City of Phoenix

# Agenda
# City Council Formal Meeting

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

**Wednesday, December 14, 2022 2:30 PM phoenix.gov**

**OPTIONS TO ACCESS THIS MEETING**

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

***- Register online*** *by visiting the City Council Meetings page on phoenix.gov* ***at least 2 hours prior to the start of this meeting****. Then, click on this link at the time of the meeting and join the Webex to speak:* https://phoenixcitycouncil.webex.com/phoenixcitycouncil/onstage/g.php?MTID=ec9a0f66af641c42e2de17b3b3a8cba52

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

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

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

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

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

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

**- Call-in** to listen to the meeting. Dial 602-666-0783 and Enter Meeting ID 2556 727 9147# (for English) or 2554 328 1664# (for Spanish). Press # again when prompted for attendee ID.

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

***Para nuestros residentes de habla hispana:***

**- Para registrarse para hablar en español,** llame al 602-262-6001 **al menos 2 horas antes del inicio de esta reunión** e indique el número del tema. El día de la reunión, llame al 602-666-0783 e ingrese el número de identificación de la reunión 2554 328 1664#. El intérprete le indicará cuando sea su turno de hablar.

**- Para solamente escuchar la reunión en español,** llame a este mismo número el día de la reunión (602-666-0783; ingrese el número de identificación de la reunión 2554 328 1664#). Se proporciona interpretación simultánea para nuestros residentes durante todas las reuniones.

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

## CALL TO ORDER AND ROLL CALL

## BOARDS AND COMMISSIONS


| | | |
|---|---|---|
| 1 | **Mayor and Council Appointments to Boards and Commissions** | Page 13 |


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


| | | |
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| 3 | **Liquor License - Anzio's Italian Restaurant** | District 1 - Page 16 |
| 4 | **Liquor License - Sofia's Mexican Cuisine** | District 1 - Page 21 |
| 5 | **Liquor License - Plaza Bonita Family Mexican Restaurant** | District 2 - Page 26 |
| 6 | **Liquor License - Clearwater Mayo** | District 2 - Page 28 |
| 7 | **Liquor License - First Watch Restaurant #0203** | District 2 - Page 32 |
| 8 | **Liquor License - Lux Max Annex** | District 2 - Page 36 |
| 9 | **Liquor License - Playa II** | District 3 - Page 41 |
| 10 | **Liquor License - First Watch Restaurant #42** | District 3 - Page 43 |
| 11 | **Liquor License - Mariscos Empalme** | District 3 - Page 47 |
| 12 | **Liquor License - Shea Cheese** | District 3 - Page 52 |
| 13 | **Liquor License - Special Event - Brophy College Preparatory** | District 4 - Page 57 |
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| | | |
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| 15 | **Liquor License - First Watch Restaurant #0202** | District 4 - Page 63 |
| 16 | **Liquor License - JC Convenience Store** | District 5 - Page 68 |
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| 22 | **Liquor License - Special Event - Children's Cancer Network** | District 7 - Page 96 |
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| 26 | **North American Region of the Airports Council International doing business as Airports Council International - North America** | |
| 27 | **eRAD Inc.** | |
| 28 | **QCM Technologies, Inc.** | |
| 29 | **Archer Western Construction, LLC** | |
| 30 | **Settlement of Claim(s) Williams v. City of Phoenix** | |
| 31 | **Settlement of Claim(s) Quintero v. City of Phoenix** | |
| 32 | **Settlement of Claim(s) Adams v. City of Phoenix** | |

## ADMINISTRATION


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| 34 | **Reappointment of a Municipal Court Judge** | Citywide - Page 116 |
| 35 | **American Rescue Plan Act Reallocation Funds - The Moreland, XWings, and Affordable Housing and Homelessness Projects** | Citywide - Page 117 |
| 36 | **XWing Non-Congregate Shelter - EXC 22-0049 - Request for Award (Ordinance S-49284)** | District 7 - Page 119 |
| 37 | **Acceptance of a Traffic Control Easement at 18th Street and McDowell Road (Ordinance S-49241)** | District 8 - Page 121 |
| 38 | **Acceptance of an Easement for Water Purposes (Ordinance S-49259)** | District 2 - Page 122 |
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| 40 | **Grant of a Public Utility Easement on City-owned Property Near Central Avenue and Deer Valley Drive (Ordinance S-49243)** | District 1 - Page 124 |
| 41 | **Building and Plumbing Materials - ADSPO14-00003936 - Amendment (Ordinance S-49246)** | Citywide - Page 127 |
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| 52 | **Amendments to Classification Plan S-5815 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49276)** | Citywide - Page 148 |
| 53 | **Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49277)** | Citywide - Page 151 |
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| 56 | **Request for City Council to Meet in Executive Session on Dec. 16, 2022 at 10 a.m.** | Citywide - Page 157 |
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71 **Paraclete Ballistic Shields - IFB 18-029 - Amendment (Ordinance S-49248)** Citywide - Page 185

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| | **Agreement (Ordinance S-49269)** | |
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| 78 | **Contract Amendment for Market Rate Adjustment to MV Transportation, Inc. Paratransit Services Agreement (Ordinance S-49273)** | Citywide - Page 280 |
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| 80 | **Fuel System Service and Parts Contract Amendment (Ordinance S-49258)** | Citywide - Page 286 |
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| 83 | **Shared Micromobility Revenue Contract Solicitation - Request for Award - RCS 63-2213 (Ordinance S-49256)** | District 7 - Page 292<br>District 8 |
| 84 | **Licensing for Bridge Management Software - American Association of State Highway and Transportation Officials - Amendment (Ordinance S-49279)** | Citywide - Page 297 |
| 85 | **Odor and Corrosion Control Services - Amendment (Ordinance S-49242)** | Citywide - Page 299 |
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**PLANNING AND ZONING MATTERS**

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| | **North of Alameda Road and East of 19th and 15th Avenues** | |
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## REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

## 000 CITIZEN COMMENTS

## ADJOURN

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 1

# Mayor and Council Appointments to Boards and Commissions

## Summary

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

## Responsible Department

This item is submitted by the Mayor's Office.

**ATTACHMENT A**

City of Phoenix

**To:** City Council **Date:** December 14, 2022

**From:** Mayor Kate Gallego

**Subject:** BOARDS AND COMMISSIONS – APPOINTEES

The purpose of this memo is to provide recommendations for appointments to the following Boards and Commissions:

**North Mountain Village Planning Committee**

Councilwoman Debra Stark recommends the following for appointment:

Michael Lenz
Mr. Lenz is a Senior Project Manager for HonorHealth Construction Management. He fills a vacancy for a term to expire November 19, 2023.

**Phoenix Employment Relations Board**

I recommend the following for reappointment:

Joseph Diggs
Mr. Diggs represents the Maricopa Area Labor Federation and is a resident of District 2. He will serve his seventh term to expire December 15, 2025.

Fernando Ortega
Mr. Ortega represents the Public and is a resident of District 5. He will serve his seventh term to expire December 15, 2025.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 2

## Liquor License - Special Event - Our Lady of Czestochowa Roman Catholic Parish Phoenix

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

## Summary

Applicant
Kinga Hoffmann

Location
2828 W. Country Gables Drive
Council District: 1

Function
Dinner and Dance

Date(s) - Time(s) / Expected Attendance
Dec. 31, 2022 - 7 p.m. to 2 a.m. / 180 attendees

Staff Recommendation
Staff recommends approval of this application.

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 3

## Liquor License - Anzio's Italian Restaurant

Request for a liquor license. Arizona State License Application 214959.

## Summary

Applicant
Amy Nations, Agent

License Type
Series 12 - Restaurant

Location
12418 N. 28th Drive, Ste. 1
Zoning Classification: C-1
Council District: 1

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit.This location requires a Use Permit to allow alcohol sales.

The 60-day limit for processing this application is Dec. 30, 2022.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The new owners of Anzios Italian Restaurant have owned and operated many successful businesses in many states. They have owned restaurants with liquor license in Nevada. Their employee will attend basic liquor law training to ensure compliance with all liquor laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Anzios Italian Restaurant has been in operation with a liquor license since 1986. Their customers expect the great food and bottle of wine or drinks with their meals. We would like to continue to offer alcoholic beverages if our customers choose to have them."

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 - Anzio's Italian Restaurant
Liquor License Map - Anzio's Italian Restaurant

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

# Liquor License Data: ANZIO'S ITALIAN RESTAURANT

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Liquor Store | 9 | 3 | 1 |
| Beer and Wine Store | 10 | 5 | 2 |
| Hotel | 11 | 1 | 0 |
| Restaurant | 12 | 6 | 3 |
| Club | 14 | 1 | 0 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 149.33 | 227.60 |
| Violent Crimes | 10.65 | 26.22 | 46.17 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 51 | 159 |
| Total Violations | 89 | 339 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1039002 | 1483 | 36 % | 13 % | 10 % |
| 1039004 | 1522 | 83 % | 0 % | 5 % |
| 1040001 | 1260 | 45 % | 19 % | 36 % |
| 1040002 | 1257 | 0 % | 0 % | 9 % |
| 1040003 | 1994 | 97 % | 0 % | 11 % |
| 1043011 | 1780 | 83 % | 0 % | 13 % |
| 1043021 | 1469 | 9 % | 28 % | 7 % |
| 1043022 | 1902 | 53 % | 15 % | 15 % |
| 1044011 | 2363 | 68 % | 12 % | 12 % |
| 1044012 | 1594 | 19 % | 9 % | 38 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: ANZIO'S ITALIAN RESTAURANT

12418 N 28TH DR

N

Date: 11/2/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 4

## Liquor License - Sofia's Mexican Cuisine

Request for a liquor license. Arizona State License Application 214198.

## Summary

Applicant
Jared Repinski, Agent

License Type
Series 12 - Restaurant

Location
4323 W. Cactus Road, Ste.1 and 2
Zoning Classification: C-1
Council District: 1

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

The 60-day limit for processing this application is Dec. 25, 2022.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been representing liquor licensed establishments in Arizona for over 15 years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Tourism plays and important role in our local economy and liquor licensed establishments (the sale of alcohol) is a very important aspect of tourism. Therefore, if the City of Phoenix continues to lead the State of Arizona by approving quality and diverse businesses (restaurants, bars, microbreweries, distilleries, hotels, resorts, golf courses, special events, convenience / liquor / grocery stores and gas stations) similar to this proposed liquor licensed business, all businesses will prosper."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Sofia's Mexican Cuisine
Liquor License Map - Sofia's Mexican Cuisine

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

# Liquor License Data: SOFIA'S MEXICAN CUISINE

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Bar | 6 | 3 | 0 |
| Liquor Store | 9 | 5 | 2 |
| Beer and Wine Store | 10 | 2 | 1 |
| Restaurant | 12 | 5 | 3 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 53.31 | 81.31 |
| Violent Crimes | 10.65 | 9.76 | 13.69 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 50 | 74 |
| Total Violations | 89 | 130 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1042034 | 1692 | 82 % | 0 % | 3 % |
| 1042035 | 1364 | 69 % | 4 % | 3 % |
| 1042041 | 1932 | 95 % | 5 % | 11 % |
| 1042042 | 1745 | 92 % | 0 % | 7 % |
| 1042123 | 1683 | 79 % | 0 % | 10 % |
| 1042191 | 1602 | 85 % | 0 % | 13 % |
| 1042192 | 1566 | 91 % | 12 % | 11 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: SOFIA'S MEXICAN CUISINE

4323 W CACTUS RD

N

Date: 11/3/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 5

## Liquor License - Plaza Bonita Family Mexican Restaurant

Request for a liquor license. Arizona State License Application 12078813.

## Summary

Applicant
Theresa Morse, Agent

License Type
Series 12 - Restaurant

Location
2815 W. Carefree Highway, Ste. 101
Zoning Classification: C-2 PCD NBCCOD
Council District: 2

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

The 60-day limit for processing this application is Dec. 17, 2022.

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

Other Active Liquor License Interest in Arizona
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.

Plaza Bonita Family Mexican Restaurant (Series 12)
21141 N. John Wayne Pkwy, Maricopa
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:
"I have been a manager with my husband (now deceased) at this location. His recent passing prompted this transfer of the corporation. I have hired a manager and all my staff will be attending liquor law training including myself to ensure compliance with all state, city and county laws and regulations. This restaurant is a family atmosphere which caterers to the community."

Staff Recommendation
Staff recommends approval of this application.

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 6

## Liquor License - Clearwater Mayo

Request for a liquor license. Arizona State License Application 206950.

## Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
6650 E. Mayo Blvd.
Zoning Classification: R-3A PCD
Council District: 2

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

The 60-day limit for processing this application is Dec. 31, 2022.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Clearwater Mayo is an active senior living community that offers fine dining and resort -style amenities. Applicant would like to continue to offer alcoholic beverages to its residents as an incident to the meals served."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Clearwater Mayo
Liquor License Map - Clearwater Mayo

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

# Liquor License Data: CLEARWATER MAYO

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Bar | 6 | 5 | 1 |
| Liquor Store | 9 | 1 | 0 |
| Hotel | 11 | 1 | 0 |
| Restaurant | 12 | 22 | 8 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 15.76 | 46.60 |
| Violent Crimes | 10.65 | 1.35 | 3.50 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 50 | 0 |
| Total Violations | 89 | |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 6152001 | 1993 | 8 % | 29 % | 12 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: CLEARWATER MAYO

6650 E MAYO BLVD

N

Date: 11/3/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 7

## Liquor License - First Watch Restaurant #0203

Request for a liquor license. Arizona State License Application 213354.

## Summary

Applicant
Joanne Feinstein, Agent

License Type
Series 12 - Restaurant

Location
34948 N. North Valley Parkway
Zoning Classification: C-2 PCD NBCC
Council District: 2

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

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

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

Other Active Liquor License Interest in Arizona
This 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:
"As Chief Legal Officer and Secretary of First Watch Restaurants, Inc., I personally have 20 plus years of management experience in the hospitality industry starting with Hard Rock Cafe International in 1997 and then at First Watch Restaurants beginning in 2018. First Watch Restaurants, Inc. is a publicly traded company with 430+ restaurants in 28 states, and currently holds more than 262 liquor licenses in numerous jurisdictions across the United States. To date, First Watch has never had a citation or violation against one of those liquor licenses. First Watch participates in responsible server training as required by law and as a matter of good practice where optional in all our locations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The issuance of liquor licenses enhance First Watch's already successful business model and supports additional jobs in the restaurant. First watch continues to be a family-oriented restaurant company with closing hours daily at 2:30 pm. The addition of alcoholic beverages on the menu provides a wider selection and enhanced experience for legal drinking age customers. First Watch's primary revenue generator continues to be food/meals, and the addition of alcoholic beverages to the menu provides additional options for customers."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - First Watch Restaurant #0203
Liquor License Map - First Watch Restaurant #0203

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

# Liquor License Data: FIRST WATCH RESTAURANT #0203

## Liquor License

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

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 15.76 | 40.87 |
| Violent Crimes | 10.65 | 2.36 | 4.14 |

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

## Property Violation Data

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

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 6100002 | 1938 | 100 % | 23 % | 3 % |
| 6106002 | 522 | 94 % | 11 % | 2 % |
| 6106003 | 2890 | 73 % | 27 % | 3 % |
| 6106004 | 1133 | 91 % | 22 % | 5 % |
| 6113001 | 1825 | 31 % | 33 % | 6 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: FIRST WATCH RESTAURANT #0203

34948 N NORTH VALLEY PKWY

N

Date: 11/10/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 8

## Liquor License - Lux Max Annex

Request for a liquor license. Arizona State License Application 214871.

## Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
16220 N. Scottsdale Road, Ste. 140
Zoning Classification: CP/GCP PCD
Council District: 2

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

The 60-day limit for processing this application is Dec. 31, 2022.

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

Other Active Liquor License Interest in Arizona
This ownership of this business has interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes: information about any 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.

Lux (Series12)
4402 N. Central Ave., Ste. 2, Phoenix
Calls for police service: 8
Liquor license violations: None

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Lux Max Annex is a sophisticated, casual cafe located on the ground floor of a 6-story class A office building, offering delicious, fresh meals, snacks, and specialty coffees to tenants, guests, and neighbors. Applicant would like to expand its menu to include dinner options and alcoholic beverages to guests 21 and over."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Lux Max Annex
Liquor License Map - Lux Max Annex

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

# Liquor License Data: LUX MAX ANNEX

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Bar | 6 | 2 | 0 |
| Beer and Wine Bar | 7 | 7 | 4 |
| Liquor Store | 9 | 1 | 1 |
| Beer and Wine Store | 10 | 8 | 4 |
| Hotel | 11 | 3 | 1 |
| Restaurant | 12 | 57 | 19 |
| Craft Distiller | 18 | 1 | 0 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 14.75 | 20.70 |
| Violent Crimes | 10.65 | 1.11 | 1.48 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 50 | 11 |
| Total Violations | 89 | 17 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1032191 | 834 | 44 % | 30 % | 13 % |
| 1032192 | 1054 | 84 % | 16 % | 2 % |
| 1032193 | 1262 | 88 % | 14 % | 8 % |
| 2168161 | 1812 | 95 % | 0 % | 4 % |
| 2168452 | 694 | 23 % | 38 % | 8 % |
| 6152001 | 1993 | 8 % | 29 % | 12 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: LUX MAX ANNEX

16220 N SCOTTSDALE RD

N

Date: 11/4/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 9

## Liquor License - Playa II

Request for a liquor license. Arizona State License Application 06070702.

## Summary

Applicant
Lindsey Welsh, Agent

License Type
Series 6 - Bar

Location
3217 E. Shea Blvd.
Zoning Classification: C-2
Council District: 3

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

The 60-day limit for processing this application is Dec. 20, 2022.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
“I am a responsible and reliable member of my community. I've never so much as had a traffic ticket, nor less any other criminal offenses. Myself and my partner, Sandi Zerlaut, own and operate Playa II. Sandi has been managing Playa II for the last 2 1/2 years. We are on property 7 days a week."

Staff Recommendation
Staff recommends approval of this application.

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 10

## Liquor License - First Watch Restaurant #42

Request for a liquor license. Arizona State License Application 204269.

## Summary

Applicant
Joanne Feinstein, Agent

License Type
Series 12 - Restaurant

Location
9645 N. Black Canyon Highway
Zoning Classification: A-1
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.

The 60-day limit for processing this application is Dec. 31, 2022.

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

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"As Chief Legal Officer and Secretary of First Watch Restaurants, Inc., I personally have 20 plus years of management experience in the hospitality Industry starting with Hard Rock Cafe International in 1997 and the a First Watch Restaurants beginning in 2018. First Watch Restaurants, Inc. Is a publicly traded company with 430+ restaurants in 28 states, and currently holds more than 262 liquor licenses in numerous jurisdictions across the United States. To date, First Watch has never has a citation or violation against one of those liquor licenses. First Watch participates in responsible server training as required by law and as a matter of good practice where optional in all our locations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The issuance of liquor licenses enhance First Watch's already successful business model and supports additional jobs in the restaurant. First Watch continues to be a family-oriented restaurant company with closing hours daily at 2:30 pm. The addition of alcoholic beverages on the menu primary revenue generator continues to be food/meals, and the addition of alcoholic beverages to the menu provides additional options for customers."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - First Watch Restaurant #42
Liquor License Map - First Watch Restaurant #42

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

# Liquor License Data: FIRST WATCH RESTAURANT #42

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Wholesaler | 4 | 1 | 0 |
| Government | 5 | 1 | 1 |
| Bar | 6 | 4 | 4 |
| Beer and Wine Bar | 7 | 1 | 0 |
| Liquor Store | 9 | 3 | 1 |
| Beer and Wine Store | 10 | 3 | 2 |
| Hotel | 11 | 3 | 2 |
| Restaurant | 12 | 24 | 10 |

## Crime Data

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 50 | 21 |
| Total Violations | 89 | 50 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1042054 | 1577 | 5 % | 21 % | 30 % |
| 1044021 | 2555 | 24 % | 18 % | 15 % |
| 1055011 | 1055 | 38 % | 6 % | 59 % |
| 1056011 | 2072 | 66 % | 5 % | 23 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: FIRST WATCH RESTAURANT #42

9645 N BLACK CANYON HWY

N

Date: 11/4/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 11

## Liquor License - Mariscos Empalme

Request for a liquor license. Arizona State License Application 214716.

## Summary

Applicant
Theresa Morse, Agent

License Type
Series 12 - Restaurant

Location
2301 E. Bell Road
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.

The 60-day limit for processing this application is Dec. 27, 2022.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have been operating a food truck since 2017 and have had many customers request a beer to drink with their food. I told them I could not sell it to them because I did not have a liquor license. I found the opportunity to lease this location and would like to be able to sell beer to complement the service of my food. I will attend liquor law training and will have any and all employees attend to comply with the laws."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This is a small restaurant in this area. There are many customers who patronize nearby businesses that would enjoy breakfast lunch or dinner. I will not be open late. I am excited to own a restaurant in Phoenix. I believe the neighborhood would like the atmosphere of a small restaurant such as mine."

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 - Mariscos Empalme
Liquor License Map - Mariscos Empalme

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

# Liquor License Data: MARISCOS EMPALME

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Bar | 6 | 3 | 1 |
| Beer and Wine Bar | 7 | 3 | 2 |
| Liquor Store | 9 | 7 | 1 |
| Beer and Wine Store | 10 | 7 | 3 |
| Restaurant | 12 | 16 | 7 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 116.90 | 165.71 |
| Violent Crimes | 10.65 | 21.47 | 21.23 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 50 | 114 |
| Total Violations | 89 | 273 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1033051 | 1180 | 47 % | 29 % | 35 % |
| 1033052 | 2333 | 59 % | 9 % | 30 % |
| 1036063 | 2174 | 78 % | 13 % | 25 % |
| 6194001 | 1068 | 54 % | 32 % | 9 % |
| 6194002 | 1484 | 18 % | 18 % | 8 % |
| 6194003 | 1151 | 79 % | 9 % | 31 % |
| 6195003 | 2362 | 65 % | 14 % | 8 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: MARISCOS EMPALME

2301 E. BELL ROAD

N

Date: 11/1/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 12

## Liquor License - Shea Cheese

Request for a liquor license. Arizona State License Application 209678.

## Summary

Applicant
Izaak Myers, Agent

License Type
Series 10 - Beer and Wine Store

Location
10880 N. 32nd St., Ste. 19
Zoning Classification: C-1
Council District: 3

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

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

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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 over 16 years experience in project management in the finacial service industry and a co owner in Shea Cheese. I am currently enrolled in Title 4 Management training and will complete my certification prior to December 14."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Shea Cheese takes its responsibility to follow all regulations seriously and serve to community that Jenny and I live in as community members ourselves . As a small cheese shop we want to offer wine and beer sales to our customers as convientient pairing options to pick up along with their cheese orders."

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 - Shea Cheese
Liquor License Map - Shea Cheese

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

# Liquor License Data: SHEA CHEESE

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Bar | 6 | 5 | 1 |
| Beer and Wine Bar | 7 | 1 | 1 |
| Liquor Store | 9 | 4 | 3 |
| Beer and Wine Store | 10 | 8 | 3 |
| Restaurant | 12 | 10 | 8 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 34.50 | 52.54 |
| Violent Crimes | 10.65 | 4.35 | 6.15 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 51 | 32 |
| Total Violations | 89 | 47 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1048011 | 1972 | 96 % | 7 % | 8 % |
| 1048021 | 941 | 84 % | 0 % | 4 % |
| 1048023 | 1419 | 89 % | 14 % | 1 % |
| 1048025 | 888 | 4 % | 7 % | 24 % |
| 1049003 | 2131 | 84 % | 6 % | 2 % |
| 1051011 | 1042 | 100 % | 7 % | 7 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: SHEA CHEESE

10880 N 32ND ST

N

Date: 11/9/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 13

## Liquor License - Special Event - Brophy College Preparatory

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

## Summary

Applicant
Julie Peterson

Location
4701 N. Central Ave.
Council District: 4

Function
Fellowship Dinner

Date(s) - Time(s) / Expected Attendance
March 11, 2023 -  5 p.m. to 9 p.m. / 300 attendees

Staff Recommendation
Staff recommends approval of this application.

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 14

## Liquor License - First Watch Restaurant #0041

Request for a liquor license. Arizona State License Application 213035.

## Summary

Applicant
Joanne Feinstein, Agent

License Type
Series 12 - Restaurant

Location
61 W. Thomas Road
Zoning Classification: C-2 TOD-1, P-1 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.

The 60-day limit for processing this application is Dec. 30, 2022.

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

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"As Chief Legal Officer and Secretary of First Watch Restaurants, Inc., I personally have 20 plus years of management experience in the hospitality industry starting with Hard Rock Cafe International in 1997 and then at First Watch Restaurants beginning in 2018. First Watch Restaurants, Inc. is a publicly traded company with 430+ restaurants in 28 states, and currently holds more than 262 liquor licenses in numerous jurisdictions across the United States. To date, First Watch has never had a citation or violation against one of those liquor licenses. First Watch participates in responsible server training as required by law and as a matter of good practice where optional in all our locations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The issuance of liquor licenses enhance First Watch's already successful business model and supports additional jobs in the restaurant. First watch continues to be a family-oriented restaurant company with closing hours daily at 2:30 pm. The addition of alcoholic beverages on the menu provides a wider selection and enhanced experience for legal drinking age customers. First Watch's primary revenue generator continues to be food/meals, and the addition of alcoholic beverages to the menu provides additional options for customers."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - First Watch Restaurant #0041
Liquor License Map - First Watch Restaurant #0041

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

# Liquor License Data: FIRST WATCH RESTAURANT #0041

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Wholesaler | 4 | 1 | 0 |
| Government | 5 | 1 | 0 |
| Bar | 6 | 7 | 2 |
| Beer and Wine Bar | 7 | 6 | 2 |
| Liquor Store | 9 | 4 | 1 |
| Beer and Wine Store | 10 | 12 | 3 |
| Hotel | 11 | 2 | 1 |
| Restaurant | 12 | 36 | 14 |
| Club | 14 | 1 | 0 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 132.64 | 117.19 |
| Violent Crimes | 10.65 | 22.05 | 25.90 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 50 | 37 |
| Total Violations | 89 | 56 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1104002 | 778 | 35 % | 16 % | 12 % |
| 1105013 | 824 | 16 % | 17 % | 40 % |
| 1105022 | 1216 | 28 % | 19 % | 23 % |
| 1118001 | 742 | 44 % | 28 % | 5 % |
| 1118002 | 1030 | 67 % | 9 % | 17 % |
| 1118003 | 996 | 65 % | 15 % | 4 % |
| 1118004 | 671 | 62 % | 6 % | 6 % |
| 1119001 | 678 | 96 % | 8 % | 4 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: FIRST WATCH RESTAURANT #0041

61 W THOMAS RD

N

Date: 11/3/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 15

## Liquor License - First Watch Restaurant #0202

Request for a liquor license. Arizona State License Application 213055.

## Summary

Applicant
Joanne Feinstein, Agent

License Type
Series 12 - Restaurant

Location
3110 N. Central Ave., Ste. 179
Zoning Classification: WU T6:HWR MT
Council District: 4

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

The 60-day limit for processing this application is Dec. 30, 2022.

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

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"As Chief Legal Officer and Secretary of First Watch Restaurants, Inc., I personally have 20 plus years of management experience in the hospitality industry starting with Hard Rock Cafe International in 1997 and then at First Watch Restaurants beginning in 2018. First Watch Restaurants, Inc. is a publicly traded company with 430+ restaurants in 28 states, and currently holds more than 262 liquor licenses in numerous jurisdictions across the United States. To date, First Watch has never had a citation or violation against one of those liquor licenses. First Watch participates in responsible server training as required by law and as a matter of good practice where optional in all our locations."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The issuance of liquor licenses enhance First Watch's already successful business model and supports additional jobs in the restaurant. First watch continues to be a family-oriented restaurant company with closing hours daily at 2:30 pm. The addition of alcoholic beverages on the menu provides a wider selection and enhanced experience for legal drinking age customers. First Watch's primary revenue generator continues to be food/meals, and the addition of alcoholic beverages to the menu provides additional options for customers."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - First Watch Restaurant #0202
Liquor License Map - First Watch Restaurant #0202

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

# Liquor License Data: FIRST WATCH RESTAURANT #0202

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Bar | 6 | 9 | 2 |
| Beer and Wine Bar | 7 | 3 | 2 |
| Liquor Store | 9 | 5 | 2 |
| Beer and Wine Store | 10 | 13 | 4 |
| Hotel | 11 | 2 | 1 |
| Restaurant | 12 | 33 | 15 |
| Club | 14 | 1 | 0 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 157.61 | 184.81 |
| Violent Crimes | 10.65 | 30.12 | 34.39 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 50 | 51 |
| Total Violations | 89 | 83 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1105011 | 551 | 49 % | 20 % | 14 % |
| 1105012 | 1249 | 13 % | 23 % | 11 % |
| 1105013 | 824 | 16 % | 17 % | 40 % |
| 1105021 | 1057 | 13 % | 34 % | 30 % |
| 1105022 | 1216 | 28 % | 19 % | 23 % |
| 1118001 | 742 | 44 % | 28 % | 5 % |
| 1118003 | 996 | 65 % | 15 % | 4 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: FIRST WATCH RESTAURANT #0202

3110 N CENTRAL AVE

N

Date: 11/3/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 16

## Liquor License - JC Convenience Store

Request for a liquor license. Arizona State License Application 214219.

## Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 10 - Beer and Wine Store

Location
6104 N. 27th Ave.
Zoning Classification: C-2
Council District: 5

This request is for a new liquor license for a convenience store that does not sell gas. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow package liquor sales. This business has plans to open in January 2023.

The 60-day limit for processing this application is Dec. 30, 2022.

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

Other Active Liquor License Interest in Arizona
This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"JC Convenience Store has operated in the same center since 2014, and proposes to move its store to the south end of the center. Applicant would like to continue to offer beer and wine to customers 21 and over."

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 - JC Convenience Store
Liquor License Map - JC Convenience Store

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

# Liquor License Data: JC CONVENIENCE STORE

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Bar | 6 | 4 | 2 |
| Liquor Store | 9 | 6 | 3 |
| Beer and Wine Store | 10 | 12 | 7 |
| Restaurant | 12 | 7 | 0 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 208.43 | 241.61 |
| Violent Crimes | 10.65 | 51.24 | 76.96 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 51 | 121 |
| Total Violations | 89 | 223 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1068012 | 1670 | 5 % | 28 % | 55 % |
| 1068013 | 1083 | 30 % | 20 % | 33 % |
| 1068021 | 1099 | 60 % | 0 % | 9 % |
| 1068022 | 1105 | 85 % | 21 % | 1 % |
| 1069001 | 1043 | 81 % | 11 % | 4 % |
| 1069002 | 2629 | 71 % | 5 % | 22 % |
| 1069003 | 1767 | 77 % | 0 % | 14 % |
| 1072021 | 3137 | 64 % | 9 % | 29 % |
| 1072022 | 2085 | 62 % | 5 % | 22 % |
| 1073001 | 2203 | 79 % | 3 % | 6 % |
| 1073004 | 2614 | 23 % | 5 % | 31 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: JC CONVENIENCE STORE

6104 N 27TH AVE

N

Date: 11/2/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 17

## Liquor License - Jimmy's Quick Stop

Request for a liquor license. Arizona State License Application 206940.

## Summary

Applicant
Karla Castro, Agent

License Type
Series 10 - Beer and Wine Store

Location
2344 W. Glendale Ave.
Zoning Classification: C-2
Council District: 5

This request is for a new liquor license for a convenience store that does not sell gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Dec. 31, 2022.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I have taken all courses necessary to run this establishment and make a friendly family grocery store. I am very responsible and will be maintaining in compliance with all applicable laws. All Managers and staff will be trained and certified in Arizona Title 4 and to be responsible in alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This location will have all in one stop for family gatherings or just on daily needs for household. Jimmy's Quick Stop will offer customers a unique experience."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Jimmy's Quick Stop
Liquor License Map - Jimmy's Quick Stop

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

# Liquor License Data: JIMMY'S QUICK STOP

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Bar | 6 | 3 | 1 |
| Liquor Store | 9 | 4 | 1 |
| Beer and Wine Store | 10 | 10 | 6 |
| Restaurant | 12 | 3 | 1 |
| Club | 14 | 1 | 0 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 193.23 | 229.61 |
| Violent Crimes | 10.65 | 52.81 | 67.40 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 50 | 165 |
| Total Violations | 89 | 292 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1059003 | 1609 | 59 % | 5 % | 25 % |
| 1060011 | 1487 | 31 % | 17 % | 50 % |
| 1060021 | 1678 | 27 % | 14 % | 27 % |
| 1060031 | 1266 | 32 % | 33 % | 51 % |
| 1060032 | 1673 | 52 % | 15 % | 25 % |
| 1068011 | 1652 | 2 % | 12 % | 52 % |
| 1068012 | 1670 | 5 % | 28 % | 55 % |
| 1068021 | 1099 | 60 % | 0 % | 9 % |
| 1069001 | 1043 | 81 % | 11 % | 4 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: JIMMY'S QUICK STOP

2344 W GLENDALE AVE

N

Date: 11/3/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 18

## Liquor License - Rum Runner's Bar

Request for a liquor license. Arizona State License Application 06070163.

## Summary

Applicant
James Desmond, Agent

License Type
Series 6 - Bar

Location
8355 N. 7th St.
Zoning Classification: C-2
Council District: 6

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

The 60-day limit for processing this application is Dec. 26, 2022.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:
“I have been involved in the operation/management of Rum Runners Bar for 3 years. I have owned and operated successful businesses for the last 12 years. Have no criminal background. Have never been involved in a bankruptcy and am financially stable and responsible.”

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

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 19

## Liquor License - Clearwater Ahwatukee

Request for a liquor license. Arizona State License Application 206937.

## Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
15815 S. 50th St.
Zoning Classification: C-2 MR
Council District: 6

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

The 60-day limit for processing this application is Dec. 31, 2022.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Clearwater Ahwatukee is an active senior living community that offers fine dining and resort-style amenities. Applicant would like to continue to offer alcoholic beverages to its residents as an incident to the meals served."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Clearwater Ahwatukee
Liquor License Map - Clearwater Ahwatukee

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

# Liquor License Data: CLEARWATER AHWATUKEE

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Bar | 6 | 1 | 0 |
| Beer and Wine Bar | 7 | 2 | 1 |
| Liquor Store | 9 | 3 | 1 |
| Beer and Wine Store | 10 | 8 | 4 |
| Hotel | 11 | 1 | 1 |
| Restaurant | 12 | 17 | 12 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 32.64 | 53.60 |
| Violent Crimes | 10.65 | 4.24 | 8.81 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 51 | 4 |
| Total Violations | 89 | 7 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1167121 | 2721 | 19 % | 15 % | 9 % |
| 1167123 | 2451 | 69 % | 5 % | 8 % |
| 1167191 | 1679 | 87 % | 3 % | 2 % |
| 1167192 | 1023 | 3 % | 7 % | 22 % |
| 8104002 | 314 | 3 % | 25 % | 12 % |
| 9804001 | 13 | 0 % | 0 % | 82 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: CLEARWATER AHWATUKEE

15815 S 50TH ST

N

Date: 11/2/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 20

## Liquor License - Sudhalle Taphouse

Request for a liquor license. Arizona State License Application 213422.

## Summary

Applicant
Drew Pool, Agent

License Type
Series 12 - Restaurant

Location
4025 E. Chandler Blvd., Ste. 1-2
Zoning Classification: C-2 PCD
Council District: 6

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in February 2023.

The 60-day limit for processing this application is Dec. 23, 2022.

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

Other Active Liquor License Interest in Arizona
The ownership of this business has an interest in other active liquor license(s) in the

State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Wren House Brewing Company (Series 3)
2125 N. 24th St., Phoenix
Calls for police service: 9
Liquor license violations: None

Wren House Brewing Co (Series 3)
6396 Lear Lane, Prescott
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:
"I have demonstrated and role-modeled responsibility with holding this priveledge for Wren House Brewing since 2015."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Based on our customer feedback and date, there us substantial demand for this business concept in Phoenix and specifically in the Ahwatuke area."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Sudhalle Taphouse
Liquor License Map - Sudhalle Taphouse

## Responsible Department

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

# Liquor License Data: SUDHALLE TAPHOUSE

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Bar | 6 | 2 | 2 |
| Liquor Store | 9 | 3 | 2 |
| Beer and Wine Store | 10 | 5 | 3 |
| Restaurant | 12 | 18 | 11 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 45.16 | 65.18 |
| Violent Crimes | 10.65 | 5.41 | 11.25 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 50 | 10 |
| Total Violations | 89 | 15 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1167121 | 2721 | 19 % | 15 % | 9 % |
| 1167122 | 1832 | 76 % | 0 % | 3 % |
| 1167123 | 2451 | 69 % | 5 % | 8 % |
| 1167131 | 589 | 64 % | 51 % | 42 % |
| 1167132 | 1474 | 87 % | 0 % | 0 % |
| 1167133 | 1145 | 100 % | 0 % | 7 % |
| 1167135 | 1106 | 54 % | 0 % | 2 % |
| 1167191 | 1679 | 87 % | 3 % | 2 % |
| 1167194 | 2185 | 77 % | 0 % | 4 % |
| 1167203 | 1430 | 34 % | 7 % | 5 % |
| 1167212 | 1820 | 65 % | 4 % | 3 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: SUDHALLE TAPHOUSE

4025 E CHANDLER BLVD

N

Date: 10/26/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 21

## Liquor License - Sushi Friend

Request for a liquor license. Arizona State License Application 214615.

## Summary

Applicant
Kevin Min, Agent

License Type
Series 12 - Restaurant

Location
8727 N. Central Ave.
Zoning Classification: C-2
Council District: 6

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

The 60-day limit for processing this application is Dec. 27, 2022.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"I've established myself as an asset in the community, to be responsible and by the book. I have never had a dui, or any other felonies. I'm a daytime business and close by 7pm."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"The community, who are my guests, are the ones that requested it. I want to provide them what they would like to have without being irresponsible."

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 - Sushi Friend
Liquor License Map - Sushi Friend

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

# Liquor License Data: SUSHI FRIEND

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Microbrewery | 3 | 1 | 0 |
| Bar | 6 | 3 | 0 |
| Beer and Wine Bar | 7 | 2 | 0 |
| Liquor Store | 9 | 5 | 2 |
| Beer and Wine Store | 10 | 11 | 2 |
| Restaurant | 12 | 10 | 5 |
| Club | 14 | 2 | 0 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 108.25 | 124.30 |
| Violent Crimes | 10.65 | 23.80 | 29.61 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 51 | 64 |
| Total Violations | 89 | 134 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1046002 | 1676 | 20 % | 20 % | 39 % |
| 1046003 | 1165 | 68 % | 20 % | 35 % |
| 1052003 | 1140 | 66 % | 15 % | 17 % |
| 1053001 | 1959 | 84 % | 11 % | 9 % |
| 1053002 | 1704 | 34 % | 25 % | 42 % |
| 1053003 | 1205 | 96 % | 9 % | 0 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: SUSHI FRIEND

8727 N CENTRAL AVE

N

Date: 11/2/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 22

## Liquor License - Special Event - Children's Cancer Network

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

## Summary

Applicant
Patricia Luttrell

Location
200 W. Monroe St.
Council District: 7

Function
Entertainment Event

Date(s) - Time(s) / Expected Attendance
Feb. 10, 2022 - 5 p.m. to 11 p.m. / 500 attendees
Feb. 11, 2022 - 1 p.m. to 10 p.m. / 1,200 attendees
Feb. 12, 2022 - Noon to 9 p.m. / 800 attendees

Staff Recommendation
Staff recommends approval of this application.

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 23

## Liquor License - 805 Wine Shop

Request for a liquor license. Arizona State License Application 214874.

## Summary

Applicant
Janeiro Cathey, Agent

License Type
Series 10 and 10S - Beer and Wine Store with Sampling Privileges

Location
1344 W. McKinley St., Ste. 114
Zoning Classification: C-2 M-R DNS/WVR
Council District: 7

This request is for a new liquor license for a beer and wine store with sampling privileges. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow package liquor sales. This business has plans to open in January 2023.

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

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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 of age, sound mind and experience working for several liquor license holders."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"They'll have the opportunity to experience some hard to find wines from the central coast California region. without having to drive to California and visit the wineries."

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 - 805 Wine Shop
Liquor License Map - 805 Wine Shop

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

# Liquor License Data: 805 WINE SHOP

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Microbrewery | 3 | 3 | 1 |
| Government | 5 | 3 | 0 |
| Bar | 6 | 13 | 2 |
| Beer and Wine Bar | 7 | 3 | 1 |
| Liquor Store | 9 | 1 | 1 |
| Beer and Wine Store | 10 | 11 | 1 |
| Restaurant | 12 | 32 | 7 |
| Club | 14 | 1 | 0 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 140.41 | 146.49 |
| Violent Crimes | 10.65 | 47 | 48.08 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 51 | 268 |
| Total Violations | 89 | 561 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1129001 | 1670 | 70 % | 4 % | 19 % |
| 1129002 | 815 | 37 % | 22 % | 24 % |
| 1129003 | 1372 | 4 % | 18 % | 40 % |
| 1129004 | 1325 | 47 % | 24 % | 52 % |
| 1131001 | 1015 | 7 % | 8 % | 28 % |
| 1143011 | 1389 | 22 % | 15 % | 57 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: 805 WINE SHOP

1344 W MCKINLEY ST

N

Date: 11/9/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 24

## Liquor License - X Club Phoenix

Request for a liquor license. Arizona State License Application 214618.

## Summary

Applicant
Ryan Anderson, Agent

License Type
Series 6 - Bar

Location
200 W. Monroe St.
Zoning Classification: DTC Business Core
Council District: 7

This request is for a new liquor license for a bar. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow outdoor liquor service as an accessory use to a bar.

The 60-day limit for processing this application is Dec. 31, 2022.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"The manager has completed on basic and management liquor training, and key staff will receive liquor training as well. The applicant desires to be a good neighbor and to make sure all Title 4 liquor laws are enforced."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"This restaurant and social amenity space is located in a new and unique housing complex that provides much needed housing in the central Phoenix core. The restaurant and amenity area will provide additional food and social options in an area with fewer choices. The liquor license will complete the dining and amenity experience."

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 - X Club Phoenix
Liquor License Map - X Club Phoenix

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

# Liquor License Data: X CLUB PHOENIX

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Microbrewery | 3 | 4 | 1 |
| Wholesaler | 4 | 1 | 0 |
| Government | 5 | 7 | 3 |
| Bar | 6 | 46 | 29 |
| Beer and Wine Bar | 7 | 14 | 7 |
| Liquor Store | 9 | 3 | 2 |
| Beer and Wine Store | 10 | 15 | 4 |
| Hotel | 11 | 6 | 4 |
| Restaurant | 12 | 101 | 45 |
| Club | 14 | 3 | 1 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 188.32 | 265.71 |
| Violent Crimes | 10.65 | 57.24 | 71.01 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 50 | 73 |
| Total Violations | 89 | 157 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1129002 | 815 | 37 % | 22 % | 24 % |
| 1129003 | 1372 | 4 % | 18 % | 40 % |
| 1131001 | 1015 | 7 % | 8 % | 28 % |
| 1131002 | 1242 | 3 % | 7 % | 33 % |
| 1141001 | 2299 | 16 % | 37 % | 44 % |
| 1142001 | 1321 | 36 % | 22 % | 50 % |
| 1143011 | 1389 | 22 % | 15 % | 57 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: X CLUB PHOENIX

200 W MONROE ST

N

Date: 11/3/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 25

## Liquor License - Yogis Grill

Request for a liquor license. Arizona State License Application 214131.

## Summary

Applicant
Andrea Lewkowitz, Agent

License Type
Series 12 - Restaurant

Location
1 E. Washington St., Ste. 175
Zoning Classification: DTC - Business Core
Council District: 7

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

The 60-day limit for processing this application is Dec. 26, 2022.

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

Other Active Liquor License Interest in Arizona
This applicant does not hold an interest in any other active liquor license in the State of Arizona.

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

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

I have the capability, reliability and qualifications to hold a liquor license because:
"Applicant is committed to upholding the highest standards for business and maintaining compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
"Yogi's Grill is a casual family-friendly restaurant offering a variety of healthy and fresh Japanese cuisine menu items, salads, rice bowls, sushi, and more. Applicant would like to offer alcoholic beverages as an incident to the menus served."

Staff Recommendation
Staff recommends approval of this application.

Attachments
Liquor License Data - Yogis Grill
Liquor License Map - Yogis Grill

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

# Liquor License Data: YOGIS GRILL

## Liquor License

| Description | Series | 1 Mile | 1/2 Mile |
|---|---|---|---|
| Microbrewery | 3 | 3 | 1 |
| Wholesaler | 4 | 1 | 0 |
| Government | 5 | 7 | 4 |
| Bar | 6 | 46 | 29 |
| Beer and Wine Bar | 7 | 13 | 6 |
| Liquor Store | 9 | 3 | 2 |
| Beer and Wine Store | 10 | 16 | 1 |
| Hotel | 11 | 6 | 5 |
| Restaurant | 12 | 97 | 47 |
| Club | 14 | 3 | 0 |

## Crime Data

| Description | Average * | 1 Mile Average ** | 1/2 Mile Average*** |
|---|---|---|---|
| Property Crimes | 55.88 | 192.59 | 216.98 |
| Violent Crimes | 10.65 | 57.98 | 54.35 |

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

## Property Violation Data

| Description | Average | 1/2 Mile Average |
|---|---|---|
| Parcels w/Violations | 51 | 30 |
| Total Violations | 89 | 59 |

## Census 2010 Data 1/2 Mile Radius

| BlockGroup | 2010 Population | Owner Occupied | Residential Vacancy | Persons in Poverty |
|---|---|---|---|---|
| 1131001 | 1015 | 7 % | 8 % | 28 % |
| 1131002 | 1242 | 3 % | 7 % | 33 % |
| 1140001 | 1831 | 25 % | 20 % | 47 % |
| 1141001 | 2299 | 16 % | 37 % | 44 % |
| 1142001 | 1321 | 36 % | 22 % | 50 % |
| Average | | 61 % | 13 % | 19 % |

# Liquor License Map: YOGIS GRILL

1 E WASHINGTON ST

N

Date: 11/2/2022

0 0.2 0.4 0.8 1.2 1.6 mi

City Clerk Department

**PAYMENT ORDINANCE (Ordinance S-49240) (Items 26-32)**

*Ordinance S-49240 is a request to authorize the City Controller to disburse funds, up to amounts indicated below, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requests continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code Section 42-13.*

26 **North American Region of the Airports Council International doing business as Airports Council International - North America**

For $172,287.00 in payment authority for 2023 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 supporting industry issues such as finance, safety, operations, environmental, sustainability, business and regulatory issues, as well as interpreting and coordinating regulatory policy and rule-making with the Federal Aviation Administration, Transportation Security Administration, Customs and Border Protection, and the Environmental Protection Agency.

27 **eRAD Inc.**

For $14,100.00 in payment authority for a new contract, entered on or about Jan. 1, 2023, for a term of five years for server and software maintenance and support services for the Phoenix Fire Department. The current server and software are used by the Fire Department's Health and Wellness Center to store diagnostic x-ray imaging for annual physicals and industrial injury tracking and reporting. The x-ray images have a legal requirement to be stored for up to 30 years after a member retires and

current server storage system is set to max out in less than two years. The contract will provide an upgraded server and software system to accommodate the large volume of images required to be stored and will provide enhanced viewing capabilities with increased user role-based security features.

28 **QCM Technologies, Inc.**

For $45,000.00 in payment authority to purchase IBM Informix Enterprise software license, maintenance, and professional services for the Municipal Court. The software is the database engine used to operate the Municipal Court's case management system. It is critical for the Municipal Court to continue to have access to this software, maintenance and support to provide the Municipal Court with the ability to operate its primary business application.

29 **Archer Western Construction, LLC**

For $386,503.16 in additional payment authority for Contract 154493, Change Order 1 for Project WS90500302-4 for the 38th Street Relief Sewer: Phase 2 - 38th Street Design/Bid/Build for the Water Services Department. The change order is for unforeseen changes for hard rock excavation: traffic control devices; extra asphalt removal and replacement; remove and replace sidewalk; sawcut and remove Asphalt Concrete pavement; placement of 24-inch Corrugated Metal Pipe storm drain; additional sewer manhole; hard rock excavation unit price negotiation; new river rock; and additional landscaping requested by the effected homeowners association. The work was not included as part of the original bid. The project will use Water Services Department Capital Improvement funds.

30 **Settlement of Claim(s) Williams v. City of Phoenix**

To make payment of up to $500,000.00 in settlement of claim(s) in *Williams v. City of Phoenix*, CV2020-000025, 18-0810-004, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a bodily injury claim arising from a motor vehicle accident on Jan. 23, 2019, involving the Police Department.

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

To make payment of up to $100,000.00 in settlement of claim(s) in

*Quintero v. City of Phoenix*, CV2021-011549, 20-1093-001, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a bodily injury claim arising from a motor vehicle accident on Nov. 30, 2020, involving the Planning and Development Department.

32 **Settlement of Claim(s) Adams v. City of Phoenix**

To make payment of up to $150,000.00 in settlement of claim(s) in *Adams v. City of Phoenix*, CV2018-055406, 18-0085-002-005, AU, BI, for the Finance Department pursuant to Phoenix City Code Chapter 42. This is a settlement for a bodily injury claim arising from an incident on Jan. 24, 2018, involving the Street Transportation Department.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 33

## Runoff Election - March 14, 2023 - Amend Election Precinct Legal Descriptions (Ordinance S-49282)

Request City Council approval of an ordinance amending Ordinance S-39341, as amended, which establishes voting precincts within the City of Phoenix by district for all elections, and repealing all ordinances in conflict.

### Summary

This ordinance is needed to amend the precinct legal descriptions for City Council Districts 1, 2, 3, 4, 5, 6, 7, and 8 to reflect technical changes and corrections, including recent changes made by Maricopa County related to precinct names and precinct boundaries.

The City's voting precincts are based on combinations of County voting precincts. There are 125 City precincts and the requested changes will not alter that number.

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 34

## Reappointment of a Municipal Court Judge

This item requests to reappoint the following individual as a judge of the Phoenix Municipal Court: Cynthia Certa to a term expiring on Jan. 19, 2027.

## Summary

On Dec. 2, 2022, the Judicial Selection Advisory Board recommended Judge Cynthia Certa to be reappointed by the Public Safety and Justice Subcommittee.

On Dec. 14, 2022, the Public Safety and Justice Subcommittee recommended Cynthia Certa to be reappointed as a judge of the Phoenix Municipal Court.

## Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the City Council Office.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 35

## American Rescue Plan Act Reallocation Funds - The Moreland, XWings, and Affordable Housing and Homelessness Projects

Request to authorize the City Manager, or his designee, to allocate $21.2 million in American Rescue Plan Act (ARPA) reallocated funds for The Moreland project, XWing Non-Congregate Shelters, and hotel acquisitions. Funding is available through the City's allocation of the ARPA and will be added to the Affordable Housing and Homelessness Projects programs of the Council-approved strategic plan.

## Summary

As presented in the Dec. 8, 2022, General Information Packet, staff is reviewing unused, underspent, and reprioritized ARPA funding. This review resulted in identifying ARPA funds totaling approximately $21.2 million that can be repurposed. Staff has identified three projects which can address immediate needs for homelessness and affordable housing using these repurposed funds.

*The Moreland*

Staff requests approval to reallocate $4 million to fully fund The Moreland project Phase I and add an additional 132 units to the affordable supply in the City of Phoenix. The Housing Department, through gap financing, is using $6 million of previously allocated ARPA funding to complete The Moreland project Phase I, a City co-development project with Native American Connections. This project will provide 132 units in downtown Phoenix. The current $6 million allocation does not cover the complete $10 million financing gap for the first phase of the project, so this $4 million will close the funding gap for Phase I.

*XWing Non-Congregate Shelter Project*

Staff requests approval to reallocate $5.5 million for this project to increase the supply of non-congregate shelter units in the City. A top priority of the City is to find creative solutions to address homelessness as rapidly as possible. Adapting shipping containers to become non-congregate shelter units is a unique, efficient solution and staff recommends installing four refurbished shipping container pods designed in the shape of an ‘X’ to create private sleeping areas at the city-owned site at 3000 S. 22nd Ave. Each XWing consists of four 40-foot shipping containers that can sleep up to 20 people in a 5 by 8 private space. The site will also contain Sprung Structures that will

be used for congregate shelter, communal spaces, bathrooms and showers, shaded outdoor areas, amenities for pets, storage, laundry, and other amenities.

Hotel Acquisition and Renovation
Staff requests approval to reallocate $11.7 million for the purchase and renovation of a hotel to support the City's efforts to assist residents experiencing homelessness. The acquisition and renovation of a hotel will provide additional beds and potential affordable housing resources.

**Concurrence/Previous Council Action**
The City Council previously approved the ARPA Strategic Plan during the June 8, 2021, and June 7, 2022, Policy Sessions.

**Responsible Department**
This item is submitted by City Manager Jeffrey Barton and the City Manager's Office.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 36

## XWing Non-Congregate Shelter - EXC 22-0049 - Request for Award (Ordinance S-49284)

Request to authorize the City Manager, or his designee, to enter into contract with Steel & Spark, LLC., to provide XWing non-congregate shelter units for the Office of Homeless Solutions. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $3 million. Funding is available through the City's allocation of the American Rescue Plan Act (ARPA) and this program will be added to the Affordable Housing and Homelessness section in the ARPA strategic plan. The XWings will be installed at 3000 S. 22nd Ave. in conjunction with planned congregate shelter.

### Summary

This contract will provide non-congregate shelter units which provide a unique and efficient solution to address homelessness rapidly. Each XWing consists of four 40-foot pods made from converted shipping containers that can sleep up to 20 people in a private space. The units are sustainable and made of corten steel which eliminates the need for maintenance. The XWings are non-combustible, built with life safety systems, have centralized heat and air conditioning and have a Modular Manufacturer for residential Factory Built Buildings (FBB) through the State of Arizona. The contract will also include the purchase of storage units for belongings.

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Without Competition. As a result of extensive research, Steel & Spark, LLC., was selected for their ability to provide sustainable units, ability to meet project implementation deadline, and being a local vendor.

### Contract Term

The contract will begin on or about Dec. 15, 2022 for a one-year term, with a one-year option to extend.

### Financial Impact

The aggregate contract value will not exceed $3 million for the one-year term. Funding is available through the City's allocation of the ARPA.

## Location
3000 S. 22nd Ave.
Council District: 7

## Responsible Department
This item is submitted by Deputy City Manager Gina Montes and the Office of Homeless Solutions.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 37

## Acceptance of a Traffic Control Easement at 18th Street and McDowell Road (Ordinance S-49241)

Request for the City Council to accept a traffic control easement from Warren and Jeanette Goldfarb, as Trustees of The W&J Goldfarb Living Trust, an undivided 50 percent interest, Leona Goldfarb, as Trustee of The Leona Goldfarb Trust, a 25 percent interest, and David Goldfarb, as Trustee of The David Goldfarb Trust, a 25 percent interest, as tenants in common; further ordering the ordinance recorded.

### Summary

The permanent easement for traffic signal modernization was donated by Warren and Jeanette Goldfarb, as Trustees of The W&J Goldfarb Living Trust, an undivided 50 percent interest, Leona Goldfarb, as Trustee of The Leona Goldfarb Trust, a 25 percent interest, and David Goldfarb, as Trustee of The David Goldfarb Trust, a 25 percent interest, as tenants in common. The approximate 93 square foot traffic control easement is located at the southeast corner of 18th Street and McDowell Road within Maricopa County Assessor's parcel number 116-13-151 and is more fully described in the legal description to be recorded with the ordinance.

### Location

18th Street and McDowell Road
Council District: 8

### Responsible Department

This item is submitted by City Manager Jeffrey Barton and Deputy City Manager Mario Paniagua and the Street Transportation and Finance departments.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 38

## Acceptance of an Easement for Water Purposes (Ordinance S-49259)

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

### Summary

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

Easement (a)
Applicant: Nasir Sulaiman, its successor and assigns
Purpose: Water
Location: 2700 E. Greenway Parkway
File: FN 220101
Council District: 2

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 39

## Acceptance and Dedication of Easements for Sidewalk and Public Utility Purposes (Ordinance S-49251)

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

### Summary

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

Easement (a)
Applicant: Job 867 Investments, LLC, its successor and assigns
Purpose: Public Utility
Location: 1918 N. 22nd Place
File: FN 220096
Council District: 8

Easement (b)
Applicant: Abelardo Sandoval and Maria De La Luz Sandoval, its successor and assigns
Purpose: Sidewalk
Location: 647 E. Carter Road
File: FN 220089
Council District: 8

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 40

## Grant of a Public Utility Easement on City-owned Property Near Central Avenue and Deer Valley Drive (Ordinance S-49243)

Request the City Council to grant a public utility easement for consideration of $1 and/or other valuable consideration, for installation of an underground distribution electrical line to a new booster pump station on City-owned property for the Drought Pipeline Program in the Arizona Public Service Company service area; further ordering the Ordinance recorded.

### Summary

This public utility easement is more fully described in the legal description ("Easement Premises") to be recorded with this Ordinance and will be granted to all public service corporations and telecommunication corporations (collectively "Grantee") providing utility service to the property located near Central Avenue and Deer Valley Drive in perpetuity, so long as the Grantee uses the Easement Premises for the purposes herein specified, subject to the following terms and conditions:

A. Grantee is hereby granted the right to construct, reconstruct, replace, repair, operate and maintain utility facilities together with appurtenant fixtures for use in connection therewith (collectively "Grantee Facilities") to, through, across and beyond Grantor's property within the Easement Premises. Subject to the notice requirements provided in paragraph "I," Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified. Grantee acknowledges and accepts that Grantee shall share the Easement Premises with other Grantees and shall use such Easement Premises with other Grantees in accordance with and consistent with industry standards and customs for shared use. Grantor agrees to coordinate the location of Grantee's Facilities within the Easement Premises and to pay costs for relocation of Grantee's Facilities as provided in paragraph "F."
B. Grantor shall not locate, erect or construct, or permit to be located or erected or constructed, any building or structure within the limits of the Easement Premises. However, Grantor reserves all other rights, interests, and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities. Notwithstanding the foregoing, Grantor shall not have the right to lower by more

than one foot or raise by more than two feet the surface grade of Easement Premises without the prior written consent by the Grantee whose facilities will be affected by the change of elevation.

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

D. Grantor shall maintain an appropriate three-foot clear area around all edges of all equipment pads for Grantee Facilities in addition to a clear operational area that extends 12 feet immediately in front of all transformer or switching cabinet openings, within the Easement Premises. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed or permitted by Grantor within said areas. Grantee is hereby granted the right to trim, prune, cut, and clear away trees, brush, shrubs or other obstruction within said areas.

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

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

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

H. Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation or other entity without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee

shall notify Grantor of any proposed transfer, conveyance or assignment of any rights granted herein at address listed below.

I. Except in emergencies or exigent circumstances such as service restoration, Grantee agrees to contact Grantor at least one business day prior to Grantee's entrance onto the Easement Premises where the Easement Premises are located: 1) on a site that includes Aviation Department facilities; 2) water and wastewater treatment facilities; 3) Police Department headquarters located at 620 W. Washington St.; 4) Fire Department headquarters located at 150 S. 12th St.; 5) City Hall located at 200 W. Washington St.; 6) City Court Building located at 300 W. Washington St.; 7) Calvin C. Goode Building located at 251 W. Washington St.; 8) Transit Operations Center located at 320 N. 1st Ave. or West Transit Facility located at 405 N. 79th Ave.; or 9) in a secured or fenced area.

**Location**

Near Central Avenue and Deer Valley Drive, within Maricopa County Assessor Parcel Number 209-10-005G.
Council District: 1

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Water Services and Finance departments.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 41

## Building and Plumbing Materials - ADSPO14-00003936 - Amendment (Ordinance S-49246)

Request to authorize the City Manager, or his designee, to execute amendments to contracts 147240 with Browns Partsmaster, Inc; 147235 with Ferguson US Holdings, Inc. dba Ferguson Enterprises, LLC; 147239 with Six Points Hardware, Inc; 147256 with Pauls Ace Hardware, Inc and 147344 with Border Construction Specialties, LLC to extend the term for the purchase of Building and Plumbing Parts and Supplies for Citywide use. Further request authorization for the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-48138.

### Summary

These contracts provide a broad range of building supplies, such as concrete, composites, cement, masonry, carpentry, lumber, drywall, fasteners, hardware, plumbing supplies, metals, tools, electrical, and other facility operation products and equipment. The contracts are available for Citywide use and primary users are the Aviation, Fire, Parks and Recreation, Public Works, Street Transportation, Housing, and Water Services departments. Locations are throughout the City and the requested products are critical to Citywide facility operations. The extension of these contracts will ensure continued supply of necessary products.

### Contract Term

Upon approval, the contract will be extended through June 30, 2023.

### Financial Impact

The aggregate value of the contract will not exceed $13,500,000 and no additional funds are needed.

### Concurrence/Previous Council Action

The City Council previously reviewed this request:
• Building and Plumbing Materials 147240, 147235, 147239, 147256, 147344 (S-44428) on April 4, 2018; and
• Building and Plumbing Materials 147240, 147235, 147239, 147256, 147344 (S-48138) on Dec. 1, 2021.

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 42

## Office Moving Services - IFB 17-184 - Amendment (Ordinance S-49250)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146046 with Beltmann Relocation Group to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-43880.

### Summary
This contract will provide office moving or relocation services for Citywide departments, including moving of various types of equipment, on-site or off-site, at various City locations. Additional time is needed to allow completion of a new procurement.

### Contract Term
Upon approval the contract will be extended through June 30, 2023.

### Financial Impact
The aggregate value of the contract will not exceed $305,000 and no additional funds are needed.

### Concurrence/Previous Council Action
The City Council previously reviewed this request:
• Office Moving Services - Contract 146046 (Ordinance S-43880) on Sept. 6, 2017.

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 43

## Crane Rentals - IFB 16-004 - Amendment (Ordinance S-49255)

Request to authorize the City Manager, or his designee, to execute amendment to Contract 141829 with Southwest Industrial Rigging to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. No additional funds are needed, request to continue using Ordinance S-42151.

### Summary

This contract will provide crane rentals, as required, for various facility operations projects requiring heavy lifting and hauling. The extension is needed to ensure the operational needs of various departments using this contract, so that operations are not interrupted while a new procurement is completed.

### Contract Term

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

### Financial Impact

The aggregate value of the contract will not exceed $250,000 and no additional funds are needed.

### Concurrence/Previous Council Action

The City Council previously approved this request:
• Crane Rentals, Contract 141829 (Ordinance S-48078) on Nov. 3, 2021;
• Crane Rentals, Contract 141829 (Ordinance S-42151) on Nov. 18, 2015.

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 44

## Plants, Cacti, Succulents, and Trees Contracts - RFQu 23-026 - Request for Award (Ordinance S-49257)

Request to authorize the City Manager, or his designee, to enter into Citywide contracts with Western Tree Co. and Dream With Colors, Inc. to purchase plants, cacti, succulents, and trees, on an as-needed basis. This contract supports the City's Neighborhoods and Livability Strategic Plan to preserve healthy, vibrant, diverse and safe neighborhoods that enhance the quality of life for all Phoenix residents. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $700,000.

### Summary

These contracts will provide the ability to purchase plant material for Citywide departments. Plants, cacti, succulents, and trees are planted by staff in various facilities, parks and landscapes across the City, in places such as Phoenix-owned and -operated airports, City parks, and along various street landscapes and roadways. In addition, these contracts will allow staff to maintain and replace damaged trees and plants lost to storms and vandalism. Plants and trees benefit the quality of life for all Phoenix residents by improving air quality, storm water management, shade and aesthetics.

### Procurement Information

A request for qualifications procurement was processed in accordance with Administrative Regulation 3.10 to establish a qualified vendor list.

Two applicants submitted qualifications and were deemed to be responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following minimum qualifications: experience, capacity, and quality control.

After reaching consensus, the evaluation committee recommends award to the following applicants:
Western Tree Co.;
Dream With Colors, Inc.

## Contract Term
The contracts will begin on or about Jan. 1, 2023, for a five-year term.

## Financial Impact
The aggregate contracts value will not exceed $700,000. Funding is available in the various department budgets.

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 45

# Public Comment on Proposed Changes to Memoranda of Understanding Submitted by Authorized Employee Organizations

This item is to provide public comment on proposals submitted by employee organizations.

## Summary

Under the terms of the Meet and Confer Ordinance, employee organizations are offered the opportunity to make a presentation to the City Council regarding proposed changes to the existing Memoranda of Understanding (MOUs), which occurred this year on Dec. 7, 2022.

The Meet and Confer Ordinance provides that at the next City Council meeting following presentations by employee organizations, the public shall be afforded an opportunity to comment on the proposals. This item on the agenda provides that opportunity.

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 46

## Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49267)

As part of an evaluation of the organizational structure within the Communications Office, formerly the Public Information Department, the following amendment to the Pay Ordinance [S-47689] is proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Classification Plan [S-5815], which will be processed under a separate ordinance.

Reactivate and regrade the classification of Deputy Public Information Director, Job Code 06410, Salary Plan 013, Grade 840, Benefit Category 009, Labor Unit Code: 008, EEO-4 Category: Officials & Administrators, FLSA Status: Exempt to Grade 842 ($83,845 - $134,139/annually).

### Summary

BACKGROUND

Since 2012, the Communications Office has functioned with a Special Project Administrator at the middle manager level. With the change to a federated reporting structure, the needs of the Communications Office have evolved. Due to the centralized reporting of City departments' Public Information positions, many employees are now reporting through the Communications Office. The Special Project Administrator classification no longer reflects the true scope of duties required for this role in the Communications Office, and there is a clear need to distinctly identify a deputy-level classification.

RECOMMENDATIONS

In 2012, per HRC 592 and as a matter of housekeeping, the Deputy Public Information Director classification was abolished because there were no incumbents. The Classification and Compensation Section recommends reactivating the classification and regrading it from pay grade 840 to 842, which is consistent with most Deputy Director classifications citywide.

The Deputy Public Information Director will be responsible for planning, organizing, reviewing, and evaluating Citywide public information/communications and

multimedia/marketing programs, functions, and strategies in support of the Public Information Director. The position's responsibilities will include developing and implementing policies and procedures for assigned programs, budget administration and reporting, and program evaluation. This class will serve as a professional-level resource for organizational, managerial, and operational analyses, and will assist in the management and the effective use of division resources to improve organizational productivity and customer service in the new federated reporting structure.

Based on internal equity, reinstating the Deputy Public Information Director at pay grade 842 is warranted due to the greater level of complexity, visibility and accountability in facilitating communications between City management and elected officials and the community. Reinstating the position at pay grade 842 will also provide an adequate pay differential above the generic classification of Special Projects Administrator, pay grade 840.

**Financial Impact**
There is no budgetary impact associated with this action.

**Concurrence/Previous Council Action**
This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 47

## Amendments to Classification Plan S-5815 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49268)

As part of an evaluation of the organizational structure within the Communications Office, formerly the Public Information Department, the following amendment to the Classification Plan [S-5815] is proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Pay Ordinance [S-47689] which will be processed under a separate ordinance.

Reactivate and regrade the classification of Deputy Public Information Director, Job Code 06410, Salary Plan 013, Grade 840, Benefit Category 009, Labor Unit Code: 008, EEO-4 Category: Officials & Administrators, FLSA Status: Exempt to Grade 842 ($83,845 - $134,139/annually).

### Summary

BACKGROUND

Since 2012, the Communications Office has functioned with a Special Project Administrator at the middle manager level. With the change to a federated reporting structure, the needs of the Department have evolved. Due to the centralized reporting of City departments' Public Information positions, many employees are now reporting through the Communications Office. The Special Project Administrator classification no longer reflects the true scope of duties required for this role in the Communications Office, and there is a clear need to distinctly identify a deputy-level classification.

RECOMMENDATIONS

In 2012, per HRC 592 and as a matter of housekeeping, the Deputy Public Information Director classification was abolished because there were no incumbents. The Classification and Compensation Section recommends reactivating the classification and regrading it from pay grade 840 to 842, which is consistent with most Deputy Director classifications citywide.

The Deputy Public Information Director will be responsible for planning, organizing, reviewing, and evaluating Citywide public information/communications and multimedia/marketing programs, functions, and strategies in support of the Public

Information Director. The position's responsibilities will include developing and implementing policies and procedures for assigned programs, budget administration and reporting, and program evaluation. This class will serve as a professional-level resource for organizational, managerial, and operational analyses, and will assist in the management and the effective use of division resources to improve organizational productivity and customer service in the new federated reporting structure.

Based on internal equity, reinstating the Deputy Public Information Director at pay grade 842 is warranted due to the greater level of complexity, visibility and accountability in facilitating communications between City management and elected officials and the community. Reinstating the position at pay grade 842 will also provide an adequate pay differential above the generic classification of Special Projects Administrator, pay grade 840.

**Financial Impact**
There is no budgetary impact associated with this action.

**Concurrence/Previous Council Action**
This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 48

## Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49270)

At the request of the City Manager's Office, the following amendments to the Pay Ordinance [S-47689] are proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Classification Plan [S-5815], which will be processed under a separate ordinance.

Establish the classification of OAT Monitor, Job Code 06860, Salary Plan 001, Grade 036 ($61,110 - $92,893/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: General Administration, FLSA Status: Exempt.

Establish the classification of OAT Senior Monitor, Job Code 06870, Salary Plan 001, Grade 038 ($67,538 - $102,565/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: General Administration, FLSA Status: Exempt.

Establish the classification of OAT Supervising Monitor, Job Code 06880, Salary Plan 001, Grade 040 ($74,630 - $113,589/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: General Administration, FLSA Status: Exempt.

### Summary

BACKGROUND

The City Council responded to community concerns in 2020 by allocating $3 million to fully fund the approved Office of Accountability and Transparency (OAT) to provide police oversight. The first three classifications, the OAT Director, the Attorney, and an Executive Administrative Assistant, were approved by the Council in September 2020.

FINDINGS AND CONCLUSION

The Monitor job family classifications were modeled after similar positions in other municipalities across the country, and similar classifications within the City such as Performance Auditors, Internal Auditors, and Crime Scene Supervisors. The grades were selected to be externally competitive in the labor market, and internally equitable with similar roles in other parts of the City structure. Job duties of these classifications require that they be confidential and unrepresented positions.

## Financial Impact
There are no budgetary impacts associated with these actions.

## Concurrence/Previous Council Action
This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 49

## Amendments to Classification Plan S-5815 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49271)

At the request of the City Manager's Office, the following amendments to the Classification Plan [S-5815] are proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Pay Ordinance [S-47689] which will be processed under a separate ordinance.

Establish the classification of OAT Monitor, Job Code 06860, Salary Plan 001, Grade 036 ($61,110 - $92,893/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: General Administration, FLSA Status: Exempt.

Establish the classification of OAT Senior Monitor, Job Code 06870, Salary Plan 001, Grade 038 ($67,538 - $102,565/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: General Administration, FLSA Status: Exempt.

Establish the classification of OAT Supervising Monitor, Job Code 06880, Salary Plan 001, Grade 040 ($74,630 - $113,589/annually), Benefit Category 007, Labor Unit Code: 008, EEO-4 Category: General Administration, FLSA Status: Exempt.

### Summary

BACKGROUND

The City Council responded to community concerns in 2020 by allocating $3 million to fully fund the approved Office of Accountability and Transparency (OAT) to provide police oversight. The first three classifications, the OAT Director, the Attorney, and an Executive Administrative Assistant, were approved by the Council in September 2020.

FINDINGS AND CONCLUSION

The Monitor job family classifications were modeled after similar positions in other municipalities across the country, and similar classifications within the City such as Performance Auditors, Internal Auditors, and Crime Scene Supervisors. The grades were selected to be externally competitive in the labor market, and internally equitable with similar roles in other parts of the City structure. Job duties of these classifications require that they be confidential and unrepresented positions.

## Financial Impact
There are no budgetary impacts associated with these actions.

## Concurrence/Previous Council Action
This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 50

## Amendments to Classification Plan S-5815 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49274)

At the request of Unit II AFSCME 2384 and as part of their negotiated contract to conduct a market study, the following amendments to the Classification Plan [S-5815] are proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Pay Ordinance [S-47689] which will be processed under a separate ordinance.

Modify the classification of Operations & Maintenance Technician Trainee (NC), Job Code 50360, Salary Plan 004, Grade 214 ($36,150 - $46,758/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Grade 218 ($41,475 - $55,328/annually).

Modify the classification of Operations & Maintenance Technician, Job Code 50370, Salary Plan 005, Grade 219 ($46,758 - $57,741/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 222 ($53,102 - $64,771/annually).

Modify the assignment of Operations & Maintenance Technician*SCBA, Job Code 50371, Salary Plan 005, Grade 220 ($48,797 - $59,925/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 223 ($50,856 - $67,413/annually).

Modify the classification of Senior Utility Operator, Job Code 50340, Salary Plan 005, Grade 222 ($53,102 - $64,771/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 225 ($55,328 - $74,069/annually).

Modify the assignment of Senior Utility Operator*SCBA, Job Code 50341, Salary Plan 005, Grade 223 ($55,328 - $67,413/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 226 ($57,741 - $77,875/annually).

Modify the classification of Operations & Maintenance Supervisor, Job Code 50380, Salary Plan 001, Grade 032 ($49,878 - $76,107/annually), Benefit Category 007, Labor Unit Code: ASPTEA, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Grade 035 ($58,032 - $88,379/annually).

**Summary**

BACKGROUND

Currently, 214 positions are allocated to the various levels of the job family shown above. The Water Services Department and the labor groups in that area both expressed concerns about the Department's difficulty recruiting and retaining skilled employees in the job family. The department has a vacancy rate of nearly 21.5 percent. In addition, some positions are underfilled at the trainee level and other positions are underfilled at the base classification. The Department's desire is that all employees obtain and maintain certification for Self-Contained Breathing Apparatus (SCBA), and thus qualify for the assignment at one grade higher.

Staff conducted market research, drawing heavily upon local salary information from public sector employers in the valley performing similar work. Staff also assessed internal alignment of this job family with another job family (Utility Technicians) that was studied in 2021. The Utility Technician job family was increased by three grades (approved by City Council Jan. 6, 2021), which impacted the alignment of these two job families within the Water Services Department.

FINDINGS

The job duties of the various classifications in the Operations & Maintenance Technician job family are difficult to compare to other municipalities in the valley. Other organizations may separate jobs that focus on operations from jobs that focus on maintenance. Fortunately, most public sector organizations have requirements for certification from the Arizona Department of Environmental Quality at various levels in the different disciplines, which allows for meaningful comparisons across jurisdictions.

Market data supports a three-grade increase for most classifications in the job family, and a four-grade increase for the trainee level.

RECOMMENDATION

Staff recommends increasing the grades of the Operations & Maintenance Technician job family to restore internal alignment with other job families in the Water Services Department and provide a meaningful and attractive career path.

CONCLUSION

The City of Phoenix needs to attract talent in the Operations & Maintenance

Technician job family to continue to provide seamless service of a critical function. These recommendations are expected to move this job family into a competitive position within the local job market and assist the City with attracting qualified candidates in a highly competitive atmosphere. This job family will also be included in the Citywide classification and compensation study that is underway, and future grade changes may be considered as a result of those findings.

**Financial Impact**
The total estimated cost for this request is $272,100.

**Concurrence/Previous Council Action**
This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 51

## Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49275)

At the request of Unit II AFSCME 2384 and as part of their negotiated contract to conduct a market study, the following amendments to the Pay Ordinance [S-47689] are proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Classification Plan [S-5815], which will be processed under a separate ordinance.

Modify the classification of Operations & Maintenance Technician Trainee (NC), Job Code 50360, Salary Plan 004, Grade 214 ($36,150 - $46,758/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Grade 218 ($41,475 - $55,328/annually).

Modify the classification of Operations & Maintenance Technician, Job Code 50370, Salary Plan 005, Grade 219 ($46,758 - $57,741/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 222 ($53,102 - $64,771/annually).

Modify the assignment of Operations & Maintenance Technician*SCBA, Job Code 50371, Salary Plan 005, Grade 220 ($48,797 - $59,925/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 223 ($50,856 - $67,413/annually).

Modify the classification of Senior Utility Operator, Job Code 50340, Salary Plan 005, Grade 222 ($53,102 - $64,771/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 225 ($55,328 - $74,069/annually).

Modify the assignment of Senior Utility Operator*SCBA, Job Code 50341, Salary Plan 005, Grade 223 ($55,328 - $67,413/annually), Benefit Category 002, Labor Unit Code: 002, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Salary Plan 004, Grade 226 ($57,741 - $77,875/annually).

Modify the classification of Operations & Maintenance Supervisor, Job Code 50380, Salary Plan 001, Grade 032 ($49,878 - $76,107/annually), Benefit Category 007, Labor Unit Code: ASPTEA, EEO-4 Category: Service Maintenance, FLSA Status: Nonexempt to Grade 035 ($58,032 - $88,379/annually).

**Summary**

BACKGROUND

Currently, 214 positions are allocated to the various levels of the job family shown above. The Water Services Department and the labor groups in that area both expressed concerns about the Department's difficulty recruiting and retaining skilled employees in the job family. The department has a vacancy rate of nearly 21.5 percent. In addition, some positions are underfilled at the trainee level and other positions are underfilled at the base classification. The Department's desire is that all employees obtain and maintain certification for Self-Contained Breathing Apparatus (SCBA), and thus qualify for the assignment at one grade higher.

Staff conducted market research, drawing heavily upon local salary information from public sector employers in the valley performing similar work. Staff also assessed internal alignment of this job family with another job family (Utility Technicians) that was studied in 2021. The Utility Technician job family was increased by three grades (approved by City Council Jan. 6, 2021), which impacted the alignment of these two job families within the Water Services Department.

FINDINGS

The job duties of the various classifications in the Operations & Maintenance Technician job family are difficult to compare to other municipalities in the valley. Other organizations may separate jobs that focus on operations from jobs that focus on maintenance. Fortunately, most public sector organizations have requirements for certification from the Arizona Department of Environmental Quality at various levels in the different disciplines, which allows for meaningful comparisons across jurisdictions.

Market data supports a three-grade increase for most classifications in the job family, and a four-grade increase for the trainee level.

RECOMMENDATION

Staff recommends increasing the grades of the Operations & Maintenance Technician job family to restore internal alignment with other job families in the Water Services Department and provide a meaningful and attractive career path.

CONCLUSION

The City of Phoenix needs to attract talent in the Operations & Maintenance

Technician job family to continue to provide seamless service of a critical function. These recommendations are expected to move this job family into a competitive position within the local job market and assist the City with attracting qualified candidates in a highly competitive atmosphere. This job family will also be included in the Citywide classification and compensation study that is underway, and future grade changes may be considered as a result of those findings.

**Financial Impact**
The total estimated cost for this request is $272,100.

**Concurrence/Previous Council Action**
This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 52

## Amendments to Classification Plan S-5815 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49276)

At the request of Unit 3 AFSCME Local 2960 and as part of their negotiated contract to conduct a market study, the following amendments to the Classification Plan [S-5815] are proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Pay Ordinance [S-47689] which will be processed under a separate ordinance.

Modify the classification of Police Assistant, Job Code 62160, Salary Plan 006, Grade 325 ($36,213 - $52,728/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Administrative Support, FLSA Status: Nonexempt to Grade 328 ($41,454 - $60,840/annually).

Abolish the assignment of Police Assistant*Special Detail, Job Code 62162, Salary Plan 006, Grade 326, Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Administrative Support, FLSA Status: Nonexempt.

Modify the classification of Detention Officer, Job Code 62130, Salary Plan 006, Grade 328 ($41,454 - $60,840/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt to Grade 330 ($45,635 - $67,101/annually).

Modify the classification of Detention Supervisor, Job Code 62150, Salary Plan 001, Grade 031 ($47,674 - $72,342/annually), Benefit Category 007, Labor Unit Code: ASPTEA, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt to Grade 032 ($49,878 - $76,107/annually).

Establish the assignment of Police Assistant*Detention Officer Trainee (NC), Job Code 62163, Salary Plan 006, Grade 328 ($41,454 - $60,840/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt.

Establish the classification of Detention Officer Trainee (NC), Job Code 62120, Salary

Plan 006, Grade 328 ($41,454 - $60,840/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt.

**Summary**

BACKGROUND

Police Assistants and Police Assistants*Special Detail are used throughout the Police Department in support of law enforcement activities. The Department has filled 107 of the 120 budgeted Police Assistant positions, and 21 of the 29 budgeted Police Assistant*Special Detail assignments.

The *Special Detail assignment was created for employees to spend most of their time "performing fact finding in support of law enforcement activities." Police Assistants also "perform light investigations, conduct follow-ups as well as prepare or update reports." Since the classification specifications for Police Assistant and Police Assistant*Special Detail were last updated in 2008, the overlap increased between them, particularly relating to their investigation functions. Additionally, Police Civilian Investigators were introduced in August 2022. This Unit 7 classification exists to "perform a variety of tasks of a police nature in support of law enforcement activities in an investigative bureau of the Department." With the creation of the Police Civilian Investigator classification, the overlap between the three classifications increased and distinctions were not clear. Additionally, the *Special Detail assignment was used to underfill Detention Officer positions when candidates did not meet the minimum qualifications of completing the Maricopa County Detention Officer Academy and having one year of detention experience. Underfilling was a quick, reasonable way to assist the Department in filling positions in the Detention Officer classification, which has a 45.2 percent vacancy rate. Moving forward, it would be optimal to have a classification specifically designed to advance into the Detention Officer classification.

Staff conducted a compensation review for Police Assistants and Detention Officers using data from eCHRIS and a local public sector salary survey. Results of the compensation review are summarized in this report.

FINDINGS

Police Assistant compensation was found to be 16 percent below market. Moving from grade 325 to 328 would close that gap and put the City at the market rate. Merging the *Special Detail assignment and its duties with the Police Assistant base class would mirror the local market and clearly distinguish the Police Assistant and Police Civilian Investigator classifications. Creating a Detention Officer Trainee (NC) classification would eliminate the need to use the *Special Detail assignment as a Detention Officer underfill. Grade 328 for Detention Officer Trainee (NC) places the City at the market rate for similar classifications. Additionally, creating a Police Assistant*Detention Officer

Trainee classification would allow current Police Assistants to make a lateral move to a new career path leading to a promotion to Detention Officer.

The Detention Officer classification is currently below market at a grade 328 and moving it to grade 330 places it slightly above market. However, moving the Detention Officer classification to grade 330 would create compression with the Detention Supervisor classification. Moving the Detention Supervisor classification to grade 032 would eliminate that compression.

CONCLUSION

The City of Phoenix needs to attract Police Assistant and Detention Officer talent and make clear distinctions between the job duties of Police Assistants and Police Civilian Investigators. These recommendations would align the City with compensation practices in our local job market and assist the City with attracting qualified candidates in a competitive atmosphere. The job families and classifications referenced in this report will also be included in the Citywide classification and compensation study that is underway, and future grade changes may be considered as a result of those findings.

**Financial Impact**

The total estimated cost for this request is $361,171.

**Concurrence/Previous Council Action**

This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

**Responsible Department**

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 53

## Amendments to Pay Ordinance S-47689 in Accordance with Human Resources Committee 616 Recommendations (Ordinance S-49277)

At the request of Unit 3 AFSCME Local 2960 and as part of their negotiated contract to conduct a market study, the following amendments to the Pay Ordinance [S-47689] are proposed in accordance with the recommendation of Human Resources Committee 616, effective Dec. 26, 2022. The proposal will also require modifications to the City's Classification Plan [S-5815], which will be processed under a separate ordinance.

Modify the classification of Police Assistant, Job Code 62160, Salary Plan 006, Grade 325 ($36,213 - $52,728/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Administrative Support, FLSA Status: Nonexempt to Grade 328 ($41,454 - $60,840/annually).

Abolish the assignment of Police Assistant*Special Detail, Job Code 62162, Salary Plan 006, Grade 326, Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Administrative Support, FLSA Status: Nonexempt.

Modify the classification of Detention Officer, Job Code 62130, Salary Plan 006, Grade 328 ($41,454 - $60,840/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt to Grade 330 ($45,635 - $67,101/annually).

Modify the classification of Detention Supervisor, Job Code 62150, Salary Plan 001, Grade 031 ($47,674 - $72,342/annually), Benefit Category 007, Labor Unit Code: ASPTEA, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt to Grade 032 ($49,878 - $76,107/annually).

Establish the assignment of Police Assistant*Detention Officer Trainee (NC), Job Code 62163, Salary Plan 006, Grade 328 ($41,454 - $60,840/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt.

Establish the classification of Detention Officer Trainee (NC), Job Code 62120, Salary

Plan 006, Grade 328 ($41,454 - $60,840/annually), Benefit Category 003, Labor Unit Code: 003, EEO-4 Category: Protective Service Nonsworn, FLSA Status: Nonexempt.

**Summary**

BACKGROUND

Police Assistants and Police Assistants*Special Detail are used throughout the Police Department in support of law enforcement activities. The Department has filled 107 of the 120 budgeted Police Assistant positions, and 21 of the 29 budgeted Police Assistant*Special Detail assignments.

The *Special Detail assignment was created for employees to spend most of their time "performing fact finding in support of law enforcement activities." Police Assistants also "perform light investigations, conduct follow-ups as well as prepare or update reports." Since the classification specifications for Police Assistant and Police Assistant*Special Detail were last updated in 2008, the overlap increased between them, particularly relating to their investigation functions. Then in August 2022, Police Civilian Investigators were introduced. This Unit 7 classification exists to "perform a variety of tasks of a police nature in support of law enforcement activities in an investigative bureau of the Department." With the creation of the Police Civilian Investigator classification, the overlap between the three classifications increased and distinctions were not clear. Additionally, the *Special Detail assignment was used to underfill Detention Officer positions when candidates did not meet the minimum qualifications of completing the Maricopa County Detention Officer Academy and having one year of detention experience. Underfilling was a quick, reasonable way to assist the Department in filling positions in the Detention Officer classification, which has a 45.2 percent vacancy rate. Going forward, it would be optimal to have a classification specifically designed to feed into the Detention Officer classification.

Staff conducted a compensation review for Police Assistants and Detention Officers using data from eCHRIS and a local public sector salary survey. Results of the compensation review are summarized below.

FINDINGS

Police Assistant compensation was found to be 16 percent below market. Going from grade 325 to 328 would close that gap and put the City at the market rate. Merging the *Special Detail assignment and its duties with the Police Assistant base class would mirror the local market and clearly distinguish the Police Assistant and Police Civilian Investigator classifications. Creating a Detention Officer Trainee (NC) classification would eliminate the need to use the *Special Detail assignment as a Detention Officer underfill. Grade 328 for Detention Officer Trainee (NC) places the City at the market rate for similar classifications. Additionally, creating a Police Assistant*Detention Officer

Trainee classification would allow current Police Assistants to make a lateral move to a new career path leading to a promotion to Detention Officer.

The Detention Officer classification is currently below market at a grade 328 and moving it to grade 330 places it slightly above market. However, moving the Detention Officer classification to grade 330 would create compression with the Detention Supervisor classification. Moving the Detention Supervisor classification to grade 032 would eliminate that compression.

CONCLUSION

The City of Phoenix needs to attract Police Assistant and Detention Officer talent and make clear distinctions between the job duties of Police Assistants and Police Civilian Investigators. These recommendations would align the City with compensation practices in our local job market and assist the City with attracting qualified candidates in a competitive atmosphere. The job families and classifications referenced in this report will also be included in the Citywide classification and compensation study that is underway, and future grade changes may be considered as a result of those findings.

**Financial Impact**

The total estimated cost for this request is $361,171.

**Concurrence/Previous Council Action**

This action was reviewed and recommended for approval by Human Resources Committee 616 on Nov. 10, 2022.

**Responsible Department**

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 54

# Stop-Loss Insurance for Active Employee Medical and Pharmacy Benefits (Ordinance S-49280)

The Human Resources Department requests payment authority in the amount of $2,250,000 for Stop-Loss Insurance for active employee medical and pharmacy benefits.

## Summary

Under the Trust Agreement for the Phoenix Health Care Benefits Trust, the Trustee (the Trust Board), appointed by the City, is required to obtain and maintain stop-loss insurance. Effective Jan. 1, 2023, the Stop-Loss Insurance policy will be under The Union Labor Life Insurance Company (Ullico).

## Procurement Information

A competitive Request for Quotes was conducted by the contracted benefits consultant Foster & Foster, a licensed insurance broker, and Ullico was selected. The Health Care Benefits Trust Board approved the selection of Ullico for Stop-Loss Insurance.

## Contract Term

This Stop-Loss Insurance policy is effective from Jan. 1, 2023 through Dec. 31, 2023.

## Financial Impact

The annual insurance premium for the 2023 term is estimated at $2,250,000. The annual premium is based on data submitted by the City relevant to underwriting the risk. There is no impact to the City of Phoenix General Fund since the annual premium is paid through the Health Care Benefits Trust Fund.

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 55

## Benefits Consultant for Solicitation Services - RFP HR 22-007 - Request for Award (Ordinance S-49266)

Request to authorize the City Manager, or his designee, to enter into an agreement with The Segal Company (Western States), Inc. to provide professional consultant services for the Human Resources Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contract will not exceed $320,000.

### Summary

The Contractor will provide benefits consulting services to the Human Resources Department during the development of Request for Proposals. Deliverables will include scope of work development, review and analysis of offers, negotiations and contract development.

### Procurement Information

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

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

Qualifications, Experience and References (250 points)
Method of Approach (450 points)
Price (300 points)

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

The Segal Company (Western States), Inc. - 805 Points

### Contract Term

The agreement will begin on or about Dec. 15, 2022, for a three-year term through Dec. 14, 2025. There are two additional one-year options to extend.

## Financial Impact

The aggregate contract value will not exceed $320,000. These costs are paid by the City's Health Care Benefits Trust Fund. There is no impact to the City's General Fund.

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 56

## Request for City Council to Meet in Executive Session on Dec. 16, 2022 at 10 a.m.

Request for the City Council to call to meet in Executive Session pursuant to Arizona Revised Statutes, section 38-431.03.A, on Friday, Dec. 16, 2022 at 10 a.m. at 100 W. Washington St., Phoenix, Arizona, with an online option to join the meeting.

### Public Outreach

The Notice and Agenda for the Executive Session will be posted no later than 10 a.m. on Thursday, Dec. 15, 2022.

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 57

## Request for City Council to Call to Meet in Executive Session on Specific Dates January through December 2023

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

- Jan. 10
- Jan. 24
- Feb. 21
- March 7
- March 21
- April 11
- May 2
- May 16
- June 13
- Sept. 12
- Sept. 26
- Oct. 24
- Nov. 28
- Dec. 12

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

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 58

## Authorization to Apply, Accept, Disburse Funds and Enter into Agreements for an Urban and Innovative Agriculture Community-Based Organization Fund Grant (Ordinance S-49285)

Request approval for the City Manager, or his designee, to submit a grant application in partnership with the University of Arizona Cooperative Extension of Maricopa County (UA) to increase supply chain resiliency by providing funding to underserved, small and urban farmers through outreach, education, research, technical assistance, and providing funds to assist farmers with implementing climate friendly practices to strengthen resilience. The Office of Environmental Programs will receive $250,000 of the total $1.5 million award. Further request the City Manager to execute all contracts and Memorandums of Agreement (MOA), if awarded. Additionally, request to authorize the City Treasurer to accept, and the City Controller to disburse, grant funds.

### Summary

The U.S. Department of Agriculture (USDA), Farm Service Agency (FSA) is investing up to $40 million of American Rescue Plan Act (ARPA) funding to increase services and outreach to urban producers to understand their needs and connect them to available programs and resources. USDA has identified Phoenix as a pilot location for this funding. These funds are available through the FSA Urban and Innovative Agriculture Community-Based Organization fund and are focused on urban, underserved farmers including beginning, socially disadvantaged, limited resource, and military veteran farmers. These awards will focus on assisting urban producers in areas where FSA historically has not had a presence.

The UA Cooperative Extension of Maricopa County as the lead applicant will be applying for a total of $1.5 million and will be the primary provider of outreach, technical assistance, education, and research and is allocated $1 million. The grant application will also include Local First Arizona Foundation who will provide two annual events specifically for urban farmers for $250,000. The remaining $250,000 is allocated for the Office of Environmental Programs (OEP) to provide Resilient and Sustainable Agriculture (RSA) grants directly to farmers and to provide two grant writing workshops. This work will enhance the existing grant program that OEP offers to help local growers navigate, build, and succeed in the ever-changing environment and ensure a resilient local food system. The program will be open to private and

nonprofit growers and aggregators within our local food system with a goal of 60 percent of the funding awarded to Black, Indigenous, and People of Color (BIPOC) to implement projects designed to accelerate the transition toward a more resilient, sustainable, equitable and thriving food system.

The RSA grant program will fund projects that:

1. Promote efforts to reduce the impact of local food production and distribution on our changing climate (mitigation).
2. Enhance the resiliency of the farm or aggregator and local food system in the face of various shocks and disruptions (adaptation).
3. Adopt new and/or expand existing sustainable food production and/or aggregator practices.
4. Adopt variety of urban agricultural innovations into operations.
5. Grow product line through the implementation of agri-food technologies/innovations.
6. Develop product prototypes.
7. Create new jobs to implement food production or aggregation related projects.
8. Strengthen the economic viability of the farm/aggregator by increasing the ability to grow and sell products locally.
9. Applicants should outline how partnering with the City on implementing resilience and sustainability measures will help the entity continue to grow and/or distribute food in an increasingly arid urban environment subject to extreme heat and drought.
10. Advance equity within the local food system.

The RSA grant program will also offer a Farmer Grant Writing Workshop that will provide an opportunity to understand the intricacies of writing a grant application.

The grant proposal deadline was Dec. 5, 2022. Award announcements will be made Spring 2023.

**Contract Term**
The grant term is for up to five years.

**Financial Impact**
The program is funded through USDA and there is no financial impact to the City.

**Responsible Department**
This item is submitted by Deputy City Manager Karen Peters and the Office of Environmental Programs.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 59

## Additional Choice Neighborhoods Program Resources (Ordinance S-49244)

Request to authorize the City Manager, or his designee, to implement additional Choice Neighborhoods Program resources, initiatives, and program amendments, including any U.S. Department of Housing and Urban Development (HUD) approved amendments or revisions. Further request to authorize the City Treasurer to accept and the City Controller to disburse all funds for the life of the grant(s).

### Summary

Choice Neighborhoods is a federal initiative through HUD that is designed to transform distressed neighborhoods and public housing into mixed-income neighborhoods linking housing and neighborhood improvements with appropriate services, transportation, and access to jobs. In July 2018, the City of Phoenix was awarded a $30 million Choice Neighborhoods Implementation Grant to revitalize the Edison-Eastlake Community (EEC) bounded by the I-10 Freeway on the north and east, 16th Street on the west, and the Union Pacific Railroad on the south.

In addition to any authority already granted in relation to the Choice Neighborhoods Planning and Action, and Implementation grants (the “Grants”), the City Manager, or City Manager’s designee, is authorized to:

- Appropriate, expend and disburse up to $1 million in federal Economic Development Initiative/Community Project Funding and up to $5 million in federal American Rescue Plan Act (ARPA) funds for the pre-development, development, rehabilitation, programming, and/or operations of the future Edison Impact Hub, located at 1855 E. Garfield St., a community services hub located in the EEC that will provide medical and behavioral health services;
- Appropriate, expend and disburse up to $2 million in federal ARPA funds to provide access to Wi-Fi and internet connectivity, digital literacy training, Wi-Fi and digital broadband infrastructure, and other digital initiatives to address the needs of households living in the EEC;
- Apply for additional Choice Neighborhoods funding from HUD to supplement the existing Implementation Grant in an amount up to $10 million. If awarded the additional grant funds, accept, appropriate, expend and disburse for housing improvements, or other activities that support the implementation of the Choice

Neighborhoods program as deemed eligible by HUD;

- Appropriate, expend and disburse up to $2 million in Choice Neighborhoods Program Income funds and up to $6.5 million Section 18 Public Housing Proceeds for neighborhood and/or housing improvements, or other activities that support the implementation of the Choice Neighborhoods program;
- Provide relocation assistance and benefits;
- Form new City-controlled non-profit corporations with the Housing Director as sole incorporator;
- Form a new corporate entity or entities to serve as ownership entities for the sites;
- Procure and/or engage in funding transactions to finance capital needs, including submitting applications and accepting awards of Low-Income Housing Tax Credits (LIHTC), seeking a LIHTC equity investor, and obtaining other grants and/or loans;
- Enter into agreements and convey or grant fee title or lesser interests including easements, leases, licenses and/or use agreements in EEC site(s) to the corporations, LLCs, public utilities, Grants and Edison Impact Hub partners and other third parties as necessary or appropriate to facilitate financing, construction, rehabilitation, operations, and implementation of the housing development sites, Grants and Edison Impact Hub;
- Procure, award, execute and submit all contracts, documents, and agreements necessary to implement the Grants, ARPA and other funding as detailed in this report including agreements with the co-developer, other government and quasi-government entities, financing partners, Grant partners, design and development contractors, Wi-Fi providers and partners, service and training providers and other parties as appropriate to carry out the terms of the Grants, ARPA and other funding;
- Allocate an additional 377, for a total of up to 577, Section 8 Project-Based Vouchers, amend HUD Annual Plans, and enter into or execute associated contracts, documents, and agreements, as necessary to facilitate activities for the application and implementation of the Grants; and
- Amend and extend the Intergovernmental Agreement (IGA) with Phoenix Elementary School District #1 for five years through May 2027. Provide school-based caseworkers at two Choice Neighborhoods adjacent schools; track test scores and identify at-risk youth needing additional services.

**Financial Impact**

There is no impact to the General Fund.

**Concurrence/Previous Council Action**

On Oct. 4, 2017, through Ordinance S-43959, the City Council authorized applying for and implementing a $30 million HUD Choice Neighborhoods Implementation Grant for the EEC, that also included approval to apply for and accept grants and to expend

matching funds, in-kind and other funding sources to support and implement the Grant.

**Location**
The Edison-Eastlake Community is bounded by the I-10 Freeway on the north and east, 16th Street on the west, and the Union Pacific Railroad on the south.
Council District: 8

**Responsible Department**
This item is submitted by Deputy City Manager Gina Montes and the Housing Department.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 60

## Additional Resources for Public Housing Capital and Other Improvements (Ordinance S-49245)

Request to authorize the City Manager, or his designee, to implement additional Rental Assistance Demonstration (RAD), Capital Fund Program (CFP), and other Public Housing resources, initiatives, and program amendments, including any U.S. Department of Housing and Urban Development (HUD) approved amendments or revisions. Further request to authorize the City Treasurer to accept and the City Controller to disburse all funds for the life of the grant(s).

### Summary

The RAD program was created by HUD to give Public Housing Authorities (PHAs), such as the City's Housing Department, a powerful tool to preserve and improve aged public housing properties and address the $26 billion nationwide backlog of deferred maintenance and capital improvements, as well as provide future financial sustainability and continued affordability. Another tool HUD uses is the CFP, where funding is provided annually to PHAs for the development, financing, and modernization of public housing developments and for management improvements. Both programs aid in providing renovations to sites that also benefit residents. For example, outdated units can be upgraded to include modern appliances and unit amenities.

In addition to any authority already granted in relation to the RAD and CFP Programs (the “Grants”), the City Manager, or City Manager’s designee, is authorized to:

- Appropriate, expend and disburse up to $12 million in Public Housing, CFP and/or Affordable Housing Program funds to provide pre-development, development, rehabilitation, programming, and/or operations funding to implement the Maryvale Parkway Terrace substantial rehabilitation project to renovate 108 outdated units and community center, common area improvements, replace major systems, upgrade exterior paint and asphalt, etc.;

- Provide relocation assistance and benefits for residents of Maryvale Parkway Terrace and other public housing communities in conjunction with substantial rehabilitation and/or RAD, as federally mandated, and to execute agreements to

minimize relocation costs and allow occupants time to relocate, as may be necessary;

- Appropriate, expend and disburse up to $3 million in federal American Rescue Plan Act (ARPA) funds to provide access to Wi-Fi and internet connectivity, digital literacy training, Wi-Fi and digital broadband infrastructure, and other digital initiatives to address the needs of households living in the following public housing and Section 8 communities:

1. Maryvale Parkway Terrace, 4545 N. Maryvale Parkway (108 units)
2. Washington Manor, 1123 E. Monroe St. (112 units)
3. Pine Towers, 2936 N. 36th St. (156 units)
4. Fillmore Gardens, 802 N. 22nd Place (120 units)
5. Sunnyslope Manor, 205 E. Ruth Ave. (116 units)
6. McCarty on Monroe, 1130 E. Monroe St. (69 units)
7. Aeroterra Senior Village, 675 N. 16th St. (60 units)
8. Aeroterra Family Phases II and III, 1775 E. McKinley St. (130 units)
9. Marcos de Niza, 305 W. Pima St. (374 units)
10. The Summit, 12830 N. Paradise Village Parkway (206 units); and

- Procure, award, execute and submit or deliver all contracts, documents, and agreements necessary to implement the Grants and ARPA Wi-Fi funds including, but not limited to, agreements with other government and quasi-government entities, financing partners, design and development contractors, Grant partners, Wi-Fi providers and partners, service and training providers and other parties as appropriate to carry out the terms of the Grant.

**Financial Impact**
There is no impact to the General Fund.

**Concurrence/Previous Council Action**
On Jan. 9, 2019, through Ordinance S-45290, the City Council authorized implementing the RAD Program at various Public Housing communities.

**Location**
Maryvale Parkway Terrace and other various properties, as identified above in the report.
Council Districts: 3, 5, 6, and 8

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 61

## Library Media Materials and Related Services Contract - RFQu 22-148 - Request for Award (Ordinance S-49254)

Request to authorize the City Manager, or his designee, to enter into contracts with the Contractors listed on **Attachment A** to provide library media materials and related services to the Library Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $25,000,000.

### Summary

These contracts will fulfill the Phoenix Public Library's needs for physical, print, and audio-visual materials, periodicals, and related services. The Library system consists of 16 branch libraries and the Central Library, which also houses technical services, operations, and administrative offices. The Library's holdings number more than 1,530,000 items and it maintains more than 900,000 registered borrowers. Library media materials and related services support the City Manager's Strategic Plan by promoting early literacy and preparing young children for academic success and achieving excellence for all Phoenix residents.

### Procurement Information

A Request for Qualifications procurement was processed in accordance with Administrative Regulation 3.10 to establish a Qualified Vendor List.

Fourteen offerors submitted qualifications and were deemed to be responsive and responsible. An evaluation committee of City staff evaluated those offers based on the following minimum qualifications:

- Provided library media resources and services for a minimum of one year.
- Provided an executive summary of the firm's experience, qualifications, and expertise in each of the categories proposed.
- Provided an executive summary of the firm's capabilities to provide the goods or services, describing capacity in each proposed category.

After reaching consensus, the evaluation committee recommends award to the offerors in **Attachment A**.

## Contract Term
The contracts will begin on or about Jan. 1, 2023, for a five-year term with no options to extend.

## Financial Impact
The aggregate contract value will not exceed $25,000,000.

Funding is available in the Library Department's Operating budget.

## Responsible Department
This item is submitted by Deputy City Manager Inger Erickson and the Library Department.

## Attachment A

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**Library Media Materials and Related Services Contract - RFQu 22-148 – Request for Award**

After reaching consensus, the evaluation committee recommends award to the following vendor(s):

ALM Holdings Corporation
Baker & Taylor, LLC
Blackstone Audio, Inc.
Brodart
Children's Plus, Inc.
EBSCO Information Services, LLC
Findaway World, LLC
Ingram Library Services, LLC
Library Ideas, LLC
MARCIVE, Inc.
Midwest Tape, LLC
Multi-Cultural Books & Video
World Book, Inc.
Cox Subscriptions, Inc. dba WT Cox Information Services

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 62

## Amendment to the 2020-24 Consolidated Plan's 2022-23 Annual Action Plan

Request City Council approval of an amendment to the 2020-24 Consolidated Plan's 2022-23 Annual Action Plan to include the reallocation of prior year 2021-22 Emergency Solutions Grant (ESG) funds to eligible activities and the revised HOME Investment Partnerships (HOME) Program homeownership value limits.

### Summary

The City of Phoenix Annual Action Plan details the funding strategy for the Community Development Block Grant, ESG, HOME, and Housing Opportunities for Persons with AIDS programs. Additionally, the Annual Action Plan describes how funds will be used to address the priorities and goals outlined in the 2020-24 Consolidated Plan.

This amendment to the 2022-23 Annual Action Plan includes the reallocation of prior-year 2021-22 ESG funds to eligible activities and the revised maximum homeownership purchase price for the HOME program.

Revised allocations for prior-year 2021-22 ESG funds to eligible activities for the purposes of providing homelessness assistance and supportive services are as follows:

Rapid Re-Housing: $243,737
Homeless Prevention: $243,737
Total 2021-22 ESG funds reallocated: $487,474

Revised HOME homeownership value limits, up to 95 percent of the median purchase price for Maricopa County, have been approved by the United States Department of Housing and Urban Development (HUD) and are increasing from $296,000 to $467,000.

### Financial Impact

These programs are federally funded by HUD. There is no impact to the General Fund.

### Concurrence/Previous Council Action

- The Community and Cultural Investment Subcommittee recommended approval of

the 2022-23 Annual Action Plan on May 4, 2022, by a 4-0 vote.

- City Council approved the 2022-23 Annual Action Plan on May 11, 2022.
- The Community and Cultural Investment Subcommittee recommended approval of this item on Dec. 7, 2022, by a 3-0 vote.

**Public Outreach**

The City's HUD required Citizen Participation Plan states amendments will be made public and provide for a 30-day public comment period. The City of Phoenix published a 30-day comment period advertisement on Oct. 28, 2022. The public comment period is open from Nov. 11, 2022, to Dec. 10, 2022.

**Responsible Department**

This item is submitted by Deputy City Managers Alan Stephenson and Gina Montes and the Neighborhood Services and Housing departments and the Office of Homeless Solutions.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 63

## Request to Amend Contract with Wilson Elementary School District #7 (Ordinance S-49252)

Request to authorize the City Manager, or his designee, to amend Contract 156924 with Wilson Elementary School District #7 to extend the term of the contract for an additional 10 months through June 30, 2023. Further request to authorize the City Controller to disburse all funds related to this item.

### Summary

In June 2022, the City Council approved Community Development Block Grant (CDBG) Neighborhood Enhancement program funding for the Wilson Elementary School District #7. The U.S. Department of Housing and Urban Development (HUD) funds the Neighborhood Enhancement Program to address community infrastructure needs and improvements including parks, playgrounds, landscaping, and other critical projects.

Wilson Elementary School is located in low- and moderate-income areas of Phoenix. The playground directly supports the children attending the public school and, due to a lack of City operated play areas in the neighborhood, the playground also supports the local area by providing a play area after school hours and on weekends. During a recent safety review, the playground surface was deemed unsafe and in need of replacement.

Wilson Elementary School District #7 applied for funds to replace the playground surfacing through the Neighborhood Enhancement Program. The project will remove the existing surfaces and install new synthetic turf and rubber surfaces. The project will provide a safe and inviting playground for the public school and the neighborhood.

The requested contract extension is necessary to allow the Wilson Elementary School District complete this project and address significant material delays experienced by the selected contractor.

### Contract Term

The original six-month contract term started July 1, 2021, through Dec. 31, 2022, with an option to extend through March 2023. If this item is approved, the term of this

contract will be extended through June 30, 2023.

**Financial Impact**
There is no impact to the General Fund. The contract is funded by HUD CDBG funds.

**Concurrence/Previous Council Action**
On June 15, 2022, the City Council approved the award of $200,000 in CDBG funds for this project.

**Location**
2929 E. Fillmore St.
Council District: 8

**Responsible Department**
This item is submitted by Deputy City Manager Alan Stephenson and the Neighborhood Services Department.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 64

# Enter Into an IGA with the Cities of Avondale, Buckeye, Goodyear, Mesa, and Tempe, Maricopa County, Gila River Indian Community, Salt-River Pima Indian Community, Salt River Project Agricultural Improvement and Power District, MAG and Arizona Board of Regents for the Rio Reimagined Urban Waters Ambassador (Ordinance S-49265)

Request to authorize the City Manager, or his designee, to enter into an intergovernmental agreement with the City of Avondale, City of Buckeye, City of Goodyear, City of Mesa, City of Tempe, Maricopa County, Gila River Indian Community, Salt-River Pima Indian Community, Salt River Project Agricultural Improvement and Power District, Maricopa Association of Governments and the Arizona Board of Regents for and on behalf of Arizona State University for the creation of an Urban Waters Ambassador, a full-time regional leader who will be tasked with identifying federal funding and technical assistance to support and actualize local community projects and priorities related to the Rio Reimagined - Rio Salado Urban Waters Federal Partnership Project. Further request to authorize the City Controller to disburse all funds related to this item. Additionally request to authorize the City Manager, or his designee, to enter into Intergovernmental Agreements (IGAs) as necessary and appropriate to coordinate efforts and funding related to this project.

## Summary

On Sept. 1, 2020, the United States Environmental Protection Agency designated Arizona's Rio Reimagined - Rio Salado as the 20th Urban Waters Federal Partnership Project. With this designation, federal, local and tribal partners work collaboratively to improve surface water quality and achieve economic, environment, health, wellness and recreation goals for the benefit of community residents, all while protecting the river ecosystem as a valued natural and cultural asset. The Rio Reimagined - Rio Salado project spans 58 miles of the Lower Salt and Gila Rivers, including six cities and two Native American communities. The Urban Waters Ambassador is a new full-time regional leader position who be will tasked with identifying federal funding and technical assistance to support and actualize local community projects and priorities. As part of the designation, the Urban Waters Ambassador will act as the regional representative for Rio Reimagined - Rio Salado and will oversee the collaborations with federal agencies and stakeholders in connection with the designation.

The Maricopa Association of Governments (MAG) will hire and house the Urban Waters Ambassador, providing in-kind office support and fiscal services. Representatives from all funders will sit on an Advisory Council to help draft annual work plan/scope for the Ambassador. The individual occupying the position will be engaged by MAG as an independent contractor and will report to a MAG-designed staff person.

**Contract Term**
The agreement will begin on or about Jan. 1, 2023 for a term of four years. Thereafter, the agreement may be renewed and updated, subject to available funding support and mutual written agreement of the parties for an additional two-year term.

**Financial Impact**
The total value of the City's share of the agreement is $15,000 per year, for four years, for an aggregate value of $60,000. MAG will serve as a fiscal agent to receive and process total compensation funding, as well as federal or other funding sources in support of the Ambassador as needed or recommended by the Rio Advisory Board. Funding is available from the City Manager's Office budget.

**Location**
This project spans 58 miles between 19th and 83rd Avenues, which includes the Loop 202 South Mountain Freeway.
Council Districts: 7, 8 and Out of City

**Responsible Department**
This item is submitted by City Manager Jeffrey Barton, Deputy City Manager Karen Peters, and the Office of Government Relations.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 65

## Parks and Recreation Department and Arizona State University Intergovernmental Agreement for Phoenix Afterschool Center Tutoring Program (Ordinance S-49263)

Request to authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement with Arizona State University (ASU) Lodestar Center for Philanthropy and Nonprofit Innovation to provide tutoring and educational support for youth within the Phoenix Afterschool Center (PAC) program in which the City has partnered with 12 Phoenix school districts and 2 charter schools to operate 33 PAC sites on school campuses throughout the academic year. Further request authorization for the City Controller to disburse all funds related to this item.

### Summary

The ASU Lodestar Center for Philanthropy and Nonprofit Innovation Experience Matters AmeriCorps State program (Program) places AmeriCorps members in support of agencies serving elementary school children, with the goal of helping students succeed in school and life. The Program proposes to place AmeriCorps members at 33 PAC sites located at 12 Phoenix elementary school districts and 2 charter schools throughout the City of Phoenix. The AmeriCorps members can serve as a mentor/tutor and/or supervise mentors/tutors, as well as support administrative tasks related to program delivery, training and consistency. The AmeriCorps members will serve Monday thru Friday from school release time (including early dismissal) until 6 p.m. for an average of 10 hours per week when the program is in session. A minimum of 300 hours of service including onboarding and training will be performed.

### Contract Term

The term of the contract will begin on or about Dec. 15, 2022 and end on Dec. 14, 2025.

### Financial Impact

The aggregate value of the contract will not exceed $100,650. Funding is available in the Parks and Recreation Department's budget.

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 66

## Development Agreement with Chevelle Properties LLC for Installation of Public Infrastructure (Ordinance S-49260)

Request to authorize the City Manager, or his designee, to negotiate and enter into a development agreement and any other agreements as necessary (Agreements), with Chevelle Properties LLC, or its City-approved designee (Developer), for the installation of public infrastructure improvements. Further request to authorize the City Controller to disburse all funds associated with this request.

### Summary

Developer is planning to bring a 32-acre destination office employment campus to Phoenix that will add or retain 1,100 high-wage jobs. Phase 1 of the campus will include approximately 300,000 square feet of new development representing a capital investment estimated at $198 million (Project). Developer is a national leader in its industry with annual revenues in the billions and thousands of locations across the United States. After a national search the Project is still contingent upon several items that will be finalized before the end of the year at which time the project will be publicly announced.

The City recognizes the resulting substantial economic impacts to the City and region by the Developer. This established and well known company will be able to call Phoenix home and provide thousands of quality jobs to residents. Nationally this project would be one of the first large scale office employment announcements since the pandemic and signifies a return to normal business and recovery from the COVID-19 pandemic. To support this new headquarters Project and expand the package that has been provided at the State level, staff recommends the following business terms:

- Developer agrees to build a 32-acre 300,000 square feet destination office employment campus estimated at $198 million in Phoenix.
- Developer intends to create or retain approximately 1,100 jobs.
- Within 24 months from execution of the Agreement, Developer shall satisfy all requirements for issuance of the public infrastructure permits for Phase 1 of the Project, pay all applicable fees related to the initial phase of development, and obtain the first infrastructure permit for Phase 1.

- City will reimburse Developer (upon completion of construction and acceptance by the City of public infrastructure improvements), up to $5 million maximum reimbursement amount from the General Fund portion of City's Transaction Privilege Tax.
- City will also use up to $1 million from the Strategic Economic Development Fund as a reimbursement source for the public infrastructure improvements, in the amount of $100,000 per year for up to 10 years. City's total reimbursement from all sources will not exceed $5 million.
- Public infrastructure improvements include street frontage and intersection upgrades as required by the Street Transportation Department, water and sewer main extensions along the frontage of the Project, any other floodplain and other regional traffic improvements as detailed in the Agreements.

1. Reimbursements from the City's Transaction Privilege Tax shall be paid on an annual basis in arrears and shall not exceed the amount of the City's General Fund portion of the Transaction Privilege Tax collected that year that the City verifies were collected and received from the Project. These taxes shall be comprised primarily of the taxes relating to the construction and installation of the public infrastructure improvements, private infrastructure improvements, and build-out of the Project. In order to track Transaction Privilege Taxes eligible for reimbursement, all contractors and subcontractors must secure an independent City of Phoenix Transaction Privilege Tax (TPT) License related solely to the Project.
2. Reimbursement from the Strategic Economic Development Fund shall be reimbursed in the amount of $100,000 annually and shall not exceed $1 million.
3. Reimbursement shall not exceed actual verifiable costs for the approved public infrastructure improvements and combined reimbursement will not exceed $5 million.
4. Reimbursement would not begin until after the Developer completes the public infrastructure improvements at the Site and the City has accepted those improvements. Reimbursements would be made annually, in arrears, with additional details to be specified in the Agreements.
5. Years 1 through 10: City will reimburse 100 percent of the eligible General Fund TPT revenue generated from new activity at the Project.

- No other sources of funds would be used if the above resources are not adequate to meet the projected construction expenses.
- Agreements will include other terms and conditions as deemed necessary by the City.

**Contract Term**
The development agreement will terminate 10 years after the Developer's completion

and the City's acceptance of public infrastructure improvements.

**Financial Impact**
The City's financial impact will not exceed $5 million, combined, from the Strategic Economic Development Fund and the City's General Fund portion of eligible TPT revenue generated from the Site for 10 years. Financial terms of the Agreements will be reviewed by the Budget and Research Department to verify funding availability prior to execution.

**Location**
Developer is conducting due diligence on locations in the city of Phoenix and a final site will be selected prior to entering into a development agreement.

**Responsible Department**
This item is submitted by Deputy City Manager Ginger Spencer and the Community and Economic Development Department.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 67

## Authorization to Accept Donation of Lock Boxes from Phoenix Realtors

Request authorization for the City Manager, or his designee, to accept a donation of 100 lock boxes from the Phoenix Realtors.

### Summary

An ongoing challenge for the Phoenix Fire Department is accessing the homes of seniors or individuals with special needs. Fire staff is often called to the residence of an individual who is too ill to grant access, or in response to a concerned family member requesting staff to check welfare. When this occurs and no one is available to answer the door, Fire staff are faced with the dilemma of having to use force in order to access the residence. In order to address these challenges, staff requests authorization to accept donation of 100 lock boxes from the Phoenix Realtors to establish the Residential Lock Box Access Program. This program will provide lock boxes to seniors and individuals with special needs in order to avoid using force to access their residence.

The Fire Department's Community Involvement Section will process applications, install the lock boxes, maintain a database of installations, and ensure the Phoenix Fire Regional Dispatch Center codifies the data in a premise alter for responding units. The Residential Lock Box Access Program will use the donated lock boxes to implement a pilot program in City Council District 1. This will allow the program managers to determine scope, challenges, and logistics to best serve the community then expand access citywide.

### Financial Impact

There is no impact to the City's General Fund.

### Concurrence/Previous Council Action

This item was approved at the Public Safety and Justice Subcommittee meeting on Dec. 14, 2022.

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 68

## Amend Current Ordinance to Add Paseo Hills Elementary to 2022-23 List of School Districts (Ordinance S-49278)

Request to authorize the City Manager, or his designee, to amend the current Ordinance (S-48726) to add Paseo Hills Elementary to the 2022-23 list of school districts for funding a School Resource Officer (SRO). Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item.

### Summary

The Police Department enters into Intergovernmental Agreements with various school districts (at the school district's request) to assist with the cost of SROs deployed in schools. Funding for these SROs is provided through partnerships with the Arizona Department of Education and individual school districts. Through this partnership, school district funds reimburse the City for 75 percent of the SRO's salary, while the remaining 25 percent is paid by the City.

The amended ordinance will add Paseo Hills Elementary to the 2022-23 list of school districts. All other terms will remain unchanged.

### Contract Term

The terms of these agreements are one year, with varying start and end dates to coincide with each school's 2022-23 school year.

### Financial Impact

Cost to the City is 25 percent match for the SRO salary and fringe benefits. Funds are available in the Police Department's budget.

### Concurrence/Previous Council Action

Ordinance S-48726 was approved by the City Council at the June 15, 2022 meeting.

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 69

## Authorization to Enter into an Agreement with the Police Executive Research Forum for Training (Ordinance S-49262)

Request for retroactive authorization for the City Manager, or his designee, to allow the Police Department to enter into an agreement with the Police Executive Research Forum (PERF) to provide Integrating Communications, Assessment, and Tactics (ICAT) training for a total not to exceed $57,500. Further request authorization for the City Controller to disburse all funds related to this item.

### Summary

The PERF is an independent research organization that focuses on critical issues in policing and has identified best practices on developing community and problem-oriented policing; using technologies to deliver police services to the community; evaluating crime reduction strategies; and conducting training focused on resolving critical incidents without using force. The ICAT training is a 12-16 hour course designed to help officers safely and professionally resolve critical incidents involving individuals who may pose a danger to themselves or others, but who are not armed with firearms. Reducing the need to use deadly force, upholding the sanctity of life, building community trust, and protecting officers from physical, emotional and legal harm are the cornerstones of ICAT. Also, the PERF will observe two departmental ICAT training sessions at the beginning of the departmental rollout of ICAT to provide quality control. The training will be held in 2023 and the Police Department will pay a fixed fee of $57,500.

If authorization is denied, the agreement will be rescinded.

### Contract Term

Requesting retroactive approval for Nov. 14, 2022 through Dec. 31, 2023.

### Financial Impact

Funds will be used for training and supplies and are in the Police Department's budget.

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 70

## Spartan Vehicle Robot (Ordinance S-49281)

Request to authorize the City Manager, or his designee, to enter into a contract with Peraton Remotec, to rebuild the F6B Robot transforming it into an upgraded vehicle with the latest technology and increased load capacity for the Police Department. Further request to authorize the City Controller to disburse all funds related to this item. The aggregate agreement value will not exceed $228,826.

### Summary

The purpose of this contract is to upgrade the F6B Robot, for the Police Department's Bomb Squad Unit to use for bomb responses and added security during planned Super Bowl activities. The Spartan Vehicle upgrade will refurbish and rebuild the F6B, with the latest technology and increased load capacity. The Spartan Vehicle will incorporate a dual PAN disruptor system for use in mitigation of suspected Improvised Explosive Devices (IEDs) from a safe distance. Completing the Spartan Vehicle upgrade will enhance reliability, usability, functionality, and longevity of the vehicle, resulting in decreased deployment times.

### Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of an approved Determination Memo for Special Circumstances Without Competition as Peraton Remotec is the manufacturer and sole warranty provider of the F6B Robot. Refurbishing this robot will meet the needs of the Police Department.

### Contract Term

The one-year contract term will begin on or about Dec. 15, 2022.

### Financial Impact

The aggregate contract value will not exceed $228,826. Funds are available in the Police Department’s budget.

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 71

## Paraclete Ballistic Shields - IFB 18-029 - Amendment (Ordinance S-49248)

Request to authorize the City Manager, or his designee, to execute an amendment to Contract 146909 with FX Tactical, LLC to extend the contract term. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $948,180.

### Summary

This contract will provide the Police Department with Paraclete Ballistic Shields to protect community members during evacuations, as well as protect officers during containment and contact phases of fluid tactical incidents. The additional funds will allow for necessary purchases through the extended contract term as additional time is needed to complete the new procurement.

### Contract Term

Upon approval, the contract will be extended through Jan. 10, 2024.

### Financial Impact

Upon approval of $948,180 in additional funds, the revised aggregate value of the contract will not exceed $1,515,230. Funds are available in the Police Department's budget.

### Concurrence/Previous Council Action

The City Council previously reviewed and approved this request:

- Paraclete Ballistic Shields - Contract 146909 (Ordinance S-44162) on Jan. 10, 2018.

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 72

## Ammunition Products Statewide - AZ State Cooperative CTR043473 - Amendment (Ordinance S-49264)

Request to authorize the City Manager, or his designee, to allow additional expenditures under Contract 150510 with Diamondback Police Supply Co., Inc. for the purchase of ammunition products for the Police Department. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $700,000.

### Summary

The Patrol Less Lethal Pilot Program was created to evaluate the effects of providing front-line officers with alternative tools to use during high stress incidents, with a goal of reducing lethal force encounters. A review of the pilot program results indicated overall success of the program and community support of the expanded use of these products to resolve volatile incidents without the use of lethal force. The additional funds are required to equip all precincts with less lethal tools and supplies.

The Patrol Less Lethal Program, requires additional funding for (400) Pepperball launchers, (400) 40mm launchers, and the ammunition and accessories (optic, light, sling) for both systems over two years. The weapons are assigned to officers and will provide equipment to (400) officers in FY 2022-23 and (400) officers in FY 2023-24. The Department's Patrol Division currently has (49) 40mm launchers and will have (80) Pepperball launchers by mid-December.

### Contract Term

The contract term remains unchanged, ending on June 25, 2024.

### Financial Impact

Upon approval of $700,000 in additional funds, the revised aggregate value of the contract will not exceed $1,525,000. Funds are available in the Police Department’s budget.

### Concurrence/Previous Council Action

The City Council previously approved this request:

- Ammunition Products Statewide, Contract 150510, Ordinance S-45871 on June 26,

2019.

- Ammunition Products Statewide, Contract 150510, Ordinance S-48644 on May 25, 2022.

**Responsible Department**

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 73

## Bus and Dial-a-Ride Public Transportation Agency Safety Plan - Request for Approval

This report requests City Council approval of the Public Transit Department's federally required Public Transportation Agency Safety Plan for the operation of the city's fixed route bus and paratransit (Dial-a-Ride) operations.

### Summary

On July 19, 2019, the Federal Transit Administration (FTA) published the Public Transportation Agency Safety Plan (PTASP) Final Rule, requiring public transportation systems that receive federal grant funds to develop safety plans that include Safety Management Systems (SMS) and to set safety performance measure targets by Dec. 31, 2020, which the City of Phoenix accomplished. Since that time, the FTA informed transit industry partners nationwide about Bipartisan Infrastructure Law changes to the PTASP requirements and the associated compliance deadlines for implementing the new provisions. This report provides revisions to the Department's PTASP in order to comply with the new requirements.

The purpose of the FTA's Final Rule is to ensure operational safety within public transit systems nationwide. SMS elements include:

- Safety Management Policy - A documented commitment to safety defining the system's objectives and its employees' responsibilities to safety;
- Safety Risk Management - An established process for identifying, analyzing, documenting, and mitigating safety risks and hazards;
- Safety Promotion - Establishes a process for safety training and communications; and
- Safety Assurance - Includes safety performance monitoring and measurement, management of change, and continuous improvement.

Safety Performance Measures outlined by the National PTASP include specific definitions for "reportable events" as they pertain to having occurred within the transit environment or are otherwise related to transit service, vehicles, or facilities. Those "reportable events" are as follows:

*Fatalities*

- Total number of reportable fatalities; and
- Rate per total vehicle revenue miles by mode.

*Injuries*

- Total number of reportable injuries; and
- Rate per total vehicle revenue miles by mode.

*Safety Events*

- Total number of reportable events; and
- Rate per total vehicle revenue miles by mode.

*System Reliability*

- Mean distance between major mechanical failures by mode.

**Additional Information**
On Feb. 17, 2022, the FTA informed transit industry partners nationwide about Bipartisan Infrastructure Law changes to the PTASP requirements and the associated compliance deadlines for implementing the new provisions, which include the following:

- Establish a safety committee, comprised of an equal number of front-line employees and representatives within the Public Transit Department and its contracted service providers, to annually evaluate and approve the department's safety plan. A component of the region's plans allows each of the City's contractors to form and maintain their own safety committees to meet the new federal guidance;
- Establish a risk reduction program and targets to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers; and
- Outline strategies consistent with guidelines of the Centers for Disease Control and Prevention, or a state health authority, to minimize the exposure of the public, personnel, and property to infectious diseases and unsafe conditions.

The City's draft PTASP (**Attachment A**) was developed through a collaborative process between staff from PTD and the T2050 project management consultant (PMC) team. The summary plan of the City's operations contractors are appendices of the plan and were developed in collaboration with the City's bus and Dial-a-Ride providers (Transdev, First Transit, and MV Transportation and their respective employees). The safety plan follows previous and new federally mandated processes and procedures,

including SMS principles and methods.

The City of Phoenix worked with its three service providers and their employees to operate and maintain the City's bus and Dial-a-Ride services to ensure compliance with the new guidance. As a result, each contractor has also developed respective safety plans unique to their operations, facilities, and workforces. Under the new FTA rule, the Public Transit Department is responsible for overseeing the safety of its bus and paratransit systems, including oversight of the three service providers under contract with the Department to provide those services.

The Maricopa Association of Governments coordinates and provides guidance to regional transit agencies, while the Arizona Department of Transportation provides assistance to other transit agencies across the state. The City's regional partners, the Regional Public Transportation Authority, Valley Metro Rail, Scottsdale, Glendale and Peoria, also fall under the new FTA rule and have created safety plans specific to their transit operations.

The plans of the City and its contractors and subrecipients are reviewed annually. The FTA requires each to annually self-certify that they have PTASPs that meet the requirements of the applicable rule. The FTA also intends to use its triennial oversight review program to assess compliance with the requirements of the rule.

Per federal requirements, the PTASP must be approved by Phoenix's City Council by Dec. 31, 2022.

**Concurrence/Previous Council Action**
On Nov. 2, 2022, the attached plan was approved by the Public Transit Department's safety committee, which is federally required and is made up of 12 PTD employees that are a mixture of front-line workers, field staff, and supervisory and management positions.

This item was approved by the Transportation, Infrastructure and Planning Subcommittee on Nov. 16, 2022, by a vote of 4-0.

**Responsible Department**
This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

ATTACHMENT A

# PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

## City of Phoenix Public Transit Department

December 2022

City of Phoenix

# Public Transportation Agency Safety Plan Executive Summary

The City of Phoenix Public Transit Department (PTD) has prepared the Public Transportation Agency Safety Plan (PTASP, or Plan) to comply with the Federal Transportation Administration's (FTA) PTASP final rule 49 Code of Federal Regulations (CFR) Part 673, published on July 19, 2018. The rule requires public transportation system operators receiving federal Section 5307 funds to develop safety plans with processes and procedures that implement safety management systems (SMS) principles and methods. The SMS includes the PTASP's Safety Management Policy Statement, Safety Risk Management, Safety Assurance and Safety Promotion policies and procedures that encompass a top-down and data-driven approach to safety risk management and ensuring the effectiveness of safety risk mitigation. This Plan serves as the overarching PTD PTASP and is supported by the three separate contract operator Safety Plans, available as separate documents affixed to this Plan.

## Phoenix Transit Operations

PTD operates fixed local bus service, neighborhood bus circulators, commuter bus service, and paratransit services in an area of approximately 518 square miles, with a population of nearly 1.8 million. Transit services are operated in partnership with three contractors (Contractors): First Transit Inc., Transdev Services Inc., and MV Transportation Inc. Day-to-day bus operations and maintenance originate with each contractor, and PTD works with each contractor individually to ensure an effective safety program for the entire Phoenix-operated transit system.

| First Transit | transdev | MV TRANSPORTATION, INC |
|---|---|---|
| Developed a system-specific safety plan for *motor bus system*. | Developed a system-specific safety plan for *motor bus system*. | Developed a system-specific safety plan for *demand response system*. |

# Safety Plan Regulatory Background

On July 19, 2019, the FTA PTASP Final Rule (49 CFR Part 673.11(a)(3)) became effective. FTA established the PTASP compliance date to be July 20, 2020 and extended it to December 31, 2020. PTD finalized and approved the initial PTASP in

## PTASP Elements

### Safety Management Policy

A documented commitment to safety that defines safety objectives, as well as the accountabilities and responsibilities of employees in regard to safety.

### Safety Assurance

A federally mandated process for safety performance monitoring and measurement. As a large transit provider, it is required to develop processes that address management of change and promote continuous improvement.

### Safety Risk Management

An established and documented process for identifying, analyzing, assessing, and mitigating safety risks and hazards.

### Safety Promotion

A process for safety training and communication.

### Key Performance Indicators

Established safety performance targets, including the process and timeline for conducting an annual review and update.

# Regional Relationships

PTD is responsible for overseeing the city's transit program and, at the same time, serves as the designated recipient for federal funding under FTA's Section 5307, 5309, 5310, 5316, 5317, 5337, and 5339 programs in the Phoenix-Mesa Urbanized Area. This includes the cities of Phoenix, Tempe, Mesa, Scottsdale, Glendale, Avondale, Fountain Hills, Peoria, Paradise Valley, Goodyear, Litchfield Park, Surprise, Tolleson, Youngtown and areas of Maricopa County.

In addition to managing FTA grant subrecipients, PTD is responsible for ensuring compliance with federal rules and guidelines for itself and the region’s subrecipients. Each subrecipient enters into a Grant Pass-Through Agreement with PTD for the receipt of FTA funds.

PTD provides FTA funding for two transit agencies as subrecipients: the Regional Public Transportation Authority (RPTA) and Valley Metro Rail, Inc. (VMR). RPTA is a public agency, duly organized under the laws of the State of Arizona to operate regional bus service and is overseen by a board of its members’ elected officials. Membership is open to all municipalities in Maricopa County and to the county government. VMR is a non-profit, public corporation that is responsible for the design, construction and operation of the 26-mile light rail system and future extensions. In addition, Scottsdale, Peoria, and Glendale provide local transit service within their jurisdictions, all as small transit agencies as defined in the PTASP final rule.

The Arizona Department of Transportation (ADOT) serves as the State Safety Oversight Agency for PTD and the Maricopa Association of Governments (MAG) serves the metropolitan Phoenix area as the regional Metropolitan Planning Organization for the agencies within Maricopa County.

# Plan Development

PTD requires transit system Contractors to develop and implement safety plans unique to each contractor's system and scope of operation. In addition, PTD coordinated with MAG to develop regional transit system performance targets, by contractor and mode, in the PTASP, included in section 6. Following the completion of the annual draft, the PTD Safety Committee reviewed the draft for concurrence, per 49 United States Code (USC) 5329(d)(1)(A).

# Certification and Implementation

Prior to finalizing the PTASP was assessed by the PTD Safety Committee, which comprises an equal number of frontline and management staff at PTD. The Phoenix City Council adopted and certified the PTASP along with final signature by the Accountable Executive. The PTASP was shared with ADOT and MAG and implemented by PTD and Contractors.

| Roles Defined in the PTASP | |
| --- | --- |
| | **Accountable Executive**<br>An individual who has signing authority for the Plan. Examples of an accountable executive may include a city manager or department director. |
| | **Board of Directors**<br>A board that must approve the Plan. In Phoenix, the City Council is the equivalent authority to the board of directors. |
| | **Chief Safety Officer**<br>An individual who is responsible for safety within the transit agency and usually reports directly to the agency's chief executive officer or the equivalent position. |
| | **Safety Committee**<br>The Safety Committee is a group responsible for reviewing safety concerns and hazards and review of the Plan ahead of signature by the Accountable Executive and the approval by the Board of Directors. |

The PTASP followed the timeline as detailed below in **Figure 1**, starting with the FTA final rule and initial PTASP draft completed by PTD.

**Figure 1 PTASP Draft Process**

**Table 1: PTASP Revision Log**

| Version Number | Section/Pages Affected | Reason for Change | Date Issued |
| --- | --- | --- | --- |
| Initial Revision | All | | December 2020 |
| Revision 1 | All | Annual Review<br>Bipartisan Infrastructure Law changes in 49 USC 5329 | December 2022 |

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# Glossary of Terms

**49 CFR Part 673**: The final rule for the Public Transportation Agency Safety Plan as authorized by the Moving Ahead for Progress in the 21st Century Act (MAP-21). This final rule requires states and certain operators of public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53 to develop Public Transportation Agency Safety Plans.

**Accident**: An event that involves a loss of life, a serious injury to a person, a collision of transit vehicles, an evacuation for life safety reasons or any derailment of a transit vehicle, at any location, at any time, whatever the cause.

**Accountable Executive**: Typically, the highest executive in the agency. A single, identifiable person who has ultimate responsibility for carrying out the safety management system of a public transportation agency, and control or direction over the human and capital resources needed to develop and maintain the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

**Bipartisan Infrastructure Law:** Law enacted in 2021 intended to expand investment in national infrastructure. Transit safety requirements are further expanded in 49 U.S.C. 5329 to require the transit providers to develop a safety committee, expand upon safety risk reduction programs, increases in frontline safety training, and align internal programs with local and federal infectious disease prevention requirements.

**Chief Safety Officer**: An adequately trained individual who has responsibility for safety and reports directly to a transit department's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacity, unless employed by a department that is either a small public transportation provider, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

**Critical Incident:** An occurrence, natural or human-caused, that requires a response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, civil unrest, wildland and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, tsunamis, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.

**Departmental Leadership and Executive Management**: Members of an agency who have authorities or responsibilities for day-to-day implementation and operation of an agency's safety management system.

**Designated Recipient**: An entity that has been designated by the state governor or his/her designee to receive and/or sub-allocate FTA funding.

**Equivalent Authority**: An entity that carries out duties similar to that of a Board of Directors, for a recipient or subrecipient of FTA funds under 49 U.S.C. Chapter 53, with sufficient authority to review and approve a recipient or subrecipient's Public Transportation Agency Safety Plan.

**Event**: An accident, incident, or occurrence.

**Grant Pass-Through Agreement**: A non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program.

**Hazard**: Any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock or infrastructure of a public transportation system; or harm to the environment.

**Incident**: An event that involves personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock or infrastructure that disrupts the operations of a transit agency.

**Investigation**: Process of determining the causal and contributing factors of an accident, incident or hazard for the purpose of preventing recurrence and mitigating risk.

**Key Staff**: A group of staff and their direct reporting personnel that support the Accountable Executive, Chief Safety Officer or Safety Management System Executive in developing, implementing, and operating the department's safety management system.

**Major Mechanical Failure**: Failure caused by vehicle malfunction or subpar vehicle condition that requires that the vehicle be pulled out of service.

**National Public Transportation Safety Plan**: A plan to improve the safety of all public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53.

**Occurrence**: An event without any personal injury in which damage to facilities, equipment, rolling stock or infrastructure does not disrupt the operations of a transit agency/department.

**Operator**: Provider of public transportation as defined under 49 U.S.C. 5302(14).

**Passenger**: A person, other than an operator, who is boarding onto, riding on, or alighting from a vehicle on a public transportation system for the purpose of travel.

**Performance Measure**: An expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

**Performance Target**: A quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by FTA.

**Potential Hazard**: Any possible future condition that may cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock or infrastructure of a public transportation system; or harm to the environment.

**Preventive Maintenance**: Regular, scheduled and/or recurring maintenance of assets (equipment and facilities) as required by the manufacturer's or vendor's requirements, typically for the purpose of maintaining assets in satisfactory operating condition. Preventive maintenance is conducted by providing systematic inspection, detection, and correction of anticipated failures either before they occur or before they develop into major defects. Preventive maintenance is maintenance, including tests, measurements, adjustments, and parts replacement, performed specifically to prevent faults from occurring. The primary goal of preventive maintenance is to avoid or mitigate the consequences of equipment failure.

**Public Transportation Agency Safety Plan**: The documented comprehensive agency safety plan for a transit agency that is required by 49 U.S.C. 5329 and 49 CFR Part 673.

**Rail Fixed Guideway Public Transportation System**: Any fixed guideway system that uses rail, operates for public transportation, and serves within the jurisdiction of a state (and is not subject to the

jurisdiction of the Federal Railroad Administration), or any such system undergoing engineering or construction. Rail fixed guideway public transportation systems include rapid rail; heavy rail; light rail; monorail; trolley; and inclined plane, funicular, and automated guideway.

**Reportable Event**: A safety or security event occurring on transit right-of-way or infrastructure, at a transit revenue facility, at a maintenance facility or rail yard, during a transit related maintenance activity or involving a transit revenue vehicle. The following types of events are excluded from reporting requirements: events that occur off transit property where affected persons, vehicles, or objects come to rest on transit property after the event; OSHA events in administrative buildings; deaths that are a result of illness or other natural causes; other events occurring at bus stops or shelters that are not on transit-controlled property; collisions that occur while travelling to or from a transit-related maintenance activity; and collisions involving a supervisor car or other transit service vehicle operating on public roads.

**Risk**: The composite of predicted severity and likelihood of the potential consequences of hazards.

**Risk Mitigation**: A method or methods to eliminate or reduce the effects of hazards.

**Root Cause Analysis**: A systematic process for identifying root causes of safety events and an approach for responding to them.

**Safety Assurance**: The process within a transit agency's Safety Management System that functions to ensure the implementation and effectiveness of safety risk mitigation and the satisfaction of safety objectives through the collection, analysis, and assessment of information.

**Safety Management Policy**: A transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the transit agency employees' accountabilities and responsibilities in regard to safety.

**Safety Management System**: The formal, top-down, data-driven, organization-wide approach to managing safety risk and ensuring the effectiveness of a transit agency's safety risk mitigation. Safety management system includes systematic procedures, practices, and policies for managing risks and hazards.

**Safety Objective**: A general goal or desired outcome related to safety.

**Safety Performance**: An organization's safety effectiveness and efficiency, as defined by safety performance indicators and targets, measured against the organization's safety objectives.

**Safety Performance Indicator**: A data-driven, quantifiable parameter used for monitoring and assessing safety performance.

**Safety Performance Measure**: An expression based on a quantifiable indicator or condition of performance that is used to establish targets and to assess progress toward meeting the established targets.

**Safety Performance Monitoring**: Activities aimed at the quantification of an organization's safety effectiveness and efficiency during service delivery operations, through a combination of safety performance indicators and safety performance targets.

**Safety Performance Target**: A quantifiable level or condition of performance, expressed as a value for a given performance measure, achieved over a specified timeframe related to safety management activities.

**Safety Promotion**: A combination of training and communication of safety information to support safety management system as applied to the transit agency's public transportation system.

**Safety Risk**: Assessed probability and severity of the potential consequence(s) of a hazard, using as reference the worst foreseeable, but credible, outcome.

**Safety Risk Assessment**: Formal activity whereby a transit agency determines safety risk management priorities by establishing the significance or value of the safety risks.

**Safety Risk Management**: A process within a transit agency's safety plan for identifying hazards, assessing the hazards, and mitigating safety risk.

**Safety Risk Mitigation**: Activities whereby a public transportation agency controls the probability or severity of the potential consequences of hazards.

**Safety Hazard Risk Probability**: Likelihood that a consequence might occur, taking as reference the worst foreseeable, but credible, condition.

**Safety Hazard Risk Severity**: Anticipated effects of a consequence, should hazards materialize, taking as reference the worst foreseeable, but credible, condition.

**Serious Injury**: Any injury that:

- Requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received
- Results in a fracture of any bone (except simple fractures of fingers, toes or nose)
- Causes severe hemorrhages, or nerve, muscle, or tendon damage
- Involves any internal organ
- Involves second- or third-degree burns, or any burns affecting more than 5% of the body surface

**State**: A state of the United States, the District of Columbia or the Territories of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

**State of Good Repair**: Condition in which a capital asset can operate at a full level of performance.

**State Safety Oversight Agency**: An agency established by a state that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and the regulations set forth in 49 CFR Part 674.

**Transit Agency**: An operator of a public transportation system.

**Transit Asset Management Plan**: Strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating and replacing transit capital assets to manage their performance, risks and costs over their life cycles for the purpose of providing safe, cost-effective and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR 625.

**Vehicle Revenue Mile**: The miles that vehicles are scheduled to or travel while in revenue service. Vehicle revenue miles include layover/recovery time and exclude deadhead, operator training, vehicle maintenance testing and school bus and charter services.

# Acronyms

ADOT Arizona Department of Transportation

CFR Code of Federal Regulations

CSO Chief Safety Officer

DASH Downtown Area Shuttle

FTA Federal Transit Administration

MAG Maricopa Association of Governments

NSP National Safety Plan

NTD National Transit Database

PTASP Public Transportation Agency Safety Plan

PTD Public Transit Department

RPTA Regional Public Transportation Authority

SMS Safety Management Systems

TI&I Transportation, Infrastructure and Innovation Subcommittee

U.S.C. United States Code

VMR Valley Metro Rail

# 1. Plan Adoption and Certification

## 1.1 Plan Adoption

This Public Transportation Agency Safety Plan (PTASP) is approved by the Phoenix City Council and is hereby adopted, certified as compliant and signed by the Accountable Executive and the Chief Safety Officer:

| | | | |
| --- | --- | --- | --- |
| Jesus Sapien<br>Accountable Executive | Date | Lars Jacoby<br>Chief Safety Officer | Date |

## 1.1 Certification of Compliance

The city of Phoenix certified on *INSERT DATE POST COUNCIL APPROVAL*, that this PTASP is in full compliance with 49 Code of Federal Regulations (CFR) Part 673, as required by 49 U.S.C. 5329, and is adopted and implemented by the city of Phoenix as evidenced by the Plan adoption signature and necessary Phoenix City Council approvals in **Appendix A** of this Plan.

# 2. Introduction

The City of Phoenix Public Transit Department (PTD) originally prepared a Public Transportation Agency Safety Plan (PTASP) in 2020 to comply with the Federal Transportation Administration's (FTA) PTASP final rule 49 CFR Part 673. The rule requires public transportation system operators receiving federal Section 5307 funds to develop safety plans with processes and procedures that implement safety management system (SMS) principles and methods. The SMS includes the PTASP's Safety Management Policy Statement (SMP), Safety Risk Management (SRM), Safety Assurance (SA), and Safety Promotion (SP) policies and procedures that encompass a top-down and data-driven approach to safety risk management and ensuring the effectiveness of safety risk mitigation.

The 2022 PTASP revision is in response to new requirements that are part of the Building Infrastructure Law implemented in early 2022. The new requirements include the creation of a safety committee comprised equally of front-line and management employees, a standardized formula for determining annual safety performance targets, a new risk reduction program and the identification of ongoing training opportunities.

PTD operates fixed local bus service, neighborhood bus circulators, commuter bus service, and paratransit services in partnership with three Contractors: First Transit, Transdev and MV Transportation, which are all responsible for the day-to-day operations and maintenance, although PTD works individually with each contractor to ensure an effective safety program for the city's transit system.[1]

PTD is also part of an overall regional transit system in partnership with the Regional Public Transportation Authority (RPTA) and Valley Metro Rail (VMR). The City of Phoenix is the designated recipient of FTA funding for the Phoenix-Mesa Urbanized Area, and distributes funds to subrecipients including RPTA, VMR, Tempe, Mesa, Scottsdale, Glendale, Avondale, Fountain Hills, Peoria, Paradise Valley, Goodyear, Litchfield Park, Surprise, Tolleson, Youngtown, and unincorporated areas of Maricopa County. In addition, Glendale, Peoria, and Scottsdale operate bus transit service in their jurisdictions, and PTASP regulations also apply to those transit agencies. This complex regional relationship is illustrated on **Figure 2**.

[1] This PTASP represents an overarching safety program for PTD's relationship with its bus transit service contractors and includes safety management as it also relates to PTD employees, particularly those employees in safety-sensitive positions. As such, the preponderance of PTD transit budget is contracted service (89% of PTD's budget is contracted services). No city employees are bus operators; the city does not provide maintenance, fueling or direct management of the contracted bus service. Where applicable, each section of this Plan includes the safety management processes and procedures of PTD and/or the safety management processes and procedures of the contractors. Contractors' abbreviated safety plans are included in Appendices B through D. Their full safety plans are referenced in each abbreviated plan and are available upon request.

**Figure 2. Public Transit Department Regional Chart**

*Note that the Valley Metro Rail and RPTA PTASPs are separate from this Plan. This Plan covers the PTD bus operations supported by First Transit, Transdev, and MV. The small transportation providers of Scottsdale, Glendale, and Peoria are all separate PTASPs.

# 3. Safety Plan Regulatory Background

The FTA PTASP Final Rule (49 CFR Part 673.11(a)(3)) became effective July 19, 2019. The rule requires public transportation system operators receiving federal Section 5307 funds to develop safety plans with processes and procedures for implementing the SMS. The PTASP contains the following four SMS elements:

- **Safety Management Policy**: A documented commitment to safety that defines PTD's objectives, as well as the accountabilities and responsibilities of its employees in regard to safety.
- **Safety Risk Management**: An established and documented process for identifying, analyzing, assessing, and mitigating safety risks and hazards.
- **Safety Assurance**: A federally mandated process for safety performance monitoring and measurement. PTD is a large transit provider and therefore required to develop management of change and continuous improvement processes.
- **Safety Promotion**: A process for safety training and communication.

The PTASP also contains established safety performance targets for contracted service operators, including the process and timeline for conducting an annual PTASP review and update. Since the initial release of the PTASP, the Bipartisan Infrastructure Law (BIL), introduced further safety requirements, described in 49 U.S.C. 5329, elaborated upon within this document.

## 3.1 Initial Certification and Implementation

In accordance with 49 CFR Part 673.13, PTD's Accountable Executive and the Phoenix City Council certified initial compliance with the PTASP requirements in 2020, which was then shared with the Arizona Department of Transportation (ADOT) and implemented by PTD staff and Contractors. PTD conducts annual certification of the implementation of the PTASP in compliance with 673.13(b)

## 3.2 Plan Development and Annual Review

PTD requires Contractors to develop, annually update, and implement safety plans unique to each Contractor's system and scope of operation. The PTASP rule is also applicable to the PTD Contractors.

PTD is required to form a joint safety committee composed of the frontline and management staff, in equal parts. Following the annual revision of the PTASP, the Plan was then brought to the PTD Safety Committee for review and input prior to approval by the Phoenix City Council and signature by the Accountable Executive (defined below).

PTD coordinated with the Maricopa Association of Governments (MAG) as the MPO to collaborate on regional transit system performance targets in the PTASP.

# 4. Transit Agency Information

## 4.1 General Information

### General Agency Information

City of Phoenix
Public Transit Department
302 North 1st Avenue, Suite 900
Phoenix, Arizona 85003
Number of Employees: 115

### Contractor Information (as of this writing)

**Transdev**
Number of Employees: 952
Buses (40 and 60 foot): 330
Circulator Cutaways: 10
PTD Fiscal Year Revenue Miles:
- 2018 - 14,924,290
- 2019 - 15,191,569
- 2020 - 13,878,353

**First Transit**
Number of Employees: 510
Buses (40 and 60 feet): 159
Circulator Cutaways: 6
PTD Fiscal Year Revenue Miles:
- 2018 - 6,453,377
- 2019 - 6,274,901
- 2020 - 6,810,813

**MV Transportation**
Number of Employees: 249
Dial-A-Ride Cutaways: 123
PTD Fiscal Year Revenue Miles:
- 2018 - 322,914
- 2019 - 331,731
- 2020 - 288,763

Note: PTD's fiscal year is July 1 through June 30, each year.

### Accountable Executive

Jesús Sapien
Public Transit Director

### Chief Safety Officer

Lars Jacoby
Management Assistant II, Director's Office

### Mode Applicability

Operated: Bus and Paratransit
Plan Applicability: Bus and Paratransit

### Types of Funding

Section 5307

## 4.2 PTD Agency Description

The city of Phoenix purchased the Phoenix Transit System from a private company in 1971, and since then is responsible for overseeing the city's transit programs and serves as the designated recipient for federal funding under FTA's Section 5307, 5309, 5310, 5316, 5317, 5337 and 5339 programs in the Phoenix-Mesa Urbanized Area. PTD's service area is 518 square miles, consisting of a population of approximately 1.7 million people. PTD contracts the operation of the city's transit network of:

- 38 local fixed routes (First Transit [11 routes] and Transdev [27 routes])
- Four circulator routes (First Transit [1 route] and Transdev [3 routes])
- Six RAPID (commuter bus) routes (Transdev)
- Phoenix Dial-A-Ride paratransit service (MV Transportation).

In addition to managing FTA grants subrecipients, PTD is responsible for ensuring compliance with federal rules and guidelines for itself and the region's subrecipients. Each subrecipient signs a Grant Pass Through Agreement with PTD for the receipt of FTA funds to support its operations. Per 49 U.S.C. 5329(d)(4)(B), PTD and its subrecipients are required to utilize .75% of 5307 for risk reduction programs.

**CITY OF PHOENIX CONTRACTORS**

**First Transit** operates 11 local and one circulator routes from the city's West Transit Facility. For additional information, see the First Transit Abbreviated Safety Plan (**Appendix B**).

**Transdev** operates 27 local, six RAPID, and three circulator routes. Transdev operates from the city's North and South Transit Facilities. For additional information on Transdev, see the Transdev Abbreviated Safety Plan (**Appendix C**).

**MV Transportation** operates the Phoenix Dial-A-Ride paratransit service for persons with disabilities certified under the Americans with Disabilities Act of 1990 guidelines. The company operates from an operator-leased facility.

To supplement Dial-A-Ride, PTD's Alternative Transportation Programs are also provided by MV Transportation for transportation assistance via taxi vouchers and to operate a shuttle service for seniors and persons with disabilities or are receiving dialysis treatment. For additional information on MV Transportation, see the MV Transportation Abbreviated Safety Plan (**Appendix D**).

**OTHER AGENCIES of PTD**

PTD provides FTA funding for two transit agencies and three small transit agencies as subrecipients: RPTA, VMR, city of Scottsdale, city of Glendale, and city of Peoria respectively (see **Figure 2**). Each transit agency maintains a standalone PTASP for their respective programs.

RPTA is overseen by a board of elected officials from member agencies, including Avondale, Buckeye, Chandler, El Mirage, Gilbert, Glendale, Goodyear, Maricopa County, Mesa, Peoria, Phoenix, Scottsdale, Surprise, Tempe, Tolleson and Wickenburg. RPTA is responsible for transit marketing and financial management of the transit component of the Maricopa County regional transportation program. RPTA also contracts for the operation of the local and commuter bus and paratransit services it operates outside of Phoenix.

VMR is a non-profit, public corporation that is responsible for the design, construction and operation of the 26-mile light rail system and future extensions. The board includes representatives from the member

cities of Chandler, Mesa, Phoenix and Tempe. The light rail system currently serves Phoenix, Tempe, and Mesa.

ADOT is the state's agency responsible for planning, building and operating the highway system, as well as building and maintaining bridges and the operation of the Grand Canyon Airport. ADOT serves as the State Safety Oversight Agency for VMR within PTD.

MAG serves the metropolitan Phoenix area as the regional Metropolitan Planning Organization (MPO) for Maricopa County and its 27 member cities and agencies. As the MPO, it is responsible for coordinating with each public transportation provider in the development and review of their safety performance targets (SPT) for planning purposes.

# 5. Safety Plan Development and Maintenance

## 5.1 PTASP Development

The PTASP was written and reviewed by PTD subject matter experts and a third-party consultant to ensure it meets current safety industry standards and follows 49 CFR Part 673 and 49 U.S.C. 5329.

Through its written agreements with multiple service providers, PTD requires Contractors to develop and implement safety plans unique to their respective scope of operations, while providing oversight and input to ensure compliance. Throughout each process, each Contractor develops and implements safety plans that address safety needs.

The PTASP goes through a formal approval process:

1. Internal transit agency safety committee review and concurrence.

2. Transportation, Infrastructure and Planning (TIP) Subcommittee – a four-member subcommittee of the Phoenix City Council that provides policy guidance on a range of issues, including transit.

3. Phoenix City Council – Comprised of nine members (the Mayor and eight Council members), who provide approval and direction on policies and initiatives citywide.

## 5.2 Annual Internal Review and Update Process

### 5.2.1 PTD

PTD management and staff will review the PTASP on an annual basis prior to December 31 of each year and make updates to the plan as necessary. Review of the PTASP along with any subsequent updates, addendums, adoption, and distribution activities will be documented in the PTASP Activity Log (**Appendix E**) and tracked through the date and version provided in the header on the individual pages. Approval of each updated Plan will be completed by the Accountable Executive, the Chief Safety Officer (CSO) and the Phoenix City Council; and self-certification will be completed annually by the Accountable Executive and CSO in compliance with 49 CFR Part 673.13.

### 5.2.2 Contractors

At a minimum, Contractors are required to update their plans annually. Each Contractor has developed their own review process and will submit updates to PTD.

For more details on each contractor's *safety plan review and update process*, see:

- **First Transit** – **Appendix B.2** (Plan Development, Approvals, and Updates)
- **Transdev – Appendix C.5.1.3** (Agency Safety Plan Review Process)
- **MV Transportation – Appendix D.2** (Plan Development, Approvals, and Updates)

## 5.3 PTASP Audit Process

Following PTD's annual review and update process, PTD will consult with third-party subject matter experts for independent auditing of the PTD PTASP. Reviews of its three service contractors will occur on a biennial basis. The auditor will ensure the plan's compliance with 49 CFR Part 673 and any accompanying mandates.

In addition, the VMR and RPTA PTASPs will be independently audited annually, while the Glendale, Scottsdale, and Peoria PTASPs will be audited triennially.

## 5.4 PTASP Documentation and Recordkeeping

### 5.4.1 PTD

PTD will maintain the documents set forth in the PTASP, including those documents related to implementation of the SMS (in tandem with operations contractors) and results from SMS processes and activities.

PTD will also maintain documents that are included in whole, or by reference, that describe the programs, policies, and procedures that PTD uses to carry out the PTASP and all iterations of those documents. These documents will be made available upon request to FTA or other federal entity, or ADOT. PTD will, at a minimum, retain these documents as outlined in the federal and local records retention policies and schedules or for three years, as required in 49 CFR Part 673.31. Such materials may include:

- Safety Committee meeting agendas and notes;
- Proficiency and rules compliance checks;
- Employment records;
- Safety bulletins;
- Preventive and corrective maintenance records;
- Training records; and
- Event investigations

Accident and incident investigations

### 5.4.2 Contractors

Each Contractor maintains individual policies on safety-related documentation and recordkeeping for no less than three years. All Contractors are committed to maintaining documents and records related to their plans, including the safety plan itself and other associated safety records and documentation. For more information about each Contractor's *policy on documentation and recordkeeping*, see:

- **First Transit – Appendix B.3** (Annual Review and Update of the Public Transportation Safety Plan)
- **Transdev – Appendix C.2 - Transdev** (Safety Plan Documentation and Recordkeeping)
- **MV Transportation – Appendix D.3** (Annual Review and Update of the Public Transportation Safety Plan)

# 6. Safety Performance Targets

The PTASP Final Rule requires public transportation providers to develop a PTASP that includes safety performance targets based on the seven safety performance measures established under the FTA's National Public Transportation Safety Plan (NSP). The safety performance measures outlined in the NSP, which are based on data currently being submitted to the National Transit Database (NTD), are developed to ensure applicability to all modes of public transportation and are based on data submitted using the NTD and are each listed as categories in **Table 1** and **Table 2**. The SPTs are developed based on a three-year rolling average. The NTD is maintained by FTA and serves as a reporting system for public transit information tracking, such as agency funding sources, inventories of assets, safety reports and measures of transit service. The safety performance measures included in the NSP are fatalities, injuries, safety events and system reliability.

Given that PTD does not directly operate the Phoenix transit system or other operations in the region, the safety performance baselines and targets presented in the PTASP are established and directly monitored by Contractors across the region.

Each Contractor baseline was established as the actual safety performance value recorded at the end of the federal fiscal year 2019, except for 'System 'Reliability, which is a contractual performance target. All safety performance metrics use the federal fiscal calendar, which begins October 1 and ends on September 30.

A record of prior safety performance baselines and targets are found in the PTASP Performance Target Log (**Appendix F**).

**Table 1** and **Table 2** present the safety performance baselines and targets for bus service and paratransit service, respectively.

**Table 1. Bus Service Safety Performance Baseline and Targets**

| MB (per 100,000 VRM) | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Mode - MB** | **Fatalities** | **Rate* of Fatalities** | **Injuries** | **Rate* of Injuries** | **Safety Events** | **Rate* of Safety Events** | **Mean Distance Between Mechanical Failure** |
| **2019 Actual** | 0 | 0.00 | 39 | 0.18 | 71 | 0.32 | 19,810 |
| **2020 Actual** | 0 | 0.00 | 35 | 0.17 | 105 | 0.51 | 15,241 |
| **2021 Actual** | 5 | 0.02 | 51 | 0.25 | 157 | 0.78 | 18,365 |
| **Average** | 1.67 | 0.01 | 42 | 0.20 | 111 | 0.54 | 17,805 |
| **2023 SPT (MB)** | 1.67 | 0.01 | 42 | 0.20 | 111.00 | 0.54 | 17,805 |

**Table 2. Paratransit Service Safety Performance Baseline and Targets**

| DR (per 100,000 VRM) |
|---|

| Mode - DR | Fatalities | Rate* of Fatalities | Injuries | Rate* of Injuries | Safety Events | Rate* of Safety Events | System Reliability |
|---|---|---|---|---|---|---|---|
| **2019 Actual** | 0 | 0.00 | 1 | 0.03 | 1 | 0.03 | 18,989 |
| **2020 Actual** | 0 | 0.00 | 0 | 0.00 | 2 | 0.07 | 22,554 |
| **2021 Actual** | 0 | 0.00 | 1 | 0.03 | 2 | 0.06 | 19,036 |
| **Average** | 0 | 0 | 0.67 | 0.02 | 1.67 | 0.06 | 20,193 |
| **2023 SPT (DR)** | 0 | 0 | 0.67 | 0.02 | 1.67 | 0.06 | 20,193 |

*rate = total number for the year/total revenue vehicle miles traveled

**Tables 1** and **2** definitions:

- **Fatality**: A death or suicide confirmed within 30 days of a reported event. Does not include deaths in or on transit property that are a result of illness or other natural causes.
- **Injury**: Any damage or harm to persons as a result of an event that requires immediate medical attention away from the scene.
- **Safety Event**: A collision, derailment, fire, hazardous material spill, act of nature (Act of God), evacuation or OSONOC (other safety occurrence not otherwise classified) occurring on transit right-of-way, in a transit revenue facility, in a transit maintenance facility, or involving a transit revenue vehicle that meets the established NTD reportable thresholds.
- **System Reliability**: The rate of vehicle failures in service, defined as mean distance between major mechanical failures.

## 6.1 Accident and Assault Reduction Strategies

These SPTs are set to works towards a reduction of vehicular and pedestrian accidents involving buses. In order to reduce such events, PTD and its contractors will utilize the SRM process, spelled out in section 7.7. Mitigations that may be taken to reduce events may include measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments. Additionally, per 49 U.S.C. 5329(d)(1)(I)(ii), PTD has and will continue to take measures to mitigate assaults on transit workers, including the deployment of assault mitigation infrastructure and technology on buses. Barriers to restrict the unwanted entry of individuals and objects into the workstations of bus operators have already been installed regionally. To conduct this review, the PTD Safety Committees will conduct risk analyses to determine if such physical mitigations are necessary to reduce assaults and injuries to transit workers. See further details on the overall risk assessment and mitigation process in sections 7.7 and 7.8.

# 7. Safety Management Systems

## 7.1 Safety Management Policy – 673.23(a)

### 7.1.1 PTD

The city of Phoenix is committed to safety management as a systematic, comprehensive, and ongoing approach to identifying hazards and risks associated with transit system operations, facilities and related preventive maintenance activities. The PTD Safety Management Policy (SMP) is the first layer of its commitment to the SMS framework.

PTD adopted an SMS framework as an element of its responsibility by establishing:

- A safety management policy
- Identifying hazards and controlling risks
- Goal setting, planning, and measuring performance.

PTD recognizes that the management of safety is a core value. PTD is committed to providing safe and reliable transportation to the communities it serves. The management team of PTD will embrace the SMS and is committed to developing, implementing, maintaining, and constantly improving processes to ensure safety. As SMS is a top-down method for instituting safety practices throughout the agency, all levels of management and frontline employees are committed to safety and understand that safety is the primary responsibility of all employees. As necessary, PTD will plan to develop plans, procedures, structures, and resources to support the implementation of SMS within the agency. PTD is committed to performing the following activities to implement SMS and this PTASP:

- Communicate the purpose and benefits of the SMS to all staff, managers, supervisors, and employees through Safety Promotion activities. This communication will specifically define the duties and responsibilities of each employee throughout the organization and all employees will receive appropriate information and SMS training.
- Provide appropriate management involvement and the necessary resources to establish an effective employee safety reporting system that will encourage employees to communicate and report any unsafe work conditions, hazards, or at-risk behavior to the management team.
- Identify hazardous and unsafe work conditions and analyzing data from the employee reporting system. After thoroughly analyzing provided data, the transit operations division will develop processes and procedures to mitigate safety risk to an acceptable level.
- Ensure that no action will be taken against employees who disclose safety concerns through the reporting system, unless disclosure indicates an illegal act, gross negligence, or deliberate or willful disregard of regulations or procedures.
- Establish Safety Performance Targets (SPTs) that are realistic, measurable, and data driven.
- Continual improvement of safety performance through management processes that ensure appropriate safety management action is taken and is effective.
- Ensure the SMP is signed by highest executive in the agency to convey that SMS is important to the highest level of the organization.
- Provide resources for managing safety during service delivery.
- Convey to employees and agency stakeholders that receiving safety information is critical to the operation and success of the SMS.
- Ensure that the PTD's strategies and guidelines to address infectious disease planning and response is consistent with the Centers for Disease Control and Prevention and the Arizona and local health authorities in order to minimize exposure to infectious diseases in accordance with 49 USC section 5329 (d)(1)(D).

PTD also follows safety management policies as directed in the city of Phoenix's safety program outlined in Administrative Regulation 2.31 (AR 2.31). See the City of Phoenix Administrative Regulations (**Appendix G**).

#### *7.1.1.1 Communicating the Policy Throughout the Agency*

**PTD**

PTD is committed to ensuring the safety of our passengers, personnel, and operations. Part of that commitment is developing an SMS and agencywide safety culture that reduces agency risk to the lowest level possible. The first step in developing a full SMS and agencywide safety culture is communicating the SMP throughout the agency and to the Contractors. The SMP and safety objectives are at the forefront of all communications within the Department. This communication strategy will include posting the policy in prominent work locations for existing employees and adding the policy statement to the on-boarding material for all new employees The signed PTASP serves as the Accountable Executive's endorsement of the SMP and the Council's adoption of the Plan and SMP.

Methods used to communicate the safety management policy include the following:

- Safety presentations at PTD staff meetings.
- Annual safety training with key PTD staff.
- PTASP and safety training information uploaded to PTD's employee-accessible SharePoint site.

Additionally, PTD oversees the contracted transit providers to ensure that they are providing adequate information on not only their respective SMPs, but also PTD's overarching PTD to ensure it aligns with the Department's SMS values.

### 7.1.2 Contractors

Each Contractor has adopted their own SMPs that are compliant with 49 CFR Part 673 and are complementary to PTD's policy.

For specific details regarding each contractor's *safety management policy*, see:

- **First Transit** – **Appendix B.5** (Safety Management Policy)
- **Transdev – Appendix C.4** (Safety Policy Statement)
- **MV Transportation** – **Appendix D.4** (Safety Management Policy)

**Contractors**

PTD Contractors have included a SMP Communication section in their safety plans regarding their communications to their staff. The Contractors plan to communicate safety information to their employees by creating accessible safety reports, implementing training programs, posting information on general bulletin boards, and sending safety emails.

For more information on each Contractor's individual *policies related to safety communication*, see:

- **First Transit** – **Appendix B.5** (Safety Management Policy Communication)
- **Transdev – Appendix C.4** (Communication)
- **MV Transportation** – **Appendix D.4** (Safety Management Policy Communication)

## 7.2 State and Metropolitan Planning Organization Coordination

The city of Phoenix makes its SPTs available to ADOT and the MPO, Maricopa Association of Governments (MAG), to aid in those agencies' respective regional and long-range planning processes. To the maximum extent practicable, PTD coordinates with ADOT and MAG in the selection of the SPTs.

Each year during the FTA Certifications and Assurances reporting process, PTD will transmit any updates to its SPTs to both the MAG and ADOT (unless those agencies specify another time in writing).

## 7.3 Safety Goals

To address the ongoing oversight and review required to ensure the proper implementation of this plan, the following safety goals are set:

- Establish a safety and training committee with key frontline and management representatives from PTD to review policies and procedures related to the PTASP, per 49 U.S.C. 5329(d)(1)(A).
- Encourage and improve safety communication strategies and awareness with both internal and external stakeholders.
- Identify roles and responsibilities for the transit system's safety program and develop a training curriculum.
- Strive for continuous improvement in all SMS-related activities across PTD.

## 7.4 Authorities, Roles and Responsibilities

### 7.4.1 PTD

The key to a successful safety plan is fostering a culture focused on safety. With this philosophy in mind, all PTD employees are responsible for implementing the safety practices and being safe every day.

**Figure 3** illustrates the organizational structure for PTD's SMS. **Table 3** defines the specific responsibilities and accountabilities each role has in achieving safety targets, program oversight, and implementation.

**Figure 3. City of Phoenix Public Transit Department Safety Organizational Chart**

**Table 3. Safety Roles and Responsibilities**

| Role | Name of Staff Member | Safety Responsibilities |
|---|---|---|
| Public Transit Department Director<br><br>Accountable Executive<br><br>Management | Jesús Sapien | • Ensure compliance with FTA's safety policies.<br>• Oversee the Plan for PTD.<br>• Control and direct staff and capital resources needed to create and maintain the PTASP.<br>• Create a safety-oriented culture across the Department.<br>• Work with the CSO to monitor safety performance.<br>• Ensure that PTD's Contractors are working toward achieving the safety performance targets.<br>• Periodically review customer comments related to safety concerns. |
| Management Assistant II - Director's Office<br><br>Chief Safety Officer | Lars Jacoby | *Chief Safety Officer*<br>• Promote safety awareness throughout the organization.<br>• Ensure that safety documentation and training are current.<br>• Communicate changes in safety processes to all applicable personnel.<br>• Monitor the effectiveness of corrective actions.<br>• Provide periodic reports on safety performance.<br>• Render independent advice to managers and other personnel on safety-related matters as needed.<br>• Ensure that safety is a high priority throughout the organization.<br>• Review customer comments related to safety concerns.<br>• Work with other divisions within PTD to implement safety practices.<br>• Promote a safety culture across the Department and to contractors.<br>• Provide oversight of contractor safety plans through periodic reviews and audits.<br>• Provide oversight of contractor, RPTA, VMR, Scottsdale, Glendale, and Peoria safety plans through periodic reviews and formal internal audits. |

| Role | Name of Staff Member | Safety Responsibilities |
|---|---|---|
| Deputy Director - Facilities & Contracts<br><br>Management | Joe Bowar | *Deputy Director – Facilities*<br>• Ensure transit facilities are well-maintained and meet state of good repair requirements.<br>• Implement hazard mitigation strategies related to transit infrastructure.<br>• Collaborate with other divisions to address safety concerns related to facilities and operations.<br>• Review customer comments related to safety concerns.<br>• Communicate safety practices and policies to staff in the Division. |
| Deputy Director - Operations, Technology & Planning<br><br>Management | Albert Crespo | • Communicate safety practices and policies to staff within the Division.<br>• Ensure Contractor compliance with their safety plan, policies, and training requirements and internal PTD safety programs.<br>• Collaborate with other divisions to address safety concerns related to operations and facilities.<br>• Review customer comments related to safety concerns. |
| Assistant Director<br><br>Management | Ken Kessler | • Communicate safety practices and policies to staff within the Division. |
| Deputy Director - Management Services<br><br>Management | Les Scott | • Communicate safety practices and policies to staff within the Division. |

| Role | Name of Staff Member | Safety Responsibilities |
|---|---|---|
| Transit Superintendent (Operations, Technology & Planning)<br><br>Key Staff | Roberto Valentin | • Supervise the contract monitoring for bus service Contractors: First Transit and Transdev.<br>• Respond to and communicate safety concerns with bus service Contractors and vice versa back to PTD.<br>• Ensure bus service Contractors implement their safety plan and related policies and training as well as uphold PTD's overall SMP.<br>• Track safety performance for bus Contractors.<br>• Monitor the quality of maintenance and repairs performed by Contractors on vehicles owned by PTD.<br>• Oversee the inspection of all transit vehicles for safety and direct corrective action.<br>• Review all customer comments related to safety concerns. |
| Administrative Assistant II (Operations, Technology & Planning)<br><br>Key Staff | Barbara Paez | • Serve as the contract monitor for the paratransit service Contractor: MV Transportation.<br>• Respond to and communicate safety concerns with paratransit service Contractor.<br>• Ensure paratransit service Contractor implements their safety plan and related policies and training as well as the PTD SMP.<br>• Track safety performance of the paratransit service Contractor.<br>• Review all customer comments related to safety concerns. |
| Transit Superintendent (Facilities & Contracts)<br><br>Key Staff | Herb Muñoz | • Oversee maintenance at all transit facilities.<br>• Inspect transit facilities for safety issues and recommend corrective action.<br>• Incorporate safety requirements for contractors in on-site contracted maintenance and repairs.<br>• Review customer comments related to safety concerns at facilities. |

| Role | Name of Staff Member | Safety Responsibilities |
|---|---|---|
| Transit Asset Manager<br>(Facilities & Contracts)<br><br>Key Staff | Carl Montgomery | • Manage PTD's Transit Asset Management Plan.<br>• Provide oversight and technical assistance to regional partners with their own Transit Asset Management Plans.<br>• Oversee the State of Good Repair program. |
| Contractors | **First Transit**<br>• Jesse Saavadra, Location General Manager<br>• Adrian Green, Location Safety Manager<br><br>**MV Transportation**<br>• Thomas Egan, General Manager<br>• Andrew Higuera,<br>• Area Safety Manager<br><br>**Transdev**<br>• Rob Killebrew, General Manager<br>• Jackie Hampton, Director of Safety and Training | • Update PTASPs for compliance with federal regulations.<br>• Update PTASPs as necessary in response to safety issues and provide training to facilitate those changes to the safety plan.<br>• Perform regular safety checks.<br>• Implement safety policies applicable to operating and maintaining transit vehicles and maintaining a safe work environment.<br>• Report and investigate safety hazards and safety events.<br>• Implement and track regular safety training for employees.<br>• Receive employee and customer comments related to safety concerns.<br><br>See **Appendices B** through **D** for specific safety practices of each Contractor. |

### 7.4.2 Contractors

Each of the Contractors have identified authorities, roles and responsibilities related to safety within their individual organizations and are responsible for also upholding the PTD SMP and overall PTASP. As part of their safety plans, Contractors identified a respective CSO, an Accountable Executive, as well as supporting safety staff. For each role, the Contractors specify the responsibilities that each person has related to safety.

For specific details on each Contractor's *authorities, roles, and responsibilities*, see:

- **First Transit – Appendix B.5** (Authorities, Accountabilities, and Responsibilities)
- **Transdev – Appendix C.4** (Safety Accountability and Responsibility)
- **MV Transportation – Appendix D.4** (Authorities, Accountabilities, and Responsibilities)

## 7.5 Employee Safety Reporting Program

### 7.5.1 PTD

Reporting safety observations and safety events is an important part of every employee's role in creating a safe environment. PTD encourages all employees to report potential hazards and any safety events that occur through the safety reporting program. The safety reporting program includes anonymous contact methods such as the city of Phoenix employee-wide integrity hotline (602-262-7555, or email hrc@phoenix.gov), in addition to the PTD employee exclusive work order hotline (602-495-7011) that provides contact information for safety observations and safety events to be communicated to appropriate

PTD staff. PTD management also maintains an open-door policy allowing for prompt communication of safety concerns.

PTD utilizes the MPulse work order system to aid in communicating potential safety issues in the transit system. The MPulse program is a computerized work order maintenance management system that centralizes data, organizes maintenance data and facilitates the processes of maintenance operations. Safety issues can be entered into MPulse for mitigation and resolution. Identified PTD staff and contractors are notified by either email, the Work Order line or in person. The issue(s) are then entered into MPulse as a request for service and tracked through closure.

MPulse tracks the operation and inventory of assets such as equipment, vehicles, machinery, and facility infrastructure. Asset data that are collected via the MPulse program are utilized to determine the transit system's state of good repair condition and potential future asset replacement needs.

For more information on the PTD safety reporting program, see Administrative Regulation 1.2 (Fraud Prevention and Reporting Policy [Integrity Line]) (**Appendix G**).

### 7.5.2 Contractors

Each Contractor has developed and documented an Employee Safety and Reporting Program as a part of their individual safety plan and maintain an open door policy for safety concerns. Contractors additionally utilize their own systems for reporting safety concerns.

For specific information on each Contractor's *employee safety reporting program*, see:

- **First Transit – Appendix B.5** (Employee Safety Reporting Program)
- **Transdev – Appendix C.4** (Employee Safety Reporting)
- **MV Transportation – Appendix D.4** (Employee Safety Reporting Program)

## 7.6 Administrative Regulation Reporting Policy

### 7.6.1 PTD

PTD is committed to providing a safe transit operating environment. To achieve this, PTD maintains unrestricted and confidential reporting of all incidents and occurrences that may compromise the safe conduct of operations. Every employee is responsible for the communication of any information that may affect the integrity of transit safety to management as outlined in AR 2.31 (**Appendix F**).

The department's management hold the primary responsibility for providing and maintaining a safe workplace. Any safety problems that are beyond the supervisor's control shall be reported to management immediately upon detection as outlined in AR 2.31 (**Appendix F**).

PTD will not retaliate or take punitive actions in any way against an employee, applicant, or former employee who, in good faith, makes a complaint, safety report or report of discrimination/harassment or participates in the investigation of such complaint or report. This policy shall not apply to information that involves an illegal act, or a deliberate or willful disregard of promulgated regulations or procedures.

The PTD method of collecting, recording, and disseminating information obtained from transit safety reports is intended to protect, to the extent permissible by law, the identity of any employee who provides transit safety information and wishes to remain anonymous.

For further information on PTD's reporting policies, refer to the City of Phoenix Administrative Regulations (**Appendix F**).

### 7.6.2 Contractors

Each Contractor has their own administrative regulation reporting policy. All Contractors strive to deliver safe transit service and to accomplish this each Contractor has developed its own system to encourage employees to report safety incidents and observations and determine the necessary actions that need to be taken following an incident.

For more details on each Contractor's *Administrative Regulation Reporting Policy*, see:

- **First Transit – Appendix B.5** (Employee Safety Reporting Program)
- **Transdev – Appendix C.4** (Employee Safety Reporting)
- **MV Transportation – Appendix D.4** (Employee Safety Reporting Program)

## 7.7 Safety Risk Management

The SRM process is a process that aims to provide a standard method for identifying, assessing, and mitigating safety hazards in the bus transit system as defined in the NSP (**Figure 4)**. Descriptions of each step are detailed in the following sections. The risk management process allows for careful examination of hazards, assessment of existing mitigation sufficiency, and the determination of additional mitigation measures.

**Figure 4. Safety Risk Management Eight Step Process**

### 7.7.1 Safety Hazard Identification

#### *7.7.1.1 PTD*

An effective hazard identification program is fundamental to safety management.

PTD's safety risk management process starts with an effort to proactively identify safety hazards that could result in negative safety outcomes.

The first step of the safety risk management process is visualized in the hazard identification and documentation flow chart (**Figure 5**).

First, upon receiving communication from the on-site staff of a potential hazard, the supervisor communicates the hazard to the division safety representative or the CSO for review and formal documentation.

**Figure 5. Hazard Identification and Documentation (Step 1)**

Hazard identification focuses on conditions that need special attention or immediate action, including new procedures or training to resolve the condition. PTD uses a variety of mechanisms for identifying and documenting hazards, namely:

- Through training and reporting procedures, PTD ensures employees can identify hazards and that each employee understands the responsibility to report any safety hazards to the employee's supervisor or the safety representative. Continued refresher training helps employees improve skills to identify hazards as outlined in AR 2.31 (**Appendix F**).

  This regulation outlines the responsibility of supervisors to keep informed on safety subjects through training courses, and employees to attend all job required safety training and refresher courses as needed. The regulation also sets operational procedures to ensure employees receive and document the appropriate safety and health training.

- In an effort to identify potential hazard recurrence, PTD uses incident reports and records to determine specific areas of training, whether individually or for a group or common classification, that need to be covered with employees.

- Incident reports are analyzed by safety staff to identify recurring patterns, as well as known patterns or themes that would help identify underlying hazards and root causes of the event to mitigate or prevent recurrence.

- To increase safety knowledge, staff is encouraged to participate in professional development activities, including peer-to-peer exchanges, which are a source to share information on lessons learned and best practices.

Other sources for hazard identification include:

- Employee safety reporting program
- State of Good Repair reports
- Trend analysis of personnel job performance, vehicles, facilities, and other data
- Investigations of safety events
- Lessons learned from root cause analysis after safety incidents
- Safety trend analysis on data currently collected
- Training and evaluation records
- Internal safety audits

External sources of hazard information could include:

- FTA and other federal, state, county, or city authorities, including peer transit agencies
- Reports from the public
- Safety bulletins from manufacturers or industry associations

Following the identification of the safety hazard, the second step of the risk management process determines the hazard by type – organizational, technical or environmental – to assist in identifying the expertise needed to assess the hazard.

Hazard types are also categorized by subcategory as shown in the Safety Hazard Type Identification chart in **Table 4**. For example, organizational hazards can be further detailed in a subcategory as either a resource, procedural, training, or supervisory hazard. Each subcategory helps later define the different types of mitigation strategies and potential effects of the safety hazard in the following steps.

**Table 4. Safety Hazard Type Identification (Step 2)**

| Organizational | Technical | Environmental |
|---|---|---|
| Resourcing | Operational | Weather |
| Procedural | Maintenance | Natural |
| Training | Design | |
| Supervisory | Equipment | |

Hazard types may be defined using the following descriptions:

- Organizational
    - Resourcing – A hazard that is related to the supply of resources.
    - Procedural – A hazard that is linked to established procedures.
    - Training – A hazard that is related to inadequate or incomplete training.
    - Supervisory – A hazard that is related to ineffective supervision.

- Technical
    - Operational – A hazard that relates to standard operations.
    - Maintenance – A hazard that is linked to asset maintenance.
    - Design – A hazard that is related to inadequate design.
    - Equipment – A hazard that is linked to inappropriate, incorrect, or faulty equipment.
- Environmental
    - Weather – A hazard that is linked to unfavorable weather conditions.
    - Natural – A hazard that is related to unfavorable natural environmental conditions.

In the third step of the safety risk management process, the hazard's probability is then identified by matching the hazard to each probability description shown in the Safety Hazard Risk Probability chart in **Table 5**.

**Table 5. Safety Hazard Risk Probability (Step 3)**

| Probability | Criteria |
| --- | --- |
| Frequent | A hazard that is likely to occur frequently, |
| Probable | A hazard that is likely to occur several times. |
| Occasional | A hazard that is likely to occur sometime. |
| Remote | A hazard that is likely to occur sometime. |
| Improbable | A hazard that is so unlikely that it can be rejected from consideration. |
| Eliminated | A hazard that is incapable of occurrence. |

In the fourth step of the safety risk management process, the hazard's severity can then be categorized with the use of the Safety Hazard Risk Severity Categories chart in **Table 6** by comparing the hazard to the listed severity criteria.

**Table 6. Safety Hazard Risk Severity Categories (Step 4)**

| Severity | Criteria |
| --- | --- |
| Catastrophic | A hazard that may cause death or system loss. |
| Critical | A hazard that may cause severe injury, severe occupational illness, or major system damage. |
| Marginal | A hazard that may cause minor injury, minor occupational illness, or minor system damage. |
| Negligible | A hazard that may cause less than minor injury, occupational illness, or system damage. |
| Insignificant | Operating conditions are such that human error, subsystem or component failure or procedural deficiencies will result in no injury, none or minor damage to equipment, no adverse reputational damage. |

#### *7.7.1.2 Contractors*

To identify safety hazards, Contractors hold monthly safety meetings and facility inspections to identify safety risks and determine if prior issues and risks had been addressed. In addition to these practices,

Contractors encourage employees to report safety observations to management so they can be assessed and mitigated before an incident occurs.

For more detail about each Contractor's *individual policies and procedures for safety hazard identification*, see

- **First Transit – Appendix B.6** (Safety Risk Management)
- **Transdev – Appendix C.5** (Safety Hazard Identification)
- **MV Transportation – Appendix D.5** (Safety Risk Management)

### 7.7.2 Safety Risk Assessment

#### *7.7.2.1 PTD*

Identified hazards are assessed to determine the potential consequences of each hazard. Factors that are used in assessing safety hazards are:

- probability of occurrence
- severity of the consequences should there be an occurrence
- level of exposure to the hazard

In the fifth step of the safety risk management process, the Risk Assessment Matrix (**Table 7**) takes identified hazards and assesses the level of risk based on the hazard's probability and severity of the hazard's consequences. The results of the risk assessment matrix process aids in determining whether the risk should be managed, controlled, or eliminated in the following safety risk management steps.

**Table 7. Safety Hazard Risk Assessment Matrix (Step 5)**

| Bus Transit Agency | | | | | |
|---|---|---|---|---|---|
| HAZARD RISK INDEX | | | | | |
| Probability | Severity | | | | |
| | 1 | 2 | 3 | 4 | 5 |
| | Catastrophic | Critical | Marginal | Negligible | Insignificant |
| (A) Frequent | 1A | 2A | 3A | 4A | 5A |
| (B) Probable | 1B | 2B | 3B | 4B | 5B |
| (C) Occasional | 1C | 2C | 3C | 4C | 5C |
| (D) Remote | 1D | 2D | 3D | 4D | 5D |
| (E) Improbable | 1E | 2E | 3E | 4E | 5E |
| (F) Eliminated | | | | | |

The sixth step of the safety risk management process is completed by inputting the Risk Assessment Matrix results into the Safety Hazard Risk Index Matrix (**Table 8**). This allows staff to determine the safety hazard's risk index for each hazard that was identified.

**Table 8. Safety Hazard Risk Index Matrix (Step 6)**

| HAZARD ACCEPTANCE CRITERIA | | | |
|---|---|---|---|
| **Hazard Risk Index** | **Decision Authority** | | **Special Conditions** |
| | **1A, 1B, 1C, 2A, 2B, 3A** | Unacceptable | *Must be mitigated* |
| | **1D, 2C, 2D, 3B, 3C, 4A** | Undesirable | *Requires bus transit agency management decision:* |
| | **1E, 2E, 3D, 3E, 4B, 4C, 4D, 5A, 5B, 5C** | Acceptable with Review | *Requires bus transit agency management decision:* |
| | **4E, 5D, 5E** | Acceptable without Review | Acceptable without further review |
| **Eliminated** | | | |

Hazards are further defined as the following:

- Unacceptable Hazards – Hazards with a Hazard Risk Index of 1A, 1B, 1C, 2A, 2B, 3A are "unacceptable" and must be mitigated in the most expedient manner possible to eliminate or control them prior to the project initiating service, by reducing the severity and/or probability of the hazard to an acceptable level.
- Undesirable Hazards – Hazards with a Hazard Risk Index of 1D, 2C, 2D, 3B, 3C, 4A are "undesirable." A management decision is required by Scottsdale on the specific method of corrective action to mitigate the risk based on additional considerations such as the availability of acceptable alternative measures (workarounds), availability of resources, on a permanent or temporary basis.
- Acceptable with Review Hazards – Hazards with a Hazard Risk Index of 1E, 2E, 3D, 3E, 4B, 4C, 4D, 5A, 5B, 5C are "acceptable with review" by the bus transit agencies. Scottsdale may accept the risk associated with retaining the identified hazard in an "as is" condition with no further corrective action. Alternatively, the Scottsdale may prescribe periodic tests and inspections or other preventative measures to ensure, on a continuing basis, that the original severity and probability ratings are not invalidated over time by degradation of conditions in the subject item.
- Acceptable without Review Hazards – Hazards with a Risk Index of 44E, 5D, 5E are "acceptable" without review. The results of the analysis will be shared by the CSO with the Accountable Executive on an ongoing basis to identify appropriate actions. All "unacceptable" hazards must be eliminated, and measures will be taken for the remaining risk acceptance categories to minimize risk. The results of such analysis will be shared with agency staff and law enforcement agencies on a quarterly basis for awareness and support.

If the risk index is acceptable, the hazard must be monitored. If the risk index is undesirable, the hazard requires careful monitoring and may also require steps taken to lower the risks at the discretion of Executive Management. If the risk index is unacceptable, steps are taken by PTD to lower the risk to an acceptable or tolerable level, or to remove or avoid the hazard.

#### *7.7.2.2 Contractors*

Each Contractor has developed a procedure to assess safety hazards that includes the use of a Safety Hazard Risk Matrix that determines the severity and probability of the hazard. Based on the matrix, each Contractor has a process to determine the level of risk a safety hazard poses to the organization.

For more information on the procedures each Contractor has on *assessing safety risks*, see:

- **First Transit – Appendix B.6** (Safety Risk Management)
- **Transdev – Appendix C.5** (Safety Hazard Assessment)
- **MV Transportation – Appendix D.5** (Safety Risk Management)

A third party may conduct a Contractor's risk assessment review.

### 7.7.3 Safety Risk Mitigation

#### *7.7.3.1 PTD*

The risk assessment process may indicate that certain hazards are low risk, while others require mitigation to achieve an acceptable level. In the seventh step of the safety risk management process, staff catalogue hazard information as illustrated in the Hazard Risk Register (**Table 9**). After the completion of the exercises **previously detailed**, the hazard ID, type, source, description, rating (probability and severity), mitigation, status, and new hazard rating information can be populated in the risk register.

The previous steps of the risk management process are summarized in **Table 9**.

**Table 9. Hazard Risk Register (Step 7)**

| Hazard ID | Hazard Type | Source | Identification Date | Description | Hazard Rating (Likelihood and Consequence) | Mitigation | Status of feedback with reporter (if applicable) | Updated Hazard Rating (after mitigation) |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |
| | | | | | | | | |

| Hazard ID | Hazard Type | Source | Identification Date | Location | Description | Hazard Rating (Likelihood and Consequence) | Mitigation | Status of feedback with reporter (if applicable) | Updated Hazard Rating (after mitigation) |
|---|---|---|---|---|---|---|---|---|---|
| Haz-09302022-01 | Mainten-ance | Employee Report | 9-30-2022 | NW side of shop floor | Employee identified an ongoing slip/fall hazard on the shop floor due to a roof leak. | 3B (Undesirable) | Fix roof leak | Open | F (eliminated) |
| Haz-10042022-01 | Maintenance | Employee Report | 10-4-2022 | Intersection of X and Y | Operator identified a line of sight hazard due to overgrown foliage which may result in a potential collision with individual, vehicle, or object. | 2D (Undesirable) | Work with City Public Works to cut back the overgrown foliage | Closed | 2E (Acceptable with review) |

The intention of the **Table 9** Hazard Risk Register is to ensure that all available safety hazard information is considered when determining the appropriate hazard mitigation measures. This table includes sample hazards as an example of how the Risk Register may be used

In the eighth and final step of the safety risk management process, PTD may determine and implement safety mitigation actions to reduce or eliminate all identified safety hazards.

Safety risk mitigations may come in various forms in order to address the specific hazard accordingly. Ultimately, the ideal mitigation is total elimination, but in scenarios where this is impossible, there are varying degrees of protection, ranging from engineering controls, administrative controls/behavioral modifications, and the least protective, personal protective equipment, as further laid out in **Figure 6**.

**Figure 6 Hierarchy of Controls to Mitigate Risks**

Once a mitigation action has been identified, staff will assess all changes that result from the mitigating actions and their impacts to the transit safety performance targets. If existing mitigation measures are sufficient, then no further mitigation actions are necessary. If a change is determined to impact a safety performance target, then the change is evaluated through the safety risk management process.

For clarity, a scenario that properly utilizes the safety risk management process is detailed in **Figure 7**.

**Safety Hazard Scenario**

Staff discovered that the wheel balancer has not been calibrated since 2017. Although a specialist is brought in to calibrate the machine, a transit safety specialist decides to complete the safety risk management process to determine whether further mitigation is needed on the vehicles the machine directly serves.

Step 1: The hazard is identified by staff to be "an out of calibration wheel balancer" and is communicated to a safety representative, as depicted on **Figure 4**.

Step 2: Using **Table 4**, the hazard is determined to be of a "Technical Equipment" type, as the hazard most closely resembles that description.

Step 3: Using **Table 5**, the probability is determined to be in the "Not Likely" category based on available historical information that most closely resembles that probability criteria.

Step 4: Using **Table 6**, the severity is determined to be in the "Critical" category, as the worst credible outcome to maintaining the hazard closely matches that criteria.

Step 5: Using **Table 7**, the risk assessment matrix results in a "High" level of risk after considering the information from **Table 5** and **Table 6**.

Step 6: Using **Table 8**, the risk index determines the level of risk to be "unacceptable" based on the level of risk determined by **Table 7**.

Step 7: Using **Table 9**, the relevant information for the determination of the necessary risk mitigation actions, if any, is noted to be the following:

- A wheel balancer is out of calibration.
- There is a technical equipment hazard.
- The hazard is not likely to occur.
- The hazard's consequences are critical to the transit system's operation.
- The risk to the transit system posed by the hazard is determined to be unacceptable.

Step 8: Staff determined, in part with the use of **Table 10**, that an "Administrative Action" will reduce the level of risk posed by the hazard to an acceptable level. The administrative actions may include the introduction of wheel balancer calibration training and the establishment of routine calibration maintenance procedures, for example.

**Figure 7. Safety Risk Management Scenario**

#### *7.7.3.2 Contractors*

Contractors undergo independent safety risk mitigation of all identified hazards. Contractors utilize, at a minimum, the same hazard information that is illustrated in **Table 7, 8, and 9** to help prioritize all hazards and all safety risks are documented and prioritized according to the level of risks.

Each Contractor outlines their *Safety Risk Management Scenarios* in each of their own safety plans:

- **First Transit – Appendix B.6** (Safety Risk Mitigation)

- **Transdev – Appendix C.5** (Safety/Risk Hazard Mitigation)
- **MV Transportation – Appendix D.5** (Hazard Resolution)

## 7.8 Safety Assurance

Safety assurance is a process that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that PTD meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

### 7.8.1 Safety Performance Monitoring and Measurement

Contractors collect and monitor data on safety performance indicators through a variety of mechanisms, including collecting data on key metrics on a regular basis and preparing regular reports on safety performance. Contractors then use that data to measure effectiveness of current mitigation strategies, to identify safety problems and track the organization's overall progress towards meeting their performance targets.

For specific details about each Contractor's Safety Performance Monitoring and Measurement methods, see:

- **First Transit – Appendix B.7** (Safety Performance Monitoring and Measurement)
- **Transdev – Appendix C.6** (Performance Monitoring and Measurement)
- **MV Transportation – Appendix D.6** (Safety Performance Monitoring and Measurement)

#### *7.8.1.1 Monitoring Compliance and Sufficiency of Procedures*

**PTD Employee and Contractor Safety Monitoring**

PTD employee compliance with standard safety operating procedures is monitored by Department staff through observation and review of information and data submitted from both employees and customers.

Contractor compliance is monitored by PTD staff through the routine and frequent monitoring activities at transit facilities and in the field. Staff complete inspection reports that include safety reporting (Appendix F.4). PTD staff also submits monthly compliance reports to their respective supervisors. This reporting system addresses non-compliance with standard procedures for operations and preventive maintenance activities through a variety of actions, including revising training materials, and when necessary, providing systemwide employee and supervisor training.

When non-compliance is situational, mitigation activities can include individualized training, coaching and heightened management oversight. When non-compliance is determined to be a result of inadequate operations or preventive maintenance procedures, the identified deficient procedures are submitted to the risk management process. At the conclusion of the risk management process, the deficiencies are addressed to resolve the non-compliant issue.

PTD assigns specific staff to the role of a contract monitor. Each contract monitor oversees the Contractors for compliance with PTD contracts, SPTs, compliance with NTD safety reporting standards, information accuracy and adherence to operations and safety procedures. In addition, each month, or as needed, Contractors share their safety performance data, incident and safety reports, and safety observations with PTD and hold an Operations meeting as illustrated on **Figure 7**. The performance data is communicated to FTA's NTD monthly using the Uniform System of Accounts document as circumstances dictate.

**Figure 8. PTD and Contractor Monthly Communication**

**Contractors**

On a monthly basis, Contractors document safety performance data, incident and safety reports, recap reports, and safety observations, and present this information to PTD during the Operations meeting. Contractors also monitor bus and paratransit systems for compliance with PTD and FTA operations and maintenance procedures and communicate findings to PTD monthly. In addition, Contactors are responsible for independently monitoring their employee's compliance with the company's standard operating procedures as outlined in their individual safety plans, found in:

- **First Transit – Appendix B.7** (Safety Performance Monitoring and Measurement)
- **Transdev – Appendix C.6** (Performance Monitoring and Measurement)
- **MV Transportation – Appendix D.6** (Safety Performance Monitoring and Measurement)

#### *7.8.1.2 Safety Events*

**PTD**

All investigation reports of safety events and risk management resolution reports are monitored by assigned staff and reported to the CSO and the Accountable Executive. These reports are provided by the Contractor upon the conclusion of a safety event investigation conducted by the Contractor. Additionally, Contractors provide PTD with monthly NTD safety reports that staff use to identify safety trends and SRM measures that may be ineffective, inappropriate, or not implemented as intended.

If the safety risk mitigation measure does not bring the risk to an acceptable level or otherwise fails to meet safety objectives, then staff resubmit the safety risk/hazard to the risk management process. The CSO then works with staff, the Contractor, and subject matter experts, to identify and implement additional mitigation measures.

**Contractors**

Each Contractor develops their own individual procedures for monitoring the effectiveness of safety hazard mitigation measures. The Contractors closely manage their safety performance data and conduct audits to ensure they are effectively addressing safety risks within their organization.

For specific *safety monitoring procedures*, see:

- **First Transit – Appendix B Section 7** (Safety Performance Monitoring and Measurement) and **SOP #700-Accident & Safety Data Acquisition**
- **Transdev – Appendix C.6** (Performance Monitoring and Measurement**)**
- **MV Transportation – Appendix D.6** (Safety Performance Monitoring and Measurement)

#### *7.8.1.3 Safety Event Investigation*

**PTD**

PTD employees follow the Department's operational safety procedures as outlined in AR 2.31 (**Appendix F**). These operational procedures help identify initial information that may be utilized in a safety event investigation and include the following:

- Establish and maintain a system for reporting accidents.
- Analyze accidents to learn cause and prevention.
- Solicit suggestions from employees and promptly adopt good ideas that will promote better safety.
- Solicit the advice of the safety committees where applicable.

For example, at the scene of a collision, PTD employees follow the *Action at Scene of Collison* steps that are outlined in AR 2.31 (**Appendix F.3**). Steps to be taken are categorized by severity and include drivable vehicles, non-drivable vehicles, injury accidents, non-injury accidents, and vary in their prescribed actions.

If an event meets the criteria as an accident, employees would then take steps to first contact the appropriate emergency services and then their supervisor.

**Contractors**

Contractors conduct their own investigations of safety events and notify PTD staff for tracking and NTD reporting. The PTD CSO may assign internal Department staff to the event investigation and request a debrief of the safety event investigation, as well as review all related investigation documentation. The objective of the review of the Contractor safety event investigation is to determine whether the event is considered preventable and if there were any policy violations. Additionally, assigned CSO representatives may develop strategies that the Contractor and staff can employ to address the identifiable root cause of any organizational, technical, or environmental hazards.

Each Contractor has created their own procedures and subject matter experts for investigating safety events, and their company practice include using data and statements from the involved parties to determine the cause of the incident, and mitigation measures that need to be taken to ensure the safety event does not reoccur.

For specific details about the Contractors' *safety event investigation procedures*, see:

- **First Transit – Appendix B.7** (Safety Performance Monitoring and Measurement)
- **Transdev – Appendix C.6** (Performance Monitoring and Measurement)
- **MV Transportation – Appendix D.6** (Safety Performance Monitoring and Measurement)

#### *7.8.1.4 Monitoring Internal Safety Reporting Programs*

**PTD**

PTD employees are encouraged to report any safety-related issues and incidents to their supervisor or using the department's escalation ladder. However, when an employee wishes to remain anonymous, the

city of Phoenix's City Auditor operates the "Integrity Line," as outlined in Administrative Regulation 1.2 (Fraud Prevention and Reporting Policy [Integrity Line]) (**Appendix G**).

Safety reports that are directly communicated to a supervisor for evaluation, and management is informed as prescribed, or when the issue is out of the supervisor's control. When a report is submitted to the city's Integrity Line, it is initially reviewed by the Integrity Line Committee, which is comprised of representatives from offices of the City Auditor, the City Attorney, and the City Manager. The committee then refers the issue(s) to PTD's Director and CSO for review and possible investigation.

**Contractors**

Through their respective agreements with the city, each Contractor is tasked to identify safety hazards and monitor performance metrics and prepare investigation reports on safety incidents for the city's review. All the Contractors use the data to identify trends of reoccurring safety events that need to be mitigated.

For the specific procedures for *monitoring internal safety reporting programs* for each individual Contractor, see:

- **First Transit – Appendix B.6** (Safety Performance Monitoring and Measurement)
- **Transdev – Appendix C.5.1** (Performance Monitoring and Measurement)
- **MV Transportation – Appendix D.6** (Safety Performance Monitoring and Measurement)

### 7.8.2 Management of Change

#### *7.8.2.1 PTD*

Proposed or future changes in the public transit system may introduce new hazards and safety risk into transit operations. Therefore, staff are charged with identifying system changes and determining when a change must be evaluated through the safety risk management process.

To accomplish this, staff proactively monitor planned changes and utilize PTD and Contractor field monitoring personnel to identify any changes in the transit system. Following the identification of a change, the change is submitted to the risk management process to assess the change and determine whether mitigation measures for newly identified hazards, if any, are appropriate.

#### *7.8.2.2 Contractors*

Each Contractor has developed procedures to assess how changes may create new hazards and impact safety performance. The Contractors all have a process to review the proposed change and assess how the change could impact safety. Depending on the level of impact the proposed change is anticipated to have on safety, the Contractors takes actions to minimize and/or eliminate the safety risk associated with the proposed change.

For specific details about each Contractor's *process for reviewing proposed changes*, see:

- **First Transit – Appendix B.7** (Management of Change)

### 7.8.3 Continuous Improvement

#### *7.8.3.1 PTD*

Evaluation of the SMS is necessary to ensure that allows PTD to meet safety objectives and performance targets. As a result, PTD reviews the system safety plan during annual self-certification.

PTD also uses this data to assess identified deficiencies in SMS organizational structures, processes and resources. If deficiencies are found as part of the safety performance assessment, staff then develops and implements a plan to address any identified deficiencies.

#### *7.8.3.2 Contractors*

Each Contractor has their own procedures to ensure their organizations are constantly striving to improve safety. The Contractors have committed to regularly reviewing and updating their safety policies and procedures, both through the annual review process and other review processes and audits that are specific to each company.

For more detailed information on each Contractor's *process for continuous improvement*, see:

- **First Transit – Appendix B.7** (Continuous Improvement)
- **Transdev – Appendix C.6** (Continuous Improvement)

## 7.9 Safety Promotion

Management support is essential for developing and implementing SMS. Safety promotion includes all aspects of "who, what, when, where, why, and how" PTD and its Contractors communicate safety related topics.

### 7.9.1 Safety Communication

#### *7.9.1.1 PTD*

PTD regularly communicates safety information regarding hazards and safety risks relevant to employee roles and responsibilities and informs employees of safety actions taken in response to all reports submitted. Methods of communication include:

- The Employee Critical & Emergency Incident Communication Map (**Appendix G.2**)
- Safety updates incorporated in quarterly PTD meetings
- Safety information uploaded to PTD's employee accessible SharePoint site
- On-site management and inspections

PTD collects, catalogs and, where appropriate, analyzes and reports safety and performance information to all staff. Staff answer the following questions to help facilitate accurate safety reporting:

- What information does this individual need to do their job?
- How can we ensure the individual understands what is communicated?
- How can we ensure the individual understands what action must be taken because of the information?
- How can we ensure the information is accurate and kept up to date?
- Are there any privacy or security concerns to consider when sharing information? If so, what should we do to address these concerns?

In addition, staff routinely reviews existing communication strategies to determine if additional measures are needed to effectively reach staff and Contractors. As part of this effort, PTD uses a "safety culture survey" to understand how safety is perceived in the workplace and what areas should be addressed to fully implement a culture of safety. The CSO and relevant PTD staff are responsible for preparing and distributing all related safety materials and communications.

#### *7.9.1.2 Contractors*

Each Contractor has adopted a comprehensive safety communication program to communicate safety information to their employees. This includes monthly safety meetings to brief staff in safety sensitive positions about safety trends and other safety related topics. The Contractors also have programs where they use various means to promote safety within the company, including having a safety bulletin board and sending out emails about safety.

For specific details about how each Contractor disseminates safety information to its employees, see:

- **First Transit – Appendix B.7** (Safety Communication)
- **Transdev – Appendix C.6.2** (Safety Communication)
- **MV Transportation – Appendix D.7** (Safety Communication)

### 7.9.2 Safety Training

#### *7.9.2.1 PTD*

PTD has a safety training program aimed at informing employees who are directly responsible for safety of potential hazards and understand safety policies. The city's Human Resources Department is responsible for assigning the appropriate training to PTD staff as outlined in the city of Phoenix Administrative Regulation 2.31 (Safety Program) (**Appendix G**)**.**

PTD has developed and provides safety training for all staff who are directly responsible for safety and/or have safety risks associated with their responsibilities, per 49 U.S.C. 5329(d)(1)(H). To develop a safety training program compliant with FTA requirements, PTD:

- Reviewed general staff categories (e.g., administrative, driving position, supervisor, maintenance) and respective safety related responsibilities.
- Assessed the training requirements of 49 CFR 672 and 49 U.S.C. 5329 and the courses required for different positions.
- Assessed the training material available on the FTA PTASP Technical Assistance Center website.
- Reviewed other training material available from industry sources such as the Community Transportation Association of America and the American Public Transportation Association websites.
- Developed a set of competencies and trainings required to meet the safety related activities for each general staff category.
    - Per 49 USC 5329, the PTD and Contractor personnel responsible for operations and maintenance of facilities and buses will also begin to receive all necessary safety training under the training program and will receive de-escalation training.
- Developed expectations for ongoing safety training and safety meeting attendance.
- Adjusted job notices associated with general staff categories to ensure that new personnel understand the safety related competencies and training needs, and the safety related responsibilities of the job.

The following training programs are implemented by PTD:

- New hire and orientation safety training
- Initial safety training program for operations and maintenance personnel
- Annual training to include new hazards and refresher courses
- De-escalation training for operations and maintenance personnel
- Safety meetings

#### *7.9.2.2 Contractors*

PTD contract monitors actively monitor each Contractor, which in turn provide their staff with appropriate safety training. Contractors are required to administer the appropriate safety training to their employees, including transit system administrative, operators, mechanics, fuelers, cleaners, and other staff responsible for safety within their organization. Each Contractor has developed comprehensive training programs for these employees that include new hire training, as well as ongoing training for their employees.

For details about each Contractor's *training program*s, see:

- **First Transit – Appendix B.8** (Competencies and Training)
- **Transdev – Appendix C.7** (Competency & Training Program)
- **MV Transportation – Appendix D.7** (Competencies and Training)

# Appendix A.

# City Council Minutes or Resolution

To be added

# Appendix B.

# First Transit Abbreviated Safety Plan (see attachment)

# Appendix C.

# Transdev Abbreviated Safety Plan (see attachment)

# Appendix D.

# MV Transportation Abbreviated Safety Plan (see attachment)

# Appendix E

# PTASP Performance Target Log

| MB (per 100,000 VRM) | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Mode - MB** | **Fatalities** | **Rate* of Fatalities** | **Injuries** | **Rate* of Injuries** | **Safety Events** | **Rate* of Safety Events** | **Mean Distance Between Mechanical Failure** |
| **2019 Actual** | 0 | 0.00 | 39 | 0.18 | 71 | 0.32 | 19,810 |
| **2020 Actual** | 0 | 0.00 | 35 | 0.17 | 105 | 0.51 | 15,241 |
| **2021 Actual** | 5 | 0.02 | 51 | 0.25 | 157 | 0.78 | 18,365 |
| **Average** | 1.67 | 0.01 | 42 | 0.20 | 111 | 0.54 | 17,805 |
| **2023 SPT (MB)** | 1.67 | 0.01 | 42 | 0.20 | 111.00 | 0.54 | 17,805 |

| DR (per 100,000 VRM) | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Mode - DR** | **Fatalities** | **Rate* of Fatalities** | **Injuries** | **Rate* of Injuries** | **Safety Events** | **Rate* of Safety Events** | **System Reliability** |
| **2019 Actual** | 0 | 0.00 | 1 | 0.03 | 1 | 0.03 | 18,989 |
| **2020 Actual** | 0 | 0.00 | 0 | 0.00 | 2 | 0.07 | 22,554 |
| **2021 Actual** | 0 | 0.00 | 1 | 0.03 | 2 | 0.06 | 19,036 |
| **Average** | 0 | 0 | 0.67 | 0.02 | 1.67 | 0.06 | 20,193 |
| **2023 SPT (DR)** | 0 | 0 | 0.67 | 0.02 | 1.67 | 0.06 | 20,193 |

# **Appendix F.** PTASP Supporting Documents

1. **PTD's Critical & Emergency Incident Communication Map**
2. **Employee Critical Incident Training**
3. **City of Phoenix Administrative Regulations**
4. **Public Transit Department Facility Inspection Report**

## F-1. PTD's Critical & Emergency Incident Communication Map

## F-2. Employee Critical Incident Training

## F-3. City of Phoenix Administrative Regulations

City of Phoenix

| ADMINISTRATIVE REGULATION | A.R. NUMBER<br>1.2 Revised |
|---|---|
| | FUNCTION<br>General<br>Page 1 of 6 |
| SUBJECT<br>FRAUD PREVENTION AND REPORTING POLICY<br>(INTEGRITY LINE) | EFFECTIVE DATE<br>February 9, 2017 |

### I. PURPOSE

This A.R. is updated and codifies the existence of the Integrity Line Program (Integrity Line) and the City's policy on preventing and reporting fraud or unethical activity. Integrity, honesty and professionalism in service to the community are important values of employees at the City of Phoenix. Part of maintaining our high ethical standards includes a way for employees or residents to report wrongdoing or bad behavior. Supervisors, managers and department directors are the first lines of reporting, and the Integrity Line provides a valuable secondary resource in the event that reporting to supervisors, managers or department directors is not possible or desired.

This fraud prevention policy exists because:

- The public entrusts us with resources to be used appropriately.
- We work to serve the public good, not for personal gain.
- Best business practices include a documented fraud prevention policy and an "integrity line" for anonymous reporting.

Though individuals are encouraged to make reports to supervisors, managers or department directors, or to the Police Department about illegal activity, the Integrity Line provides a valuable outlet for an individual to make a complaint, anonymous or otherwise.

The purpose of this policy is to establish guidelines and assign responsibility for the development of controls and conducting of investigations to aid in the prevention and detection of fraud against the City of Phoenix (City).

### II. SCOPE OF POLICY

This policy applies to any irregularity, or suspected irregularity, involving City employees (employees) as well as consultants, vendors, contractors, outside agencies doing business with the City, and/or any other parties with a business relationship with the City. Any investigative activity required will be conducted without regard to the suspected perpetrator's length of service, position/title, or relationship to the City.

## III. OVERVIEW

Fraud is an ever-present threat, has many forms, and is always damaging. It takes away valuable resources entrusted to the City. Fraud is not only illegal but it also creates a very real threat to the resources available to the City and its residents.

The City requires all employees to act honestly and with integrity, and to safeguard the resources for which they are responsible. Employees at all levels are encouraged to actively participate in protecting public money and property. All employees are responsible for the detection and prevention of fraud, misappropriations, and other irregularities.

By identifying areas where the risk of fraud exists, detecting fraud which has already occurred, taking firm action against the perpetrators and designing systems to prevent the occurrence of fraud, this Anti-Fraud Policy aims to develop a culture within the City which raises the awareness of the risks and consequences of fraud. It provides a framework for promoting the City's policies and measures to prevent and detect fraud and it is an important component to the City's system of internal controls.

## IV. ACTIONS CONSTITUTING FRAUD

All employees should be familiar with the types of fraud that might occur within their area of responsibility and be alert for any indication of fraud. For the purposes of this statement, *fraud* is defined as the intentional, false representation or concealment of a material fact for the purpose of gaining an advantage, avoiding an obligation, or causing loss to another party. Fraud may include deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts, and collusion. More specifically, acts of fraud may include, but are not limited to:

- Removal, loss, unauthorized destruction, inappropriate use or waste of funds, supplies, records, furniture, fixtures, equipment, or other City assets
- Impropriety in the handling or reporting of money or financial transactions
- Misuse or misreporting of paid work time or paid time off
- Accepting or seeking anything of value from contractors, vendors, or persons providing services/materials to the City (including vendor kickbacks)
- Use or willful unauthorized disclosure of personal identifying and restricted information for a purpose unrelated to City business
- Violations of laws or regulations
- Contract fraud
- Falsified documents
- Specific danger to public health or safety
- Any similar or related irregularity

## V. POLICY

Fraud that is detected or suspected should be immediately reported to appropriate supervisors or managers or through the City's Integrity Line, where investigations are coordinated by the Integrity Committee. The Integrity Committee is comprised of the City Auditor, the City Attorney, and the City Manager or designee. The City recognizes a <u>zero tolerance policy</u> regarding fraud and will investigate <u>any</u> fraud or suspected fraud.

V (1) Responsibilities

a. *All Employees*

All employees individually have the primary responsibility for the prevention of fraud. Any employee who suspects or detects fraudulent activity must immediately report it to their supervisor, managers, department director, or City Auditor. If reporting to a supervisor, manager, department director or City Auditor is not possible or desired, the employee should report the suspected activity directly to the Integrity Line (see Section V(2)). Employees must not attempt to personally conduct investigations or interviews / interrogations or discuss any details of the suspected fraudulent act with unauthorized personnel. The appropriate law enforcement agency will be involved if illegal activity is being investigated.

Employees will provide unrestricted access to all City records, and property, and provide the necessary assistance, cooperation and support to enable the Integrity Committee and its delegates to properly investigate suspected fraudulent acts. Refusal to cooperate in an investigation may result in disciplinary action, up to and including termination.

b. *Management*

In addition, Management is also responsible for:

i. Assessing the types of risk involved in the operations for which they are responsible.
ii. Developing systems of internal control to minimize the risk of fraud and ensuring that controls are being consistently applied.
iii. Satisfying themselves that their internal control systems continue to operate effectively.
iv. Raising fraud awareness amongst staff including knowledge of the City's anti-fraud policy.
v. Reporting fraudulent or suspected fraudulent activity directly to the City Auditor who will include the report in the Integrity Line process.
vi. Implementing new internal controls to reduce the risk of similar fraud occurring where frauds have taken place.
vii. Responding comprehensively in writing to all inquiries made during the course of an investigation, or to recommended corrective actions in connection with the investigation.

c. *Integrity Committee*

The Integrity Committee is authorized to coordinate the investigation of suspected fraudulent acts as defined in this policy. If the investigation substantiates that fraudulent activities have occurred, the Integrity Committee will notify appropriate designated personnel and, if appropriate, will notify the City Manager, Audit Committee, Mayor, and City Council.

As warranted, the Integrity Committee will coordinate with criminal and regulatory law enforcement agencies in order to facilitate appropriate criminal investigation and prosecution. The law enforcement and/or regulatory agency will make the final decision to investigate a fraudulent act.

V (2) Reporting Fraud to the Integrity Line / Integrity Committee

The City has established the following methods that allow employees to make confidential anonymous reports of fraud, suspicions of fraud, or any other inappropriate action.

- ***Telephone***: 602-261-8999 or 7-1-1 Relay. The telephone will be answered by the Secretary to the City Manager whenever possible during normal business hours. A recorded message may be left if no one is available.
- ***E-mail:*** aud.integrity.line@phoenix.gov
- ***Online Fraud Reporting Form:*** You may access the Fraud Reporting Form by visiting the PHX AT YOUR SERVICE tool (at www.phoenix.gov/atyourservice) and selecting the **FRAUD REPORTING** button under the Additional Services subsection.

Employees should provide as much of the following information as possible when making a report:

- Circumstances of the incident and details of how the fraud / inappropriate action took place
- Names of all persons involved, including division and department
- Date(s), time(s) and location(s) of the event(s) that took place
- If missing funds, identify source of funds and how much
- Identify any evidence or documentation that is available
- Names of witnesses
- A telephone number where the employee can be reached. In order to assist in the investigation, those reporting potential violations are encouraged to identify themselves. Every reasonable effort will be made to keep the identity of an individual reporting potential fraudulent activity confidential. However, anonymous complaints are accepted.
- Any other information that may be helpful in an investigation.

## VI. RETALIATION

Retaliation against a person who initiates a complaint or inquiry or participates in fact-finding is prohibited. Persons found to have engaged in retaliation are subject to the full range of disciplinary actions, up to and including termination.

## VII. CORRECTIVE ACTION

The City will take the necessary steps, including legal action, to recover any losses arising from fraud or attempted fraud. This may include action against third parties involved in the fraud whose negligence contributed to the fraud. Employees found to be associated with fraudulent activity will be subject to disciplinary action, up to and including termination and legal prosecution, in accordance with City policies and procedures and applicable laws and regulations.

If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed for approval by designated representatives from the City Human Resources and Law Departments before any such action is taken. The decision to terminate an employee is made by the employee's management and is subject to the regular appeals process.

## VIII. CONFIDENTIALITY

The Integrity Committee and its delegates will maintain strict standards of confidentiality, and will not voluntarily release information about an investigation or inquiry except where examination results are referred to law enforcement and/or regulatory agencies for independent investigation or where required by law. After investigations are complete, it is likely that documentation related to the complaint would become a public record and would require disclosure if requested. Complete anonymity cannot be guaranteed due to public records laws.

## IX. OTHER IRREGULARITIES

In cases related to employment, harassment and discrimination please refer to the chart below. While the Integrity Line will accept reports of these cases, the Integrity Committee will refer them as noted below.

| Issue | Refer issue to |
| --- | --- |
| Hiring process, recruitments, employee qualifications, performance evaluations | Department Human Resources Liaison or Human Resources Department at 602-262-6609 |
| Sexual Harassment (A.R. 2.35A) or Protected Category Harassment (A.R. 2.35B) | Department Human Resources Liaison or Equal Opportunity Department's Compliance and Enforcement Division at 602-262-7486 |
| Discrimination / denial of equal employment opportunities (A.R. 2.35) | Equal Opportunity Department's Compliance and Enforcement Division at 602-262-7486 |

## X. RELATED POLICIES

This policy is designed to augment other City policies and external regulatory requirements, and not to replace or preclude them. Other policies and requirements containing related information include, but are not limited to, the following:

- Ethics Handbook
- Employee Manual
- AR 1.90, *Information Privacy and Protection*
- AR 2.61, *Grievance Procedure*
- AR 2.91, *Conflicts in Employment, Supervisory and Contractual Relationships*
- AR 2.93, *City Employee Gift Policy*
- Fraud Reporting Webpage
- City Charter (various)
- Arizona Revised Statutes (various)

City of Phoenix

| ADMINISTRATIVE REGULATION | A.R. NUMBER<br>2.31 Revised |
|---|---|
| | FUNCTION<br>Human Resources and Payroll<br>Page 1 of 3 |
| SUBJECT<br>**SAFETY PROGRAM** | EFFECTIVE DATE<br>September 10, 2012 |
| | REVIEW DATE |

## INTRODUCTION

**Transmittal Message**
This AR has been revised to reflect changes resulting from updating terminology and functionality within the Human Resources Department, Safety Section. Questions regarding this AR should be directed to the Human Resources Department, Safety Section at (602) 262-7555.

**Summary of Changes**
This regulation, last modified in 2008, has been revised to reflect the name change from the Personnel Department to the Human Resources Department; and to add the requirement of providing Personal Protective Equipment where necessary.

**Purpose of Safety Policy**
The safety and health of each employee is extremely important to both the welfare and happiness of the individual employee and to the efficiency of services provided by City employees to the community. It is the policy of the City to exert every effort to eliminate or reduce the possibility of accidents to people and losses of property. In order to achieve the highest degree of safety, the responsibility, organization, and operational procedures for a safety program must be defined and put into effect.

The statement of this policy is issued to clarify the responsibility for the safety program, establish procedures for implementing and enforcing safety policies, require appropriate corrective measures, and to ensure the development and maintenance of a safe working environment for all employees.

**Responsibility for Safety**
Department directors and managers, along with all supervisory personnel, have the responsibility of communicating to their employees the safety policy of the City as provided in this regulation.

A. Department Management. The primary responsibility for providing an accident-free workplace shall rest with department directors. Each department and large division must have a definite plan whereby the City's safety program will reach every employee in every job. It is the responsibility of department management to enforce the maintenance of safe work conditions; to encourage development and observance of safety habits; and to expedite removal and correction of safety hazards.

B. Supervisors. It shall be the responsibility of each supervisor to:

1. Detect and correct unsafe working conditions and practices. Safety problems beyond the supervisor's control shall be reported to management immediately.

2. Train employees in the correct work procedures and City safety policies.

3. Ensure each employee knows and follows the safety rules pertaining to their work.

4. Provide employees all necessary Personal Protective Equipment (PPE) for hazards that cannot be engineered out.

5. Encourage safety suggestions and discussions; make sure good safety suggestions are used and that all safety questions receive answers; and encourage employees to submit any safety suggestions through the Employee Suggestion Program.

6. Ensure all accidents are promptly and thoroughly investigated and properly reported.

7. Keep informed on safety subjects through reading, training courses, and discussions with other supervisors and safety professionals.

C. Employees. Ultimately, every employee is responsible for his own safety. As a condition of employment, employees are required to observe all safety regulations and requirements given verbally or in writing by the properly constituted authorities. Employees shall attend all job required safety training and refresher courses as needed. In addition to guarding their own safety and the City's property, employees shall do everything possible to safeguard their fellow workers and other people affected by their work. Employees shall report immediately to their supervisor any accident occurring to themselves and shall, if observed, report accidents happening to others. Employees shall also report any unsafe conditions to their supervisor immediately.

D. Human Resources Department. The Human Resources Director shall be responsible for the coordination of safety activities and safety programs throughout the City of Phoenix.

**Organization to Implement and Administer Safety Program**

The Human Resources Director shall be responsible for coordinating the development, establishment, improvement, and administration of the City Safety Program. Department directors and their management and supervisory staff, working in conjunction with their department Safety Analysts, are responsible for development, implementation, and operation of the safety programs within their respective departments.

Departmental safety committees may be established within each department and/or large division. Selection of these committees shall be made by the department director. Safety committees may be established in small organizational units at the discretion of department management. Safety committees shall be advisory only.

**Operational Procedures**

The provisions of the above sections clarify the authority, responsibility, and organization of the City's Safety Program.

As the representative of management, the Human Resources Director, in cooperation with the department directors and their staff, shall devise, implement, and through periodic revisions, maintain a comprehensive safety program. The minimum objectives of this program shall be to:

A. Maintain a safe and healthful work environment

B. Ensure compliance with occupational safety and health standards, regulations, and policies.

C. Train supervisors to focus attention on preventing accidents and promoting safety.

D. Formalize in each City activity a set of safety standards for employees to follow in performing their duties.

E. Educate and motivate employees through their supervisors to work safely.

F. Establish for each City activity a complete safety inspection program to remove work hazards and correct unsafe conditions, practices, and habits.

G. Establish and maintain a system for reporting accidents. Analyze accidents to learn cause and prevention.

H. Solicit suggestions from employees and promptly adopt good ideas which will promote better safety.

I. Solicit the advice of the safety committees where applicable.

J. Assist all administrative and supervisory personnel in developing and maintaining an effective safety program.

K. Administer corrective action, up to and including disciplinary action for non-compliance with established safety standards, regulations and policies.

L. Collect and distribute safety training material, safety educational aids, safety posters, and safety literature to supervisors.

M. Ensure employees receive the appropriate safety and health training necessary for their job and that all safety and health training is properly documented.

DAVID CAVAZOS, City Manager

By: _____
Dennis Murphy
Assistant to the City Manager

City of Phoenix

| ADMINISTRATIVE REGULATION | A.R. NUMBER<br>2.311Revised |
|---|---|
| | FUNCTION<br>Personnel and Payroll<br>Page 1 of 4 |
| SUBJECT<br>VEHICLE ACCIDENT REPORTING PROCEDURES AND ACTION AT SCENE OF COLLISION | EFFECTIVE DATE<br>January 14, 2003 |

## INTRODUCTION

### Transmittal Message

This Administrative Regulation (AR) has been revised to streamline the vehicle accident reporting process. Questions regarding this AR should be directed to the Finance Department – Risk Management Division at (602) 262-5054.

### Summary of Changes

This AR was last revised in 1988. The revised AR eliminates references to report forms and employee titles that no longer exist. Additionally, it refers employees to the City's Intranet for completion and submittal of required forms.

The revisions instruct employees involved in an accident to notify the Police Department who will assess the situation and evaluate the scene for a wrecker, paramedics or ambulance. It also eliminates reference to the potentially hazardous practice of using a police car to push a damaged vehicle to the side of the road.

Finally, the revision eliminates confusion between reporting an accident and submitting a claim.

### Purpose

This regulation establishes uniform procedures for reporting all accidents involving City-owned or privately-owned motor vehicles used on City business. This regulation further establishes procedures for moving drivable vehicles out of the traveled way following a collision, for calling wreckers to move non-drivable vehicles away from the scene of collision as rapidly as possible, and for moving the vehicle to the Equipment Management Yard for damage inspection.

### 1. Regulations

A. Reporting Requirements

i. All motor vehicle accidents involving City-owned or privately-owned motor vehicles while being used on City business occurring on public streets or on private property, inside the City limits, shall be reported immediately to the Police Department and the employee's supervisor. Serious, life threatening accidents should be reported to Police using 911. For minor accidents that are non-life threatening, contact the Police Department at (602) 262-6151.

Advise the Police Department that the accident involves a Phoenix-owned vehicle or vehicle used on City business and relay as clearly as possible the severity of the accident and whether fire or medical services are needed.

The Police Department will respond to the scene and determine whether or not they will make a report. When the Police do not take a report, obtain the following information before leaving the accident scene.

a. Names, addresses, drivers license numbers and phone numbers of all parties
b. Make, model, year and license plate number of all vehicles
c. Damage to all vehicles
d. Injuries to any parties and where treated if applicable
e. Insurance company and policy numbers of all parties involved
f. Names, addresses and phone numbers of witnesses, if available

If outside the City limits, the employee shall report the accident immediately to the local jurisdiction and their supervisor. All other procedures contained in this Administrative Regulation still apply.

ii. Accidents involving City-owned motor vehicles shall also be reported to Risk Management and Equipment Management within two workdays of their occurrence by use of the Equipment Management Vehicle Damage Report, Form 125-40D (also known as the "Incident Report"). This form is used to report both property damage and bodily injury resulting from a collision. This four-part form must be completed by the employee/driver or supervisor immediately after the accident. At least one copy shall be kept by the employee's/driver's department, and that department is responsible for sending one copy to Risk Management, one copy to Equipment Management and one copy to the Personnel Department, Safety Section.

The Equipment Management Vehicle Damage Report Form may also be submitted electronically via the City's Intranet, e-mail, or hard copy sent through interoffice mail. A copy should be retained for departmental records.

It is important that the report form provide clear and concise information of the facts of the incident, as well as complete and accurate information concerning the person(s) and property involved.

iii. A supervisor, with the support of the Department Head, should respond to the scene of an accident involving their department personnel to assist the Police in any way possible.

iv. All accident reports will be reviewed and chargeability determined the Personnel Department, Safety Section, Fleet Safety Specialist. The Police Department shall prepare four (4) copies of the Arizona Traffic Accident Report on all motor vehicle accidents.

The Arizona Traffic Accident Reports will be distributed as follows:

All City Vehicles and All Vehicles Used On City Business:

a. One copy to Equipment Management (if a City-owned vehicle is involved)
b. One copy to Personnel Department, Safety Section
c. One copy to Finance Department, Risk Management Division
d. One copy (or more copies as desired) to the department involved in the accident

v. Do not make statements to anyone except your supervisors and the investigating Police Officers. The determination of the cause will be done as part of the investigation process.

vi. Any person who wishes to make a claim against the City must follow the procedures set forth in A.R.S. 12-821.01. Persons who state that they want to make a claim for injuries or property damage should be given a "Referral Card," Form 45-11D, which provides the Risk Management Division's phone number to call for a claim form. The employee's name and work phone number should be written in the space provided on the Referral Card.

All field supervisors should maintain a supply of Referral Cards.

B. Additional Information

On occasion, additional information may be needed on a particular accident other than what would be needed for normal processing of accident claims. When the need arises, the Safety Section and/or Risk Management Division will request this information from the Department involved.

Department Heads may require their supervisors and/or operators to submit a separate report on accidents involving their personnel for the Department's internal use.

A packet containing the "Equipment Management Vehicle Damage Report" Forms and Referral Cards will be placed in each vehicle by Equipment Management.

C. Fatal Accidents Involving City Vehicles or Equipment

When a City vehicle or private vehicle being used on City business is involved in an accident resulting in a fatality, the Police Department will immediately notify the Personnel Department, Safety Section. If the accident occurs outside of normal duty hours, the notification will be made to the City switchboard operator. The City switchboard operator will maintain a current list of names and telephone numbers of people to contact within the Safety Section. The Police Department will notify the Risk Management Division the next business day.

D. Legal Information

The Law Department shall have access to all accident reports filed with the Safety Section and/or Risk Management Division whenever necessary.

The employee is forbidden to act as an agent of the City under any circumstances. Before an employee releases an insurance company for injuries sustained while in a City vehicle,

the employee must confer with the Law Department to make certain that the release form does not purport to reduce the City's rights to recover damages.

**2. Action at Scene of Collision**

A. Objective
To minimize traffic congestion or the possibility of contributing to further accidents at the scene, the following procedure is to be followed:

i. Drivable Vehicles Drivable vehicles should be moved to the side of the road out of the way of traffic, prior to arrival of police.

ii. Non-Drivable Vehicles In the event one or more vehicles are non-drivable, the Police Officer(s) responding to the scene will call for a wrecker.

iii. Injury Accidents In a collision in which a person complains of an injury or in which a serious injury exists, the vehicle containing the injured persons should not be moved. When reporting the accident to "911," notify them that an ambulance is needed and how serious the injuries seem to appear.

iv. Non Injury Accidents All non-injured drivers and passengers should move to the sidewalk or other safe location out of the roadway as soon as possible. Employees should not return to the vehicle to retrieve items until clear to do so.

v. General

a. Attempt to secure witnesses' names, addresses and phone numbers.

b. Do not make statements to anyone except your supervisors and the investigating Police Officers. Avoid getting into arguments with others at the scene.

c. Answer the Police Officer's questions honestly and directly. Do not admit any responsibility or guilt for the accident at the scene. Responsibility for the accident will be determined at a later time and place.

d. Make arrangements with the Equipment Management Body Shop to have the City vehicle taken to the Equipment Management Yard. The vehicle should be moved to the Equipment Management Yard within two workdays after the accident occurs.

FRANK FAIRBANKS, City Manager

By Lisa Takata
Lisa Takata
Assistant to the City Manager

City of Phoenix

| ADMINISTRATIVE REGULATION | A.R. NUMBER<br>3.51 |
|---|---|
| | FUNCTION<br>Financial and Purchasing<br>Page 1 of 3 |
| SUBJECT<br>RISK MANAGEMENT | EFFECTIVE DATE<br>November 20, 2001 |

## INTRODUCTION

### Transmittal Message

Questions regarding this AR should be directed to the Finance Department – Risk Management Division at (602) 262-5054.

### Summary of Changes

This AR was last revised in 1988. The revisions note a new direct reporting relationship between Risk Management Administrator and the Finance Director. It also clarifies and updates the responsibilities of the Risk Management Administrator.

### Purpose

This Risk Management policy has been established to achieve an optimum balance among the various elements of the City's Risk Management Program, such as: self-insured losses, loss control and loss prevention costs, claims control costs, insurance premiums and the cost of administration.

### Responsibility

The following people are responsible for the Risk Management Program:

A. The Finance Director provides overall direction.

B. The Risk Management Administrator is responsible for general administration such as coordinating, directing and implementing risk management activities, including:

1. Risk identification, analysis and measurement.
2. Risk financing, including the purchase of commercial insurance for all City-related exposures, except group medical, life, disability and Worker's Compensation insurance for City employees.
3. Consulting for risk financing including assisting the Personnel Department in the purchase of insurance for the City's employee, dependent and retiree benefits.
4. Management of 3rd party liability claims and tort litigation in cooperation with the City Attorney's Office.
5. Coordinate and assist in resolution of insurance claims made against property and liability insurance policies purchased by the Risk Management Division.

6. Processing City claims against others and/or their insurance carriers for damage to City property when requested by the department sustaining the damage.

7. Manage the Self-Insured Retention Funds to assure that adequate funding levels are maintained and insurance and self-insurance costs are allocated to the City departments.

8. Investigation and settlement of third-party liability claims (except charges filed with the Equal Employment Opportunity Commission ) filed against the City and selection and management of a third party claims administrator for the handling of other liability claims.

9. Liaison for establishing City property conservation standards with City property insurance carriers and departments.

10. Provide loss control data and loss control consultations to all City departments.

11. Coordinate and participate on the City's Self-Insurance Retention Claims Committee.

C. Department Heads are responsible for insuring that risk management related activities are coordinated with the Risk Management Administrator.

Cooperation is needed at all levels to identify risks of loss and reduce or eliminate those risks.

**Operational Policy**

A. Purchasing Insurance or Other Risk Financing Alternatives

Whenever risks of loss are identified, they shall be reduced or eliminated wherever practical. For risks of a catastrophic nature, insurance or other risk financing alternatives shall be purchased or implemented at the lowest reasonable cost.

B. Risk Retention

In recognition of its financial resources, the spread of its physical assets and prudent municipal practices, the City shall accept self retention of loss up to the limits established by the Finance Director and Risk Management Administrator, based on risk retention analysis. The self-insured retention levels and commercial insurance policy limits shall be established based on prudent judgment and appropriate economic considerations.

In addition, in selecting the actual self-insured retention limit for a specific risk consideration shall be given to the extent such insurance is available at reasonable cost, frequency and severity of loss experience, and the extent and nature that such services as claims handling, legal services, and other specialized services are required and available either in-house or through outside agencies.

C. Claims Management

1. Claims for damages arising out of injuries to the public, including personal injury, or damage to private property are administered by the Risk Management Division. The City Attorney's Office and Risk Management Division coordinate the management of cases in litigation. The objective is to minimize the financial loss to the City, recognizing both the well-being of the public and the need for financial stability of the City. The Risk Management Administrator shall coordinate claims management with the City Self-Insurance Retention Claims Committee in accordance with Chapter 42 of the City Code.

A. All City employees are responsible for reporting incidents promptly in accordance with Administrative Regulation 2.311 and 2.317 and assisting the Risk Management Division in investigation.

B. Legitimate liability claims are to be settled equitably and promptly. Claims believed to be without merit will be vigorously defended.

2. Employee Worker's Compensation insurance claims are administered by the Safety Administrator in the Personnel Department.

D. Loss Control

It is the policy of the City of Phoenix to preserve City-owned property through the implementation of sound property loss prevention practices and to control, reduce and eliminate exposure to loss from liability risks to the extent possible. The Risk Management Administrator is responsible for:

1. Coordination of the City's efforts toward the prevention of property loss, and control and reduction of liability risks.

2. Coordination of the efforts of City property and liability insurance carriers with City departments in performing insurance loss control surveys and implementing insurance carrier recommendations.

3. Coordination and implementation of local, state and federal regulations related to property loss prevention and control and reduction of liability risks.

FRANK FAIRBANKS, CITY MANAGER

BY Lisa Takata
Lisa Takata
Assistant to the City Manager

## F-4. Public Transit Department Facility Inspection Report

**Public Transit Department**
**Facility Inspection Report**

| Date: | Facility |
|---|---|
| Inspector – | |

| FACILITY EXTERIOR | MET | NOT MET | N/A | COMMENTS (general cleaning/safety attire/spills/restrooms) |
|---|---|---|---|---|
| Employee/Support Vehicle Parking Lots | | | | |
| Fare Collection Building | | | | |
| Landscaping | | | | |
| Security Kiosk | | | | |
| Bus Wash Area | | | | |
| Fuel Island/Building | | | | |
| Dispensing Equipment Condition | | | | |
| | | | | |
| Bus Parking Lot | | | | |
| | | | | |
| Maintenance Area/Building | | | | |
| Warehouse | | | | |
| Loft | | | | |
| | | | | |
| HR Area/Building | | | | |
| Revenue/Video Surveillance | | | | |
| | | | | |
| FACILITY INTERIOR | | | | (water fountains/storage areas) |
| Visitor Reception Area | | | | |
| Conference Room | | | | |
| Printer Room | | | | |
| Individual Offices/Cubicles | | | | |
| Restrooms | | | | |
| | | | | |
| Driver's Lounge | | | | |
| Locker Area | | | | |
| Dispatch Area | | | | |

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 74

# Heavy-Duty Zero to Low Emission Buses Contract - COOP 22-107 - Request for Award (Ordinance S-49249)

Request to authorize the City Manager, or his designee, to enter into contracts with three vendors: El Dorado National (California), Inc.; Gillig LLC.; and New Flyer of America Inc. to provide heavy-duty, zero- to low-emissions transit buses as needed by the Public Transit Department. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the contracts will not exceed $102,021,451.

## Summary

This contract will provide heavy-duty transit buses, including zero- and low-emissions buses. The Public Transit Department (PTD) is seeking to procure various bus types, such as battery electric, hybrid electric, and hydrogen fuel cell electric. The cooperative contracts will support the Green Transit Technology Pilot Program for PTD, as directed by City Council. The Pilot Program will allow PTD to operate and evaluate a sub-fleet of heavy-duty buses that produce low or no emissions.

## Procurement Information

In accordance with Administrative Regulation 3.10, standard competition was waived as a result of an approved Determination Memo based on the following reason: Special Circumstances Alternative Competition. On Nov. 17, 2021, City Council, in considering a bus-purchase agenda item for PTD, directed the addition of zero- and low-emission buses to the City's heavy-duty bus fleet. The Washington State Transit Bus Cooperative is available for use by the City and complies with all City procurement requirements for competition and price reasonableness. The cooperative contract also adheres to all necessary Federal Transit Administration regulations and certifications required for the use of federal funding.

## Contract Term

The initial contract term will be for a two-year term, beginning in December 2022. Provisions of the contract include an option to extend up to an additional three years in one-year increments, if needed.

## Financial Impact

The aggregate contract value, for all contracts combined, will not exceed $102,021,451 for the five-year aggregate term. Buses are funded 85 percent with federal funds and 15 percent with regional funds. Funds are available in the Public Transit Department Five-Year Capital Improvement Program.

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 75

# Transition to Zero Emission Heavy-Duty Bus Fleet

This report requests City Council approval of the Public Transit Department's Heavy-Duty Bus Purchasing Strategy and Zero Emission Fleet Transition Plan for the next five years to advance the City toward a goal of achieving a 100 percent zero-emissions bus fleet by 2040.

## Background

The City of Phoenix Public Transit Department (PTD) provides public transportation for approximately half of the Phoenix metropolitan area, including 38 local bus routes, 4 circulator routes, and 6 RAPID (commuter) routes. PTD's heavy-duty fleet is comprised of 500 40- and 60-foot buses, all of which are powered with cleaner-burning fuels, amounting to 335 compressed natural gas (CNG) and 165 biodiesel buses.

Under Council's direction, PTD has worked over the years to ensure that its fleet has the most up-to-date, environmentally friendly buses with the best proven technology available and the ability to operate in Phoenix's harsher climate. Key vehicle factors include range (the distance buses can travel) and operations during Phoenix's extreme summer temperatures (including both robust air conditioning and available power for multiple on-board systems to provide a high-quality passenger experience year-round). These considerations remain at the forefront of departmental decision-making as the City transitions to a greener, more sustainable heavy-duty transit fleet.

## Summary

In January 2022, City Council approved the issuance of a solicitation that allows PTD to implement an initial five-year plan to operate a sub-fleet of near-zero and zero emission heavy-duty buses, during which time staff will evaluate the performance of newer charging/fueling technologies and propulsion systems.

To advance PTD's goal to begin converting its heavy-duty transit fleet to 100 percent zero-emissions buses (ZEB) by 2040, a bus replacement plan and infrastructure phasing strategy will guide the long-term planning and capital improvement project goals. Key considerations that factor into the long-term mix of ZEBs in PTD's fleet are: (1) additional federal and regional funding commitments for the purchase and maintenance of capital assets, as transit vehicles are 85 percent federally funded and

15 percent regionally funded; (2) evaluation of the year-round performance of Battery Electric Buses (BEB) and Fuel-Cell Electric Buses (FCEB) in our climate; (3) vehicle production timelines, which currently estimate longer lead times for newer-technology buses and shorter lead times for existing technologies; and (4) commitments to transit passengers and our contracted service providers to continue the acquisition of new vehicles to ensure resiliency of the transit fleet and keep maintenance costs low.

As a result, PTD's ZEB transition plan is envisioned to occur in two phases:

- Phase I - FY 2023-27: PTD will begin purchasing BEB and FCEB vehicles to initiate the acquisition and testing of the City's ZEB sub-fleet, while also purchasing a mix of hybrid-electric buses (HEB) and CNG-fueled buses in the initial years to ensure the fleet continues to provide reliable service year-round for our transit riders. The acquisition of low-emission (natural gas) buses will be phased out within the first three years of the plan. As part of citywide efforts to begin transitioning the City's fleets to electric vehicle options, a facilities and infrastructure study has also been initiated as part of Phase I to determine the needs of current and future transit facilities. Staff will return to Council with detailed information and costs regarding these capital investments at a later date. As a result, this study will provide a cost estimate for PTD's Capital Improvement Program (CIP) program. Phase I includes infrastructure improvements in order to fuel the ZEBs, which is anticipated to be partially funded through the Bipartisan Infrastructure Law.
- Phase II - FY 2028-40: Once the evaluation of ZEB vehicles is complete, PTD will continue converting the heavy-duty fleet to 100 percent ZEBs.

*WORKFORCE TRAINING*

PTD is poised to leverage both existing and new resources to train and develop the existing workforce, while building the foundation for a sustainable source of incoming workers to ensure the success of ZEB deployment. Training will include a comprehensive curriculum, detailed schedule, and occur in various formats to support diverse learner needs, such as in-person instructor-led sessions, hands-on exercises, computer-based training, knowledge checks, reference materials, and operational manuals.

**Procurement Information**

PTD and Finance Department staff have been working to procure new ZEBs by cooperative purchasing agreements through the State of Washington. Additionally, an RFP solicitation was issued by PTD earlier this year for the contractual purchase of ZEBs. Both the cooperative purchasing agreements and the RFP solicitation are expected to be completed by first quarter 2023. During this process, PTD staff was informed by various bus manufacturers that no ZEBs or HEBs can be delivered prior to

calendar year 2025 because of ongoing supply chain disruptions and the resulting backlog of buses already ordered. Due to these lead times, PTD has adjusted its bus procurements to ensure the arrival of buses as quickly as possible to maintain the existing fleet by replacing buses that have met the end of their useful lives.

Bus costs: Current estimated costs for each bus type are as follows:

- 40-foot BEB - $1.1 million
- 40-foot FCEB - $1.2 million
- 40-foot HEB - $750,000
- 40-foot CNG - $551,000

The following is a projected schedule of replacement bus purchase orders during Phase I:

FY 2022-23

- 40-foot BEB - 6
- 40-foot FCEB - 6
- 40-foot HEB - 20
- 40-foot CNG - 18

Total estimated cost: $38.7 million for 50 buses

FY 2023-24

- 40-foot BEB - 6
- 40-foot FCEB - 6
- 40-foot HEB - 25
- 40-foot CNG - 17

Total estimated cost: $41.9 million for 54 buses

FY 2024-25

- 40-foot BEB - 10
- 40-foot FCEB - 10
- 40-foot HEB - 8
- 40-foot CNG - 0

Total estimated cost: $29.0 million for 28 buses

FY 2025-26

- 40-foot BEB - 10

- 40-foot FCEB - 10
- 40-foot HEB - 8
- 40-foot CNG - 0

Total estimated cost: $29.0 million for 28 buses

FY 2026-27

- 40-foot BEB - 12
- 40-foot FCEB - 20
- 40-foot HEB - 8
- 40-foot CNG - 0

Total estimated cost: $43.2 million for 40 buses

At the completion of Phase I, PTD's zero/near-zero fleet will consist of the following:

- 44 BEBs
- 52 FCEBs
- 69 HEBs

By the end of Phase I, PTD will have purchased 96 ZEBs and 69 HEBs, accounting for one-third of the total fleet, with additional plans for ZEB infrastructure at both the South and West bus operations and maintenance facilities to support these new vehicles. For the first two years of Phase I, PTD will reduce its typical annual order of 40 CNG buses to 18 and 17, respectively. However, given the long lead times for the delivery of ZEBs and HEBs, PTD may need to retain a contingent of CNG buses beyond their useful life until ZEB and HEB replacements are received. This is due to the fact that lead times for the manufacture and delivery of CNG buses is between 12 to 14 months, while ZEB and HEB lead times are over 24 months.

Phase II of the plan will not include the purchase of any low-emission (i.e., natural gas) buses, but will focus on the continued acquisition of ZEBs. All procurements starting in FY 2028 will be ZEBs and ZEB-related infrastructure, with the specific ZEB-types to be determined following the results of Phase I evaluations and anticipated technological improvements in ZEB range and efficiency.

**Financial Impact**

The anticipated cost of buses ordered during Phase I is $182 million: $48.4 million for BEB, $62.4 million for FCEB, $51.8 million for HEB, and $19.3 million for CNG. Buses are funded with federal and regional funds.

All buses will be purchased utilizing future contract awards and CIP budgets.

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 76

## Contract Amendment for Market Rate Adjustment to Transdev Services, Inc. Fixed Route Transit Services Agreement (Ordinance S-49269)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 152502 with Transdev Services, Inc. to address wage rate challenges in the regional labor market for bus operators, mechanics, and utility workers. The contract amendment will result in $20,856,956 of additional costs. The existing cost savings for the contract will offset this increase, leaving the contract's total not-to-exceed amount of $790,191,716 unchanged.

### Summary

Ongoing challenges in the labor market have made it difficult for many industries to hire and retain workers. The workforce shortage is especially acute for the transit industry. In February 2022, the American Public Transportation Association conducted a survey of its member transit agencies. Key takeaways from that survey include:

- 92 percent stated they are having difficulty hiring new employees, with bus operations positions being the most difficult to fill.
- 66 percent indicated they are having difficulty retaining employees.
- 71 percent said they have either had to cut services or delay service increases because of worker shortage issues.
- 52 percent have increased their starting pay in response to worker shortages.
- 38 percent have implemented sign-on bonuses, 39 percent implemented referral bonuses, and 17 percent have implemented retention bonuses.

In June 2020, Phoenix City Council awarded the North and South Transit Facilities Fixed Route Services contract to Transdev Services, Inc. (Transdev) and provides local and circulator bus service throughout the region. The five-year contract started July 1, 2020, and continues through June 30, 2025, with a two-year option to extend the agreement through June 30, 2027. The City may also extend on a month-to-month basis for up to six months beyond the five-year initial term or two-year option term at its sole discretion. The contractor is responsible for all aspects of transit service provision including personnel administration, operations, and maintenance. Transdev also performs the selection and hiring of personnel qualified for the operations and maintenance of the facility, vehicles, and equipment.

Locally, Phoenix's fixed route transit operations contractors, including Transdev, have experienced operator, mechanic, and utility worker shortages since July 2020. This labor shortage has resulted in deficiencies in transit performance, including service delays and missed trips, as both contractors are finding it challenging to hire and retain personnel to complete service and maintenance to keep vehicles in a state of good repair. Prior to the pandemic, Transdev's percentage of missed service was consistently between 0.5 percent to one percent (between 5,000-10,000 miles) of scheduled miles a month. Since the pandemic, missed service has increased to between four percent and eight percent (45,000 to 90,000 miles) a month, with some months as high as eight percent (90,000 miles) missed a month. The resulting delays and missed service have also resulted in increased passenger complaints, climbing from an average of about 4.6 to 6.7 per 10,000 boardings.

Despite increased vacancy rates for bus operators and mechanics, Transdev has demonstrated a commitment to maintaining maximum service levels with an increased level of effort to recruit and retain staff, including instituting recruitment and retention bonuses, and attendance and performance bonuses for existing employees.

The preceding efforts have helped recruiting efforts by Transdev, but the company has a 3 percent vacancy rate for bus operators and 18 percent vacancy rate for their maintenance staff. Because the contract remains under-resourced, and transit performance levels continue to be adversely impacted, the City of Phoenix Public Transit and Valley Metro staffs have been working with the region's service providers to develop contract amendments to bring the wages into closer alignment with the current labor market.

Operating under similar labor circumstances, and experiencing unprecedented levels of missed service, the Valley Metro/Regional Public Transportation Authority and Valley Metro Rail boards recently approved contract increases for their bus and light rail operating contractors. Phoenix's review and acceptance of each contractor's price proposals would serve to help bring parity to transit personnel wage rates across the region.

**Financial Impact**
The increase in the cost per mile for the service modes (local and RAPID) for the remainder of each year of the contract is shown below.

<u>Contract Year 3</u>
LOCAL

- Original Cost Per Mile: $7.11
- Proposed Cost Per Mile: $7.3988

RAPID

- Original Cost Per Mile: $9.10 (rate for 30.01 percent to 40 percent decreased service)
- Proposed Cost Per Mile: $9.3888

Contract Year 4
LOCAL

- Original Cost Per Mile: $7.38
- Proposed Cost Per Mile: $7.6688

RAPID

- Original Cost Per Mile: $9.34 (rate for 30.01 percent to 40 percent decreased service)
- Proposed Cost Per Mile: $9.6288

Contract Year 5
LOCAL

- Original Cost Per Mile: $7.69
- Proposed Cost Per Mile: $7.9788

RAPID

- Original Cost Per Mile: $8.65
- Proposed Cost Per Mile: $8.9388

Contract Year 6
LOCAL

- Original Cost Per Mile: $7.90
- Proposed Cost Per Mile: $8.2138

RAPID

- Original Cost Per Mile: $8.88
- Proposed Cost Per Mile: $9.1938

Contract Year 7
LOCAL

- Original Cost Per Mile: $8.14
- Proposed Cost Per Mile: $8.4538

RAPID

- Original Cost Per Mile: $9.15
- Proposed Cost Per Mile: $9.4638

The amendment includes revised special event service and bus bridging pricing, should the City require ad hoc services during the term of the contract agreement. Such services vary in duration and are reimbursed at an hourly rate. Special event service and bus bridging cost considerations are already factored into the overall amended pricing.

Transdev operates over 14 million service miles on the City's behalf. As such, the proposed increase to the cost-per-mile equates to a $20,856,956 increase over the remaining 4.5 years of the contract. However, due to service reductions and service not operated due to the pandemic, there are cost savings in the contract to offset the increase. The original contract value is in an amount not to exceed $790,191,716 for seven years, therefore there is sufficient contract authority to absorb the increased cost. The wage rate and contract amendment would take effect retroactively on Dec. 1, 2022.

Due to budget savings from missed Fixed Route service, the FY 2022-23 budget will be unaffected by this price change.

**Concurrence/Previous Council Action**
The Citizens Transportation Commission recommended approval of this item on Nov. 17, 2022, by a vote of 9-0.

The City Council previously approved the North/South Transit Facilities Fixed Route Services agreement with Transdev Services, Inc. on May 6, 2020 (Ordinance S-46592).

**Responsible Department**
This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 77

## Contract Amendment for Market Rate Adjustment to First Transit, Inc. Fixed Route Transit Services Agreement (Ordinance S-49272)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 146890 with First Transit, Inc. to address wage rate challenges in the regional labor market for bus operators, mechanics, and utility workers. Further request to exercise the two-year option to extend the agreement through June 30, 2025, including the amended contract rate pricing. The contract amendment will result in additional costs of $7,549,730. Further request to authorize the City Controller to disburse all funds related to this item. The contract's total not-to-exceed amount will increase to $303,838,157.

### Summary

Ongoing challenges in the labor market have made it difficult for many industries to hire and retain workers. The workforce shortage is especially acute for the transit industry. In February 2022, the American Public Transportation Association conducted a survey of its member transit agencies. Key takeaways from that survey include:

- 92 percent stated they are having difficulty hiring new employees, with bus operations positions the most difficult to fill.
- 66 percent indicated they are having difficulty retaining employees.
- 71 percent said they have either had to cut services or delay service increases because of worker shortage issues.
- 52 percent have increased their starting pay in response to worker shortages.
- 38 percent have implemented sign-on bonuses, 39 percent implemented referral bonuses, and 17 percent have implemented retention bonuses.

In January 2018, Phoenix City Council awarded the West Transit Facility Fixed Route Services contract to First Transit, Inc. and provides local and circulator bus service throughout the region. The five-year contract started July 1, 2018, and continues through June 30, 2023, with a two-year option to extend the agreement through June 30, 2025. The contractor is responsible for all aspects of transit service provision including personnel administration, operations, and maintenance. First Transit also performs the selection and hiring of personnel qualified for the operations and maintenance of the facility, vehicles, and equipment.

Locally, Phoenix's fixed route transit operations contractors, including First Transit, have experienced operator, mechanic, and utility worker shortages since July 2020. This labor shortage has resulted in deficiencies in transit performance, including service delays and missed trips, as both contractors are finding it challenging to hire and retain operators to complete service and maintenance personnel to keep vehicles in a state of good repair. Prior to the pandemic, First Transit's percentage of missed service was consistently between 0.5 percent to one percent (between 3,000-5,000 miles) of scheduled miles a month. Since the pandemic, missed service has increased to between four percent and eight percent (23,000 to 46,000 miles) a month, with some months as high as 10 percent (55,000 miles) missed a month. The resulting delays and missed service have also resulted in increased passenger complaints, climbing from an average of about 4.6 to 6.7 per 10,000 boardings.

Despite increased vacancy rates for bus operators and mechanics, First Transit has demonstrated a commitment to maintaining maximum service levels with an increased level of effort to recruit and retain staff, including instituting recruitment and retention bonuses, and attendance and performance bonuses for existing employees.

The preceding efforts have helped recruiting efforts by First Transit, but the company has a 7 percent vacancy rate for bus operators and 12 percent vacancy rate for their maintenance staff. Because the contract remains under-resourced, and transit performance levels continue to be adversely impacted, the City of Phoenix Public Transit and Valley Metro staffs have been working with the region's service providers to develop contract amendments to bring the wages into closer alignment with the current labor market.

Operating under similar labor circumstances, and experiencing unprecedented levels of missed service, the Valley Metro/Regional Public Transportation Authority and Valley Metro Rail boards recently approved contract increases for their bus and light rail operating contractors. Phoenix's review and acceptance of each contractor's price proposals would serve to help bring parity to transit personnel wage rates across the region.

**Financial Impact**

The increase in the cost per mile (local) for the for the remainder of each year of the contract is shown below. Bus operator wage rates in the West Valley have historically trailed the rest of the region due to differences in contracting cycles and differing costs of living.

Contract Year 5
LOCAL

- Original Cost Per Mile: $6.634
- Proposed Cost Per Mile: $7.198

Contract Year 6
LOCAL

- Original Cost Per Mile: $6.898
- Proposed Cost Per Mile: $7.482

Contract Year 7
LOCAL

- Original Cost Per Mile: $7.199
- Proposed Cost Per Mile: $7.811

The amendment includes revised special event service and bus bridging pricing, should the City require ad hoc services during the term of the contract agreement. Such services vary in duration and are reimbursed at an hourly rate. Special event service and bus bridging cost considerations are already factored into the overall amended pricing.

First Transit operates over 6.5 million service miles on the City's behalf. As such, the proposed increase to the cost per mile equates to a $7,549,730 increase over the remaining 2.5 years of the contract, necessitating a need to increase the contract authority by this amount.

The original contract funding is in an amount not to exceed $296,288,427 for seven years, with the contract amendment bringing the contract total to $303,838,157. The wage rate and contract amendment would take effect retroactively on Dec. 1, 2022.

Due to budget savings from missed Fixed Route service, the FY 2022-23 budget will be unaffected by this price change.

**Concurrence/Previous Council Action**
The Citizens Transportation Commission recommended approval of this item on Nov. 17, 2022, by a vote of 9-0.

The City Council previously approved the West Transit Facility Fixed Route Services agreement with First Transit, Inc. on Jan. 24, 2018 (Ordinance S-44210).

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 78

## Contract Amendment for Market Rate Adjustment to MV Transportation, Inc. Paratransit Services Agreement (Ordinance S-49273)

Request to authorize the City Manager, or his designee, to execute an amendment to Agreement 155931 with MV Transportation, Inc. (MV) to address wage rate challenges in the regional labor market for paratransit operators, mechanics, and utility workers. The contract amendment will result in additional costs of $3,053,666. Further request to authorize the City Controller to disburse all funds related to this item. The contract's total not-to-exceed amount will increase to $156,508,261.

### Summary

Ongoing challenges in the labor market have made it difficult for many industries to hire and retain workers. The workforce shortage is especially acute for the transit industry. In February 2022, the American Public Transportation Association conducted a survey of its member transit agencies. Key takeaways from that survey include:

- 92 percent stated they are having difficulty hiring new employees, with bus operations positions the most difficult to fill.
- 66 percent indicated they are having difficulty retaining employees.
- 71 percent said they have either had to cut services or delay service increases because of worker shortage issues.
- 52 percent have increased their starting pay in response to worker shortages.
- 38 percent have implemented sign-on bonuses, 39 percent implemented referral bonuses, and 17 percent have implemented retention bonuses.

In March 2022, Phoenix City Council awarded the Paratransit Services contract to MV. The contract term is for a five-year base period starting July 1, 2022 and continuing through June 30, 2027. In addition to the initial term, there is a two-year option to extend the agreement through June 30, 2029.

MV provides paratransit services to the residents of Phoenix. The contractor is responsible for all aspects of paratransit service provision including personnel administration, operations, and vehicle maintenance. MV also performs the selection and hiring of personnel qualified for the operations and maintenance of the facility, vehicles, and equipment.

Locally, Phoenix's paratransit services contractor, MV, has experienced operator, mechanic, and utility worker shortages since July 2020. This labor shortage has resulted in deficiencies in transit performance, including decreased on-time performance and reduced call center performance during and following the pandemic.

Despite increased vacancy rates for bus operators and mechanics, MV has demonstrated a commitment to maintaining maximum service levels with an increased level of effort to recruit and retain staff, including instituting recruitment and retention bonuses, and attendance and performance bonuses for existing employees.

The preceding efforts have helped recruiting efforts by MV, but the company has a 3 percent vacancy rate for operators and 29 percent vacancy rate for maintenance staff. Because the contract remains under-resourced, and transit performance levels continue to be adversely impacted, the City of Phoenix Public Transit and Valley Metro staffs have been working with the region's service providers to develop contract amendments to bring the wages into closer alignment with the current labor market.

Operating under similar labor circumstances, and experiencing historic levels of missed service, Valley Metro/Regional Public Transportation Authority and Valley Metro Rail boards recently approved contract increases (and associated operator wage rate increases) for their bus, rail, and paratransit operating contractors. Phoenix's consideration and acceptance of MV's price proposal would serve to bring parity to transit personnel wage rates across the region.

**Financial Impact**

The increase in the cost per service hour and fixed costs of components for the remainder of each year of the contract is shown below.

<u>Contract Year 1</u>

- Original Cost Per Service Hour: $33.48
- Proposed Cost Per Service Hour: $34.35
- Increase in Fixed Costs of Components: 1.484 percent

<u>Contract Year 2</u>

- Original Cost Per Service Hour: $33.94
- Proposed Cost Per Service Hour: $34.81
- Increase in Fixed Costs of Components: 1.479 percent

Contract Year 3

- Original Cost Per Service Hour: $34.71
- Proposed Cost Per Service Hour: $35.59
- Increase in Fixed Costs of Components: 1.473 percent

Contract Year 4

- Original Cost Per Service Hour: $35.76
- Proposed Cost Per Service Hour: $36.67
- Increase in Fixed Costs of Components: 1.470 percent

Contract Year 5

- Original Cost Per Service Hour: $37.02
- Proposed Cost Per Service Hour: $37.96
- Increase in Fixed Costs of Components: 1.459 percent

Contract Year 6

- Original Cost Per Service Hour: $38.54
- Proposed Cost Per Service Hour: $39.51
- Increase in Fixed Costs of Components: 1.486 percent

Contract Year 7

- Original Cost Per Service Hour: $39.94
- Proposed Cost Per Service Hour: $40.95
- Increase in Fixed Costs of Components: 1.476 percent

MV operates over 320,000 service hours annually on the City's behalf. As such, the proposed increase to the cost per service hour equates to $3,053,666 over the life of the contract, necessitating a need to increase the contract authority by this amount.

The original contract funding is in an amount not to exceed $153,454,595 for seven years, with the contract amendment bringing the contract total to $156,508,261. The wage rate and contract amendment would take effect retroactively on Dec. 1, 2022.

Due to budget savings from missed Fixed Route service, the FY 2022-23 Budget will be unaffected by this price change.

**Concurrence/Previous Council Action**
The City Council previously approved the Paratransit Services (Phoenix Dial-a-Ride)

agreement with MV Transportation, Inc. on March 2, 2022 (Ordinance S-48370).

**Responsible Department**
This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 79

## Solid Waste Yard Container Management Services Agreement (Ordinance S-49247)

Request to authorize the City Manager, or his designee, to enter into an agreement with Cart One, LLC, for the cleaning, organizing, repair, and management of refuse and recycle containers at the City's solid waste container yards. Further request to authorize the City Controller to disburse all funds related to this item. The total value of the agreement will not exceed $955,642.

### Summary

The Public Works Department Solid Waste Division is responsible for the proper storage, maintenance, repair, and tracking of various refuse and recycle containers. Currently, more than 700,000 containers are in service and this agreement will provide management of the container yards that includes cleaning, organizing, and repairing the containers as needed. This will help maintain a quick turnaround time for staff to place the containers back into service. This agreement will also maintain the inventory of the containers so they can be placed back into service, sent for warranty, or recycled due to the end of lifecycle.

### Procurement Information

Invitation for Bid (IFB) 23-SW-027 was conducted in accordance with Administrative Regulation 3.10. Three offers were received by the Public Works Department Procurement Services Division on Oct. 12, 2022. The offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and responsibility to provide the required services. The offer submitted by Cart One, LLC was deemed fair and reasonable.

Cart One, LLC: $28.70 bid total

### Contract Term

The initial one-year term of the agreement will begin on or about Jan. 1, 2023. The agreement will include four one-year options to extend the term, for a total agreement term of up to five years if all options are exercised.

## Financial Impact

The aggregate value of the agreement, including all option years, is $955,642, including all applicable taxes. Funding is available in the Public Works Department's budget.

## Location

Salt River Service Center - 3045 S. 22nd Ave.
Employee Driver Training Academy - 3535 S. 35th Ave.
27th Avenue Transfer Station - 3060 S. 27th Ave.
Union Hills Service Center - 138 E. Union Hills Drive
Council Districts: 2 and 7

## Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 80

## Fuel System Service and Parts Contract Amendment (Ordinance S-49258)

Request to authorize the City Manager, or his designee, to allow additional expenditures under contracts with Eaton Sales and Service, LLC (Contract 150183) and Northwest Pump and Equipment Co. (Contract 150178) to provide fuel system maintenance, service, and parts for the Public Works Department. Further request authorization for the City Controller to disburse all funds related to this item. The additional expenditures will not exceed $125,000.

### Summary

These contracts ensure City refueling stations are maintained in the best operational condition and in compliance with county, state, and federal regulations. There are currently 85 fuel facilities that include 76 underground storage tanks and 87 above ground storage tanks in operation. These contracts perform inspections, maintenance and various testing for potential leaks and hazardous waste spills. The additional expenditures are needed to support unforeseen fuel site repairs at the city's aging fuel sites, many of which now exceed 20 years of service life.

### Contract Term

The initial one-year term of the contracts began on July 1, 2019, with four one-year options to extend, for a total contract term of up to five years.

### Financial Impact

Upon approval of $125,000 in additional funds for the Public Works Department, the revised aggregate value of the contract will not exceed $775,000. Funds are available in the Public Works Department's budget.

### Concurrence/Previous Council Action

The City Council previously approved:
Fuel System Service and Parts Contracts 150183 and 150178 (Ordinance S-45681) on June 5, 2019.

### Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 81

# Contract Amendment with Ameresco, Inc. for SR85 Landfill Gas Processing (Ordinance S-49261)

Request to authorize the City Manager, or his designee, to amend Contract 153826, Ameresco, Inc. (Ameresco), or its City-approved designee for landfill gas-to-energy development. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

## Summary

Landfill gas has been collected at the SR85 Landfill since 2006. Under this agreement, Ameresco will take the gas collected at the landfill, convert it to energy and sell it. Ameresco will return to the City a percentage of gross revenue derived from sales. Actual revenues will depend on a number of factors, including landfill gas quantity and quality, processing costs and market conditions.

By amending this agreement, the City agrees to share 20 percent of costs associated for a one-time design and installation of vertical wells for the third liquids return line, and Ameresco, Inc. agrees to cover the remaining 80 percent. This cost share arrangement is consistent with the revenue share. The City's 20 percent share of costs would be deducted annually from the landfill gas payments, which are expected to be higher as a result of the installation of these additional landfill gas collection wells. The City will not be providing any upfront costs and Ameresco, Inc. will be responsible for the work completion.

## Contract Term

The initial contract term is 20 years, with five two-year options, which may be exercised by the City Manager or his designee.

## Financial Impact

There is no cost to the City for this agreement. The City's 20 percent share of costs would be deducted annually from the landfill gas payments. The City will not be providing any upfront costs and Ameresco, Inc. will be responsible for the work completion.

## Concurrence/Previous Council Action

Contract 153826 was approved by City Council on July 6, 2017 (Ordinance S-43776).

## Location

The SR85 Landfill is located at 28361 W. Patterson Road, Buckeye, Ariz.
Council District: Out of City

## Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 82

## Intergovernmental Agreement with Flood Control District of Maricopa County for 27th Avenue and Olney Avenue Storm Drain Project - Amendment 3 (Ordinance S-49253)

Request to authorize the City Manager, or his designee, to amend Intergovernmental Agreement (IGA) 148280 with the Flood Control District of Maricopa County for the 27th Avenue and Olney Avenue Storm Drain Project. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The request is to amend the original IGA to increase the overall estimated cost of the project and to modify the cost share agreement between the City of Phoenix and the Flood Control District of Maricopa County. The City's increased additional costs are $1,440,792.68, and the City's contribution to the total project costs will not exceed $7 million.

### Summary

In late 2015, the Flood Control District of Maricopa County (FCDMC), in partnership with the City of Phoenix (City), initiated a study to update the Laveen Area Drainage Master Plan for the South Phoenix/Laveen area using mapping and comprehensive flood model software. One of the projects identified through that study effort was the 27th Avenue and Olney Avenue Storm Drain project. The storm drain project will construct a 72-inch diameter storm drain in Olney Avenue from about 24th Drive west to 27th Avenue, then north on 27th Avenue to the existing 27th Avenue and South Mountain Avenue regional basin. This storm drain would have inlets at multiple locations along Olney Avenue and 27th Avenue to intercept drainage, including a large inlet for the subdivision retention basin just south of the Western Canal. The FCDMC has been leading development of the storm drain project through the design phase and will manage project construction.

The terms of the original IGA entered into between the City and the FCDMC in 2018 include a 50/50 joint cost share for project development, including design, right of way acquisition, temporary construction easements, utility relocations, storm drain construction, construction management, post design, materials testing, and other related costs necessary to implement the 27th Avenue and Olney Avenue Storm Drain Project.

The FCDMC completed final design for the project and solicited construction bids through a fully open and competitive process. The FCDMC received five construction bids on the project, and the low bidder submitted a bid that was nearly 30 percent higher than the engineer's estimate.

The total estimated cost of the project has increased significantly since 2015. The increased costs are primarily due to higher construction labor and material costs, but also due to construction phasing and access issues that were identified through the design process. The current total project cost estimate is $18,092,471.50. Based on the terms of the IGA, the City's total contribution to the project would be $9,046,235.75, which represents a significant cost increase and has exceeded the City's project budget and estimated project contribution.

Therefore, the FCDMC and City agreed to modify the project cost share for a portion of the increased project costs and to apply cost savings from another FCDMC project, all in an effort to reduce the City's additional contribution to the project. Together, these significantly reduce the City's contribution to the project to less than the original 50/50 cost share.

**Financial Impact**

The current total project costs for the 27th Avenue and Olney Avenue Storm Drain Project are $18,092,471.50. Based on the original 50/50 cost share terms of the IGA, the City's portion of the project costs would be $9,046,235.75. Due to these increased costs, the FCDMC has agreed to cover $2,095,557.10 of the City's share of the total project costs. The City's contribution is not anticipated to exceed $7 million.

In 2011, the FCDMC and City entered into an IGA for the $14 million Durango Regional Conveyance Channel (DRCC) project, and included a City contribution of $5.5 million. The DRCC project was completed and realized a savings of $2,559,207.32 to the City's approved contribution. The FCDMC agreed to apply these savings as a credit to the City's portion of the 27th Avenue and Olney Avenue Storm Drain Project costs, further reducing the City's contribution to $4,391,471.33.

With the City's initial $3 million estimated contribution to the project approved with the IGA, an additional $1,391,471.33 is now required to fund the City's contribution to the 27th Avenue and Olney Avenue Storm Drain Project. The request for $1,440,792.68 includes the required amount of the City's contribution, plus an additional $49,321.35 as an allowance for any potential change orders.

These funds are available in the Street Transportation Department's capital improvement program budget to cover these additional costs.

## Concurrence/Previous Council Action

- The Transportation and Infrastructure Subcommittee recommended Council approval to enter into IGA 148280 for the 27th Avenue and Olney Avenue Storm Drain project, including a City contribution of $3 million, at its Feb. 13, 2018 meeting by a vote of 4-0.
- The City Council approved entering into IGA 148280 for the 27th Avenue and Olney Avenue Storm Drain Project, including a City contribution of $3 million, on March 7, 2018 (Ordinance S-44314).
- The City Council approved Amendment 1 to IGA 148280 for the 27th Avenue and Olney Avenue Storm Drain Project to allow the City to advance construct three storm drainage basins ahead of the rest of the Project on March 20, 2019 (Ordinance S-45471).
- The City Council approved Amendment 2 to IGA 148280 for the 27th Avenue and Olney Avenue Storm Drain Project to reflect an increase in the estimated cost of the project, to apply the DRCC credit to the City's share of project costs, and for FCDMC to perform right-of-way and easement acquisition for the project on June 24, 2020 (Ordinance S-46790).

## Location

The project is generally located along Olney Avenue and 27th Avenue going north to the 27th Avenue and South Mountain Avenue Regional Drainage Basin.
Council District: 8

## Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department, and the Office of the City Engineer.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 83

## Shared Micromobility Revenue Contract Solicitation - Request for Award - RCS 63-2213 (Ordinance S-49256)

Request to authorize the City Manager, or his designee, to 1) enter into separate agreements with Neutron Holdings, Inc. d/b/a Lime, and Skinny Labs, Inc. d/b/a Spin, to provide shared micromobility services to include electric bikes, electric scooters, adaptive transportation options, and pedal bikes in Phoenix; and 2) authorize one additional Street Transportation Department position funded by permit and ridership revenues paid to the City through the agreements. Further request to authorize the City Treasurer to accept, and the City Controller to disburse, all funds related to this item. The gross revenues, based on ridership over the five-year aggregate term is estimated to result in $1 million in revenue to the City.

Additionally, request the City Council to grant an exception to Phoenix City Code section 3-8 to allow off-site (off-premise) advertising on the parking corral areas and on the micromobility units within the public right-of-way.

### Summary

Since September 2019, Phoenix has been operating a Downtown Shared Electric Scooter Pilot Program (E-Scooter Program), which has logged over 328,000 trips. City Council and downtown stakeholders have expressed a desire for a permanent program and the return of bike share. Based on this feedback, the Street Transportation Department (Streets) developed a Shared Micromobility Program which will diversify transportation options and promote active transportation while also generating additional revenue to the City.

Building on the success of the E-Scooter Program, award of these contracts will add traditional bicycles, electric bikes (e-bikes), adaptive vehicles, and increase the overall fleet cap. The new program will include requirements to address equity, safety, and parking concerns. The operational boundaries will be expanded beyond the current downtown E-Scooter Program boundaries. The initial phase will cover the area shown in **Attachment A**. With the expansion of the operating area of the shared micromobility program, the current boundaries for the E-Scooter Program will continue to utilize the established parking corrals. However, in the expanded operational areas, shared micromobility devices will be parked with lock-to requirements. Under the terms of the

agreement, each contractor will provide and maintain parking corrals in the downtown core, as well as micromobility racks outside of the downtown core. In order for the program to remain cost neutral to the City, revenue will be used to cover the cost of staff time and resources used to manage the program. Additional revenue will go toward bike infrastructure and expansion of the program.

With a few exceptions, Phoenix City Code section 3-8 prohibits advertising in public right-of-way. The shared micromobility units that will be operated and maintained by Lime and Spin will be installed in the public right-of-way. As approved, the parking corrals in the public right-of-way would be granted an exception to Phoenix City Code section 3-8 to allow off-site (off-premise) advertising.

**Procurement Information**

Streets issued a Revenue Contract Solicitation (RCS) for shared micromobility services on Sept. 9, 2022. Four firms responded to RCS 63-2213 on Oct. 17, 2022; three of them are incumbents of the existing E-Scooter Program. Following a review of the proposals, in consideration of the RCS criteria, the evaluation panel deemed Lime and Spin to have the most responsive and responsible proposals.

The selection was made using a competitive procurement process in accordance with Phoenix City Code chapter 43 and Administrative Regulation 3.10.

The evaluation panel consisted of staff from the Public Transit, Street Transportation, and Community and Economic Development departments and a representative from Downtown Phoenix, Inc. Each proposal was evaluated and scored on the following criteria (1,000 total possible points):

- Method of Approach - 400 Points
- Equity - 200 Points
- Company's Experience, Operations Team, and Staffing - 175 Points
- Program Financing - 100 Points
- Marketing and Community Engagement - 75 Points
- Data - 50 Points

The evaluation committee recommendations were reached by consensus in consideration of the published selection criteria. The results are as follows:

<u>Selected Firms</u>
Skinny Labs, Inc. d/b/a Spin: Rank 1
Neutron Holdings, Inc. d/b/a Lime: Rank 2

Additional Proposers
Bird Rides, Inc.: Rank 3
GBike USA, Inc.: Rank 4

**Contract Term**
The initial term will be for three years, with an option for one two-year extension.

**Financial Impact**
This is a revenue-generating contract only with no capital outlay required by the City. The minimum annual permit fee is $15,000 per firm and a trip surcharge fee not to exceed 25 cents per trip, per Phoenix City Ordinance G-6835, subject to change should Council adopt a different fee structure. Based on ridership estimates, over $1 million of revenue is anticipated over the life of the contract with extensions included.

All expenses will be borne by the selected firms. Streets will utilize the annual revenues to cover the costs of the additional staff time for the City to manage, administer, and grow the program.

The one additional Streets position requested will be funded entirely by revenues paid to the City through the Shared Micromobility agreements. Any additional ridership or advertising revenues are anticipated to be used by Streets for downtown area street-related projects and expansion of the program.

**Concurrence/Previous Council Action**
The Transportation, Infrastructure and Planning Subcommittee:

- Was provided an update on the Comprehensive Micromobility Program on Oct. 20, 2021; and
- Recommended approval to issue a solicitation for the program on April 20, 2022, by a vote of 4-0.

The City Council:

- Approved staff to move forward with the procurement process for a Comprehensive Micromobility Program on May 11, 2022.

The Economic Development and Equity Subcommittee:

- Was provided an update on this item on Dec.13, 2022.

**Public Outreach**
Staff conducted extensive outreach in November 2021 to gather feedback from the

community on the proposed program. Streets staff collected 209 responses through the online survey and recorded over 830 dot poll interactions from community members at four in-person outreach events. The public strongly supports a boundary expansion with the implementation of new parking requirements.

**Location**
Council Districts: 7 and 8

**Responsible Department**
This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.

Attachment A

# Micromobility Program Boundary

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 84

## Licensing for Bridge Management Software - American Association of State Highway and Transportation Officials - Amendment (Ordinance S-49279)

Request to authorize the City Manager, or his designee, to amend an existing agreement with the American Association of State Highway and Transportation Officials (AASHTO) for bridge management software licensing for the Street Transportation Department in an amount not to exceed $47,000 for one year. Further request authorization for the City Controller to disburse all funds related to this item.

Additionally, request the City Council to grant an exception to Phoenix City Code section 42-18 to allow the city under Phoenix City Code section 42-20 to limit its rights to legal redress or compensation by waiving specific indemnity, insurance, and venue rights under the continuation of this agreement.

### Summary

The AASHTOWare Bridge Rating analytical software allows the City to perform bridge load ratings for determining maintenance needs, assuring public safety, scheduling retrofit or replacement elements, and assessing overload for Federal reporting purposes. The City has utilized this software and has renewed the software license annually for the last 10 years. This request will authorize the City to enter into an agreement for the next year of software products and license usage until the City executes a cooperative agreement with the Arizona Department of Transportation (ADOT) for sharing of information. ADOT currently uses AASHTOWare for the same purposes. Consolidating efforts and sharing information will provide operational efficiencies and savings to the City upon license renewal.

With few exceptions, Phoenix City Code section 42-18 prohibits the City from limiting its rights to legal redress for negligence, product liability, design defects, and other similar conduct exposing the City to a potential loss of property or personal injury damages recoverable by law. Notwithstanding, the City Attorney may act in the best interest of the City where indicated and Phoenix City Code section 42-20 allows for the City to provide coverage of any claim brought against the City through self-insurance with council approval.

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

## Financial Impact

The total estimated cost, which includes one year of license usage fees, is an amount not to exceed $47,000. Funds are available in the Street Transportation Department's budget.

## Concurrence/Previous Council Action

The City Council previously approved the licensing agreement for use of the AASHTOWare Bridge Rating analytical software on March 18, 2020 (Ordinance S-46445).

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 85

## Odor and Corrosion Control Services - Amendment (Ordinance S-49242)

Request to authorize the City Manager, or his designee, to execute amendment to Agreement 139903 with EWT Holdings III Corporation to provide additional time and funding to the agreement. Further request to authorize the City Controller to disburse all funds related to this item. The additional expenditures included in this amendment will not exceed $5,800,000.

### Summary

The purpose of the amendment is to extend the term of the agreement for an additional two years to continue to provide chemicals, services, methodology, supplies and equipment necessary for an odor and corrosion control program for specific target locations as determined by the City. The additional time and funds will allow EWT Holdings III Corporation (EWT) to continue to provide the required goods and services necessary to prevent disruption in maintaining a proper odor and corrosion control program for the City of Phoenix Water Services Department.

Procurement has conducted a thorough evaluation of influential market prices and the supply/demand challenges facing the industries related to this agreement. Due to rising costs in the market for the goods and services provided through this agreement, Procurement has determined that an extension with EWT in lieu of a new solicitation will allow for minimal disruption in maintaining the required services at a fiscally responsible cost.

### Agreement Term

The amendment will extend the end date of the agreement term from Dec. 30, 2022 to Dec. 30, 2024.

### Financial Impact

The initial authorization for Odor and Corrosion Control Services was for an expenditure not-to-exceed $10,097,717.88. An amendment increased the authorization for the agreement by $6,500,000. This amendment will increase the authorization for the agreement by an additional $5,800,000, for a new total not-to-exceed agreement value of $22,397,717.88.

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

## Concurrence/Previous Council Action

The City Council approved:

- Odor and Corrosion Control Services Agreement 139903 (Ordinance S-41365) on Dec. 17, 2014;
- Odor and Corrosion Control Services Amendment (Ordinance S-46059) on Oct. 2, 2019.

## Responsible Department

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 86

## Citywide General Construction Job Order Contracting Services - Amendment - 4108JOC209 (Ordinance S-49283)

Request to authorize the City Manager, or his designee, to execute an amendment to authorize execution of a Job Order Agreement under Master Agreement 156749 with BRYCON Corporation in an amount up to $12 million for the Homeless Solutions Navigation Center project. Further request to authorize execution of amendments to Master Agreement 156749 as necessary within the City Council-approved expenditure authority as provided below, and for the City Controller to disburse all funds related to this item. The total fee for services will not exceed $12 million. The job order agreement amount will not change the original Master Agreement Council-approved not-to-exceed amount.

### Summary

The purpose of this project is to provide construction of the Navigation Center to include shelter spaces, modular facilities, and supporting infrastructure.

The Office of Homeless Solutions has architectural and engineering designs to construct a warm shell, insulated congregate shelter space along with supporting modular facilities for showers and restrooms to offer respite, sleeping quarters, and services infrastructure for individuals experiencing homelessness.

This amendment is necessary because the use of the JOC construction services contract allows the City to address the timeline requirements and specialized aspects of the project. This amendment will allow for issuance of a job order agreement to BRYCON Corporation for an amount not to exceed $12 million for the Homeless Solutions Navigation Center project. The JOC contractor will still be responsible for fulfilling the Small Business Enterprise program requirements.

### Contract Term

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

## Financial Impact

- The initial master agreement for Job Order Contracting (JOC) Services was approved for an amount not-to-exceed $15 million, including all subcontractor and reimbursable costs.

Funding for this amendment is available from the Arizona Department of Housing and the American Rescue Plan Act. The Budget and Research Department will separately review and approve funding availability prior to the execution of any amendments. Payments may be made up to agreement limits for all rendered agreement services, which may extend past the agreement termination.

## Concurrence/Previous Council Action

The City Council approved:

- Master Agreement 156749 (Ordinance S-48850) on July 1, 2022.

## Location

3000 S. 22nd Ave.
Council District: 7

## Responsible Department

This item is submitted by Deputy City Managers Gina Montes and Mario Paniagua, the City Manager's Office, and the City Engineer.

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 87

# Final Plat - Deer Valley-Building A & B - PLAT 220051 - North of Alameda Road and East of 19th and 15th Avenues

Plat: 220051
Project: 21-3801
Name of Plat: Deer Valley-Building A & B
Owner: Deer Valley Industrial Venture, LLC
Engineer: Eric L. Sostrom, RLS
Request: A Two-Lot Commercial Plat
Reviewed by Staff: Aug. 31, 2022
Final Plat requires Formal Action Only

## Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment 210068. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

## Location

Generally located north of Alameda Road and east of 19th and 15th avenues
Council District: 1

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 88

## Final Plat - Deer Valley-Building C - PLAT 220052 - North of Alameda Road and East of 19th Avenue

Plat: 220052
Project: 21-3802
Name of Plat: Deer Valley-Building C
Owner: Deer Valley Industrial Venture, LLC
Engineer: Eric L. Sostrom, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: Aug. 31, 2022
Final Plat requires Formal Action Only

### Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment 210067. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

### Location

Generally located north of Alameda Road and east of 19th Avenue
Council District: 1

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 89

## Final Plat - 4338 W. Thomas Road - PLAT 220056 - 4338 W. Thomas Road

Plat: 220056
Project: 99-35022
Name of Plat: 4338 W. Thomas Road
Owner: Lekarz Rodzinny, LLC
Engineer: David S. Klein, RLS
Request: A Two-Lot Commercial Plat
Reviewed by Staff: Nov. 10, 2022
Final Plat requires Formal Action Only

### Summary

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

### Location

Generally located at 4338 W. Thomas Road
Council District: 4

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 90

## Final Map of Dedication - 59th Avenue Spectrum - MOD 220004 - 59th Avenue and North of Baseline Road

MOD: 220004
Project: 19-4395
Name of MOD: 59th Avenue Spectrum
Owner: Lines Brothers Land and Cattle, LLC
Engineer: Michael J. Thompson, RLS
Request: Map of Dedication
Reviewed by Staff: Nov. 14, 2022
Final Map of Dedication requires Formal Action Only

### Summary
Staff requests that the above map of dedication be approved by the City Council and certified by the City Clerk. Recording of the MOD dedicates the streets and easements as shown to the public.

### Location
Generally located on 59th Avenue and north of Baseline Road
Council District: 7

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 91

## Final Plat - 67th Avenue & Broadway - PLAT 220041 - Southwest Corner of 67th Avenue and Broadway Road

Plat: 220041
Project: 21-1876
Name of Plat: 67th Avenue & Broadway
Owner: BTR at 67th & Broadway, LLC
Engineer: Douglas B. Toney, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: Nov. 15, 2022
Final Plat requires Formal Action Only

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

### Location
Generally located at the southwest corner of 67th Avenue and Broadway Road
Council District: 7

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 92

## Final Plat - NEC of 7th Ave & McKinley - PLAT 220079 - Northeast Corner of 7th Avenue and McKinley Street

Plat: 220079
Project: 20-4407
Name of Plat: NEC of 7th Ave & McKinley
Owner: Danazl LLC; ARG Ventures, LLC; and Nuggets, LLC
Engineer: Jeffrey K. Bauer, RLS
Request: A One-Lot Commercial Plat
Reviewed by Staff: Nov. 16, 2022
Final Plat requires Formal Action Only

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

### Location
Generally located at the northeast corner of 7th Avenue and McKinley Street
Council District: 7

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 93

## Final Plat - Haven at Washington - PLAT 220030 - Northeast Corner of 11th Street and Jefferson Street

Plat: 220030
Project: 21-3857
Name of Plat: Haven at Washington
Owner: Haven at Washington, LLC
Engineer: Jared Hansmann, RLS
Request: A One-Lot Commercial Subdivision Plat
Reviewed by Staff: Nov. 14, 2022
Final Plat requires Formal Action Only

### Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment 220029. The sequence of recording is that the resolution of abandonment is recorded first, and the plat second.

### Location

Generally located at the northeast corner of 11th Street and Jefferson Street.
Council District: 8

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 94

## Final Plat - Sanctuary at South Mountain - PLAT 220074 - South of Olney Avenue and East of 22nd Avenue

Plat: 220074
Project: 06-1929
Name of Plat: Sanctuary at South Mountain
Owner: AMH Development, LLC
Engineer: Robert J. Blake, RLS
Request: A 46-Lot Residential Plat
Reviewed by Staff: Nov. 16, 2022
Final Plat requires Formal Action Only

### Summary

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

### Location

Generally located south of Olney Avenue and east of 22nd Avenue
Council District: 8

### Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 95

## Abandonment of Easement - ABND 220029 - Northeast Corner of Jefferson and 11th Streets (Resolution 22090)

Abandonment: ABND 220029
Project: 21-3857
Applicant(s): Richard Owen, Guefen Development Partners, Haven at Washington LLC
Request: To abandon a portion of the 25-foot public utility easement located between 11th and 12th and Washington and Jefferson streets, as illustrated in the attached exhibit.
Date of Decision/Hearing: June 3, 2022

### Location
Northeast corner of Jefferson and 11th streets
Council District: 8

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

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 96

## Waiver of Federal Patent Easement - ABND 210051 - 25300 N. 17th Ave. (Resolution 22091)

Abandonment: ABND 210051
Project: 21-4561
Applicant(s): Emil Pop and Emilia Pop
Request: To waive patent easement located along the perimeter of GLO LOT 41 on the north, west, and south sides.
Date of Decision/Hearing: Nov. 18, 2021

### Location
25300 N. 17th Ave.
Council District: 1

### Financial Impact
None. No consideration fee was required as a part of this waiver of federal patent easement, although filing fees were paid.

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 97

# Waiver of Federal Patent Easement - ABND 210067 - 1750 W. Alameda Road (Resolution 22088)

Abandonment: ABND 210067
Project: 21-3802
Applicant: Matt Visnansky, The Opus Group
Request: To waive the 33-foot federal patent easement bordering the west, north, and east property lines of the parcel located at 1750 W. Alameda Road.
Date of Decision/Hearing: Feb. 3, 2022

## Location

1750 W. Alameda Road
Council District: 1

## Financial Impact

No consideration fee was required as a part of this waiver of federal patent easement, although filing fees were paid.

## Responsible Department

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 98

# Waiver of Federal Patent Easement - ABND 210068 - Parkview Lane and 17th Avenue (Resolution 22089)

Abandonment: ABND 210068
Project: 21-3802
Applicant: Matt Visnansky, The Opus Group
Request: To waive portions of 8, 33-foot federal patent easements running north to south on parcels identified by Assessor Parcel Numbers 210-07-002, -026A, -026B, 210-08-002, -007, -017.
Date of Decision/Hearing: Feb. 3, 2022

## Location
Parkview Lane and 17th Avenue
Council District: 1

## Financial Impact
None. No consideration fee was required as a part of this waiver of federal patent easement, although filing fees were paid.

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

City of Phoenix

Report

**Agenda Date:** 12/14/2022, **Item No.** 99

## Amend City Code - Official Supplementary Zoning Map 1239 (Ordinance G-7064)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1239. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-43-A-98 and the entitlements are fully vested.

### Summary

To rezone a parcel located approximately 450 feet east of the southeast corner of Cave Creek Road and Tatum Boulevard
Application No.: Z-43-A-98
Zoning: C-2 PCD SP
Owner: GDC Storage TCC, LLC
Acreage: 2.91

### Location

Approximately 450 feet east of the southeast corner of Cave Creek Road and Tatum Boulevard
Address: 29640 N. Tatum Blvd.
Council District: 2

### Responsible Department

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

**ATTACHMENT A**

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

ORDINANCE G-

AN ORDINANCE AMENDING SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY ADOPTING OFFICIAL SUPPLEMENTARY ZONING MAP 1239.

_____

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

SECTION 1. That Section 601 of the City of Phoenix Zoning Ordinance is hereby amended by adopting Official Supplementary Zoning Map 1239, which accompanies and is annexed to this ordinance and declared a part hereof.

PASSED by the Council of the City of Phoenix this 14th day of December, 2022.

_____
M A Y O R

ATTEST:

_____
Denise Archibald, City Clerk

DRAFT

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

By:_____
_____

REVIEWED BY:

_____
Jeffrey Barton, City Manager

PL:LF22-2164:12-14-2022

DRAFT

# OFFICIAL SUPPLEMENTARY ZONING MAP NO. 1239

Sheet 1 of 1

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

Passed by the Council of the City of Phoenix, Arizona this 14th day of December 2022.

Z-43-A-98

Drawn by: KS

N

ZONING SUBJECT TO STIPULATIONS: *

AREA INVOLVED BOUNDED THUS: