Agent

License Type

Series 10 - Beer and Wine Store

Location

305 E. Thomas Road

Zoning Classification: C-1

Council District: 4

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

The sixty-day limit for processing this application is Feb. 25, 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 have this business from last 10 year's nothing has changeds other than partner is using LLC for estate purpose."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

9 Liquor License - Thai Rama

Request for a liquor license. Arizona State License 1207A876.

Summary

Applicant

Jittiyaporn Makulsawatudom, Agent

License Type

Series 12 - Restaurant

Location

1221 W. Camelback Road
Zoning Classification: C-2 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.

The sixty-day limit for processing this application is Feb. 25, 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 am a responsible restaurant owner who will take full responsibility for the sale of liquor in my establishment. I have worked in the restaurant business for 12 years. Each restaurant I worked for sold liquor, so I am very familiar with the responsibility."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

10 Liquor License - Blaze Pizza #1161

Request for a liquor license. Arizona State License 1207A875.

SummaryApplicant

Amy Nations, Agent

License Type

Series 12 - Restaurant

Location

5120 N. Central Ave.

Zoning Classification: C-2 TOD 1

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

The sixty-day limit for processing this application is Feb. 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.

Blaze Pizza (Series 12)

105 W. University Drive, Tempe

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:

"Blaze Pizza has numerous locations with liquor licenses throughout the US and Canada. We are very conscientious about liquor laws and make sure all our employees go through a State certified liquor training program."

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

"We would like to offer our clients everything in one restaurant. We would like to offer beer & wine if our customers choose to have it."

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 - Blaze Pizza #1161

Liquor License Map - Blaze Pizza #1161

This item was recommended for approval.

11 Liquor License - Special Event - Veterans Transportation

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

SummaryApplicant

Eric Morales

Location

4344 W. Indian School Road, Ste. 100

Council District: 5

Function

Concert

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

Feb. 25, 2017 - 7 p.m. to 2 a.m. / 900 attendees

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

12 Liquor License - Special Event - Madison Traditional Academy Guild, Inc.

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

Summary

Applicant

Mark Hiland

Location

342 W. Berridge Lane

Council District: 6

Function

Bean Bag Tournament

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

Feb. 25, 2017 - Noon to 8 p.m. / 150 attendees

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

13 Liquor License - Special Event - McDowell Mountain Music Festival, Inc.

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

Summary

Applicant

Redmond Largay

Location

1202 N. 3rd St.

Council District: 7

Function

Music Festival

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

March 3, 2017 - 2 p.m. to 11 p.m. / 5,000 attendees

March 4, 2017 - 1 p.m. to 11 p.m. / 5,000 attendees

March 5, 2017 - 1 p.m. to 9:30 p.m. / 3,000 attendees

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

14 Liquor License - Glez C Properties, LLC

Request for a liquor license. Arizona State License 01073051.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 1 - In-State Producer

Location

2939 W. Lincoln St.

Zoning Classification: A-1
Council District: 7

This request is for a new liquor license for a producer. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in May 2017.

The sixty-day limit for processing this application was Feb. 14, 2017. However, the applicant has submitted a written request for more time.

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 an experienced business owner of two highly successful companies; namely Gonzalez Asphalt, Inc, and Gonzalez Construction, LLC. My respectable reputation among my line of work will certainly translate into the new distillery business. I completely understand the importance and responsibility of holding a liquor license, and since this is a family business, that reliability and careful regard to the rules will be my utmost priority."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - Mobil Kwik Corner 3001

Request for a liquor license. Arizona State License 10075042.

Summary

Applicant

Subhash Thathi, Agent

License Type

Series 10 - Beer and Wine Store

Location

3001 E. Washington St.

Zoning Classification: A-1

Council District: 8

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

The sixty-day limit for processing this application is Feb. 25, 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 have this business from last 10 year's only partner is changing his share to LLC for estate purpose."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

5 Liquor License - American Vape Cafe & Smoke Shop

Request for a liquor license. Arizona State License 10076838.

Summary

Applicant

Mahmut Ozdiker, Agent

License Type

Series 10 - Beer and Wine Store

Location

20833 N. Cave Creek Road, Ste. 104

Zoning Classification: C-2

Council District: 2

This request is for a new liquor license for a convenience store and smoke shop. 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 Feb. 26, 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 will be responsible distributor."

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

"Public convenience."

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 - American Vape Cafe & Smoke Shop

Liquor License Map - American Vape Cafe & Smoke Shop

Discussion

Councilman Waring confirmed the applicant, Mahmut Ozdiker, was present. He wondered if it was fair to characterize the business as a packaged liquor store.

Management Assistant II Denise Archibald responded this was a Series 10 beer and wine store license so it was only for packaged liquor sales for off-site consumption.

Councilman Waring believed there were no complaints from neighbors

and confirmed the applicant did not have a history of violations. He inquired if the Police Department was confident the applicant could run this establishment without incident.

Ms. Archibald replied the Police Department did interview the applicant and submitted a recommendation for approval of the liquor license.

A motion was made by Councilman Waring, seconded by Councilman DiCiccio, that this item be recommended for approval. The motion carried by voice vote:

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

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

A motion was made by Councilman Valenzuela, seconded by Councilwoman Williams, that Items 16 through 89 be approved or adopted, except Items 16-17, 19-20, 43-44, 54-55, 60, 66 and 85-89; and noting that Items 42 and 63 are withdrawn and Item 86 is as corrected. The motion carried by the following vote:

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

Items 16 through 40, Ordinance S-43234 was a request to authorize the City Controller to disburse funds, up to the amounts indicated for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code Section 42-13.

18 EBIX, Inc.

For \$14,000.00 in additional payment authority for Contract 135254, through Dec. 31, 2017, for Certificate of Insurance (COI) tracking services for the Aviation Department to verify and ensure vendors are

insured while performing work for the Aviation Department.

This item was adopted.

21 Henry Schein, Inc.

For \$270,000.00 in additional payment authority to extend Contract 134514, through Sept. 30, 2018, to purchase disposable gurney sheets for the Fire Department. Disposable gurney sheets are used by the Emergency Medical Services (EMS) personnel on the Fire Department's fleet ambulances and are a critical part of the Fire Department's efforts to provide life safety services to the public.

This item was adopted.

22 WS Acquisition, LLC, doing business as Western Shelter Systems

For \$37,000.00 in payment authority to purchase a mass sheltering system and heating, ventilation, and air conditioning (HVAC) unit for the Fire Department and Community Emergency Response Team (CERT) Program. This sheltering system and HVAC unit will be utilized in the event of a catastrophic incident within the City of Phoenix to house or triage patients and affected individuals.

This item was adopted.

23 The Cavanagh Law Firm on Behalf of Rodney and Elizabeth Mitchell

For payment of \$225,000.00 for settlement of claim in Mitchell v. City of Phoenix, CV2016-015857, 16-0173-001, GL BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

This item was adopted.

24 Daniel Leon Engleman

For payment of \$40,000.00 for settlement of claim in Engleman v. City of Phoenix, CV-14-01807-PHX-DJH, 14-0539-001 GL BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

This item was adopted.

25 To Various Vendors for Firefighting Parts and Services

For \$235,000.00 in additional payment authority, through March 31, 2018, to provide parts and services for various firefighting nozzles, valves and clamps used by the Fire Department. The various supplies are a critical

part of the Fire Department's efforts to provide life safety services to the public.

Matlick Enterprises, Inc., doing business as United Fire Equipment Company, Contract 133146

Unifire Power Blower, Inc., doing business as Unifire, Inc., Contract 133145

L.N. Curtis & Sons, Contract 133144

This item was adopted.

26 ImageWare Systems, Inc.

For \$19,771.36 in payment authority to purchase an ImageWare Systems (IWS) Crime Capture station, including a computer, monitor, and software for the Police Department's Northern Command Station. The IWS Capture Station is used to streamline booking and investigative procedures by enabling booking information to be captured and shared with the Department's current records management system, thus allowing data to be accessible and available in real-time. This will be purchased with 2015 Justice Assistance Grant funds.

This item was adopted.

27 Ultra Electronics Forensic Technology Inc.

For \$30,488.00 in payment authority to purchase maintenance services for the IBIS Brasstrax system for the Police Department. The IBIS Brasstrax system is used for ballistic analysis in the Laboratory Services and Violent Crimes Bureaus and maintenance services are required to ensure the IBIS Brasstrax system is continuously operable.

This item was adopted.

28 Astronautics Corporation of America

For \$16,944.00 in payment authority for service and repair of an Electronic Flight Instrument (EFI) display monitor used to view the flight instruments, including navigation and auto-pilot, for the Police Department. The monitor is a critical component used on the Augusta A109 Police twin-engine rescue helicopter. Astronautics Corporation of America is a Federal Aviation Administration (FAA) certified repair station which meets the necessary requirements, including FAA 8130-1 certificate approving the display monitor for use in the aircraft.

This item was adopted.

29 Technology Partners, Inc.

For \$130,277.00 in payment authority to purchase forensic computer boxes for the Police Department's Internet Crimes Against Children Task Force. These computer boxes are equipped with software, safety measures and capabilities for all operating systems, and are used to locate child sexual exploitation images on computers, cell phones, tablets and any other operating devices.

This item was adopted.

30 Arrowhead Scientific, Inc.

For \$10,000.00 in additional payment authority for Contract 142472, through June 30, 2018, for drug test kits for the Police Department. The drug test kits are used by the Police Department for Controlled Substance Officer training and in the field to identify controlled substances.

This item was adopted.

31 Marc J. Victor, PC, in Trust for Ryan Logue

For payment of \$1,500,000.00 for settlement of claim in Logue v. City of Phoenix, CV2014-096170, 14-0103-001 AU BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

This item was adopted.

32 Martin, Kerrick & Bell, LLC., in Trust for Jack Reed

For \$45,439.80 to pay a court order entered against the City for judgement, plus statutory interest, in *City of Phoenix v. Jack Reed and Melissa Reed*, Maricopa County Superior Court, Case CV2015-006643, a condemnation case for the 32nd Street Improvements - Broadway Road to Southern Avenue Project for the Finance Department, pursuant to Phoenix City Code Chapter 42.

This item was adopted.

33 Jackson White, PC., in Trust for Manuel Rascon, Roberto Ceja, and Speedway Automotive, L.L.C.

For \$248,495.55 to pay a court order entered against the City for

judgement, plus statutory interest and taxable costs, in *City of Phoenix v. SPC Investments LLLP; Thompson Media Company, Inc.; Speedway Automotive, L.L.C.*, Case CV2013-014416, a condemnation case for Avenida Rio Salado/Broadway Road Street Improvement Project, for the Finance Department, pursuant to Phoenix City Code Chapter 42.

This item was adopted.

34 Arizona West Builders and Communications, Inc.

For \$14,400.00 in payment authority to purchase parts and services for necessary repairs to the Mount Gillen radio tower for the Information Technology Services Department. Repairs are required to ensure proper functioning of the tower, which is part of the regional wireless network providing radio communications for public safety personnel.

This item was adopted.

35 Salt River Valley Water Users Association

For \$130,000.00 in payment authority to purchase irrigation water during calendar year 2017 for the Parks and Recreation Department. The irrigation water is needed to water plants, trees, shrubs and grass at various Parks and Recreation Department locations.

This item was adopted.

36 IPSA Security Services, LLC

For \$50,000.00 in payment authority for a new contract, through June 30, 2017, for Security Guard and Rover Patrol services to protect Civic Space Park, Hance Park, and Heritage & Science Park, for the Parks and Recreation Department. Civic Space Park, Hance Park, and Heritage & Science Park require protection to reduce and eliminate crime and vandalism and ensure the safety of park users. This coverage will provide these locations with continuous service while the department develops a five-year RFP.

This item was adopted.

37 Salt River Project Agricultural Improvement and Power District, doing business as SRP

For \$274,768.17 in payment authority for engineering and construction services to install irrigation facilities on 35th Avenue, from Baseline Road to Southern Avenue, for City Project ST85100246, for the Street

Transportation Department.

This item was adopted.

38 State of Arizona, Arizona Department of Transportation

For \$10,000.00 in payment authority to purchase Project Management and Design Review (PMDR) services from the Arizona Department of Transportation for City Project ST87400253-1. This project will pave unpaved alleys throughout the City of Phoenix and will be purchased with federal aid funds.

This item was adopted.

39 State of Arizona, Arizona Department of Transportation

For \$10,000.00 in payment authority to purchase Project Management Design Review (PMDR) for City Project ST89360028 for the Street Transportation Department. This project will scope and design a downtown traffic management system upgrade which includes a technology assessment, location identification and implementation schedule and will be purchased with federal aid funds.

This item was adopted.

40 Aqua-Aerobic Systems, Inc.

For \$24,855.05 in payment authority to purchase aerator motors, anti-deflection inserts, propellers and seals for the 1-ES3 Reservoir Aeration located at 2727 W. Ceton Drive, for the Water Services Department. Aerators are used inside this reservoir to reduce or strip Trihalomethanes, which are formed as a by-product predominantly when chlorine is used to disinfect water for drinking.

This item was adopted.

41 Contract to Provide Financial Audits for City's Records (Ordinance S-43235)

Request to authorize the City Manager, or his designee, to enter into a five-year agreement with BKD, LLP to conduct required FY 2016/17 through FY 2020/21 financial statement audits and federal grants audits. BKD, LLP may also provide additional auditing services requested by the City at hourly rates specified in the contract. Further request authorization for the City Controller to disburse all funds related to this agreement in an amount not to exceed \$2,703,490.

Summary

The City of Phoenix Charter and Code require the City Auditor arrange for annual audits of the Comprehensive Annual Financial Report (CAFR) and the Federal Single Audit. These audits must be conducted by certified public accountants who are not city employees (external auditors). The City has a long-standing practice of rotating external audit firms every five years. The current firm, Grant Thornton, successfully concludes its five-year contract this year.

Procurement Information

Recently, the City Auditor Department issued a Request for Proposals for external audit services and received responses from six firms. A selection panel made up of representatives from the City Auditor and Finance departments, as well as an external representative from Central Arizona Project, gave BKD, LLP the highest ranking based on qualifications, experience, audit approach, fee, completeness of proposal, availability of personnel, and reference checks.

BKD, LLP: 1,017

Moss Adams, LLP: 930

Clifton Larson Allen, LLP: 909

Eide Bailly, LLP: 881

The contract includes the following audits: CAFR, Federal Single Audit, Expenditure Limitation Report, Highway User Compliance Audit, Civic Improvement Corporation Annual Report, City of Phoenix Employees' Retirement System Annual Report, Aviation Comprehensive Annual Financial Report, Aviation Passenger Facility Charge Program, Landfill Assurance, Val Vista Water Treatment Plant, Phoenix Parks and Preserves Initiative Program, Risk Management Trust Fund Audit, and Annual Financial Indicator Analysis.

Contract Term

The contract term is for five years and covers financial audits from FY 2016/17 through FY 2020/21.

Financial Impact

The aggregate contract value shall not exceed \$2,703,490. Annual

payments shall not exceed the amounts summarized below:

Year 1: \$519,495

Year 2: \$529,891

Year 3: \$540,490

Year 4: \$551,295

Year 5: \$562,319

Concurrence/Previous Council Action

This item was approved 7-1 by the Audit Committee at its Jan. 17, 2017 meeting.

This item was adopted.

42 Proposed 42nd Street and Dynamite Boulevard Annexation (Ordinance S-43236)

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

Summary

This annexation was requested by Seth Jardine, with Ecovista Development, LLC, on behalf of the property owners to obtain city services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes Section 9-471 regarding annexation. The City Clerk Department has received signed petitions representing 100% of the assessed value and 100% of the owners, excluding utilities, within the proposed annexation area.

Public Outreach

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

Location

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

This item was withdrawn.

45 Corporation for National and Community Service Day of Service Grant (Ordinance S-43237)

Request authorization for the City Manager, or his designee, to apply for, accept, and enter into an agreement for a Corporation for National and Community Service (CNCS) "Day of Service" grant for \$50,000 to support community engagement efforts related to national days of service. Also request authorization for the City Treasurer to accept and the City Controller to disburse the funds for purposes of the grant.

Summary

Each year, the City of Phoenix partners with non-profit organizations, local businesses and community leaders to engage volunteers in service in recognition of MLK Day, 9/11 Day of Service and other nationally recognized service days. This funding will be used in accordance with CNCS grant guidelines, to mobilize greater numbers of volunteers during days of service and create a more lasting impact on our community.

The funding will be used to leverage additional support from non-profit organizations and to purchase the supplies and equipment necessary to expand the impact of volunteer efforts.

CNCS is a federal agency that improves lives, strengthens communities, and fosters civic engagement through service and volunteering. CNCS administers a variety of national service programs, including AmeriCorps NCCC and AmeriCorps VISTA.

Financial Impact

The \$50,000 grant may be used to fund up to 30 percent of the City's total service day project budget. The required 70 percent match will be in-kind, including staff time, supplies and partner organization funding.

This item was adopted.

46 Authorization to Renew a Right-of-Way Lease with Arizona State Land Department for Access to a Communication Equipment Site at Adobe Mountain (Ordinance S-43238)

Request authorization for the City Manager, or designee, to renew a right-of-way lease with the Arizona State Land Department (ASLD) for the purpose of a non-exclusive access road and slope easement to the Adobe Mountain communication site. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City leases a communication equipment site from ASLD on Adobe Mountain for Regional Wireless Cooperative public safety purposes under City Contract 138918. A portion of the access road to the leased communication equipment site is leased under ASLD R/W Lease 18-101899, City Contract 78500-ROW. The term of the current right-of-way lease expires March 12, 2017, and will be renewed for a 10-year period from March 13, 2017 through March 12, 2027.

Further request the City Council to grant an exception pursuant to Phoenix City Code 42-20 to authorize inclusion in the documents pertaining to this contract of indemnification and assumption of liability provisions that otherwise should be prohibited by Phoenix City Code 42-18.

Contract Term

The contract term is 10 years from March 13, 2017 through March 12, 2027.

Financial Impact

The one-time application renewal and rental fee is \$3,780 for the duration of the contract.

Location

Adobe Mountain, west of Black Canyon Highway, south of Pinnacle Peak Road

This item was adopted.

**47 Cellebrite Infield Universal Forensics Extraction Device (UFED)
Mobile Forensic Solution (Ordinance S-43239)**

Request to authorize the City Manager, or his designee, to enter into a contract with Cellebrite (Vendor 3048620) for the one-time purchase of a Cellebrite Universal Forensics Extraction Device (UFED) for the Police Department, in an amount not to exceed \$52,637. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Cellebrite Infield UFED is a cell phone data extraction software system, and is used to upload cell phone pictures, videos, text messages, call logs, ESN and IMEA information from 2,000+ different cell phone handset models that are sold worldwide. It also stores hundreds of phone book content items, which can be loaded onto a USB flash drive and taken to the Police Department's Forensics Lab for review and verification using a report analysis tool. The UFED Mobile Forensic Solution will help increase the efficiency and speed at which the department's forensic examiners need to complete their review. Currently, the system is being used by the Internet Crimes Against Children Detail at both the Investigations Section and the Forensics Lab.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved determination memo which stated that Cellebrite, Inc., is the only company that makes the Infield UFED Mobile Forensic Solution. Additionally, the Police Department has invested in training, certifications, and purchasing other equipment from Cellebrite and has built an infrastructure system of Cellebrite products to assist in the criminal investigative process. The UFED Mobile Forensic Solution purchase will enhance the Cellebrite products already in place at and being used by the Police Department's Investigations Section on almost all of the department's current investigations.

The Deputy Finance Director recommends that the contract with Cellebrite be accepted.

Contract Term

Products will be delivered by June 30, 2017.

Financial Impact

The contract value will not exceed \$52,637 and funds are available in the Police Department's budget. This purchase is grant funded through an inter-governmental agreement between the Arizona Attorney General's Office and the Police Department's Internet Crimes Against Children Task Force; no General Funds are required.

This item was adopted.

48 Amend Ordinance S-42825 Adopted on Aug. 31, 2016 to Revise the Legal Description - 3060 S. 27th Ave. (Ordinance S-43240)

Request the City Council to amend ordinance S-42825 adopted on Aug. 31, 2016 to revise the legal description due to changes in the location of a transformer.

Summary

The above referenced ordinance amended and authorized the City Council to grant a public utility easement, for consideration of one dollar, for the installation of a new service to a City facility on City property in the Arizona Public Service service area and revise the legal description and further ordering the ordinance recorded. This easement is needed to provide utilities and other services to the City of Phoenix Compost Facility at the 27th Avenue Landfill located at 3060 S. 27th Ave.

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

Location

3060 S. 27th Ave.

This item was adopted.

49 Police Department Marketing Services Cooperative Contract - ADSP016-145336 (Ordinance S-43241)

Request to authorize the City Manager, or designee, to allow the use of the State of Arizona Cooperative Contract #ADSP016-145336 and enter into an agreement with On-Advertising (#3522601). Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The contract will provide the Phoenix Police Department with marketing and advertising services, specifically for Police recruit hiring public outreach. The contract will ensure that public outreach and notifications will be presented in a professional and efficient manner. This contract will allow the department to launch an advertising campaign for the position of Police Recruit and utilize On-Advertising to assist the department in developing the most effective advertising strategies. It is expected that advertising such as billboards, transit shelters, print media, digital media, radio, and television, will be used.

Contract Term

The contract term shall begin on or about Feb. 1, 2017 and end on Aug. 31, 2017. The State of Arizona Cooperative Contract has contract options to extend through Aug. 31, 2021, which may be exercised by the City Manager or designee.

Financial Impact

The aggregate contract value will not exceed \$140,000. Funds are available in the Police Department's budget.

This item was adopted.

50 Cashier for Windows / iNovah Software Application - Requirements Contract (Ordinance S-43242)

Request to authorize the City Manager, or designee, to enter into a five-year contract to upgrade the Cashier for Windows software application with N. Harris Computer Corporation, doing business as Systems Innovators, Incorporated. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Cashier for Windows (CFW) software application is used by cashiers in the Finance, Police and Water Services departments. The software application is used to process various types of payments for the City including water and solid waste utility billings, parking violations, housing payments, privilege license tax payments, various accounts receivables, and other miscellaneous cash receipts for departments citywide. The existing software application was implemented in 1997 and resides on a computer platform no longer supported by Microsoft. A

recent City audit identified that the City is at risk regarding the current system's ongoing availability without active support in the form of features and functionality. The upgrade will replace the CFW software with the iNovah software application. The contract will provide for implementation of the software, training, licensing, and maintenance agreements. Upgrading to iNovah will also allow the City to on-board additional departments in the future.

Procurement Information

In accordance with Administrative Regulation 3.1, normal competition was waived as the result of a Determination Memo citing continuity of service. In the interest of time, the City can leverage the configuration for the iNovah system from the existing CFW system without disrupting current service and saving consulting and implementation costs. N. Harris Computer Corporation has also offered the iNovah system upgrade at a significant savings.

The Deputy Finance Director recommends that the contract with N. Harris Computer Corporation be accepted.

Contract Term

The five year contract term shall begin on or about Mar. 1, 2017, and end on Feb. 28, 2022.

Financial Impact

Expenditures against this contract shall not exceed \$910,000, including applicable taxes. Funds are available in the Water Services and Finance departments' budgets. As the enterprise system is expanded citywide, costs will be allocated to additional Enterprise and Special Revenue funds as appropriate.

This item was adopted.

**51 Contract Award for Appraisal Services for Public Transit
Department Projects (Ordinance S-43243)**

Request to authorize the City Manager, or his designee, to enter into contracts with the appraisers listed below. Further request authorization for the City Controller to disburse funds related to this item.

Summary

These contracts will provide the Finance Department Real Estate Division a Qualified Vendor List (QVL) for appraisal services of real and personal property related to Light Rail, bus bay, and other Public Transit Department projects on an as-needed basis for the contract period beginning March 1, 2017 through Feb. 28, 2019. The Real Estate Division contracts with appraisers for appraisal services.

Procurement Information

The Finance Department released a Request for Qualifications (RFQ) for Appraisal Services for Public Transit Department Projects on Nov. 10, 2016. The RFQ was conducted in accordance with Administrative Regulation 3.10. Sixteen proposals were received in response to the RFQ, all of which were deemed responsive to the requirements of the RFQ.

The evaluation panel reviewed submittals according to the following criteria set forth in the RFQ: experience and knowledge of proposer in providing eminent domain appraisal services to government agencies (30%); qualifications of proposer (30%); quality of the submittal (25%); and proposer's ability to provide services in a timely fashion (15%). The panel determined that all proposers met the established criteria to provide appraisal services.

1. Richard Beals
2. Linda Beatty
3. James Bradley
4. Roger Dunlap
5. J. Douglas Estes
6. Wayne Harding
7. Tim Haskins
8. John Horton
9. Richard Kloc
10. Dennis Lopez
11. Wendell Montandon
12. Steve Nagy
13. Jan Sell
14. Duane Thoms
15. Jeff Windle

16. Gerald Zaddack

Contract Term

The contract term will be two years with an option to extend the term up to three years, which may be exercised by the City Manager or designee.

Financial Impact

The aggregate contract value including all option years shall not exceed \$1.65 million, with an annual estimated expenditure of \$330,000. Funds are available in Public Transit Department's budget.

This item was adopted.

**52 Safety Fall Protection and Technical Rescue Equipment - RFA
16-152 (Ordinance S-43244)**

Request to authorize the City Manager, or his designee, to enter into a contract with AHS Rescue, LLC to provide Tower Climber safety fall protection and technical rescue equipment for the Information Technology Services Department. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This contract will provide specialized personal protective equipment in order to provide appropriate Tower Climber fall protection for staff working extended periods of time on communication towers that carry antennas for wireless, cellular, radio, or broadcast television communications. Specific product lines of Tower Climber fall protection and personal protective equipment include: Petzl, Yates, PMI, CMC Rescue, Sterling Rope, New England Rope, Bluewater Rope, Camelbak, Elk River, SMC, Rock Exotica, Kask, and Ringers Gloves. These product lines encompass specific safety harnesses, pulleys, blocks, ropes, helmets, and gloves that are life safety in nature.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as the vendor encompasses all product lines specified for Tower Climber safety at competitive and reasonable pricing within the market.

Contract Term

The initial five-year contract term shall begin on or about Jan. 1, 2017 and end on Dec. 31, 2021.

Financial Impact

The aggregate contract value will not exceed \$60,000.00 with an estimated annual expenditure of \$12,000.00. Funds are available in the Information Technology Services Department budget.

This item was adopted.

**53 Purchase of Liquid Slide Out Asphalt Release Product - RFA
17-082 (Ordinance S-43245)**

Request to authorize the City Manager, or designee, to enter into a contract with Brody Chemical (Vendor 3060908) to purchase Liquid Slide Out Asphalt Release Product in an amount not to exceed \$360,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Brody Chemical will provide the liquid slide out asphalt release product, Slippery Wizard, which is used to clean the large, specialized asphalt equipment and asphalt tools utilized by the Street Transportation Department. The asphalt release agent prevents the asphalt from adhering to equipment and tools and preserves the life of the equipment.

Procurement Information

Brody Chemical is the manufacturer of Slippery Wizard and meets the Occupational Safety and Health Administration (OSHA) Globally Harmonized System for Hazard Communications standard. In accordance with Administrative Regulation 3.10, normal competition was waived as the vendor is the only source with an OSHA-approved product.

Contract Term

The initial five-year contract term shall begin on or about March 1, 2017 and end on Feb. 28, 2022.

Financial Impact

The aggregate contract value shall not exceed \$360,000 (including applicable taxes). Funds are available in the Street Transportation Department's budget.

This item was adopted.

56 Authorization to Apply for, Accept, Disburse, and Enter into Agreement for Community Services Block Grant Discretionary Funding (Ordinance S-43246)

Request authorization for the City Manager, or designee, to apply for Community Services Block Grant (CSBG) discretionary funding in an amount not to exceed \$35,000 from the Arizona Department of Economic Security (DES) to provide equipment for audiovisual energy education information in the lobbies of the three Family Services Centers. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item if awarded. Further request approval to enter into an agreement with DES to amend the current Emergency Assistance Intergovernmental Agreement (IGA) upon successful award of the funding.

Summary

Funding provided to the City of Phoenix through the current Emergency Assistance contract is used to assist low-income families and individuals in removing barriers to self-sufficiency in regards to employment and/or education, housing assistance, emergency utility assistance, and to provide ongoing supportive services through case management and community coordination. Within this contract, federal Low Income Home Energy Assistance Program regulations require clients to be provided home energy education to help them manage and reduce their utility costs. Currently, this education is provided by caseworkers during each individual client appointment. With this funding, this requirement would be met by implementing a video-based information and education display in the lobbies of the three Family Services Centers. The application is due to DES by Feb. 17, 2017.

Contract Term

If the City is awarded the CSBG discretionary funding by the Department of Economic Security, the current Emergency Assistance IGA will be amended to reflect the additional funding and purpose. The IGA term is from July 1, 2016 through June 30, 2017. This is the third amendment to the IGA for this contract term.

Financial Impact

There are no matching fund requirements. If awarded, the additional funding will increase the contract aggregate amount which is currently \$8,051,114 for the fiscal year.

This item was adopted.

57 Authorization to Apply for, Accept and Disburse the Office for Victims of Crime 2017 Comprehensive Services for Victims of All Forms of Human Trafficking Grant (Ordinance S-43247)

Request authorization for the City Manager, or designee, to apply for the Office for Victims of Crime (OVC) 2017 Comprehensive Services for Victims of All Forms of Human Trafficking grant from the U.S.

Department of Justice in an amount not to exceed \$750,000 to support comprehensive services to victims of sex trafficking. Further request authorization to enter into agreements with all grant partners to provide services. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item if awarded.

Summary

The OVC 2017 Comprehensive Services for Victims of All Forms of Human Trafficking grant opportunity provides funds to enhance the quality and quantity of services available to assist victims of human trafficking by enhancing interagency collaboration and the coordinated community response to victims of human trafficking, and by providing high-quality services that address the individual needs of human trafficking victims. The City must demonstrate a Comprehensive Service Model that provides intensive case management services and other various forms of assistance. The grant is designed to enhance services for adult and minor sex trafficking victims and will provide two caseworker positions to be housed in the City of Phoenix Human Services Department. Services from this grant will support the Phoenix Starfish Place initiative in addition to the City's existing efforts related to human trafficking.

Confirmed partners on this grant include: Arizona State University, the International Rescue Committee, Community Bridges, ALWAYS, and Tumbleweed or UMOM. Potential collaborative partners include Sojourner Center, Phoenix Children's Hospital, Native American Connections, EMPACT/La Frontera, Catholic Charities, Jewish Family and Child Services, The Society of St. Vincent de Paul, and other

non-profit providers of the various services required to be provided under the grant. Each of these partners and potential partners have a strong history of serving human trafficking victims and this grant is intended to fill the gaps in current services.

Financial Impact

The grant requires a 25 percent match, which will be met through the partnership agreements and City staff supervision of the two caseworker positions.

This item was adopted.

58 2017 Arizona State Parks and Trails Recreational Trails Program Grant for Pima Canyon Trailhead at South Mountain (Ordinance S-43248)

Request to authorize the City Manager to apply for, and if awarded, accept funds in the amount of up to \$80,000 from the 2017 Federal Recreational Trails Program Non-Motorized Grant administered through Arizona State Parks and Trails for the Pima Canyon Trailhead and Trails for trail maintenance support at South Mountain Park's Pima Canyon Trailhead. Further authorize the City Treasurer to accept and the City Controller to disburse the funds for purposes of this ordinance.

Summary

The Pima Canyon Trailhead area provides access to multi-use trails of various length and difficulty for hiking, mountain biking, and horseback riding. Over time the trails have eroded and deteriorated, and are in need of professional trail maintenance. Currently, the Parks and Recreation Department is developing a South Mountain Trails Master Plan and other South Mountain Master Plan improvements are included in the Department's 5-year Capital Improvement Projects (CIP) budget. This grant opportunity would provide additional funds to benefit the project at Pima Canyon Trailhead.

If the grant is awarded, the Parks and Recreation Department intends to hire a professional trail maintenance contractor to address erosion, signage, safety and water drainage along the trails as well as make repairs needed at the trailhead. The cost of a professional trail maintenance contractor dedicated solely to the Pima Canyon area is outside the scope of the current project budget.

Financial Impact

The RTP grant funds require a 5.7 percent match of in-kind, cash or volunteer time; improvements at the Pima Canyon Trailhead are currently in the Department's CIP budget.

This item was adopted.

**59 2017 Arizona State Parks and Trails Recreational Trails Program
Grant for Safety and Environmental Education Project (Ordinance
S-43249)**

Request authorization for the City Manager, or his designee, to apply, and if awarded, enter into an agreement for a grant in an amount up to \$10,000 from the 2017 Arizona State Parks and Trails (ASPT) Recreational Trails Program (RTP) related to the "Take a Hike. Do it Right." safety campaign. Further authorize the City Treasurer to accept and the City Controller to disburse the funds for purposes of this item.

Summary

The Natural Resources Division of the Parks and Recreation Department manages and supports:

- 33,330 acres of desert mountains and mountain preserves
- 7,745 acres of desert parks
- 400+ miles of trails

The Department estimates that more than four million guests (both local and visitors) utilize the trails, and would like to continue to strengthen the "Take a Hike. Do it Right." safety campaign. Educational outreach continues to be the key for long-term success. If awarded, the \$10,000 Safety and Environmental Education project funds will serve to enhance the "Take a Hike. Do it Right." safety campaign. Projected improvements will include further partnerships with the hotel and resort industry, additional signage, and hard copy literature and advertisements.

Financial Impact

The RTP grant funds require a 5.7 percent match of in-kind, cash or volunteer time. Parks and Recreation staff and Park Steward volunteers will support public education and outreach on the "Take a Hike. Do it Right." safety campaign.

This item was adopted.

61 Request to Issue RFP for Phoenix Convention Center Advertising and Marketing Services

Request approval to issue a Request for Proposals (RFP) for advertising and marketing services for the Phoenix Convention Center and Venues.

Summary

The Phoenix Convention Center Department (PCCD) currently has a contract for advertising and marketing services. Work under the contract includes strategic marketing, creative graphic design, and execution of integrated marketing/branding campaigns including advertising, media buying, digital strategies, public relations and research initiatives.

Services also include promoting and marketing PCC and Venues to generate bookings and create a national and international demand for its facilities. The current contract expires June 30, 2017. PCCD seeks to solicit competitive proposals to have a new contractor selected prior to the expiration of the current contract.

Procurement Information

The RFP evaluation criteria and corresponding points (1,350 possible) are as follows:

- * Recommended approach, functionality and ability to deliver services that demonstrate originality and creativity - 300 points.
- * Company and staff qualifications, experience and references (years in business, experience and qualifications of key personnel, experience at similar size venues) - 300 points.
- * Cost of services - 150 points.
- * Financial strength (provide three financial references) - 200 points.
- * Overall responsiveness to RFP (proposal prepared in accordance with RFP requirements) - 50 points.
- * Interview process - 350 points.

The RFP will be issued no later than February 2017. A formal recommendation for award of a new contract will be presented to City Council around May 2017. The evaluation panel will consist of a minimum of five staff members, which will include one representative from three departments outside of PCCD and two PCCD personnel. Advertising for

the RFP will be placed in the City's contracted newspaper, the Arizona Business Gazette, Arizona Informant, Prensa Hispana and Record Reporter and also will be advertised on the City of Phoenix webpage.

Financial Impact

The estimated annual budget is \$205,000.

Concurrence/Previous Council Action

The Downtown, Aviation, Economy and Innovation Subcommittee unanimously recommended approval of this item on Jan. 4, 2017.

This item was approved.

**62 Request Authorization for the Sale of Canine Titan for \$1.00
(Ordinance S-43250)**

Request authorization for the City Manager, or designee, to authorize the sale of canine "Titan" to Officer Curtis Howard. Officer Howard is assigned to the Tactical Support Bureau's Canine and Specialty Vehicle Detail and has requested to retire and purchase his assigned canine "Titan" in accordance with A.R. 4.2.1.

Summary

Canine "Titan" is more than seven years old and has served the Tactical Support Bureau for the past five years. The Canine Unit's canines are normally replaced after eight to 10 years of service based on health, workability and performance, but due to behavioral issues, "Titan" has been deemed unsuitable to function in his capacity as a police service dog.

This request is for the authorization of the sale of canine "Titan" for \$1.00. The purchase of canine "Titan" is being made by Officer Curtis Howard. Officer Howard agrees to accept full responsibility and liability for "Titan" until his death.

This item was adopted.

**63 New Lease with Airline Tech Reps, LLC, a Texas Limited Liability
Company Doing Business in Arizona as STS Line Maintenance
(Ordinance S-43251)**

Request to authorize the City Manager, or designee, to enter into a month-to-month facility lease agreement (Lease) with Airline Tech Reps,

LLC, a Texas limited liability company doing business in Arizona as STS Line Maintenance, for 1,920 square feet of leased premises at Phoenix Sky Harbor International Airport. The Lease will include authorization for the Aviation Director to make additions, subtractions, and changes to the leased space as the Aviation Director deems necessary or appropriate.

Summary

Airline Tech Reps, LLC, shall use the leased premises in support of its Commercial Use Permit 404-16 and to provide maintenance and support services for Air Canada and Frontier Airlines. Airline Tech Reps, LLC, shall pay a rental rate based upon the Airport Rates and Charges Program established by Chapter 4, Article IX of the Phoenix City Code. The Lease may contain other terms and conditions deemed necessary or appropriate by the City Manager or designee.

Contract Term

The term of the Lease is month-to-month, with no maximum duration.

Financial Impact

The City is expected to receive rent in the amount of \$27,417.60 per year.

Location

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

This item was withdrawn.

64 Amend Aircraft Maintenance Hangar Lease with Southwest Airlines Co. (Ordinance S-43252)

Request to authorize the City Manager, or designee, to amend the term of Airport Lease No. 58778 (Lease) with Southwest Airlines Co. for leased premises at Phoenix Sky Harbor International Airport.

Summary

Southwest Airlines Co. has served Phoenix since Jan. 31, 1982, and operates 179 daily departures to more than 50 cities. In Fiscal Year 2015-16, Southwest Airlines Co. had 7,149,550 enplaned passengers, which equals 32.4 percent of the airline market share at Phoenix Sky Harbor International Airport.

On April 30, 1991, the City and Southwest Airlines Co. entered into the Lease, which authorized Southwest Airlines Co. to build an aircraft maintenance hangar facility, a provisioning building, and an area for ground service equipment on the leased premises. The hangar facility was built and is capable of housing four Boeing 737 aircraft, ground maintenance service shops, and administrative offices. The hangar facility supports employee parking, aircraft hardstand parking, an aircraft washrack, ground equipment service, storage areas, and paving access to the existing airport taxiway system.

On April 2, 1997, the Lease was amended to add 3.5 acres of land located east of Terminal 4 and adjacent to the hangar facility. The land is used for employee parking.

Southwest Airlines Co. requested an extension of the term of the Lease in order to make modifications to the leased premises to accommodate its aircraft fleet requirements. The rental rate will remain at \$0.71 per square foot per year until Aug. 1, 2017, when it will increase to \$0.77 per square foot per year and will be adjusted annually according to the consumer price index, but not to exceed an increase of 1.25 percent per year. Rent during the option periods will be negotiated between the parties before Dec. 31, 2045.

The amendment may contain other terms and conditions deemed necessary or appropriate by the City Manager or designee.

Contract Term

The term of the Lease will be 30 years effective March 1, 2017 with two five-year options to renew that may be exercised at the sole discretion of the Aviation Director.

Financial Impact

The City is expected to receive rent in the amount of \$585,765.90 for the first year of the amended Lease.

Concurrence/Previous Council Action

This item was scheduled to be heard at the Downtown, Aviation, Economy and Innovation Subcommittee on Feb. 1, 2017; the meeting

was rescheduled to Feb. 22, 2017.

Location

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

This item was adopted.

**65 Purchase of Oracle Licenses for the Public Transit Department
(Ordinance S-43253)**

Request an ordinance authorizing the City Manager, or his designee, to purchase additional Oracle Database, Real Application Clusters, and Oracle Database Cloud Services licenses from Oracle America, Inc. (Oracle, Vendor 3013727) off of the City's Oracle Master Agreement (City Contract 142562). Further request authorization for the City Controller to disburse all funds in an amount not to exceed \$330,906.

Summary

Current Public Transit Department databases are running on unsupported hardware which results in a risk of failure. Department staff is working with the Information Technology Services Department to migrate the databases to the City's IO Data Center co-located facility with newer and more reliable hardware; however, additional Oracle licenses are required for the move. The purchase of these licenses has the added benefit of enabling the Department to provide high system availability rates and greater performance for its Oracle databases, which currently house the region's transit software programs (HASTUS, Trapeze/PASS, and the Regional Fare Collection System). The Department will then utilize the City's Information Technology Operations Center as a fail-over site for additional reliability and business continuity. Citywide, the consolidation of servers using the City's IO Data Center reduces information technology hardware replacement costs.

Financial Impact

The total purchase shall not exceed \$330,906. Funds are available in the Public Transit Department's Capital Improvement Program (CIP) budget using Transportation 2050 funds.

Concurrence/Previous Council Action

City Council authorized Information Technology Services to establish the

City's Oracle Master Agreement, Contract 142562, on Oct. 21, 2015 for a three-year term beginning Oct. 25, 2015, with two one-year extension options. This item has been reviewed and approved by the Information Technology Services Department.

This item was adopted.

67 Enter Into Agreement With Regional Public Transportation Authority for Capital Projects (Ordinance S-43255)

Request an ordinance authorizing the City Manager, or designee, to enter into an Intergovernmental Agreement with Regional Public Transportation Authority (RPTA) for the City of Phoenix to receive approximately \$26,614,000 in Public Transportation Funds (PTF) from the RPTA as a result of Proposition 400. The funds will be used for the local match of Federal Transit Administration grant funding for various capital projects programmed in the Transit Life Cycle Program of the Regional Transportation Plan (RTP) through June 30, 2021. Further request authorization for the City Controller to receive funds.

Summary

The RPTA administers the PTF funds and is charged with distributing these funds to local recipients such as the City of Phoenix. The RPTA will disburse PTF funds to the City of Phoenix for the local share of the purchase of fixed-route buses and paratransit buses, and for the local share of the Laveen/59th Avenue Park-and-Ride land, design and construction.

Financial Impact

No City of Phoenix funds are involved in the performance of this agreement. The RPTA will disburse PTF funds to the City of Phoenix in amounts estimated to be:

*\$23,280,000 for the purchase of fixed route buses.

*\$2,097,000 for paratransit buses.

*\$1,237,000 for the Laveen/59th Avenue Park-and-Ride land, design and construction.

This item was adopted.

68 Deer Valley Reservoir Rehabilitation - Construction Administration and Inspection Services - WS85050046-1 (Ordinance S-43256)

Request to authorize the City Manager, or his designee, to enter into a contract with HDR Engineering, Inc. to provide Construction Administration and Inspection (CA&I) services in support of the Deer Valley Reservoir Rehabilitation project. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Deer Valley Reservoir 2 (1-GS1-2) is a 20-million-gallon reservoir in need of rehabilitation, which will include replacement of an aluminum roof deck, column and roof framing repairs, and a new membrane liner. HDR Engineering, Inc.'s construction administration and inspection 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.

Procurement Information

HDR Engineering, 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.

Contract Term

The CA&I services are expected to take approximately 300 calendar days to complete after 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 for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

HDR Engineering, Inc.'s fee under this contract will not exceed \$333,419, including all sub-consultants 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

Council approved Design Contract No. 138392 on May 28, 2014.

Location

The Deer Valley Water Treatment Plant is located at 3030 W. Dunlap Ave.

This item was adopted.

69 Chandler Boulevard - 27th Avenue to 19th Avenue, 1-Step Design-Build, Amendment No. 2 - Project ST85100367 (Ordinance S-43257)

Request to authorize the City Manager, or his designee, to enter into Amendment No. 2 with Hunter Contracting Co. (Gilbert, Ariz.) to provide 1-Step Design-Build construction phase services for the Chandler Boulevard - 27th Avenue to 19th Avenue project. Amendment No. 2 will allow for sufficient funding to complete the construction of the project as originally planned and provide project contingency for unforeseen conditions. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This street construction project will provide an important transportation connection to Ahwatukee Foothills residents, consisting of the construction of approximately 1.2 miles of new half street roadway for two-way traffic. The north side of the road will be developed to include curb and gutter, a 5-foot wide sidewalk and street lighting. The project also includes the construction of two drainage related bridge structures, roadway drainage system, flood protection and waterline relocations.

Hunter Contracting Co. will assume the risk of delivering the project through a Guaranteed Maximum Price (GMP) contract as the project's design-builder. Hunter Contracting Co.'s services include, but are not limited to: performing all improvements in accordance with all contract documents, construction coordination and close-out within the right-of-way. Construction will occur in close coordination with the Arizona Department of Transportation (ADOT), Maricopa Association of Governments (MAG), and the Federal Highway Administration (FHWA) due to planned construction of the future State Route (SR) 202 South Mountain Freeway.

Procurement Information

Hunter Contracting Co. was chosen for this project using a qualifications-based selection process according to Section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the initial design-build team selection process.

Contract Term

The term of this amendment is expected to take approximately 300 calendar days 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 for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

The initial contract value was \$1,088,956.78. Amendment No. 1 increased the contract value by \$5,777,291.92 for a new contract value of \$6,866,248.70. Change Order No.1 was executed June 13, 2016 in the amount of \$53,375. Hunter Contracting Co.'s fees under Amendment No. 2 will not exceed \$1,262,336.55, including all subconsultant, subcontractor and reimburseable costs. The new contract cost for all design and construction services for this project is \$8,181,960.25. 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.

Small Business Outreach

The Small Business Enterprise goal for this project is 8 percent.

Concurrence/Previous Council Action

Council approved Contract 140977 for 1-Step Design-Build (design phase) services on July 1, 2015 for a not to exceed amount of \$1,089,029.12. Council approved Amendment No. 1 for 1-Step Design-Build (construction phase) services on June 15, 2016 for a not to exceed amount of \$5.8 million.

Public Outreach

A public open house meeting was held on Jan. 25, 2016, with additional presentations given to the Ahwatukee Village Planning Committee (AVPC) and other homeowner associations within the project area, and the City conducted additional presentations to the AVPC in August 2016. Public outreach will continue throughout construction.

Location

Chandler Boulevard from 27th Avenue to 19th Avenue

This item was adopted.

**70 24th Street Water Treatment Plant Reservoir 3 Rehabilitation -
Design-Bid-Build - WS85050051-1 (Ordinance S-43258)**

Request to authorize the City Manager, or designee, to accept M.A. Mortenson Construction (Chandler, Ariz.) as the lowest priced, responsive, and responsible bidder and to enter into a contract with M. A. Mortenson Construction for construction services for the 24th Street Water Treatment Plant (WTP) Reservoir 3 Rehabilitation project. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The 24th Street WTP Reservoir 3 (1-ES2-3) is a 20-million-gallon reservoir in need of rehabilitation, which will include replacement of an aluminum roof deck, column and girder repairs, liner replacement and other miscellaneous repairs. M.A. Mortenson Construction will provide construction services in support of the 24th Street WTP Reservoir 3 Rehabilitation project. The work includes removal of the existing metal roofing system, liner, exterior piping and sack finish from the exterior ringwall; repair to existing shotcrete reservoir floor; installation of a new polypropylene membrane liner and a new standing seam metal roofing system; replacement of the level transducer/transmitter; ventilation system improvements; stairway handrails; addition of ships ladders, walkways, equipment hatches, and roof openings; and other miscellaneous improvements for the roof structural framework. Miscellaneous site work includes corrosion removal, signage improvements, vegetation removal along the reservoir embankment, electrical and instrumentation upgrades.

Procurement Information

Three bids were received in compliance with Section 34-201 of the Arizona Revised Statutes by the Street Transportation Department on Dec. 13, 2016. The bids were received by the Equal Opportunity Department (EOD) for review to determine subcontractor eligibility and general contractor responsiveness in demonstrating compliance with the project's Small Business Enterprise (SBE) goal of three percent. EOD determined all three bidders were responsive.

Bids ranged from a low of \$3,115,675.46 to a high of \$3,806,339. The Engineer's estimate and three lowest-priced, responsive, and responsible bidders are listed below:

Engineer's Estimate: \$3,300,000

M.A. Mortenson Construction: \$3,115,675.46

Schofield Civil Construction, LLC: \$3,377,457

Quest Civil Contractors, Inc.: \$3,806,339

Contract Term

The term of the contract is 280 calendar days. 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 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.

Location

The 24th Street Water Treatment Plant is located at 6202 N. 24th St.

This item was adopted.

- 71 24th Street Water Treatment Plant Reservoir Rehabilitation
Construction Administration and Inspection Services -
WS85050051-1 (Ordinance S-43259)**

Request to authorize the City Manager, or his designee, to enter into a contract with HDR Engineering, Inc. to provide Construction Administration and Inspection (CA&I) services in support of the 24th Street Water Treatment Plant (WTP) Reservoir Rehabilitation project. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The 24th Street WTP Reservoir 3 (1-ES2-3) is a 20-million-gallon reservoir in need of rehabilitation, which will include replacement of an aluminum roof deck, column and girder repairs, liner replacement, and other miscellaneous repairs. HDR Engineering, Inc.'s construction administration and inspection services include, but are not limited to: administering the construction schedule; reviewing shop drawings and test results; issuing interpretations and clarification; certifying contractor progress payments; conducting inspections; and providing post-construction services.

Procurement Information

HDR Engineering, 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.

Contract Term

The CA&I services are expected to take approximately 240 calendar days to complete after 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 for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

HDR Engineering, Inc.'s fee under this contract will not exceed \$411,097, 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

Council approved Design Contract 140402 on April 15, 2015.

Location

24th Street Water Treatment Plant is located at 6202 N. 24th St.

This item was adopted.

72 Citywide Civil Construction - Job Order Contracting Services - 4108JOC156 (Ordinance S-43260)

Request to authorize the City Manager, or designee, to enter into separate contracts with Talis Corporation (Tempe, Ariz.) and J. Banicki Construction, Inc. (Phoenix) to provide Citywide Civil Construction Job Order Contracting (JOC) services and to execute contract options as necessary. 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 all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project and to include disbursement of funds. Utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads, and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary

The JOCs will be utilized on an as-needed basis to provide civil construction, rehabilitation, replacement, and modification repair services for various departments. The scope of work may include: civil site improvements (parks, playgrounds, etc.); earthwork and dust stabilization; grading and drainage; storm drain systems; water, sewer, and other underground utility work; drainage structure; concrete paving and flatwork; asphalt overlay and pavement rehabilitation; landscaping, including hardscape elements; fence and gate installation and repairs; signage and striping; Americans with Disabilities Act (ADA) retrofit work; traffic control; and other work incidental to projects.

Procurement Information

Talis Corporation and J. Banicki Construction, Inc. were chosen for this project using a qualifications-based selection process according to Section 34-604 of the Arizona Revised Statutes (ARS). Per ARS Title 34, the City is not to release the scoring of proposers until a contract has been awarded. The top-three rankings follow:

Talis Corporation: Ranked 1

J. Banicki Construction, Inc.: Ranked 2

Hunter Contracting Co.: Ranked 3

Contract Term

Each JOC will be for a three-year term with an option to renew for an additional two-year term or maximum funding capacity, whichever occurs first. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

The initial contract value of each JOC will be \$15 million with an option to renew for an additional \$10 million each, for a total contract value of \$25 million, including all amendments. Authorization is requested to execute job order agreements performed under this JOC for up to \$2 million each in construction costs. In no event will any job order agreement exceed this amount without Council approval to increase the limit. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination. Budget and Research will review all job order agreements.

Operating and Capital Improvement Program funding may be utilized. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement.

Public Outreach

The public will be notified on each project, if notification is required.

Small Business Outreach

A Small Business Outreach goal of 10 percent has been established for these contracts.

This item was adopted.

73 Customer Care and Billing (CC&B) Contract Extension (Ordinance S-43261)

Request to authorize the City Manager, or his designee, to execute Amendment 3 to extend and increase the contract limit with Ernst & Young, LLC, for ongoing managed services for the City's customer information and billing system and related applications through June 30, 2019. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Water Services Department, in conjunction with the Information Technology Services, Public Works and Finance departments, provides customer information and billing to approximately 430,000 accounts and \$750 million annually. Customers are billed on a monthly basis for water, sewer and trash services, as well as for various City taxes. The current billing software, CC&B version 2.1, was implemented in 2010 and is currently unsupported. Council approved an upgrade to CC&B version 2.4 on Jan. 21, 2015, and implementation of the upgrade is underway.

Contract 140985 with Ernst & Young, LLC, (EY) is to upgrade and support CC&B. This extension will be for managed services support for CC&B version 2.4, ongoing support of related Oracle applications, Mobile Workforce Management, Customer Self Service, Field Work Product Integration Pack, solution development, maintenance of operations, and application updates, which will enhance the customer experience and improve efficiencies. The Water Services Department has negotiated contract terms and conditions with EY to extend the contract. The total amount of additional funding required will not exceed \$4.8 million.

Procurement Information

The Scope of Work for the proposed contract extension is a logical follow-on to work already completed by EY as part of the existing agreement, Contract 140985, that was competed in accordance with

Administrative Regulation 3.10. Normal competition for the extension was waived as a result of a Determination Memo citing that application of competitive requirements would be contrary to the public interest, also in accordance with Administrative Regulation 3.10.

Contract Term

The original contract term was for 24 months commencing on July 6, 2015. This Amendment extends the contract for 15 months starting on or about April 3, 2017, with one option to extend for one year, which may be exercised by the City Manager or his designee. 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 contract expiration for work in-progress. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

The current total value of Contract 140985 is \$6,625,728. The proposed extension incorporates an additional \$4,800,000 to the contract value. The total cost of the contract will not exceed \$11,425,728. Funds are available in the Water Services Department budget.

Concurrence/Previous Council Action

City Council approved Contract 140985 on Jan. 21, 2015, for a term of 24 months and the contract performance period began on July 6, 2015.

This item was adopted.

**74 Hydro Jet and Sewer Vacuum Cleaning Trucks - Requirements
Contract Recommendation - IFB 17-FSD-101 (Ordinance S-43262)**

Request to authorize the City Manager, or his designee, to enter into a contract with Norwood Equipment, Inc. (Vendor 3001721) in an amount not to exceed \$9,647,500.00 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Hydro jet and sewer vacuum cleaning trucks will be used by the Water Services and Street Transportation departments to move debris within a sanitary sewer by flushing high-pressure water while vacuuming the debris from the manhole. The trucks consist of a truck cab and chassis,

water supply, vacuum system, high-pressure water pump and a debris storage body. The machines are operable by a single employee.

This contract will enable the Public Works Department to purchase and replace equipment, as needed, on behalf of the Water Services and Street Transportation departments.

Procurement Information

IFB 17-FSD-101 was conducted in accordance with Administrative Regulation 3.10. There were three offers received by the Public Works Department on Dec. 7, 2016. The City solicited bids for Group A, a hydro jet vacuum sewer cleaning single axle truck, and Group B, a hydro jet vacuum sewer cleaning tandem axle truck.

	Group A	Group B
Norwood Equipment, Inc.	\$283,382.00	\$292,258.00
Balar Equipment	\$287,204.00	\$307,195.00
Wastewater Industries, Inc.	\$331,400.00	No Bid

The Public Works Director recommends that the offer from Norwood Equipment, Inc., be accepted as the lowest-priced, responsive and responsible offer.

Contract Term

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

Financial Impact

The aggregate contract value including all option years will not exceed \$9,647,500.00, with an estimated annual expenditure of \$1,929,500.00. Funds are available in the Water Services and Street Transportation departments' budgets.

This item was adopted.

75 Non-Hazardous Liquid Waste Removal Contract (Ordinance

S-43263)

Request to authorize the City Manager, or designee, to enter into a contract with MP Environmental Services, Inc. (Vendor 3023446), to remove non-hazardous liquid waste 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 uses this contract for non-hazardous liquid waste testing, removal, and disposal at the various water treatment plants and remote sites. This service is primarily for removal of stormwater that gathers in the retention basins at plant sites. The Department is required to remove stormwater to maintain compliance with the stormwater program and permit. The current contract (131625) expired on Dec. 31, 2016, with no available extensions.

Procurement Information

In accordance with City of Phoenix Administrative Regulation 3.10, the Water Services Department received three bids for the solicitation. Bid evaluation factors were based on a minimum of two hours of labor and \$0.25 per gallon when exceeding 2,000 gallons of non-hazardous liquid waste. The lowest and responsive bidder was accepted. The bids received were:

MP Environmental Services, Inc:	\$657.60
Liquid Environmental Solutions:	\$1,379.86
Patriot Environmental Services:	\$1,841.21

Contract Term

The contract term will be for three years effective Feb. 15, 2017, through Feb. 14, 2020, with two one-year options to extend.

Financial Impact

Anticipated expenditures are not to exceed \$500,000 over the life of the contract, with an estimated annual expense of \$100,000, including the two one-year extensions. Funding for this contract is available in the Water Services Department budget.

This item was adopted.

76 Intergovernmental Agreement with City of Tucson for Storage, Recovery, and Exchange of Colorado River Water - WS85710001-1 (Ordinance S-43264)

Request authorization for the City Manager, or designee, to execute an Intergovernmental Agreement (IGA) between the City of Phoenix (Phoenix) and the City of Tucson (Tucson) for the storage, recovery, and exchange of Colorado River water. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The IGA authorizes Phoenix to store and recover up to 37,000 acre-feet annually of its Colorado River water to Tucson's Southern Avra Valley Storage and Recovery Project (SAVSARP). Phoenix will have first priority to store and recover at SAVSARP.

To date, Phoenix has stored 4,850 acre-feet at Tucson's SAVSARP. The precedent for this proposed IGA is a pilot project approved by City Council in 2014 and amended in 2015. The proposed IGA is Phase II of what is known as the Phoenix-Tucson Exchange and provides a 10-year contract with increased storage capacity. The proposed IGA also terminates all existing agreements and amendments related to the pilot project.

Phoenix agrees to pay Tucson an annual Water Storage Fee which starts at \$67.59 per acre-foot of water in 2017 and will increase over the term of the agreement to \$73.66 per acre-foot by 2027. The Water Storage Fee is designed to cover Tucson's operation, maintenance, replacement, and administrative costs, as well as a fee to facilitate expansion of Tucson's storage facility to accommodate Phoenix's stored water. In return, Phoenix will have first priority to available storage capacity at SAVSARP, with only Tucson's water having a higher priority.

Contract Term

The term of the IGA will begin upon execution and continue through Dec. 31, 2027.

Financial Impact

The total cost to store the maximum amount of 37,000 acre-feet per year

of Phoenix's CAP water in the Southern Avra Valley Storage and Recovery Project from 2017 through 2027 is \$28,687,580, with an annual estimated expense of \$2.5 million. The volume will fluctuate by year, therefore the total cost may be substantially less. Funding is available in the Water Services Department Capital Improvement Program budget.

Location

Water will be stored at Tucson's SAVSARP, which is located near the intersection of Sandario and Snyder Hill Roads in Pima County, Ariz.

This item was adopted.

77 Intergovernmental Agreement with Gila River Indian Community for Storage, Recovery, and Exchange of Colorado River Water - WS85710001-1 (Ordinance S-43265)

Request to authorize the City Manager, or designee, to execute an Intergovernmental Agreement (IGA) between the City of Phoenix and the Gila River Indian Community (Community) for the storage, recovery, and exchange of Colorado River water. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The IGA allows the City to store and recover up to 3,800 acre-feet of its Colorado River water at the Community's Olberg Dam Underground Storage Facility (Facility). This IGA is similar to the highly successful and nationally recognized Phoenix-Tucson Exchange which was first approved by the City Council in 2014. The City agrees to pay the Community a Water Storage Fee of \$13 per acre-foot of water delivered to the Facility. The IGA is contingent upon the Community receiving a final permit for the Facility from the Arizona Department of Water Resources (ADWR) and the City receiving a storage permit from ADWR. In the event either party is unable to secure their respective permits prior to Sept. 1, 2017, the City retains the right to terminate the IGA.

Contract Term

The term of the IGA will begin upon execution and continue through Dec. 31, 2017.

Financial Impact

The total cost to store the maximum amount of 3,800 acre-feet of the City's Colorado River water at the Community's Olberg Dam Underground Storage Facility in 2017 is \$49,400. Funds are available in the Water Services Department's Capital Improvement Program.

Location

Water will be stored at the Gila River Indian Community's Olberg Dam Underground Storage Facility. The Facility is located near Sections Four through Sixteen inclusive of Township Four South, Range Six East, G&SRB&M.

This item was adopted.

78 Final Plat - 2333 N. 14th St. - 160091 - East Side of 14th Street between Sheridan Street and Hoover Street

Plat: 160091

Project: 16-2703

Name of Plat: 2333 N. 14th St.

Owner(s): Marchese Partners, LLC

Engineer(s): Bauer Land Surveying, LLC

Request: A 2 Lot Residential Plat

Reviewed by Staff: Jan. 5, 2017

Summary

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

Location

Generally located at the east side of 14th Street between Sheridan Street and Hoover Street.

Council District: 4

This item was approved.

79 Final Plat - Sunset Villas - 160094 - Southeast Corner of 12th Street and Devonshire Avenue

Plat: 160094

Project: 15-3141

Name of Plat: Sunset Villas

Owner(s): Melosh, LLC

Engineer(s): M&M Civil Engineering, Inc.

Request: A 12 Lot Residential Subdivision Plat

Reviewed by Staff: Jan. 20, 2017

Summary

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

Location

Generally located at the southeast corner of 12th Street and Devonshire Avenue.

Council District: 4

This item was approved.

80 Final Plat - Pinchot Square - 160102 - Southeast Corner of 28th Street and Pinchot Avenue

Plat: 160102

Project: 15-1137

Name of Plat: Pinchot Square

Owner(s): Thomas XXVIII, LLC

Engineer(s): Lemme Engineering, Inc.

Request: A 17 Lot Residential Subdivision Plat

Reviewed by Staff: Jan. 18, 2017

Summary

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

Location

Generally located at the southeast corner of 28th Street and Pinchot Avenue.

Council District: 8

This item was approved.

81 Abandonment of Right-of-Way - V140035A - 43rd Avenue and

Charter Oak Road (Resolution 21511)

Abandonment: V140035A

Project: 06-2775

Applicant(s): Berkana at Charter Oak, LLC

Request: To abandon a portion of the 44th Drive Right-of-Way, from the south parcel line of APN 207-41-001Z then north, merging with and including the Charter Oak Road Right-of-Way to 43rd Avenue.

Date of Hearing: Sept. 24, 2014

Location

43rd Avenue and Charter Oak Road

Council District: 1

Financial Impact

A fee was also collected as part of this abandonment in the amount of \$5,943.10.

This item was adopted.

82 Abandonment of Right-of-Way - V160057A - 29 W. Orchid Lane (Resolution 21512)

Abandonment: V160057A

Project: 00-6385

Applicant: Wyatt Strait

Request: To abandon the 16-foot Alley Right-of-Way adjacent to the east line of the parcel addressed 29 W. Orchid Lane, APN 160-62-068.

Date of Hearing: Dec. 14, 2016

Location

29 W. Orchid Lane

Council District: 3

Financial Impact

A fee was also collected as part of this abandonment in the amount of \$683.60.

This item was adopted.

83 Acceptance and Dedication of Deeds and Easements for Sidewalk, Drainage and Roadway Purposes (Ordinance S-43266)

Request for the City Council to accept and dedicate deeds and

easements for sidewalk, drainage and roadway 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: Stine Enterprises #107, LLC

Purpose: Sidewalk

Location: 18441 N. 7th St.

File No.: FN 160097

Council District: 2

Deed (b)

Applicant: Barbara R. Young and Debra S. Mann

Purpose: Roadway

Location: 19224 N. 29th St.

File No.: FN 160092

Council District: 2

Easement (c)

Applicant: Meridian One, LLC

Purpose: Sidewalk

Location: 4602 E. Thomas Road

File No.: FN 160085

Council District: 6

Easement (d)

Applicant: Dolphin, Incorporated

Purpose: Sidewalk

Location: 440 N. 51st Ave.

File No.: FN 160094

Council District: 7

Easement (e)

Applicant: Provident Merit Arizona Development, LLC

Purpose: Drainage

Location: 2200 S. 43rd Ave.

File No.: FN 160086

Council District: 7

This item was adopted.

**84 Amend City Code - Official Supplementary Zoning Map 1156
(Ordinance G-6275)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1156. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-48-61-3, Z-287-85-8 and Z-109-89-8 and the entitlements are fully vested.

Summary

To rezone a parcel located 100' south of the SEC of 12th St. and Mission Lane

District 3

Z-48-61-3

Zoning: R-3

Owner: Sun Valley Court LLC

Acres: Approximately 0.14

To rezone a parcel located at the convergence of the Miami Ave. alignment and 48th St.

District 8

Z-287-85-8

Zoning: C-2 M-R

Owner: AUM Hospitality Ventures LLC

Acres: Approximately 4.81

To rezone a parcel located 225' west of the SWC of Jesse Owens Parkway and Baseline Road

District 8

Z-109-89-8

Zoning: C-2 HGT/WVR

Owner: Mountain Park Health Center

Acres: Approximately 3.68

This item was adopted.

16 American Association of Airport Executives

For \$59,375.00 in payment authority for 2017 Airport Legislative Alliance (ALA) Federal Affairs membership dues for the Aviation Department. The ALA Federal Affairs Department advocates on behalf of airports and works to prevent shifting of costs and federal responsibilities to airports, ensuring that unfunded mandates are not imposed. It is the primary interface with elected officials and regulatory agencies on issues affecting airports across the country. ALA Federal Affairs provides important information, alerts, updates and insight on legislation and proposed regulations, security policy, and congressional hearing reports. This item was approved by the Downtown, Aviation, Economy and Innovation Subcommittee on Jan. 4, 2017.

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

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

No: 2 - Councilman DiCiccio and Councilman Waring

17 Airports Council International - North America

For \$119,182.00 in payment authority for 2017 Airports Council International - North America (ACI-NA) membership dues for the Aviation Department. ACI-NA is an organization that represents state, local and regional governing bodies that own and operate commercial airports in North America and the world, with a focus on industry issues such as finance, safety, operations, business and regulatory issues, as well as the Federal Aviation Administration, Department of Homeland Security and Customs and Border Protection. This item was approved by the Downtown, Aviation, Economy and Innovation Subcommittee on Jan. 4, 2017.

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

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

No: 2 - Councilman DiCiccio and Councilman Waring

19 Barrett Sports Group, LLC

For \$75,000.00 in additional payment authority for Contract 142318, through Feb. 9, 2018, for sports facility consulting services for the Phoenix Convention Center. Consulting services are necessary to support the City's continued evaluation of the downtown arena. Ongoing access to the firm's expertise will allow for further analysis of downtown arena opportunities.

Discussion

Councilman DiCiccio explained he was voting no on these items because he believed money was being taken away from core functions of government. Further, he thought the City needed to find ways to start conserving money.

Councilman Nowakowski wondered if this firm could examine the expense of remodeling the arena in order to place a hockey team.

City Manager Ed Zuercher stated that was within the skill set of this firm and one of the reasons the City originally contracted with them.

Councilman Waring did not think the City should look into this since the hockey team already had an arena on the west side.

Councilwoman Williams asked if that was the sole purpose of this contract.

Mr. Zuercher replied the primary purpose was for the firm to assess the current condition of the arena for existing tenants. However, since hockey was played in the arena in the late 1990s this firm could assess its viability for hockey.

A motion was made by Councilman Valenzuela, seconded by Councilwoman Williams, that this item be adopted. The motion carried

by the following vote:

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

No: 2 - Councilman DiCiccio and Councilman Waring

20 SICO America Inc.

For \$12,000.00 in payment authority to purchase 20 specialty tables for the Phoenix Convention Center to replenish existing inventory nearing its end of life. The tables are highly versatile and are used for receptions, corporate meetings and large conventions. The tables are identical to the department's existing inventory, which is important for uniformity, transporting, storing and overall operations.

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

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

No: 2 - Councilman DiCiccio and Councilman Waring

43 Proposed 47th Street and Ashler Hills Drive Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes Section 9-471, on the proposed 47th Street and Ashler Hills Drive Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

Summary

This annexation was requested by Mr. Andrew Armstrong, with Beus Gilbert, PLLC, on behalf of the property owner for the purpose of expanding the existing Chaparral Animal Hospital campus for equestrian rehabilitation and care and rezoning the property within the City of Phoenix. The proposed annexation conforms to current city policies and

complies with Arizona Revised Statutes Section 9-471 regarding annexation.

Public Outreach

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

Location

The proposed annexation area includes parcel 211-35-011L and is located west of 47th Street and south of Ashler Hills Drive, in Council District 2. The annexation area is approximately 4.772 acres (0.0075 sq. mi.) and the population is estimated to be zero.

Discussion

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

The hearing was held on this item.

44 Proposed 67th Avenue and Fulton Street II Annexation - Public Hearing

A public hearing, as required by Arizona Revised Statutes Section 9-471, on the proposed 67th Avenue and Fulton Street II Annexation. This public hearing allows the City Council to gather community input regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

Summary

This annexation was requested by the property owners 67th Avenue Qualified Pers Residence Trust and Carlos and JoAnn Green Family Trust for the purpose of obtaining city services. The proposed annexation conforms to current City policies and complies with Arizona Revised Statutes Section 9-471.

Location

The proposed annexation area includes parcels 104-56-001F and 104-56-004A and is located east of 67th Avenue and south of Fulton

Street, in Council District 7. The annexation area is approximately 10.486 acres (0.0164 sq. mi.) and the population is estimated to be seven individuals.

Public Outreach

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

Discussion

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

The hearing was held on this item.

54 Amend Ethics Ordinance and City Code, Create and Provide for the Appointment of Ethics Commission, and Establish Effective Dates (Ordinance G-6274)

This report requests City Council approval to amend Chapter 2, Article II of the Phoenix City Code to add a gift policy, create a City of Phoenix Ethics Commission to investigate allegations of ethical violations and enforce the City's ethics policies, and establish effective dates.

Summary

The proposed ethics ordinance identifies permissible and prohibited gifts for elected officials, employees, board and commission members, and volunteers (Attachment A). It also identifies gifts that are permissible for elected officials and employees, but which must be disclosed on a form submitted to and posted by the City Clerk.

The proposed City of Phoenix Ethics Commission consists of five members recommended by the Phoenix Judicial Selection Advisory Board and approved by seven members of the City Council. The Ethics Commission is authorized to receive allegations of ethical violations, investigate, take testimony, and engage in any other action to the extent permitted and established by law to oversee the investigation and enforcement of the gift policy and conflicts of interest pursuant to Phoenix City Charter Chapter XI, Sec. 1 (Title 38, Article 8, Arizona Revised Statutes) related to elected officials and board and commission

members. The proposed ordinance amendment also describes the actions the Ethics Commission may take with respect to alleged ethical violations and the actions the Council may take. In addition, the proposed ordinance establishes effective dates for the ordinance and creation of the Ethics Commission.

Concurrence/Previous Council Action

This item was unanimously approved by City Council on Feb. 7, 2017.

Discussion

The City Clerk read the title of the ordinance for this item.

Councilwoman Williams wished to move adoption of the ethics ordinance with the following changes: Section 2-53(C), change three years to five years immediately preceding appointment; Section 2-53(N), change the affirmative vote of council members to seven to remove an ethics commission member; and Section 2-53(J), delete hearing officer.

Mr. Leonard Clark supported this ethics policy which he felt was long overdue.

Councilman DiCiccio supported this item because it set limitations on gifts but thought it would be less complicated if gifts were banned altogether.

A motion was made by Councilwoman Williams, seconded by Councilman Valenzuela, that this item be adopted as amended. The motion carried by the following vote:

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

55 Motion to Vacate Continuance of Ethics Ordinance Item to March 21, 2017

At its Jan. 24, 2017 Policy Session, the City Council voted to continue the Ethics Ordinance item to the March 21, 2017 Policy Session. Based on the unanimous Council vote at the Feb. 7, 2017 Policy Session and today's Formal Meeting item, staff requests City Council vacate its request for continuance.

Discussion

Councilwoman Williams clarified this item was being vacated since the matter was now resolved.

Ms. Dianne Barker submitted a speaker comment card in support of this item, but did not wish to speak.

A motion was made by Councilwoman Williams, seconded by Councilwoman Pastor, that the motion to vacate this item be approved. The motion carried by the following vote:

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

60 Golf Management System - RFP PKS16-081516

Request to authorize the City Manager, or his designee, to enter into a contract with Golf Compete, Inc., dba foreUP, to provide golf management software, website development, and supporting services at the City's five golf courses.

Summary

The golf management software will be the point of sale system that provides booking and payment of tee times, purchase of items, tracking of inventory and email marketing tool. Golf Compete, Inc., also will provide new websites for the main golf page and each individual golf course.

The system will enhance the basic fundamental cornerstone of providing superior customer service. The Parks and Recreation Department expects to see increased revenue streams by managing and tracking "no shows," adding internet capabilities that will greatly improve marketability, as well as the ability to book tee times 24 hours each day, and guarantee future customers with credit card acceptance. Integrated with the tee sheet, the system will track all merchandise and related sales while providing in-house and remote administration/reporting capability while enhancing the marketing of all golf services and products. Centralized inventory management will increase purchasing power allowing for greater discounts and increased sales.

The cost to operate this system is paid for by a transaction fee generated by golf tee times; Golf Compete, Inc. retains the revenues generated from two tee times per day at the golf courses, for a total of 56 tee times per week.

Procurement Information

Two proposals were received by the Parks and Recreation Department for the Request for Proposal (PKS16-081516) on Sept. 19, 2016, for the purchase of golf management software and supporting services.

Following is the tabulation of the proposal scores received:

EZ Links: 74

Golf Compete, Inc.: 88

Contract Term

The Agreement term is for three years. Provisions of the contract may include two options to extend the term up to one year each, which may be exercised by the City Manager or designee.

Financial Impact

There is no General Fund expenditure. The cost to operate this system is paid for by a transaction fee generated by golf tee times.

Concurrence/Previous Council Action

This item was approved by the Parks, Arts, Education, and Equality Subcommittee on Jan. 25, 2017 by a 3 to 1 vote.

Discussion

Councilman Waring stated he had strong views about whether the City should be in the golf business, but wanted clarification that this system would make things more efficient and save the City money.

Deputy City Manager Deanna Jonovich affirmed Councilman Waring's statement was correct.

Councilman DiCiccio also believed the City should not be in the golf business and preferred golf courses be turned over to the private sector. He appreciated staff's work on this matter, but did not think this was a core function of the City.

A motion was made by Councilman Valenzuela, seconded by Councilwoman Williams, that this item be approved. The motion carried by the following vote:

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

No: 1 - Councilman DiCiccio

66 Public Transit Regional Fare Policy Revisions (Ordinance S-43254)

Request an ordinance amending the Public Transit Regional Fare Policy for the City of Phoenix Public Transit system adjusting the price of All Day Passes purchased on-board buses to match the off-board purchase price and adding a Special Event Pass program.

Summary

Regional Transit All Day Pass Pricing

Transit fares are regional, and the City works in conjunction with Valley Metro in establishing fares. A fare policy change implemented by the region in 2009 included an additional charge for purchase of an All Day Pass on-board buses equal to the single ride fare of \$1.75 in order to encourage pre-boarding purchase of passes to decrease bus dwell times and increase the speed of transit trips for passengers. With a fare policy change in 2013, this policy was continued with the differential increasing to the new single ride fare of \$2.00. Although there are approximately 800 retail outlets in the region selling transit passes, those without access to these opportunities pay \$2.00 additional for an All Day Pass purchased on board. The additional \$2.00 paid for the on-board purchase of All Day Passes results in approximately \$500,000 additional regional fare revenue, of which approximately \$300,000 is the Phoenix portion; however, not quantifiable is the lost fare revenue resulting from potential riders choosing not to use, or unable to afford, the regional transit system due to the on-board increased fare. Elimination of the All Day Pass pricing differential would be effective July 1, 2017.

Special Event Passes

The regional transit system offers a variety of passes and fare programs that can be purchased and used by transit passengers. These passes

and programs do not address the needs of special events. Large special events, such as conferences and major city events, like the upcoming NCAA Final Four, provide economic development opportunities for the region. Providing special event passes will enhance the experience of event attendees and provide opportunities for visitors to experience the convenience of the region's transit system.

The Valley Metro Regional Fare Policy Working Group, an advisory body comprised of staff from several cities, developed the recommended special event pass program be added to the regional fare policy. The Special Event Pass program is structured as follows:

Passes valid for multiple day special events:

- Minimum two-day event
- Minimum of 100 passes provided
- Passes sold to event sponsor/organizing committee, not available to general public

Pricing:

- Platinum Pass type of program, smartcard technology
- Cost recovery charge per card provided, currently \$1.50 per card
- Pay single ride fare per use, up to an event maximum
 - \$4.00 per day for 2-3 days (1-day pass price)
 - \$2.85 per day for 4-7 days (7-day pass price per day)
 - \$2.20 per day for 8-15 days (15-day pass price per day)
 - \$2.00 per day for 16 or more days (31-day pass price per day)

The special event passes as proposed provide sponsoring organizations with pricing flexibility, cost certainty, and avoidance of unnecessary costs, while encouraging participating visitor groups to use the regional transit system. Prices are consistent with existing pass prices available to the general public. This program would be effective March 1, 2017.

Financial Impact

Elimination of the On-Board Fare Differential is estimated to decrease the City of Phoenix share of annual fare revenue by approximately \$300,000. No financial impact is anticipated with the addition of special

event passes.

Concurrence/Previous Council Action

Reducing the price of the on-board purchase of an All Day Pass to eliminate the differential and match the off-board purchase price was recommended by the Citizens Transportation Commission at its Aug. 25, 2016 meeting and by the Transportation and Infrastructure Subcommittee at its Oct. 11, 2016 meeting, both by unanimous vote.

The Special Event Pass was recommended by the Citizens Transportation Commission at its Dec. 15, 2016 meeting and by the Transportation and Infrastructure Subcommittee at its Jan. 10, 2017 meeting, both by unanimous vote.

Discussion

Councilman Waring understood the City sold tickets at a lower price at kiosks and not on buses, so this was a request to lower the purchase price of tickets on buses as well as create a special event pass program for visitors. He wanted assurance there was no fare increase as this would generate more money for the City and make travel easier for visitors.

Public Transit Director Maria Hyatt replied transit passes were sold at more than 800 different retail outlets throughout the City as well as ticket vending machines at transit centers. If a person did not purchase a bus pass at these locations it would cost an additional \$2 to buy onboard the bus.

Councilman Waring was glad staff was addressing this issue as it was unfair, plus promoting people from out of town to ride the bus.

Ms. Hyatt continued the special event pass was based on the current fare structure and allowed the City to target large events in Phoenix. It was a new revenue opportunity to bring this type of economic development to the City.

Councilman Waring wanted to make sure the item was more clear to those who rode the bus.

Mayor Stanton thought the policy to reduce the fare at kiosks was well-intended to speed up operations on the bus but it was unfair to some neighborhoods that did not have a kiosk nearby.

Councilwoman Williams also believed this was a good policy since bus drivers not only received insults but were sometimes assaulted for the higher ticket price. She thanked staff for taking that into consideration as it was a safety issue.

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

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

85 Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-58-16-3 - Southeast corner of 32nd Street and Cheryl Drive (Ordinance G-6276)

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-58-16-3

Current Zoning: C-O/G-O HGT/WVR

Proposed Zoning: PUD

Acreage: 2.40

Proposal: Mix of uses including self-storage facility

Owner/Applicant/Representative: Jason Morris, Withey Morris PLC

Staff Recommendation: Approval, subject to stipulations

VPC Action: The Paradise Valley Village Planning Committee heard the request on Jan. 9, 2017 and it was approved per staff's recommendation.

Vote: 13-0.

PC Action: The Planning Commission heard the request on Feb. 2, 2017, and recommended approval per the Paradise Valley Village Planning Committee. Vote: 7-0.

3/4 Vote Required: No

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

Location

Southeast corner of 32nd Street and Cheryl Drive.

Discussion

Planning and Development Director Alan Stephenson stated this rezoning request, located on the southeast corner of 32nd Street and Cheryl Drive, was from C-O/G-O with a height waiver to PUD to allow mixed-use including a storage facility. This case was approved by the Paradise Valley Village Planning Committee (VPC) per staff recommendation and the Planning Commission approved per VPC recommendation. He conveyed staff recommended approval per Planning Commission recommendation.

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

The hearing was held. A motion was made by Councilwoman Stark, seconded by Councilwoman Williams, to approve this item per Planning Commission's recommendation and to adopt the related ordinance. The motion carried by the following vote:

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

86 Amend City Code - Public Hearing and Ordinance Adoption - Z-89-16-4 - Northeast Corner of 27th Avenue and Hazelwood Street (Ordinance G-6277)

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-89-16-4

Current Zoning: R1-6

Proposed Zoning: R-4

Acreage: 2.73

Proposal: Multifamily Residential

Owner: Rehoboth CDC

Applicant: Brian Swanton, Gorman & Company

Representative: Peter Swingle, Athena Studio

Staff Recommendation: Approval, subject to stipulations

VPC Action: The Alhambra Village Planning Committee heard the request on Jan. 24, 2017, and recommended approval per staff stipulations. Vote: 9-0.

PC Action: The Planning Commission heard the request on Feb. 2, 2017, and recommended approval per the Alhambra Village Planning Committee. Vote: 7-0.

3/4 Vote Required: No

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

Location

Northeast Corner of 27th Avenue and Hazelwood Street.

Discussion

Planning and Development Director Alan Stephenson stated this was a rezoning request from R1-6 to R-4 to allow multifamily residential development on a 2.73-acre parcel located at the northeast corner of 27th Avenue and Hazelwood Street. The Alhambra Village Planning Committee (VPC) approved per staff stipulations and the Planning Commission approved per VPC recommendation. He indicated staff recommended approval per Planning Commission recommendation and adoption of the related ordinance.

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

The hearing was held. A motion was made by Councilwoman Pastor, seconded by Councilwoman Williams, to approve this item as corrected per Planning Commission's recommendation and to adopt the related ordinance. The motion carried by the following vote:

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

**87 Amend City Code - Public Hearing and Ordinance Adoption -
Protecting Critical Infrastructure Text Amendment - Z-TA-4-16
(Ordinance G-6278)**

Request to hold a public hearing on a proposed text amendment for the following item and to consider adopting the Planning Commission recommendation along with the related Ordinance.

Application: Z-TA-4-16

Request: Protecting Critical Infrastructure

Proposal: Amend Chapter 2, Section 202, Chapter 5, Section 507.TAB.A.II.E and Chapter 7, Section 703.A of the Phoenix Zoning Ordinance regarding fence and freestanding wall height to protect critical infrastructure.

Applicant: City of Phoenix Planning Commission

Representative: Planning and Development Department

Staff: Approval

Summary

The intent of this text amendment is to create standards for fence and freestanding wall height for instances where a greater level of security is necessary for the protection of critical infrastructure (See Attachment A).

Concurrence/Previous Council Action

Fourteen Village Planning Committees (VPC) have heard this request and one VPC chose not to hear this request. Eleven VPCs approved the amendment as proposed by staff, two approved with modifications and one denied the request. The Planning Commission heard this case on Jan. 5, 2017 and recommended approval per staff recommendation.

Discussion

Planning and Development Director Alan Stephenson stated this was a text amendment to create standards for fence and free-standing wall height to provide a greater level of security of critical infrastructure, such as water and electrical facilities. He advised 14 Village Planning Committees (VPCs) heard this matter, noting 1 chose not to hear it. He explained 11 VPCs approved per staff, 2 approved with modification, and 1 denied this request. The Planning Commission also heard the case and approved per staff recommendation. He stated staff recommended approval per Planning Commission recommendation and adoption of the

related ordinance.

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

The hearing was held. A motion was made by Councilwoman Stark, seconded by Councilwoman Pastor, to approve this item per Planning Commission's recommendation and to adopt the related ordinance.

The motion carried by the following vote:

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

88 Amend City Code - Public Hearing and Ordinance Adoption - Enforcement Text Amendment - Z-TA-7-16 (Ordinance G-6279)

Request to hold a public hearing on a proposed text amendment for the following item and to consider adopting the Planning Commission recommendation along with the related Ordinance.

Application: Z-TA-7-16

Request: Enforcement Text Amendment

Proposal: Amend Chapter 6, Sections 600, 605-606, 608, 622-624, 627 and Chapter 7, Section 701 of the Zoning Ordinance to address enforcement.

Applicant: City of Phoenix Planning Commission

Representative: Planning and Development Department

Staff: Approval

Summary

The intent of this text amendment is to clean-up and clarify existing enforcement language within the Zoning Ordinance (See Attachment A).

Concurrence/Previous Council Action

Fourteen Village Planning Committees (VPC) have heard this request and one VPC chose not to review this request as summarized in Attachment B. Twelve of the VPCs have approved the amendment as proposed by staff and two approved with modifications. The Planning Commission heard this case on Jan. 5, 2017 and recommended approval per staff recommendation.

Discussion

Planning and Development Director Alan Stephenson stated this was a text amendment initiated by staff to address language issues and enforcement of the Zoning Ordinance that arose from the Neighborhood Services Department and Prosecutor's Office. He noted 14 Village Planning Committees (VPCs) heard this request with 1 choosing not to review it. He added 12 VPC approved the request as proposed while 2 approved with modifications. Also, the Planning Commission heard this case and recommended approval. He conveyed staff recommended approval per Planning Commission and adoption of the related ordinance.

Councilman Waring requested staff provide two examples regarding this item.

Mr. Stephenson recited an example was the language about an applicant may apply for a Use Permit to do certain activities. Over the years that language had been interpreted to require an applicant obtain a Use Permit to do particular activities, such as outdoor dining and outdoor alcohol sales which did not come before Council but had a public hearing. The ordinance used the word "may" which the Prosecutor's Office had problems enforcing at court proceedings because applicants did not interpret that word meant it was required. He continued other things related to outdoor storage and display in the C-2 district and what was allowed as an accessory use in those areas. He pointed out common areas was where the Neighborhood Services Department, who performed the zoning enforcement, and Prosecutor's Office identified those challenges.

In further response to Councilman Waring, Mr. Stephenson confirmed this amendment clarified things so the public knew the expectations. Plus, it would be easier to get compliance and be a more efficient use of staff resources.

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

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

Planning Commission's recommendation and to adopt the related ordinance. The motion carried by the following vote:

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

88.1 Issuance of Excise Tax Funded Obligations for Rehabilitation of Elevators in City of Phoenix Municipal Buildings (Ordinance S-43267)

An ordinance authorizing the City Manager to cause the issuance of obligations of or by a municipal property corporation, including execution and delivery of one or more ground leases, leases, purchase agreements or financing agreements and the taking of any and all actions necessary or appropriate to finance or reimburse a principal amount not exceeding \$6,000,000 for costs of acquiring, constructing and improving real and personal property for the Elevator Rehabilitation Project plus related financing costs; authorizing a pledge if deemed appropriate, of excise taxes or other lawfully available funds; authorizing the execution and delivery of other appropriate agreements in connection therewith, including but not limited to any official statements and bond purchase agreements and certificates necessary or appropriate for the financing and associated financing costs; authorizing the City Manager to take any and all other necessary or desirable actions in connection with such bonds; and authorizing the City Controller to expend all necessary funds therefor.

Summary

Several elevators in City of Phoenix municipal buildings have been determined to have reached the end of their useful life and should be replaced. Failure to rehabilitate the equipment will result in decreasing reliability of the elevators, more frequent breakdowns, entrapments, and part failures. In addition, the rehabilitation project will result in improved energy efficiency and reliability.

On Feb. 14, 2017, the Transportation and Infrastructure (T&I) Subcommittee recommended City Council approval for the elevator rehabilitation project and authorization to issue excise tax obligations to reimburse projects costs, including related financing costs.

Concurrence/Previous Council Action

This item was unanimously approved by the Transportation and Infrastructure Subcommittee on Feb. 14, 2017.

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

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

No: 1 - Councilman Waring

89 Analysis of Citizen Petition

This report provides management's analysis of the petition submitted by Rick Robinson on Feb. 1, 2017 (Attachment 1). The Charter requires Council action on the petition in the regular course of business within 15 days. Staff recommends denial of the petition based on grounds set forth by the City Attorney (Attachment 2).

Summary

The main component of the petition asks the Council to undo Phoenix Police Department Operations Order 4.48. A second component asks the Council to declare that Phoenix is a "sanctuary city."

First, no longer following Ops Order 4.48 as suggested in the petition would mean that the Council would be acting to have employees act in contradiction to state law (a fuller discussion of the legal problems with this petition's requested action is contained in Attachment 2).

Second, "sanctuary city" is not a term that is defined in the law, and has no commonly understood meaning that would be useful to police officers or City employees fulfilling their duties.

For these reasons, City management recommends denying the petition.

Discussion

Mayor Stanton stated this item related to a citizen petition presented to Council at the previous formal meeting. He conveyed there were a

tremendous amount of speaker comment cards so he would give each person up to one minute. Following testimony, he would turn it over to the Councilmembers for questions of staff as it pertained to their recommendation or see if there was a motion.

The following individuals spoke in favor of Phoenix being a sanctuary city and for the Police Department to defy Operations Order 4.48, SB1070 and Section 287(g) as it would keep families together, provide timely response to calls for service and lessen fear and mistrust of the Police Department:

Reverend Andy Burnette
Carlos Garcia
Leonard Clark
Zofia Rawner
Viridiana Hernandez
Heather Hamel
Kit Danley
Maria Castro
David Smith
Antonio Velasquez
Maria Rosalia Bugarin
Chris Fleischman
Jennifer Jones
Xenia Orona
Dan O'Neal
Ken Kenegos
Sally Osorio
Reverend Susan Frederick-Gray
Emily Spetrino
Emrys
Leidy Robledo
Benjamin Messer
Dr. Angeles Maldonado
Abril Gallardo

In response to Mr. Garcia, Councilman DiCiccio said he was opposed to Phoenix being a sanctuary city but respected the risk everyone was

taking to accomplish this matter.

Councilman Waring added the Council could not ask police officers to break the law as that would be unethical. He cited the following statistics he obtained from the Police Department regarding testimony about mass deportation: in 2014 there were 2,436 people referred to ICE out of 39,802 arrests citywide; in 2015 there were 1,907 individuals referred to ICE out of 26,311 arrests; and in 2016 there were 1,455 people referred to ICE out of 31,951 arrests. He pointed out the number of arrests had decreased but Phoenix was already participating in deportation proceedings because of Senate Bill 1070 and Obama Administration policy. He also would not vote to make Phoenix a sanctuary city.

In response to Councilman Nowakowski, Ms. Castro said Guadalupe Garcia de Rayos was taken from her family last week by ICE and deported. Protesters came out to support the family but were removed by the Phoenix Police Department.

Councilman DiCiccio addressed Mr. Velasquez in Spanish. Councilman Nowakowski summarized the issue Councilman DiCiccio mentioned was about criminals coming into this county, not the hard working individuals that gave back to the community.

The following individuals spoke in opposition as immigration laws were already established, plus concerns of property value depreciation and rise in crime rate:

Tim Rafferty
Fred Linsenmeyer
Albert Wos
Cynthia Perrin
Mike Stefanik
Anna Gaines
Daniel Rodarte
Jim Williams

Councilman Valenzuela said the City promoted safe neighborhoods and requested his Chief of Staff speak with Mr. Williams.

Mayor Stanton stated Tim Baiardi and Franklin Marino submitted comment cards in opposition, but were not present to speak.

Mayor Stanton added the following comment cards were submitted with a neutral position, but none of the individuals were present to speak:

Sandra Weir
Montserrat Arredondo
Claudia McIntosh
Roxana Abunds

Mayor Stanton noted the following speaker comment cards were submitted in favor, but no one wished to speak:

Mullaney Hardesty
Laura Skodol
Reverend Raymond Ritari
Heather Maher
Melanie MacEachern
Elena Perez
Katherin Resendiz
Petra Falcon
Jacinta Gonzalez

Mayor Stanton stated Sarah Foerster and Janine Schmenk submitted comment cards with a neutral position and did not wish to speak.

Mayor Stanton added the following speaker comment cards were submitted in opposition, but no one wished to speak:

Ken Crane
Toby Sexton
Paul Barnes
Eric Basingthwaighte
Vince Anselmo

Mayor Stanton asked Chief Williams to provide details about Phoenix

Police Department policy along with any other relevant information.

Police Chief Jeri Williams emphasized the Phoenix Police Department was committed to protecting and serving all members of the public; however, the Police Department had to abide by state rules and regulations. She specified the Police Department did not have 287(g) officers as they were not a deportation force. With regard to the ICE situation mentioned earlier, police officers were present to keep the peace. Also, she clarified the number of arrests cited earlier were correct but ICE holds from the Phoenix Police Department were 14 in 2016, 10 in 2015, and 9 in 2014. The numbers quoted in the thousands were Maricopa County holds after police officers booked someone. She was proud of the Police Department men and women who exercised diligence and perseverance in carrying out the rules and regulations.

Mayor Stanton had immense respect for everyone who testified but he believed this debate was a political ploy to divide the community. The real issue was not about Phoenix being a sanctuary city but how to respond to President Trump's executive order that removed the focus of federal government deportation efforts from violent criminals to students and other hard working individuals. He remarked treatment of immigrants in this country was one of the most important civil rights issues and thought the Phoenix Police Department was exceptional as led by Chief Williams. In fact, the department was committed to community policing and earning the trust of the people that officers serve and protect.

Mayor Stanton stressed the City would not participate in the 287(g) program or any other agreements with the federal government that deputized officers to act as immigration agents in a mass deportation effort. He stated diverting the Police Department from its mission would shatter the trust between officers and the community. Still, the law was settled by SB1070 though much of it was deemed unconstitutional but there were portions that maintained a certain level of cooperation with federal immigration authorities through the jail system which were upheld by the United States Supreme Court. He thanked Chief Williams for leading the department through difficult times. In conclusion, because of these reasons he made a motion to deny the citizen petition.

A motion was made by Mayor Stanton, seconded by Councilwoman Williams, to deny the petition.

An amended motion was made by Councilman Valenzuela, seconded by Vice Mayor Gallego, to have the City Attorney explore the City's legal options to challenge SB1070 and discuss the findings in Executive Session.

Councilman Nowakowski asked if the state could require the city to enforce federal immigration law. Also, he wanted to know if Phoenix had ever challenged the state on laws that impacted the city, such as elections.

City Attorney Brad Holm responded with respect to the 287(g) initiative, neither the federal or state government required Phoenix to enter into a memorandum of agreement with ICE and the city had not done so.

Councilman Nowakowski inquired about the difference between officers enforcing immigration law according to SB1070 versus 287(g).

Mr. Holm replied SB1070 did not require the city to enter into an agreement. However, under a 287(g) agreement officers would become de facto ICE officers, receive separate training and command, and removed from other patrol activities. He advised the city was not compelled to do that by the federal government and was not doing so under SB1070.

In further response to questions from Councilman Nowakowski, Mr. Holm conveyed the city was not a party to previous challenges of SB1070 whereas other groups disputed every aspect of the law. Further, the aspect of the law with regard to Operations Order 4.48 sought to comply with was scrutinized by several federal courts as well as challenged in state court but the provision was upheld. So, the city did not have an opportunity to make arguments but the constitutional issues were decided. He instructed if Council wanted to challenge enforcement of SB1070 staff would evaluate it and discuss the strengths and weaknesses in Executive Session.

Councilman Nowakowski listened to all the testimony and understood everyone's concerns as there was not a process for them to become a U.S. citizen. He noted undocumented workers were vital members of the private sector, yet elected officials and other folks called these individuals illegal aliens and law breakers. He felt it was wrong since these were hard working people trying to provide for their families. When SB1070 passed a 9-year-old boy told his story about how his mother was taken back to Mexico by sheriff deputies while he stayed in the U.S. with his father who had a work visa. A couple years later the boy's father passed away and he went to the radio station that Councilman Nowakowski oversaw to get help with a car wash to raise money to take his dad's body back to Mexico.

Councilman Nowakowski stressed there was a need for immigration reform for people that wanted to take jobs nobody else wanted to do. In fact, the United Farm Workers held a campaign three years ago and no one applied for those jobs. He pointed out there were individuals in the past that protested civil rights like Mrs. Parks, Cesar Chavez, and Martin Luther King, Jr. Councilman Nowakowski expressed Phoenix needed to stand up and do the right thing because families were being broken up. He received a memo regarding the creation of an ad hoc committee to discuss this matter for another 30 days but he wondered what happened if nothing came out of it. He wished to make a secondary motion that Phoenix challenge SB1070, since 40 percent of its population was Hispanic, to make sure the law was fair for all.

Mayor Stanton believed the issue on challenging SB1070 was the intent of the amended motion to discuss in Executive Session.

Councilman Waring indicated he gave statistics earlier from a memo he received from the Police Department and requested further clarification.

Police Chief Williams confirmed the total bookings previously cited were made solely by the Phoenix Police Department. She explained officers were required by law to call HSI or ICE when making an arrest which was when they were told to hold a person for HSI or ICE. She specified those figures were reflected in the middle number on the memo as 14 in 2016, 10 in 2015, and 9 in 2014. Moreover, the statistics on the far right of the

memo of 2,436 holds in 2014; 1,907 holds in 2015; and 1,455 holds in 2016 were a result of the sheriff's office and their processing which had nothing to do with Phoenix.

Councilman Waring interjected except for the fact that the Phoenix Police Department made the arrests so those people would not have been in jail had police officers not arrested them. He might focus on the numbers but that was history which showed this occurred during the Obama Administration. It was a bit misleading to say the city had nothing to do with deportations when the Phoenix Police Department was making the arrests but he thought it was appropriate as was running them through ICE. He felt it was unacceptable to ask officers to violate the law so he was against the petition.

Councilman Waring remarked a committee was being formed but he did not know what would come out of it that had not been done before. He reiterated ICE holds and total arrests had been going down and applauded the Phoenix Police Department for their efforts in following the letter of the law. He also commended Councilman Nowakowski for his passion in fighting this battle though Councilman Waring disagreed with it. The city did not track immigration status but he hoped the statistics he brought up clarified the number of holds was about 4.5 percent of the arrests. He understood the passion on both sides and appreciated all the comments but Phoenix was not a sanctuary city. In closing, he presumed if the state or federal government made new laws that Phoenix would follow them.

City Manager Ed Zuercher emphasized the city followed the law as directed by Council. Also, he clarified the post-booking hold was the role of the sheriff's office who ran the jail and contacted ICE as opposed to Phoenix police officers making arrests for other crimes.

Police Chief Williams concurred it was the sheriff's office role though Phoenix did make the arrest. She wanted to make sure the statistics were clear.

Councilman Nowakowski interjected point of order based on his motion that did not receive a second.

Mayor Stanton explained the original motion had an amendment which needed a vote and then a substitute motion could be made.

In further response to Councilman Nowakowski, Mayor Stanton believed the intent was to have an Executive Session on these issues and requested advice as to the legal options.

Mr. Holm understood a motion was made by Mayor Stanton followed by a proposed amendment to that motion which was seconded and was the motion on the floor. Once the amended motion was disposed of a substitute motion could not be made based on Rule 5(e) which only allowed one amendment. However, Mr. Holm thought Councilman Nowakowski's motion was very similar to the amended motion on the floor.

Councilman Nowakowski indicated the amended motion would stall this matter, so he wanted some type of vote today for clarification.

Councilwoman Williams asked that the motion on the floor be repeated.

Mayor Stanton stated the original motion was to deny the petition and the amendment was to have an Executive Session so the City Attorney could advise Council as to the legal options related to SB1070.

Councilwoman Williams supported the motion to reject the petition as she felt very strongly that Phoenix police officers did an outstanding job in following the law. She pointed out this was a national problem due to the lack of Congress not amending immigration law. She suggested people could have gone down to the state and introduced legislation but that did not happen. Once more, this would never be resolved until Congress made a process that allowed people to come into this country legally. Moreover, she thought the current Administration should spend money on a computer system at the border that identified links to criminal banks instead of the wall. She reiterated support of the original motion as she did not believe the City should take on SB1070 which had already been fought repeatedly in several courts.

Councilman DiCiccio was totally opposed to Phoenix being a sanctuary city. Further, he had predicted an ad hoc committee would be formed whose recommendations must operate within the bounds of both state and federal law per the memo. Additionally, he believed the language in the memo gave the public uncertainty that Phoenix might eventually become a sanctuary city which would never happen with this body. He claimed there were two sections of 287(g), noting one part was answered but the second part dealt with SB1070 which Phoenix was doing now by cooperating with ICE.

Mr. Holm disagreed and advised the 287(g) program created an agreement between the federal government and state or local agency and effectively took control of some officers who were then trained and supervised by federal authorities to implement federal immigration policy. He reiterated the city had not done that and affirmed 287(g) was not the same as Senate Bill 1070.

Councilman DiCiccio expressed the City was going to follow SB1070 regardless of public comments. He commented the motion to take up this issue at Executive Session meant it was a closed door meeting so the public was left out of the real debate. Again, he said Phoenix should not and would never be a sanctuary city.

Mayor Stanton explained this vote was on the motion to deny the petition and have an Executive Session where legal counsel would discuss legal options related to SB1070.

Mr. Holm clarified the motion on the floor pertained to the amended motion.

Mayor Stanton confirmed this vote was on the motion made by Councilman Valenzuela to have an Executive Session to explore the legal options regarding SB1070.

Prior to his vote, Councilman Waring stressed Phoenix would not be a sanctuary city for financial and other reasons. Also, he wondered why Councilman Nowakowski could not make a substitute motion when Councilman Valenzuela's motion was an amendment.

Mayor Stanton believed an explanation was provided earlier by the City Attorney.

The amended motion carried by roll call vote of 5-4, with Councilmembers DiCiccio, Stark, Waring and Williams casting the dissenting votes.

Mayor Stanton conveyed this vote included the original motion to deny the citizen petition and to have an Executive Session in which legal counsel would explore legal options relative to SB1070.

A motion was made by Mayor Stanton, seconded by Councilwoman Williams, that the petition be denied with direction that the City Attorney evaluate the City's legal options to challenge SB1070 and discuss in Executive Session. The original motion with amended language carried by the following vote:

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

No: 2 - Councilman DiCiccio and Councilman Waring

Prior to his vote, Councilman Nowakowski wanted to know if he could make a substitute motion.

Mr. Holm replied a substitute motion and an amended motion were treated the same and only one was permitted per Rule 5(e) which was already made by Councilman Valenzuela.

Also prior to his vote, Councilman Diccio indicated he would be voting no because the public was frustrated and the whole issue should be voted on now.

Councilwoman Williams emphasized her yes vote was to reject the petition.

In further response to Councilman Nowakowski, Mayor Stanton specified Council could not vote to challenge something without legal advice in Executive Session. Based on that information, Councilman Nowakowski voted in favor of the motion.

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 5:24 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 15th day of February, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of September, 2017.

CITY CLERK