

February 19, 2014

The Phoenix City Council convened in formal session on Wednesday, February 19, 2014, at 3:02 p.m. in the Council Chambers.

INVOCATION

The invocation was given by Sister Pinea, Evangelical Sisterhood of Mary.

PLEDGE

The Pledge of Allegiance to the Flag was led by Councilwoman Laura Pastor.

ROLL CALL

Present: Council Members Sal DiCiccio, Kate Gallego, Michael Nowakowski, Laura Pastor, Daniel Valenzuela, Jim Waring, Thelda Williams, Vice Mayor Bill Gates, and *Mayor Greg Stanton

Absent: None

Also

Present: Acting City Manager Ed Zuercher, Acting City Attorney Daniel Brown, City Clerk Cris Meyer, Acting Assistant City Manager Danny Murphy, Senior Executive Assistant to the City Manager Paul Blue, Convention Center Director Debbie Cotton, Neighborhood Services Director Chris Hallett, Public Works Director Neil Mann, Acting Planning and Development Director Alan Stephenson, Deputy Economic Development Director Scott Sumners, Labor Relations Administrator Cindy Bezaury, and Management Assistant II Denise Archibald

*Mayor Stanton left the meeting at the conclusion of Items 57.1 and 57.2 (heard together) and rejoined the meeting via telephone prior to the omnibus motion for Items 22 through 57.

The minutes of this meeting were submitted to Mr. Waring for review.

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

An affidavit was presented to the Council by the City Clerk stating that 24 hours prior to the Council meeting, copies of the titles of Ordinances G-5891, and G-5894 through G-5895; S-40495, S-40528, and S-40568 through S-40598; and Resolutions 21197 through 21198 were available in the office of the City Clerk and therefore, the ordinances and resolutions could be read by title or agenda item only, pursuant to the 1969 Code as amended.

City Clerk Cris Meyer advised the Council the titles for Add-on Items 57.1 and 57.2, Resolutions 21199 and 21200, were not in the Office of the City Clerk 24 hours prior to this meeting and, therefore, a motion was required to waive the reading-in-full requirement.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to suspend the rules, change the order of business, and allow Add-on Items 57.1 and 57.2, Resolutions 21199 and 21200, to be read by title or agenda item only, pursuant to the 1969 Code as amended.

Mr. DiCiccio inquired what it meant to waive the reading and whether the public did not receive the information.

Mr. Meyer explained the proposed resolutions were available in the Clerk's office earlier in the morning, but not 24 hours prior to the meeting. Therefore, the Code required that they be read in-full at the meeting unless the Council waived the reading.

Knowing how controversial this issue was, Mr. DiCiccio suggested there be full transparency and the rules should be followed, rather than add another reason as to why this matter was a mess.

MOTION CARRIED, 7-2, with Mr. DiCiccio and Mr. Waring casting the dissenting votes.

BOARDS AND COMMISSIONS

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to approve the following board and commission appointments as submitted by Mayor Stanton:

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Environmental Quality Commission

- To appoint Anthony Musa, for a term to expire August 31, 2016

Planning Commission

- To appoint Alan Stephenson to serve as an ex-officio member, replacing Derek Horn

MOTION CARRIED UNANIMOUSLY.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to approve the following board and commission appointment as submitted by Council members:

Camelback East Village Planning Committee

- To appoint Hector Acuna, replacing Wally Graham, for a term to expire November 19, 2015

MOTION CARRIED UNANIMOUSLY.

Mayor Stanton administered the oath of office to Anthony Musa and Hector Acuna for the appointments reflected above.

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

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to suspend the rules, change the order of business, and take Items 57.1, 57.2, 63, and 64 out of agenda order. **MOTION CARRIED UNANIMOUSLY.**

ITEM 63

CITYWIDE

**SELECTION OF CITY
MANAGER**

The Council heard request for discussion and possible action regarding selection of a City Manager.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, to appoint Ed Zuercher as City Manager, subject to successful contract negotiations, effective February 19, 2014.

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Mr. DiCiccio told Mr. Zuercher he thought the world of him, and he supported this fantastic decision. This would be the pinnacle of Mr. Zuercher's career for which his family must be very proud of him. The Council had four great candidates to consider, including Rick Naimark who was phenomenal. In fact, Mr. Zuercher and Mr. Naimark enjoyed a great working relationship.

Mr. DiCiccio praised and thanked Mr. Zuercher for the incredible job he had done for the City in the last few months, and recognized his incredible display of dedication. Now, the City was looking for improved stability, especially when it came to information. He wanted to ensure he received accurate information in a timely manner, and thought this was important to others as well, including the news media. Admittedly, they would not always agree on matters, but he believed everyone should be treated fairly and receive the same amount of information.

Mr. DiCiccio relayed that Mr. Zuercher spoke very highly of City employees and felt strongly about morale. Mr. Zuercher also felt strongly about making sure the City had a strong, stable workforce because, ultimately, the services provided were of the utmost importance.

Mrs. Williams congratulated and praised Mr. Zuercher for the job he had been doing as the Acting City Manager. She additionally told Mr. Naimark he did an excellent job, was a quality employee, and all of his efforts were appreciated as well. There were two outstanding applicants from outside the City that would work very well, but Mr. Zuercher was the person she thought could bring stability and comfort to the employees to move the City forward in a manner that was not only strengthening, but would show the employees they were appreciated, because this organization was about service and there could not be service without employees. She recognized Mr. Zuercher had tough times ahead of him, but she was confident he would go forth, conquer, and make the City stronger.

Mr. Pat Vint disagreed with the appointment of Mr. Zuercher as City Manager. He did not believe Mr. Zuercher had handled the job thus far, and citizens should have had the opportunity to participate in deciding who would be City Manager. Mr. Zuercher had been an intern, so he knew everybody and the City was like a gigantic family. Therefore, he recommended the outsider from the East Coast because that person would know how to handle employees. Mr. Vint offered to do the job for free, and encouraged the Council to listen and consider their decision because things had to be fixed.

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Mayor Stanton said Mr. Vint's offer to do the job for free was generous, but that was not a motion on the table.

Ms. Dianne Barker mentioned she had been around the City as long as Mr. Zuercher, and she had his oath of office. She also knew he had always been a really good listener, and hoped that through these times, he would be able to work with the independence required for a City Manager; recognizing the Council set policy, but he ran the management, so the Council should seek his direction.

As a citizen, Ms. Barker encouraged the Council and Mr. Zuercher to do more to serve the public, resolve problems, and follow up on matters raised by issuing a public document.

Regarding the process, Mr. Gates stated this was a true national search, and thanked his colleagues for making sure that occurred. There were four extremely strong candidates, which was a benefit to the City and said a lot about Phoenix that four great individuals wanted to be the City Manager. The process was truly an apolitical process, it was done the right way, and as a process person, he appreciated that; noting the process led to a great result.

Mr. Gates commended Mr. Zuercher for having done a great job as Acting City Manager. He was confident Mr. Zuercher would continue to do a wonderful job, was up for the challenge, and hoped he would be in the position for many years to come. The people of Phoenix were counting on him.

Pending a successful vote, Mrs. Gallego congratulated Mr. Zuercher. She thanked him for his long service to the City and knew he would be a great representative of all Phoenicians; ensuring everyone got their fair share of investments and would be a great leader to the employees.

Mrs. Gallego said the Council appreciated Mr. Zuercher's vision to create a diverse and desirable city, as it was their goal to be one of the leading global cities and thinking big. The Council looked forward to working with him to implement that vision and knew he would be an honest broker helping them with tough upcoming decisions while garnering many wins.

Mrs. Gallego stated the Council was glad to have Mr. Zuercher. There was a very diverse, qualified, and brilliant pool of finalists, including a former City Manager from Cincinnati, that Mr. Zuercher perhaps should meet with and get to know, because these candidates shared great ideas that everyone could learn from.

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Noting all four candidates interviewed well, Mr. Waring was pleased to support Mr. Zuercher. Granted, there were a lot of big issues to tackle, including union negotiations and many vacant department head positions that needed to be addressed soon. So he expected Mr. Zuercher to hit the ground running and knew he could do the job. Mr. Zuercher had been doing it for 150 days very ably, which was a huge selling point in a field of four very terrific candidates. Mr. Waring said he was happy to have Mr. Zuercher in the permanent position and looked forward to working with him.

Mr. Nowakowski congratulated Mr. Zuercher, describing him as a person who had integrity, respect for all people, and a customer service attitude whereby he was a service leader. He thanked Mr. Zuercher for everything he had done in the community. Factors the Council considered included somebody who really got involved, and who believed in Phoenix, community, and God. He thanked Mr. Zuercher for all his hard efforts, and believed he was going to be a great City Manager.

Ms. Pastor expressed her pleasure of working with Mr. Zuercher in the short time she had been on the Council. He brought integrity, fairness, a desire for a collaborative effort in working together, and moving the vision forward and building that vision for Phoenix. She also appreciated that he was aware Phoenix was a diverse city, that there were many different challenges within each Council districts, and the possibilities for positive solutions.

Ms. Pastor thought Mr. Zuercher's appointment would bring much-needed stability, as well as a leader that was going to praise City employees and raise morale to the level necessary. Furthermore, he would bring professionalism in the sense of professional development offered to employees, in addition to modernizing technology for constituents and employees. Infrastructure was a big area that needed to be studied, and she stressed the importance of succession planning for the City's future to ensure employees were ready for their next position. Mr. Zuercher had a lot to do, and she looked forward to working with him.

Mr. Valenzuela congratulated Mr. Zuercher. Impressed with the entire process, he thought Bob Murray and Associates deserved a lot of credit for helping with this thorough process. The Council interviewed four finalists, including Ed Zuercher, Rick Naimark, and two incredibly impressive people, one from Cincinnati and one from the Bay area. He truly believed any one of the four people had the qualities necessary move this city forward, and Phoenix would be lucky to have any one of them.

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Mr. Valenzuela added the Council's job was to pick the best person of those four people because the people of Phoenix expected and deserved the very best. While Mr. Zuercher was the very best choice, he also praised Mr. Naimark who was impressive and possessed amazing leadership as well. He thanked Mr. Naimark for his dedicated service to the people of Phoenix, and commented how lucky the City was to have both gentlemen.

Mr. Valenzuela agreed the process allowed the Council to meet candidates from all over the country, and they realized that while there was a great deal of talent in Phoenix, there was a lot of talent outside Phoenix, so it was a good idea to have national searches. This was especially important as one of Mr. Zuercher's priorities was to permanently fill many of the interim positions.

Mr. Valenzuela stressed this was a very important decision and one he did not take lightly. Considering the many important decisions made by a Council, he truly believed the most important decision they made, especially in a Council-Manager form of government, was who they chose as their City Manager. This was an indication of how much confidence the Council had in Mr. Zuercher.

Mr. Valenzuela expressed appreciation for Mr. Zuercher's experience, vision, integrity, humility, work ethic, and that he was a person of faith, family, and community. Therefore, he was the right person for this job now and for the future.

Mayor Stanton also agreed that selecting Phoenix' next City Manager was the most important decision the Council made, hopefully, for a long period of time. He recalled that Mr. Zuercher applied for the City Manager position in 2009, but was not the successful candidate at that time. Since then, though, he had been an incredibly dedicated, professional leader on the public administration side of the organization. Not for a moment would anyone ever know he had applied for the job at the same time as David Cavazos and was unsuccessful.

Mayor Stanton described Mr. Zuercher as a total team player who was supportive of the previous City Manager, and he considered that to be the highest level of professionalism, which was exactly what was expected of City leaders as issues were faced. Mr. Zuercher's professionalism spoke volumes about his character and the type of person he was for being such a good soldier in what had been a very difficult decision. The Council had the confidence to choose him as the Acting City Manager a few months ago, and his performance during that period of time had been truly outstanding. Therefore, he was happy and honored to support the motion.

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Mayor Stanton pointed out Mr. Naimark had 28 years with the City, and he had a chance to work with him for much of that time. Mr. Naimark served as the Council's Chief of Staff at one time, and they worked closely together on bioscience and other educational-type projects. His public service to the City had truly been incredible, and every member of the Council believed that had Mr. Naimark been chosen as City Manager, he would have done an outstanding job. Perhaps a different time, different place, but nevertheless, Mr. Naimark's leadership and professionalism had been outstanding and greatly appreciated; noting he, too, applied for the position in 2009 but was unsuccessful.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Williams, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	None

MOTION CARRIED.

ITEM 1

CITYWIDE

**SUSPENSION OF THE RULES -
SELECTION OF VICE MAYOR**

The Council heard request to suspend the rules and change the order of business to permit the City Council to select one of its members to serve a one-year term as Vice Mayor, pursuant to Phoenix City Charter IV, Section 3.

Suspension of the rules and changing the order of business of the Formal City Council meeting was required by Rule 7(b) of the Rules of Council Proceedings.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 1 be approved. **MOTION CARRIED UNANIMOUSLY.**

MOTION was made by Mr. Gates, **SECONDED** by Mayor Stanton, to nominate Councilman Jim Waring to serve as Vice Mayor for 2014.

MOTION CARRIED, 7-2, with Mrs. Gallego and Mr. Nowakowski casting the dissenting votes.

Mr. DiCiccio commented this was a big move for conservatives and an excellent choice.

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Mayor Stanton announced that Mr. Gates would continue to serve as Vice Mayor for the remainder of this meeting. He further said it had been a pleasure to have a closer working relationship with Mr. Gates during the past year, and he appreciated Mr. Gates' leadership and assistance in making the meetings run smoothly.

Mayor Stanton noted a speaker comment card had been submitted and invited Pat Vint to provide his testimony on this item.

Mr. Pat Vint encouraged the Council to listen to citizens and allow them to participate in decisions made by the Council. Regarding the Vice Mayor position, he said Mr. Waring was the newest old blood on the Council, except for Mrs. Gallego and Ms. Pastor, either of whom should have been given the position.

Mayor Stanton inquired whether any Council members wished to reconsider the motion based on Mr. Vint's testimony. A new motion was not offered.

PLANNING AND ZONING MATTERS

ITEM 64

DISTRICT 3

**PUBLIC HEARING -
ORDINANCE G-5891 -
Z-24-13-3 -
TATUM BOULEVARD AND
SHEA BOULEVARD**

Continued from February 5, 2014 - The Council heard request to hold a public hearing on the rezoning for the following item to consider adopting the Planning Commission's recommendation and the related ordinance.

Application:	Z-24-13-3 – Appealed by Opposition
From:	CO/GO
To:	C-1
Acreage:	3.52
Location:	Approximately 750 feet west of the southwest corner of Tatum Boulevard and Shea Boulevard
Proposal:	Day Care Facility
3/4 Vote Required:	Yes
Applicant:	Robert Brooks Ministries, Inc.
Owner:	Robert Brooks Ministries, Inc.
Representative:	Robert Brooks Ministries, Inc.
Staff:	Approved, subject to stipulations.
VPC Action:	<u>Paradise Valley</u> – September 9, 2013 – Denied. Vote 14-0

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PC Action: January 14, 2014 – Approved per the staff Addendum A dated January 14, 2014. Vote 4-2

The following stipulations were subject to discussion at the meeting and the City Council could add, delete, or amend stipulations.

Stipulations

1. The development shall be in general conformance with the site plan date stamped ~~July 18, 2013~~ JANUARY 10, 2014, as approved by the Planning and Development Department.
2. A MINIMUM 50% 2-INCH CALIPER TREES AND 50% 3-INCH CALIPER TREES SHALL BE PLANTED 20 FEET ON CENTER WITHIN THE REQUIRED LANDSCAPE SETBACK ALONG THE SOUTH PROPERTY LINE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. NO DUMPSTER SHALL BE LOCATED WITHIN 100 FEET OF THE SOUTHERN PROPERTY LINE.

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Item 64 be continued to the formal meeting on March 19, 2014. **MOTION CARRIED UNANIMOUSLY.**

LIQUOR LICENSE APPLICATIONS

MOTION was made by Mr. Gates, **SECONDED** by Mrs. Williams, that Items 2 through 18 be recommended for approval.

Mayor Stanton noted speaker comment cards were submitted in favor, but not wishing to speak, as follows:

- Item 4 - Julian Wright (applicant)
- Item 6 - Karen Jayne (applicant)
- Item 9 - T. Scott Stephens (applicant)
- Items 10 and 15 - Marla Zimmerman (applicant)
- Item 11 - Charles Wennerlund (applicant)

MOTION CARRIED UNANIMOUSLY.

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ITEM 2

DISTRICT 1

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ST. JAMES ROMAN
CATHOLIC PARISH GLENDALE**

The Council heard request for the following application for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
1	Jude de Mello St. James Roman Catholic Parish Glendale 23233 North 32nd Drive (Festival)	<u>Event Location:</u> 19640 North 35th Avenue <u>Day/Date/Time:</u> Friday, February 28, 2014 5:00 p.m. to 11:00 p.m. <u>Total Expected Attendance:</u> 1,000 <u>Day/Date/Time:</u> Saturday, March 1, 2014 12 noon to 11:00 p.m. <u>Total Expected Attendance:</u> 1,500 <u>Day/Date/Time:</u> Sunday, March 2, 2014 12 noon to 7:00 p.m. <u>Total Expected Attendance:</u> 1,000

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 3

DISTRICT 2

**LIQUOR LICENSE
APPLICATION - DANNY'S
CHEVRON FOOD MART**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned C-2. Arizona State Application 10073410.

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Applicant: Danielle Jabalera, Agent
Danny's Chevron Food Mart
16610 North Scottsdale Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for an acquisition of control of a Series 10 liquor license for a convenience store that sold gas. This location was licensed for liquor sales.

Public Opinion

No petitions or protests were received.

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: "This location has held a liquor license with no compliance actions."

Staff Recommendation

Staff recommended approval of this application.

If denied, the applicant would not continue operations without a liquor license and the previous owner would resume ownership.

ITEM 4 **DISTRICT 2** **LIQUOR LICENSE**
APPLICATION - LA BOCCA
WINE BAR & URBAN KITCHEN

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079743.

Applicant: Julian Wright, Agent
La Bocca Wine Bar & Urban Kitchen
5415 East High Street, #127

The following information was submitted for Council consideration of this application:

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Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales as Skinny Italian Kitchen and was operating with an interim permit. The operation plan filed with the application showed the restaurant area seated 66 and the bar area seated 47.

Public Opinion

No petitions or protests were received.

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 owned 11 restaurants and bars for over 13 years, over three states. I have a reasonably good idea what I'm doing at this point."

Staff Recommendation

Staff recommended approval of this application.

ITEM 5

DISTRICT 2

**LIQUOR LICENSE
APPLICATION -
MODERN GROVE**

The Council heard request for a Series 7, On Sale-Beer and Wine, liquor license in an area zoned C-1. Arizona State Application 07070700.

Applicant: Navayogasingam Thuraisingam, Agent
Modern Grove
15530 North Tatum Boulevard, Suite 160

The following information was submitted for Council consideration of this application:

Application Description

This request was for an ownership and location transfer of a Series 7 liquor license from Surprise for a restaurant/bar. This location was not previously licensed for liquor sales and did not have an interim permit. This business would have outdoor dining and outdoor alcohol sales. This location required a Use Permit for this type of activity.

Public Opinion

No petitions or protests were been received.

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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):

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "We currently operate 4 locations. With liquor licenses and have served the consumer well, without any violations to the rule governing our licenses."

- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "We will be able to serve alcohol to our patrons to enjoy with their family during their visit to our establishment."

Staff Recommendation

Staff recommended 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.

ITEM 6

DISTRICT 3

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - STARDUST
NON-PROFIT BUILDING
SUPPLIES, INC.**

The Council heard request for the following application for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
3	Karen Jayne Stardust Non-Profit Building Supplies, Inc. 114 West Adams Street, #1003 (Wine Tasting/Silent Auction)	<u>Event Location:</u> 3901 East Thunderbird Road <u>Day/Date/Time:</u> Thursday, April 24, 2014 5:30 p.m. to 8:30 p.m. <u>Total Expected Attendance:</u> 350

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Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 7

DISTRICT 3

**LIQUOR LICENSE
APPLICATION -
QUICK STOP & GAS**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned C-2. Arizona State Application 10076479.

Applicant: Jagruti Bakhda, Agent
Quick Stop & Gas
14875 North Cave Creek Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 10 liquor license for a convenience store that sold gas. This location was previously licensed for liquor sales and was operating with an interim permit. This business had a drive-thru window.

Public Opinion

No petitions or protests had been received.

Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "I am a law abiding citizen & follow all required regulations. For last 20 years I have owned several businesses & have paid all taxes/dues & subscriptions as required by State & City agencies. This liquor license is being managed by reliable family members rather than hired help."

Staff Recommendation

Staff recommended approval of this application.

If denied, the applicant would not continue operations without a liquor license and the previous owner would not resume ownership.

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ITEM 8

DISTRICT 4

**LIQUOR LICENSE
APPLICATION - OVEN & VINE**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2 TOD-1. Arizona State Application 12079764.

Applicant: Michelle Bethge, Agent
Oven & Vine
14 West Vernon Avenue

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was not previously licensed for liquor sales and did not have an interim permit. The operation plan filed with the application showed the restaurant area seated 28 and the bar area seated 4. This business would have outdoor dining and outdoor alcohol sales. This location required a Use Permit for this type of activity, and the business was being remodeled and planned to open in March 2014.

Public Opinion

No petitions or protests were received.

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):

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "I have a current liquor license at another location that is in good standing. I have never had any incidents or problems at the current location."

- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "I am expanding my business with another location and I will be employing people. Also this location will be serving a neighborhood that is in need of a winebar/alehouse that they can walk to."

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Staff Recommendation

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

ITEM 9

DISTRICT 4

**LIQUOR LICENSE
APPLICATION -
SOUTHERN RAIL**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079762.

Applicant: Thomas Stephens, Agent
Southern Rail
300 West Camelback Road, Suite 2

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales as Beef Eaters Restaurant until March 2005 and did not have an interim permit. The operation plan filed with the application showed the restaurant area seated 210 and the bar area seated 40. This business was being remodeled and planned to open in April 2014.

Public Opinion

No petitions or protests were received.

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):

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "I currently hold a #12 liquor license with Beckett's Table located at 3717 E. Indian School Rd. in Phoenix."

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- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “We are creating an adaptive re-use location for the community. Revitalization of the previously blighted stretch of the metro valley light rail Beef Eaters location is our goal. We will be enhancing the surrounding neighborhoods and providing a destination with our partners, changing hands bookstore & venue projects.”

Staff Recommendation

Staff recommended approval of this application.

ITEM 10

DISTRICT 6

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ALL SPORTS
FOUNDATION, INC.**

The Council heard request for the following application for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
6	Marla Zimmerman All Sports Foundation, Inc. 525 West Southern Avenue, Suite 102 (Golf Tournament/Live and Silent Auctions)	<u>Event Location:</u> 2400 East Missouri Avenue <u>Day/Date/Time:</u> Sunday, April 27, 2014 3:00 p.m. to 8:00 p.m. <u>Total Expected Attendance:</u> 200 <u>Day/Date/Time:</u> Monday, April 28, 2014 8:30 a.m. to 6:00 p.m. <u>Total Expected Attendance:</u> 350

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

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ITEM 11

DISTRICT 6

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ARIZONA LAW
ENFORCEMENT EMERALD
SOCIETY FOUNDATION, INC.**

The Council heard request for the following application for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
6	Charles Wennerlund Arizona Law Enforcement Emerald Society Foundation, Inc. 1809 East Manzanita Drive (Cultural Celebration)	<u>Event Location:</u> 906 East Camelback Road <u>Day/Date/Time:</u> Monday, March 17, 2014 6:00 a.m. to 2:00 a.m. <u>Total Expected Attendance:</u> 1,000

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 12

DISTRICT 6

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - MADISON
TRADITIONAL ACADEMY
GUILD, INC.**

The Council heard request for the following application for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

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<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
6	Mark Hiland Madison Traditional Academy Guild, Inc. 8603 North 17th Place (Cornhole Tournament)	<u>Event Location:</u> 7324 North 1st Street <u>Day/Date/Time:</u> Saturday, February 22, 2014 12 noon to 8:00 p.m. <u>Total Expected Attendance:</u> 100

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 13 **DISTRICT 6** **LIQUOR LICENSE**
APPLICATION - VILLA ITALIA

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-1. Arizona State Application 12079766.

Applicant: Peter Pizzurro, Agent
Villa Italia
1219 East Glendale Avenue, Suites 12-14

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales as Spinato's Pizza and was operating with an interim permit. The operation plan filed with the application showed the restaurant area seated 45 and there was no bar area.

Public Opinion

No petitions or protests were received.

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):

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- I have the capability, reliability, and qualifications to hold a liquor license because: “I have been in the restaurant business for 30 years and have owned and operated 20 restaurants in the state of Arizona with alcohol served at all of those premises. I have been a responsible and reliable restauranteur in the state while holding a valid liquor license. I have never had any problems or issues in the past with respect to any of my previous licenses.”

Staff Recommendation

Staff recommended approval of this application.

ITEM 14

DISTRICT 6

LIQUOR LICENSE APPLICATION - OVER EASY

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-1. Arizona State Application 12079775.

Applicant: Lauren Merrett, Agent
Over Easy
4730 East Indian School Road, #123

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was not previously licensed for liquor sales and did not have an interim permit. The operation plan filed with the application showed the restaurant area seated 60 and there was no bar area.

Public Opinion

No petitions or protests were received.

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):

- A. I have the capability, reliability, and qualifications to hold a liquor license because: “I have been owner for in Phx for 8 years. I meet all the requirments set forth in Title 4 for capability and qualifications.”

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- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:
“Patrons have requested the availability of alcoholic beverages at this establishment. There are no other on-sale licenses in this strip mall. The public convenience is met by providing the service my customers have requested.”

Staff Recommendation

Staff recommended 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.

ITEM 15

DISTRICT 7

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ALL SPORTS
FOUNDATION, INC.**

The Council heard request for the following application for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
7	Marla Zimmerman All Sports Foundation, Inc. 525 West Southern Avenue, Suite 102 (Cornhole Tournament)	<u>Event Location:</u> 1 East Washington Street <u>Day/Date/Time:</u> Saturday, March 22, 2014 10:30 a.m. to 10:00 p.m. <u>Total Expected Attendance:</u> 750

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

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ITEM 16

DISTRICT 7

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - 100 CLUB
OF ARIZONA**

The Council heard request for the following application for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
7	Ashley Slechta 100 Club of Arizona 5033 North 19th Avenue, #123 (Silent Auction)	<u>Event Location:</u> 203 West Adams Street <u>Day/Date/Time:</u> Friday, March 7, 2014 4:30 p.m. to 6:00 p.m. <u>Total Expected Attendance:</u> 1,300

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 17

DISTRICT 7

**LIQUOR LICENSE
APPLICATION -
JAMROCK CAFE & GRILL**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-3 HP. Arizona State Application 12079773.

Applicant: Orrin Shaw, Agent
Jamrock Cafe & Grill
1714 West Van Buren Street

The following information was submitted for Council consideration of this application:

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Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was not previously licensed for liquor sales and did not have an interim permit. The operation plan filed with the application showed the restaurant area seated 138 and the bar area seated 9. This business would have outdoor alcohol sales, and the location required a Use Permit for this type of activity.

Public Opinion

No petitions or protests were received.

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):

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "I am a licensed registered professional engineer employed with the State of Arizona for the past 10 years. I have diligently over the past 5 years renovated the property (Historic) located at 1714 W. Van Buren St. I acquired all the required permits and certifications to bring the property to modern codes + safety standards complying with all laws and regulations. I have taken approved DLLC training for management and acquired the information needed to comply with the law. I will ensure that my employees are trained and monitored for compliance with the law."

- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "To serve the public and the community as full service restaurant and to meet their expectations for an up scale Caribbean cuisine and dining. Jam Rock Café & Grill needs to sell alcoholic beverages. Presently the businesses agencies and residents have very limited full service restaurants in the area of 1714 W. Van Buren St. This restaurant has great potential to bring diversity, culture, entertainment an revenue to the area. It will encourage continued re-development and investment in the Downtown Historic Districts."

Staff Recommendation

Staff recommended 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.

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ITEM 18

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - CHILDREN'S
MUSEUM OF PHOENIX**

The Council heard request for the following application for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
8	Carl Jimenez Children's Museum of Phoenix 215 North 7th Street	<u>Event Location:</u> 215 North 7th Street
	(Dinner/Dance/Live Auction)	<u>Day/Date/Time:</u> Saturday, April 5, 2014 5:30 p.m. to 12:30 a.m.
		<u>Total Expected Attendance:</u> 800

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

Items 57.1 and 57.2 were heard together.

ITEM 57.1

CITYWIDE

**RESOLUTION 21199 -
AMEND THE 2012-2014 MOU
BETWEEN THE CITY OF
PHOENIX AND LIUNA 777
(UNIT 1)**

The Council heard request to authorize the City Manager to amend the 2012-2014 Memorandum of Understanding (MOU) between the City of Phoenix and the Laborers' International Union of North America, LIUNA 777 (Unit 1) to bring language about union release time into compliance with the judge's order filed January 29, 2014, in Cheatham v. Gordon. The MOU was approved by the City Council (Resolution 21037) on April 18, 2012, with a subsequent amendment to the MOU adopted by the City Council (Resolution 21061) on July 3, 2012. The 2012-2014 MOU would be amended as follows:

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Reporting and Accountability of Authorized City Business Time

- Identify a City designee to ensure authorized employees conduct all activities consistent with the judge's order.

City Control of Authorized Activity

- Outline specific activities which will be allowed while on paid City business, including authorized training; facilitating communication between labor and management; and communicating new programs, policy changes, and changes in safety or security policy to the members of the work unit;
- Assist unit members with understanding and coordinating benefits in order to achieve a healthier workforce and drive down costs;
- Participate in and assist the City with benefit evaluations, including Citywide task forces;
- Ensure coordination by participating in necessary Citywide committees;
- Represent employees involved in critical incidents, specifically personal injury related incidents;
- Participate in City-sponsored community events; and
- Assist unit members and management in matters related to employer/employee relations in order to resolve matters at the earliest possible stage and control administrative costs.

No Gift of Public Funds

- Outline specific activities which will be prohibited while on paid City business, including lobbying; legislative activity; organizing; bargaining/negotiations; and representation in grievance and disciplinary proceedings.

Consideration

LIUNA would provide monthly activity and progress reports to the City's designee and provide for the administrative costs of its authorized employees. The union reports would document City business time and any leave used. LIUNA would reimburse the City for any activity not deemed City business.

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The amendment also proposed that 9,303 hours represented the value of unused hours previously charged to Unit 1's compensation package for release time for the period of February 24, 2014 through June 30, 2014. These hours would be allocated across all Unit 1 employees. The amount allocated per employee was estimated to be 9.7 hours (9,303 hours/958 Unit 1 employees).

This amendment would align the MOU between the City and Unit 1 with the recent court ruling in Cheatham v. Gordon. The amendment to the Unit 1 MOU was to be effective February 24, 2014.

ITEM 57.2

CITYWIDE

**RESOLUTION 21200 -
AMEND THE 2012-2014 MOU
BETWEEN THE CITY OF
PHOENIX AND THE PHOENIX
LAW ENFORCEMENT
ASSOCIATION, PLEA (UNIT 4)**

The Council heard request to authorize the City Manager to amend the 2012-2014 Memorandum of Understanding (MOU) between the City of Phoenix and the Phoenix Law Enforcement Association, PLEA (Unit 4), to bring language about union release time into compliance with the judge's order filed January 29, 2014, in Cheatham v. Gordon. The MOU was approved by the City Council (Resolution 21044) on May 2, 2012. The 2012-2014 MOU would be amended as follows:

Reporting and Accountability of Authorized City Business Time

- Identify a City designee to ensure authorized employees conduct all activities consistent with the judge's order.

City Control of Authorized Activity

- Outline specific activities which will be allowed while on paid City business, including authorized training; facilitating communication between labor and management; and communicating new programs, policy changes, and changes in safety or security policy to the members of the work unit;
- Assist unit members with understanding and coordinating benefits in order to achieve a healthier workforce and drive down costs;
- Participate in and assist the City with benefit evaluations, including Citywide task forces;

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- Ensure coordination by participating in necessary Citywide committees;
- Represent employees involved in critical incidents, specifically officer-involved shootings, in-custody deaths, and personal injury related incidents;
- Participate in City-sponsored community events;
- Assist unit members and management in matters related to employer/employee relations in order to resolve matters at the earliest possible stage and control administrative costs;
- Legislative, lobbying, or political activities with the approval of the City Manager;
- Time spent as a witness (not in the capacity of a union representative) in response to receiving an official subpoena; and,
- Efforts towards positive promotional opportunities of the department or City with the public.

No Gift of Public Funds

- Outline specific activities which will be prohibited while on paid City business, including lobbying and legislative activity not approved by the City Manager; organizing; bargaining/negotiations; and representation in grievance and disciplinary proceedings.

Consideration

PLEA would provide, each pay period, activity and progress reports to the City's designee and provide for the administrative costs of its authorized employees. The union reports will document City business time and any leave used. PLEA would reimburse the City for any activity not deemed City business; and waive any right to premium pay when using City Business Time or union donated hours. Unit 4 employees would be given the opportunity to donate hours to a bank of donated leave (union donated hours) to be used by union officers and representatives for union-related activities as determined by the Union President or designee. No union member may use more than 40 hours of donated leave during any one work week.

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The amendment also proposed that 15,799 hours represented the value of unused hours previously charged to PLEA's (Unit 4) compensation package for release time for the 2013-2014 fiscal year. These hours would be allocated across all Unit 4 employees. The amount allocated per employee was estimated to be 6.5 hours (15,799 hours/2,413 Unit 4 employees).

This amendment would align the MOU between the City and PLEA (Unit 4) with the recent court ruling in Cheatham v. Gordon. The amendment to the PLEA (Unit 4) MOU was to be effective February 24, 2014.

City Manager Ed Zuercher stated Items 57.1 and 57.2 were similar requests to amend the existing Memorandums of Understanding (MOUs) with two labor unions: Laborers' International Union of North America, LIUNA 777; and the Phoenix Law Enforcement Association. These amendments were negotiated by their respective representatives, with the City Manager's team, to bring the MOUs into conformance with the judge's order in Cheatham v. Gordon, a lawsuit regarding union release time.

Mr. Zuercher explained that no full-time release positions were allowed as ruled by the judge. Instead, union officers would be allowed time to conduct only those activities spelled out by the judge in her order as allowable City business. Any other union business that did not meet the outline by the judge, would have to be conducted on either personal time or leave time.

Because the banks of hours in the union contracts and release positions were costed, Mr. Zuercher advised it was fair, appropriate, and contractual to return those hours to the individual members of the unit involved. Therefore, each unit had a specific number of hours that would be returned to each unit member, individually, in recognition of that contract, and those hours were calculated and shown in the item descriptions presented above.

Upon first review, Mrs. Williams advised she opposed this item. However, she truly believed the unions had a role to play and the City had an ordinance recognizing them. Also, she thought they should be able to negotiate and be paid to do so, as City staff was paid to negotiate. Furthermore, if the unions were not able to represent grievances in personnel matters, somebody would have to be hired to do it.

Before making a motion, Mrs. Williams requested clarification of what activities the unions would not be able to do, and why there was no cost savings.

Mr. Zuercher replied the judge clearly laid out in her order what was eligible for City business and what was not. Those activities not eligible for City business either needed to be done on unpaid time or time used for leave.

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Labor Relations Administrator Cindy Bezaury said she was the chief negotiator on several of the contracts. According to the court order, the interpretation was, as discussed with the unions and the City Attorney, all activities that were pertinent to employee labor relations, would continue, such as: working with management in training, attending training that was appropriate to their roles, when appointed to Citywide task forces and commissions, and participating in labor-management oriented committees in their departments.

Ms. Bezaury further explained what had been expressly enjoined by the court were activities considered to be specific union business, such as: running the union, conducting union activities, and working at the union hall. The City would not be able to pay them City time to perform those functions. Additionally, the court enjoined the City from paying them to negotiate; and to represent employees during grievances, investigations, and disciplinary hearings.

Regarding the cost saving aspect, Mr. Zuercher explained the judge's order was not about saving money; it was about the use of time. The amended MOU terms essentially returned the time originally negotiated by the unions. Since the hours could not be used as previously intended, they were returned to the individual members in recognition of the contract with the members.

To further clarify, Mr. Zuercher advised that when the contract was negotiated, there was a certain number of hours given for union activity. The judge said the City could not allow union activity; however, the cost of those hours was part of the costing of the contract with the members. Therefore, in order to be fair to the members, City management believed those hours, since they could not be used as planned, should be returned to the individual members.

As a result, Mr. Zuercher continued, each member of the unit, whether they were a union member or not, would receive a set number of hours. In the case of Unit 1 (LIUNA 777), 9.7 hours was their proportional share. In the case of PLEA, it was 6.5 hours. Those hours would go into the unit members' vacation banks to be used as any other earned vacation hours could be used. However, PLEA negotiated to set up a bank whereby members could donate vacation hours to the bank to be used by the union for union business, and this would be the choice of each individual member whether or not to do that.

Mrs. Williams recapped that in the original negotiations, instead of receiving money in wages, money was spent to purchase the union time. That practice had now been declared to be illegal. Therefore, legally, or ethically, the City had to return the money to the members, and that was being done in the form of vacation leave. Mr. Zuercher concurred.

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Regarding the hours returned, Mrs. Williams sought clarification that the members could then donate the hours to a bank the union could use to carryout their activities as approved.

Ms. Bezaury stated any donated vacation leave a union member used, would be treated like any vacation leave for a City employee, thus able to use it for any purpose. The intent, as conveyed to the unions, was to use that time to carryout activities expressly enjoined, such as: negotiations, and representation at grievances, discipline hearings, investigations, and the Civil Service Board.

Mrs. Williams commented this was a “damned if you do and damned if you don't” situation. In addition, the City was being blasted for doing nothing. Therefore, she was willing to move forward even though she thought this should be a package deal with all the unions, because it was important to solidify employees so everybody was treated fairly and equally.

MOTION was made by Mrs. Williams, **SECONDED** by Mr. Nowakowski, that Items 57.1 and 57.2 be adopted.

Mr. DiCiccio inquired about the cost of the labor agreements with LIUNA and PLEA, as well as for all the labor agreements, from today through the end of June. In general, he wanted to know the total cost to taxpayers for the vacation time.

Mr. Zuercher replied the value of the vacation time being returned was approximately \$188,000 for LIUNA, and approximately \$530,000 for PLEA.

Mr. DiCiccio further requested the cost to taxpayers for the Phoenix Police Sergeants and Lieutenants Association, and Administrative Supervisory Professional and Technical Employees Association, which did not require Council approval.

Mr. Zuercher replied the precise numbers for the other units were not known because they an agreement had not been reached to date.

Ms. Bezaury estimated the range for the remaining groups was anywhere from 1,200 to 7,000 hours, and it would vary according to the undetermined amount of time used in February. Therefore, she could not provide the estimated cost because she did not know the actual time.

Mr. DiCiccio expressed displeasure with staff for not being able to provide the information requested, which he correlated to the City's budget deficit.

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For the five groups that had yet to reach an agreement, Mr. Zuercher added the cost depended on the hourly rate used by the Budget and Research Department. For example, LIUNA had 9,000 hours resulting in a cost of \$188,000.

Mr. DiCiccio stressed that staff should have an idea of the cost before bringing this matter to the Council. The judge admonished the City for not asking for the financial data, and it still was not being provided, which was a concern especially regarding the contracts approved by the City Manager without the Council's approval. It was shocking that the information was not provided to him, since he requested, prior to this meeting, that the information be available.

Mr. DiCiccio sought an explanation of how the cost did not increase the budget. He equated it to a debit/credit situation. City employees worked in a department and could be moved to labor (the union halls), but they were paid through a release time fund, which basically relieved the City department of that cost. Therefore, if the labor unit decided not to spend the money on the employee, he wondered how it did not increase the budget.

Mr. Zuercher explained that out of 14,000 employees, three employees from Unit 1 worked in this capacity. From a budgetary perspective, no matter what capacity those employees were working for the City or union duties approved by the judge, they were on the payroll and the cost to the City was the same.

Mr. DiCiccio reiterated it was a debit/credit situation, and he wanted assurance there would not be a negative impact on the budget, other than the current \$3.7 million spent.

In response, Mr. Zuercher confirmed the \$3.7 million was already inclusive of this activity, and the change was not in addition to that amount.

Mr. DiCiccio emphasized more vacation time was being added while still having employees on one side of the ledger.

Mr. Zuercher stated vacation time was going back to the entire unit, which the unit members could use as vacation, or donate it to be used by the union representatives as appropriate.

Mr. DiCiccio said he understood that part, but was astounded there was not additional costs. He requested staff confirm, "yes" or "no" that it was not going to cost more than the \$3.7 million the City of Phoenix had already paid out to labor agreements.

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Mr. Zuercher replied that staff did not believe it would.

Mr. DiCiccio disagreed. Furthermore, he believed the public deserved to know the true cost, and it was shocking that number could not be provided, despite his request for that information.

Mr. Zuercher gave assurance that staff would have that number available before any other MOUs were brought to the Council, and he would communicate it to the Council for the Memorandum of Agreements that he was empowered to sign.

Mr. DiCiccio stressed the importance of knowing the numbers before the Council voted because it set the standard for the other MOUs.

Mr. Zuercher agreed, and reiterated the number was approximately \$188,000 of vacation hours for LIUNA, and approximately \$530,000 for PLEA.

Ms. Pastor presented the example of an employee voluntarily giving eight hours of their vacation time, which was considered part of the benefit packages, to the union bank to be used for the non-City activities, such as grievances and negotiations. In this scenario, she was trying to figure out the actual cost, because employees were paid at different hourly rates.

Mr. Nowakowski observed that this situation resulted from a lawsuit between the City of Phoenix, PLEA, and the Goldwater Institute. In the judge's opinion, certain determinations were made regarding union release time, and the unions were seeking clarification whether this order applied to only PLEA or all of the unions.

Mr. Zuercher replied it was staff's opinion, and upon advice of the City Attorney, that the judge's order encompassed all of the City's unions and associations, beyond PLEA. Therefore, Ms. Bezaury and her staff had been negotiating with the unions about this language.

Mr. Valenzuela said he viewed union release time as a dual benefit. As Mrs. Williams mentioned, there were many circumstances where, had it not been for union release time, it would have cost the City more money because employees had the right to representation. So this was a benefit that helped the taxpayer, City at large, employees, and management.

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Mr. Valenzuela pointed out the City of Phoenix enjoyed many efficiencies. In fact, the Fire and Police Departments were both viewed as world-class departments and known for their best practices. Many of the efficiencies implemented to ensure they were the safest departments in the country, had been developed through discussions, cooperation, and meetings held on union release time.

Mr. Valenzuela thought the public should understand this discussion was about getting rid of that dual benefit, and that benefit existed through negotiations. There had been mention of purchasing a contract, but this was a benefit. Had it not been for union release time, a different benefit would be under discussion. Basically, if union release time was done away with, that ticket item would have to be compensated for via more salary, sick leave, education, etc, or in this case, more vacation time was being offered.

Mr. Zuercher suggested thinking of it as the City was returning to the unions the value in vacation time based on specific math.

Mr. Valenzuela added that union release time had a dollar figure attached to it, thus the requirement to compensate for removing it from the contract. Every employee had the right to give back to their organization, and that type of practice would continue, as that practice moved the City forward.

Mr. Valenzuela did not understand why this was so complicated; it was a good thing. This dual benefit had been negotiated by labor and management at the direction of the Council, and voted on by the Council, for decades. As discussion pursued to get rid of union release time, it became a political bat. In turn, the discussion should be about what it would cost the City by getting rid of this dual benefit. In this case, he noted it was being done to be compliant with the judge's order.

Acting City Attorney Daniel Brown opined the proposed amendments did comply with the judge's order.

Mr. Valenzuela interjected that was important to note and, hopefully, it would make it to the press; adding he supported moving this process forward.

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Mr. Waring noted Mr. Brown responded in the affirmative that this action complied with the judge's orders, but lost in the statement was it was his "opinion" that this complied. The truth was Mr. Brown really had no idea, and it did not mean the judge would sign off on the Council's action. Therefore, he was concerned it was far from definitive. The Council thought other factors complied with the law, but the judge disagreed. Nonetheless, he believed the judge's order was definitive and it should have been implemented on February 11 rather than delayed.

Mr. Waring expressed further concern for the viewing citizens who were wondering about all this as they listened to the torturous attempts to explain the amount of money involved, where the money was coming from, and who it was going to. Just because things had been done one way in the past, did not mean they should be continued in the same manner. Things done in the past had led to a big budget deficit and not enough to cover pension obligations, etc. Therefore, he would submit that perhaps the Council should do something different than what had been done in the past.

Mr. Waring indicated he did not want to vote for something that would set a template for the ongoing negotiations that the Council would vote on in the end of May. Also, because the explanations had become convoluted, he doubted the Council members could coherently explain it briefly. The closest explanation was what Mr. Valenzuela said. He was not sure that was all encompassing, but at least it was understandable.

Based on the explanations heard, Mr. Waring thought anyone who had qualms about voting for this, himself included, were right to do so. Nobody knew if it was going to comply with the judge's order, and if it did not, the City would be out of compliance for additional time; recalling Mr. Brown had advised him it would take possibly six to eight weeks to receive an opinion from the judge.

Mr. Brown confirmed that returning to the judge for a declaratory judgment or ruling on the proposed amendment, procedurally, would take a minimum of eight to twelve weeks to receive her ruling, and it depended upon her willingness to do so.

Mr. Waring inquired whether the City would incur a penalty for being out of compliance for this period of time, or was there recognition for acting in good faith.

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Mr. Brown detailed the process as follows: an order to show cause to hold the City in contempt of the judge's order would have to be filed; that would be litigated and briefed; and the City would present its case and evidence to show its efforts, procedures, and measures of the actions taken to comply with the order.

Mr. Waring inquired whether the City could be held in contempt for not ending this practice immediately.

Mayor Stanton interjected that, if the request was to go into Executive Session to obtain legal advice from counsel, that could be done; however, the dialogue was close to a line that should not be crossed in a public meeting in terms of legal advice from counsel.

Mr. Zuercher summarized by noting, in the opinion of the City's attorneys and management, this was the simplest, most straightforward way to comply as quickly as possible with the judge's order.

Mr. Waring commented on how convoluted the process was, and this matter was anything but simple, but people could vote for it if they wanted.

Mrs. Gallego believed the employees earned this compensation, and it was their free choice to donate it. In addition, she asked staff if it was helpful to have employees work in partnership when addressing challenges and issues facing the City.

As a lead negotiator Ms. Bezaury replied in the affirmative. Without the participation of LIUNA and PLEA, the proposed amendments would not be possible. Also, they gave a great deal to their departments, sat on many committees, and contributed to safety practices across the City. Therefore, employee participation was a critically important aspect of who the City was and the services it provided.

Mr. Waring noted he voted against the current labor contracts which the City offered, as a whole, through negotiated benefits, and the judge had clearly termed them illegal. Therefore, he argued that the practice of divvying out benefits that were illegal should stop.

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Mr. DiCiccio expressed the importance of the public hearing the Council's dialogue and offering their comments on the matter. He opined this was nothing more than a money-laundering scheme, and each time the City went to court, its legal opinion failed. Basically, a process had been construed by which Phoenix taxpayers spent millions of dollars to fund union activity, giving time to the unit, and the unit members then donating it to the labor groups, and under the guise that they could carry out any political activity with those taxpayer dollars. He congratulated the labor groups for putting together this money-laundering scheme of taking millions of dollars out of taxpayers' hands and putting them into the hands of the labor groups.

Mr. DiCiccio further highlighted the fact that it would be public information in terms of whether the unit members donated their time, and the labor leaders would be able to employ strong-arm tactics to convince employees to donate their time.

An unidentified speaker from the audience insisted the donations were all done on a voluntary basis.

Mr. Sean Mattson, president of the Phoenix Police Sergeants and Lieutenants Association, advised the Council the amended contract before them was hard fought. Although this was his peers' contract, his groups' contract was in discussions with Mr. Zuercher. He agreed instructions were provided by the judge telling the groups what to do. Regarding the argument over donating time or not was not his choice, that was the sacrifice they were willing to make and take that leap of faith. The contract delineated what could be done on City time and, again, it was not his choice but a willing sacrifice, including missing his children's sporting events so he could conduct union work on his own time.

Mr. Mattson encouraged the Council to vote for this amended contract. It was a sacrifice everyone was willing to make, and it was all part of Mr. Nowakowski's spirit of Team Phoenix. He also thought it provided for a more efficient way of doing business to be solution-focused. The activities still allowed to be done on the taxpayer dollar, made operations more efficient.

Mr. Ray Sweeney did not think the public was adequately made aware of this issue moving forward. He just happened to find it online. Nevertheless, the City was in a budget crisis, and it was ridiculous to be giving City employees more vacation time, especially considering they received over eight weeks annually already, which was far more than the private sector.

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Mr. Sweeney contended the proposed amendments were a scam to circumvent Judge Cooper's ruling. It was imaginative, probably unethical, and basically a money-laundering scheme. It was not a matter of the people donating their vacation time, but rather the citizens of Phoenix donating their money to have a union operation furthered. In addition, he thought it would likely increase pension spiking, which had been proven problematic in the past. Incidentally, there would likely be no taxes paid on these vacation hours donated by the union.

Mr. Sweeney said the question to be asked was whether these provisions served the interests of the taxpayers or the union bosses. He further suggested it was not simply a matter of quantifying the contract in dollars and cents, because when taking someone out of the field and giving them a vacation day, that took away from the person performing his/her assigned tasks. Therefore, it ultimately did cost the taxpayers, perhaps not from a money standpoint, but certainly in terms of services provided, and he urged the Council to consider that.

Mayor Stanton noted Angie Hernandez submitted a speaker comment card and yielded her time to Debra Novak-Scott.

Ms. Debra Novak-Scott, a City employee since 1984, said she became an elected officer of AFSCME 2960 (Arizona Federation of State, County, and Municipal Employees) in 1993 and served on 11 negotiation teams. Every time union release time was increased, even if only for one hour, that time was accounted for. They had costing sheets from the City showing the cost to their package. The members voted to give up their wages and benefits and take less monetarily to provide for union release for representation. That meant they did not receive something for nothing. That was not a gift. If something was paid for, that was not a gift.

Ms. Novak-Scott referenced a recent editorial in *The Arizona Republic* stating additional vacation time was being given to employees. However, the City chose to give employees that vacation time to compensate them for the wages given up for the union release time now being taken away from them.

Ms. Novak-Scott recalled that *Cheatham v. Gordon* was filed against the City of Phoenix and PLEA. There were multiple days of trial, and the only union that testified was PLEA. Evidence was never entered regarding any other MOU, as admitted to by the judge.

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Essentially, Ms. Novak-Scott added, there was no evidence presented on AFSCME 2960's costing sheets, no one from their local testified about activities conducted on union release time, and no testimony was provided about the benefit to the City. AFSCME 2960 was denied due process to defend their contract with the City of Phoenix; yet they were being included in the judge's decision, when all she had before her was the PLEA MOU. Nonetheless, the judge made one sentence on the last page of her order that included everybody.

Ms. Novak-Scott added that the judge never heard AFSCME 2960's testimony that their last MOU substantially changed the language in the 2012-2014 contract to list various meetings and committees they attended that benefited the City and taxpayers. Additionally, the judge never heard testimony that they settled issues that would otherwise be brought to litigation, like line of duty deaths denied by the City.

Ms. Novak-Scott pointed out AFSCME 2960 never had a lobbyist on City time. That was a big issue in the PLEA lawsuit. If they went to the capitol because the City wanted legislation to pass or fail, AFSCME members were doing it on their own personal vacation time, but on behalf of the City.

Ms. Novak-Scott reported AFSCME 2960 had over 2,900 employees in more than 20 City departments, but only three people on union release time to represent that large group. PLEA, which the judge considered, had six people on release from one department. Therefore, the situation for all of the other unions affected by this decision, was not the same as what the judge heard in the PLEA decision.

In closing, Ms. Novak-Scott said AFSCME knew of at least one request for clarification before this judge. She requested the Council consider a stay on breaching their contract on union release time until the judge issued that clarification. She also displayed for Mr. DiCiccio a bill posted on Facebook from the Goldwater Institute, for \$375,000 from Phoenix taxpayers, for bringing this lawsuit.

Responding to the \$375,000, Mr. DiCiccio stated it was because the City Phoenix conducted illegal activity, and they lost every single time in court. So a public advocacy group was attempting to get their money back for defending the taxpayers.

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Mr. Michael Zimmerman, a resident and taxpayer, commented that apparently the judge did not agree that most union release time was a dual benefit program. He reminded the Council members their responsibility was to the million-plus residents of Phoenix. The City had a serious fiduciary responsibility to provide direct benefit for every tax dollar collected. Release time provided no direct benefit in return for the millions of dollars it cost the City.

At a time when the City was facing huge deficits, Mr. Zimmerman conveyed that residents were being forced to pay tax on every dollar they spent for food, and were forced to forego essential services that had not been restored. However, they were being required to not only pay millions for union release time, but hundreds of thousands of dollars in the City's legal fees to defend this practice.

Mr. Zimmerman said he could not recall recently-elected Council members campaigning to maintain union release time, but they did pledge to represent the residents of their districts, the thousands of homeless, fight for the women and children in shelters, and to restore services that had been cut. Today, he wished to remind them of those promises.

On this matter, Mr. Zimmerman remarked the judge's order was perfectly clear. This practice was not moral or legal, and it put the Council and City in breach of its fiduciary responsibility. While unions had the ability to make large political contributions and release time made it easier for union members to attend, he asked the Council to listen to the voices of the thousands of residents who were not being represented today, rather than the few who were present.

Mayor Stanton noted Abe Arvizu, Aaron Blake, and Luis Feliciano submitted speaker comment cards and yielded their time to Greta Rogers.

Ms. Greta Rogers questioned why the City of Phoenix condoned the practice in their labor negotiations with the employees, most of whom were represented by one of seven unions, for 38 years, if it was unlawful. She further questioned the total aspect of the judge's opinion, as this agreement was and had been contractual between the City of Phoenix and employees and their unions. This matter needed serious discussion by a disinterested party with no connection to either party.

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Ms. Rogers recommended there be an evaluation and legal appeal on this matter to the Court of Appeals. The order was made by a newly-appointed judge to the Superior Court by Arizona's inestimable Governor, and the judge's experience in labor law and negotiations was unknown. If the Court of Appeals upheld the judge's decision, she would accept it, but she did not accept it on its face as ordered by this novice judge. This judge was a private practice attorney in Scottsdale, and Mrs. Rogers felt that did not qualify her to be a judge; noting the Governor had received political support from this judge in past years, and as politics worked, she got the appointment.

Mrs. Rogers stated the Goldwater Institute was not needed in local Phoenix City government, enabled by their convenient and willing pawn, Sal DiCiccio, who had solely and separately, in the past two plus years, railed against employees and their unions. She stressed that the Council was not a politically divided body, and the members did not run for Council as a Democrat or Republican. They ran as a person interested only in serving their city as an elected Council person.

Mrs. Rogers described City employees as being the best in government in all of Arizona. They were qualified, experienced, dedicated, and provided the best service possible of any other municipality. The employees were the spine and central nervous system of the City of Phoenix, and Mr. DiCiccio had individually and separately caused the most serious disaffection and loss of trust by the employees and employer (the City of Phoenix government) of any single person in this city. She hoped he was eminently proud of his destruction.

Mrs. Rogers closed by reiterating her recommendation that the Council take this matter to the Court of Appeals, and let it be decided there. If an appeal was filed, everything would stop until that action occurred.

Mayor Stanton recognized that people could agree or disagree with the judge's opinion, but he did not believe Judge Cooper deserved to have her integrity or character impugned.

Mr. DiCiccio said he thought Phoenix had great employees, but the City had a structural deficit. Previously the City faced a \$277 million deficit and it took hard work over two years to fix it. Then all of a sudden, in a growing economy with over \$46 million more than the previous year, the City had a potential deficit of over \$40 million. This occurred because the finances were not in place. Looking back to 2008-2009, the Council agreed upon the worst agreements in history and the City never recovered. Now readjustments were required; otherwise more money would be taken out taxpayers' pockets or less services could be provided. He loved working with all City employees, but this was the true nature of the situation.

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Mr. DiCiccio pointed out the overall retirement costs at the City of Phoenix, in 2008, was approximately \$203 million a year; currently it was approximately \$283 million a year. There was a rate of growth occurring, and complicit politicians allowed it to happen because no one wanted to make a tough decision. They allowed one or two people to attempt to fix it, but it was the structural deficit within the City government that needed to be fixed. If it was not fixed, services would be impacted and it would create long-term effects.

Mr. DiCiccio remarked that the City of Phoenix was robbing its infrastructure fund in order to fund operations each year, thus leaving less money for infrastructure in Phoenix. Only a few people were willing to address these long-term problems, and whether through labor agreements or the millions of dollars used to fund union activity, the problems would continue if not fixed.

Mr. DiCiccio raised the question of how the City ended up with a deficit this year when everybody else had seen growing economies. This did not seem logical. However, he traced it back to the agreements, like what occurred in 2008-2009, which was fixed, then suddenly two years ago problems resurfaced, and that was where the issues could be pinpointed because it took two years for budget impacts to occur.

Mr. DiCiccio stressed that he loved City employees, but if the problems were not fixed, the City was going to continue to have problems.

Regardless of the judge's decision, Mr. Chuck Jones said, as a union person, release time was not a gift. It was a penalty paid by the employer for failing to abide by a negotiated contract. What had been lost in this argument was how much money was paid out in grievances whereby the union and the City's upper level managers agreed that the lower level manager cheated an employee. He described a recent payout of \$700 in overtime to two employees whose supervisor had failed to abide by the contract, and the union release time to settle the matter only cost \$60 or \$70.

Mr. Jones conveyed that a world-class city was run with dedicated employees who were willing to stay, and that kind of workforce was not gained by cheating the employees. In part, the answer was to have higher level managers insist that lower level managers treat employees fairly or face a penalty. If that occurred, today's argument would not be necessary.

Mayor Stanton noted Fidel Abilio Jr., Bill Cusimano, Dolores Henderson, and Michael Lagunas submitted speaker comment cards and yielded their time to Luis Schmidt.

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Referencing the Goldwater lawsuit against the City and PLEA, Mr. Luis Schmidt said the Council disagreed with the judge's original decision. However, based on recommendations from the Labor Relations Administrator, City Manager, Acting Human Resource Director, and City Attorney, it was decided to amend the contracts. He believed the responsible action to take was to wait until a clarification or decision was received from the appellate court.

Mr. Schmidt noted the subject lawsuit was against PLEA, and he apologized to the police officers present for the earlier comment regarding money-laundering. That was a disgrace to the men and women who proudly served the City and the PLEA representatives who proudly represented those employees whether they were union members or not.

Mr. Schmidt advised that union contracts were valid, binding, and enforceable. The only MOU under question by Judge Cooper was PLEA's. Mr. DiCiccio testified in this lawsuit against the City, taxpayers, and PLEA, for which the City was billed. Furthermore, it was shocking to hear Mr. DiCiccio say he did not know what the ordinance was and had not read it. Thankfully, Mr. Valenzuela had read and understood it.

Mr. Schmidt contended the Cheatham case did not authorize the City to violate the existing contracts with AFSCME Locals 2384 and 2960, or any others. Admittedly everyone had different legal opinions, even among the Council, but there was still many facts that had not been considered. He stressed the importance of viewing each MOU separately because they were not alike. A four-day hearing was held and there were extensive depositions, but it was related to the PLEA MOU only.

Mr. Schmidt stated that Mr. DiCiccio liked to mislead the public into thinking that if all union activity ended, it would save money for domestic violence and to end homelessness. However, it should be noted that union members helped the community, as evidenced by a food drive held with Ms. Pastor last fall.

Regarding the use of release time, Mr. Schmidt reminded the Council it was part of a negotiated contract. The City negotiate hundreds of labor contracts throughout the year, such as for bus service, and contracts were not to be arbitrarily broken. That would open the City to more litigation, and the intent was to stop spending money on lawsuits.

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Mr. Schmidt said his union enjoyed a 42-year proud history of working with the City. The Council voted on these contracts numerous times, but today they were acting hypocritical. Nonetheless, all unions could not be treated the same. Even though the judge made a recommendation to review other MOUs, she did not enjoin everybody else. Furthermore, the City could not take it upon itself to enjoin all other MOUs, as that was a violation of the state constitution. He, again, suggested the City wait for clarification from Judge Cooper.

Noting there had been comments demonizing the employees and unions, Mr. Schmidt pointed out that City employees lived in Phoenix, paid taxes, were part of the community, and supported the community. Therefore, it was unfair to the employees to hear all the back and forth from the Council making it appear as though the employees created this problem.

Addressing the comments about how to save money, Mr. Schmidt spoke about grievances being filed because, despite warnings, actions were taken by City management that violated the contract. In one case, arbitration resulted in \$750,000 being paid back to the employees because of a violation committed by the City.

Mr. Schmidt acknowledged there were many different opinions from various people, but he asked that the hard work and dedication of the employees and representatives from PLEA and all the unions, be acknowledged. The City was doing the right thing by returning the funds through vacation time. There was no tax savings to the taxpayers because this was part of a negotiated contract, and as former Chief Financial Officer Jeff DeWitt always said, breaking contracts could affect the City's bond rating.

In closing, Mr. Schmidt advised the Council that AFSCME Locals 2384 and 2960 had not come to an agreement regarding their union release time yet because the judge's order was not imposed on them.

Mayor Stanton noted Louisa Pedraza submitted a speaker comment card and yielded her time to Frank Piccioli.

Mr. Frank Piccioli said he was the proud representative of the nearly 2,900 City employees in AFSCME Local 2960. The term "union release" had been used as a political tool, so he wanted to relay an example of its benefit. Due to a severe understaffing of the 911 Center in Fire for years, life-threatening emergency calls were placed on hold for the next available operator. The dispatchers went to the public, Fire Department, and Council, but nothing was done. However, when the union, through union release time, got involved, staffing was increased. That was clearly a public benefit of union release.

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Mr. Piccioli contended this discussion had nothing to do with taxpayer money; it was political. Certain Council members, like Mr. DiCiccio and Mr. Waring, had done a wonderful job toward accomplishing their goals of hurting 911 dispatchers, policemen, firefighters, inspectors, detention officers, sanitation workers, and secretaries; essentially, the men and women who bled for this city, and those that many of the Council praised last week at the Phoenix Memorial who risked all for the citizens.

Additionally, Mr. Piccioli said it was unforgettable what a great job they had done pulling the wool over the eyes of the public; acting like they stood up for the middle class and taxpayers, all the while: taking money from the workers to fund their own pet projects; taking from people who sweat to make this city run, and then granting huge raises to friends in upper management; cutting wages and benefits of middle class, hard working employees, then feeding the lawyers another round of taxpayer money. They had convinced the citizens of Phoenix that the bad people were the workers, and the good people were corporate sponsors and rich lawyers.

Mr. Piccioli suggested the petty politicians not get comfortable or forget that the citizens of Phoenix and the nation, were smarter than them. They would not be fooled by parlor tricks forever. The public would eventually see through the false hood and lies. Despite attempts to hurt the unions and silence the middle class workers, the unions would never yield to the immoral politicians, who under the guise of helping the taxpayer, took from the workers and padded the wallets of their corporate sponsors. The unions were the voices of those that served, built this city, and lived and died here.

Mr. Piccioli quoted the following poem: "Though much is taken, much abides. And though we are not the strength which in old days moved heaven and earth, that which we are, we are. One, equal temper of heroic hearts, made weak now by time and faith, but strong in will. To strive, to seek, to find, and to not yield."

Mayor Stanton noted a speaker comments card was submitted in opposition by Sal Barney, and in favor by Michael Pablos. Mr. Barney did not wish to speak, and Mr. Pablos indicated all the points had already been made.

Mr. Pat Vint stated this was a war between employers and employees, and some Council members believed Santa Claus was the employers. As a small business owner, he suggested delaying this action until it was settled by the courts.

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Mr. Vint, however, appreciated Mr. DiCiccio's recognition that the problem needed to be corrected today so it did not explode tomorrow, which would hurt everyone. He further recommended taking a look at cities that had gone bankrupt because of unions or for not having a City Manager and Council that knew what they were doing.

Mr. Joe Roach said it took a union more than a couple dozen years to get employees a 40-hour work week. Using a firefighter as an example, he understood it was possible some people thought they were overpaid or their pension was too much, and he realized that hurt municipal budgets. However, when somebody needed immediate assistance, money was not a consideration. He suggested the conversation about affording pensions with a municipal budget be directed toward corporate welfare and lowering incentives to keep the pension where it needed to be. As for vacation time, he believed Americans needed more not less.

Mayor Stanton noted Jennifer Wozniak submitted a speaker comment card and yielded her time to Will Buividas.

Mr. Will Buividas, treasurer of PLEA, clarified this matter had only gone through one court, one judge. PLEA, joined by the City, was appealing the judge's order. Hopefully, the appeals court would allow representation and negotiation to be done on City time in the future.

However, Mr. Buividas continued, the judge's order did not get rid of release time. It got rid of release time the way it was previously being handled. The judge's order allowed PLEA to have release time as long as it met certain obligations pertaining to responsibilities from the union and City, and consideration from the union and employees. All of which were contained in the addendums negotiated with the City Manager, Labor Relations Administrator, and City Attorney.

Mr. Buividas explained there was no cost because if the union was providing representation, which under the current order they could not do on City time, they either had to do that on the donated bank of time from the unit members or on their own time, or on PLEA time and that money was reimbursed to the City. For instance, if he spent 10 hours providing representation, the City would send a bill to PLEA for the 10 hours, and PLEA would write the City a check. That was the reason this was cost neutral.

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For the last eight months since the injunction took place, Mr. Buividas shared that PLEA members, the men and women who served and protected the Council and citizens, had gone without critical representation because the PLEA representatives were in the field and unable to provide that service. This addendum would allow them to at least be able to provide that essential representation to its membership.

Mr. Buividas explained the Phoenix Police Department was different than other cities, as they did not allow lawyers and outside business agents to represent police officers. Chief Joe Yahner testified in court that it was not appropriate. Therefore, PLEA recommended the Council approve this addendum as presented.

Mr. Joe Clure, president of PLEA, said this was a very simple issue and suggested doing away with the politics. He had two purposes; to represent the Phoenix Police Department officers who were unit members, and to work with the City to accomplish that. The City was the employer, PLEA was the representative agent.

Mr. Clure stated PLEA had been through a lot of litigation relating to this lawsuit. They read, studied, and analyzed the judge's orders, as had the City attorneys. The proposed agreement clearly complied with the judge's instructions. As Mr. Buividas stated earlier, this decision was under appeal. However, PLEA, its lawyers, and the City's lawyers agreed this order achieved the directions set forth by the judge's rulings. In fact, in some of her rulings, she even alluded to doing it in this manner as it related to giving the money back to the individual employees who could then make the choice whether to donate the time back to the association to conduct business.

Very simply, Mr. Clure said this was about the efficient operation of a city and maintaining it as a very well-run city. PLEA was present to ensure that happened through this agreement.

Noting there had already been significant discussion and debate on this matter, Mayor Stanton politely requested the Council members only raise new points.

Mr. Gates inquired about the purpose of preparing this amendment to the MOUs.

Mr. Zuercher replied the purpose was to ensure the City was in compliance with Judge Cooper's order to the City in the Cheatham v. Gordon case.

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Mr. Gates thought that made sense, and he thought a lot of it was in compliance with Judge Cooper's decision. However, having taken the opportunity to review the minute entry and speak with staff, he was hung up on the portion pertaining to what was going to be done with the release time, specifically, the City giving additional vacation hours/time off, to the employees, and then the employees being asked to donate that time to the union. He simply did not see that directive in the minute entry, despite public comments made to the contrary.

Mr. Gates read the minute entry dated January 24, 2014, as follows: "Release time is not being compensation in the MOU. Compensation for officers appears in the MOU under the section titled Compensation Wages. Release time is not listed under the Compensation Wages. It appears in the section titled Rights of Association. There is no provision in the MOU that requires the City to increase officer salary if release time is enjoined or removed." Hence his belief that it was not a requirement of the minute entry. He did not disagree that people could think that was a way to move forward, but it was not what the judge said to do. Based upon that, he was opposed to Items 57.1 and 57.2.

Responding to Mr. Schmidt's statement that the employees did not create this situation, Mr. DiCiccio said he was right. The politicians created this problem and the structural deficit the City of Phoenix was under fire on. It was the politicians who were weak and unwilling to make the tough decisions.

Mr. DiCiccio viewed the situation as follows: the unions helped the politicians get elected, the politicians then, through schemes like this, handed millions of dollars over to the unions who then helped the politicians get re-elected, and the result was long-term structural deficits. This scheme being played on taxpayers, similar to what occurred in Washington D.C., was now happening in Arizona.

Mr. DiCiccio credited the labor groups, staff, and politicians that supported this because they were going to win, but the taxpayers were going to lose. They would also create a structural deficit, long-term, in the City, that was going to be increasingly harder to recover from. It would result in higher taxes eventually, or cuts in services for after-school programs, domestic violence, and ending human trafficking. The difference in choices was simply whether the \$3.7 million should be used for those vital services or to fund union activity.

Echoing comments made by Mr. Waring previously, Mr. DiCiccio agreed if this could not be explained and appeared too funky, it was probably too weird and suggested there was a lot of back room dealing occurring. It should be simple but was not, and the common public could not even understand it because it was a scheme.

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Mr. Valenzuela recalled the \$277 million deficit referenced by Mr. DiCiccio. He pointed out that was dealt with by three different measures: the food tax; becoming the leanest government in four decades whereby every employee was doing more with less; and through the labor management process, with union release time, to reach an agreement in which every City employee agreed to open their contract and give a 3.2 percent concession.

Mr. Valenzuela remarked that the employees were not only doing more with less, but doing it for less money. Also, the 3.2 percent concession saved the City approximately \$100 million, and that agreement would not have occurred without union release time. No deficit was good, but it potentially would be even larger than it was today. The City of Phoenix offered services, and City employees had always been part of the solution; not the problem.

Realizing the public was possibly viewing this discussion as a political bat and a point of contention, Mr. Valenzuela wished to share examples of accomplishments resulting from union release time. The Phoenix Fire Department and Valley was the only place in the country to find the Automatic Aide System. Nearly 30 fire departments worked as one seamless department in the Valley. Without the Automatic Aide System, Phoenix Fire would need dozens more fire stations and firefighters, which would result in the need for more benefit packages, salaries, and equipment. This project and process saved taxpayers millions of dollars.

Mr. Valenzuela further shared that in the Phoenix Police Department, 50 employees were moved in the property crimes function without a single grievance that would have cost the taxpayers money. This was accomplished because the Police Chief was able to sit down with representatives and work cooperatively in a proactive manner.

Mr. Valenzuela further recalled when there were changes in the retiree health plan that, thanks to union release time, millions of dollars were saved. In addition, as Mr. Schmidt mentioned earlier, AFSCME held a food drive with Ms. Pastor. Collectively, City employees were likely the largest philanthropic group in the state due to fundraisers such as: Muscular Dystrophy Association Fill a Boot; Habitat for Humanity; and cancer research, food, clothing, and back to school drives. All of these activities City employees did on their own time, and those projects were being managed by a union leader who was probably on union release time.

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Mr. Valenzuela stressed that union release time was a dual benefit and it was dangerous when someone made it a political point of contention. Perhaps it sounded popular to do away with it, but he cautioned everyone to consider the unintended consequences of doing that. It was dangerous to not completely vet that impact and realize what it really meant to the City.

Mr. Valenzuela expressed his support of this dual benefit and the contract agreement reached by City management, employees, and staff at the direction of the Council.

In response to Mayor Stanton's request to keep his comments short, Mr. DiCiccio opined this was an important debate. The matter had been in court for two years, so he did not agree with restricting debate on this discussion. He believed that as the discussion progressed, more information was received, and information had been lacking on this issue from staff.

Mr. DiCiccio reiterated his belief that the politicians, not the employees, created the problem. In 2008-2009, during the worst economic crisis of the century, the City of Phoenix was facing a budget deficit that could be seen coming six months prior. However, the City politicians awarded pay raises, including longevity and merit, anywhere between 8.5 percent to over 18 percent. Furthermore, in regards to the 3.2 percent concessions often mentioned, pay raises were granted at the same time at the rate of 4.5 percent to 4.8 percent.

Mr. DiCiccio recalled that while the food tax was in place, over \$140 million of the aforementioned pay raises were enacted. Again, it was not the employees that created the mess. It was the politicians that did not have the guts in 2008-2009 to set a right direction for the City of Phoenix. That cycle continued again two years ago with the labor agreement, but at some point the direction needed to change.

MOTION was made by Mr. Nowakowski, **SECONDED** by Mrs. Williams, to call for the question on Items 57.1 and 57.2.

From a lack of transparency standpoint, Mr. DiCiccio said debate on something this important should not be limited, and he requested a roll call vote be taken on the call for the question.

Mayor Stanton did not think it could be argued that the Council did not have a thorough debate on this very important item.

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Roll Call:	Ayes:	Gallego, Nowakowski, Pastor, Valenzuela, Williams, and Mayor Stanton
	Nays:	DiCiccio, Waring, and Vice Mayor Gates
	Absent:	None

MOTION CARRIED.

Mayor Stanton requested the roll call vote be taken for the underlying motion to adopt Items 57.1 and 57.2

Roll Call:	Ayes:	Gallego, Nowakowski, Pastor, Valenzuela, Williams, and Mayor Stanton
	Nays:	DiCiccio, Waring, and Vice Mayor Gates
	Absent:	None

MOTION CARRIED.

Mayor Stanton announced he was leaving the Chambers and passing the gavel to Vice Mayor Gates for the remainder of the meeting; however, he would rejoin the meeting via telephone. Mayor Stanton temporarily left the voting body.

OLD BUSINESS

ITEM 19

DISTRICT 2

**LIQUOR LICENSE
APPLICATION - MCFADDEN'S
RESTAURANT & SALOON**

Continued from December 4, 2013, and January 15, 2014 - The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079678.

Applicant: Randy Nations, Agent
McFadden's Restaurant & Saloon
21001 North Tatum Boulevard, #6

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The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales as TGI Friday's #1144 until March 2013 and was operating with an interim permit. The operation plan filed with the application showed the restaurant area seated 364 and the bar area seated 66.

Public Opinion

No petitions or protests were received.

Applicant's Statement

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

- I have the capability, reliability, and qualifications to hold a liquor license because: "We train all of our employees in responsible liquor service and they go through regular audits to ensure they comply."

Staff Recommendation

Staff recommended disapproval of this application based on a Police Department recommendation for disapproval due to concerns with the applicant's capability, reliability, and qualifications to hold and control a liquor license. The applicant owned two other liquor licensed locations in Arizona, both of which had an extensive history of liquor license violations. Additionally, the Police Department felt this location was being operated as a bar and, therefore, did not meet the criteria for the issuance of a Series 12 (Restaurant) license.

MOTION was made by Mr. Waring, **SECONDED** by Mrs. Williams, that Item 19 be continued to the formal meeting on March 19, 2014, as confirmed by Management Assistant II Denise Archibald.

A speaker comment card was submitted in opposition to Item 19 by Ida Alonge from the Phoenix Police Department, who did not wish to speak regarding the continuance.

MOTION CARRIED UNANIMOUSLY.

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ITEM 20

DISTRICT 4

**LIQUOR LICENSE
APPLICATION - BADA BING
GENTLEMEN'S CLUB**

Continued from January 29 and February 5, 2014 - The Council heard request for a Series 6, On Sale-All Liquor, liquor license in an area zoned C-2. Arizona State Application 06070721.

Applicant: Greg Casteel, Agent
Bada Bing Gentlemen's Club
1702 East McDowell Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for an ownership and location transfer of a Series 6 liquor license from Chandler for a topless bar. This location was not previously licensed for liquor sales and did not have an interim permit.

Public Opinion

No petitions or protests were received.

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):

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "I have operated this adult-oriented business for some time and I familiar with its operation. We will have employees trained in the liquor laws and we comply with those laws."

- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "It will raise the age of patrons from 18 to 21 which will be beneficial to the community's best interest."

Staff Recommendation

Staff recommended disapproval of this application based on a Police Department and a Street Transportation Department recommendation for disapproval.

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The Police Department disapproval was based on concerns with the applicant's criminal history and failure to fully disclose ownership in other businesses, as required during the liquor license application process. The applicant had not demonstrated the capability, reliability, and qualifications required to hold and control a liquor license.

The Street Transportation Department disapproval was pursuant to Arizona Revised Statutes, Section 4-207, that restricted liquor licensing near churches and schools. The proposed liquor license location was within 300 feet of a church.

Per updated information from staff, the Police Department withdrew its opposition to this request.

MOTION was made by Ms. Pastor, **SECONDED** by Mrs. Williams, that Item 20 be recommended for disapproval per the Street Transportation Department recommendation.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Williams, and Acting Mayor Gates
	Nays:	None
	Absent:	Mayor Stanton

MOTION CARRIED.

ORDINANCES AND RESOLUTIONS

ITEM 21

DISTRICTS 7 AND 8

ORDINANCE G-5894 - AMEND CITY CODE - CHAPTER 10A - CONVENTION CENTERS AND THEATERS

The Council heard request to authorize amendments to Phoenix City Code Chapter 10A, Convention Centers and Theaters to update the code governing rates and operations of the Phoenix Convention Center, Executive Conference Center, Theatrical Venues, and Parking Facilities managed by the Phoenix Convention Center Department (PCCD) to provide increased competitiveness.

The amended ordinance provided rates for booking future business through 2026. Additionally, the amended ordinance allowed greater sales flexibility and speed-to-market with competitive client proposals while establishing new opportunities for generating revenues in market-driven, business-friendly ways.

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MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 21 be adopted.

Mr. Waring requested clarification that this request was not to raise the fees, and only allowed considering raising the fees.

Convention Center Director Debbie Cotton explained this was a recommendation to allow staff to extend the fee structure. Also, it did include an increase of one penny, every two years, and that increase would not start until Fiscal Year 2019-2020.

Mr. Waring recalled discussing this matter a couple of weeks ago.

Acting Mayor Gates noted a speaker comment card was submitted in favor of Item 21 by Joe Roche, but it was determined he was no longer present.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Williams, and Acting Mayor Gates
	Nays:	Waring
	Absent:	Mayor Stanton

MOTION CARRIED.

Mayor Stanton rejoined the voting body via telephone.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Items 22 through 57 be adopted, excepting Items 25, 26, 27, 28, 31, 32, 35, 38, 44, 46, 48, 52, 56, and 57.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Williams, Acting Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	None

MOTION CARRIED.

February 19, 2014

ITEM 22 **DISTRICT 5** **ORDINANCE G-5895 -
MODIFICATION OF
STIPULATIONS
FOR REZONING
APPLICATION Z-SP-13-08-5
ADOPTED BY
ORDINANCE G-5230**

The Council heard request to amend the stipulations applicable to Rezoning Application Z-SP-13-08-5 previously approved by Ordinance G-5230 for the R1-6 SP (Single-Family Residence Special Permit) zoning district located approximately 1,200 feet south of the southeast corner of 103rd Avenue and Camelback Road. This request allowed a new wireless communication facility disguised as a faux palm tree.

ITEM 23 **DISTRICT 8** **ORDINANCE S-40495 -
ACQUISITION OF
ONE OCCUPIED RESIDENTIAL
PROPERTY FOR THE
COMMUNITY NOISE
REDUCTION PROGRAM**

Continued from January 15 and 29, 2014 - The Council heard request to authorize the City Manager, or his designee, to perform all acts necessary to acquire fee title to, and possession of, the occupied residential real property listed below for the Aviation Department's Community Noise Reduction Program. This also authorized the City Manager, or his designee, to negotiate and execute short-term, temporary occupancy agreements to give the occupants of the property sufficient time to relocate, as such agreements were necessary to, and in furtherance of, this ordinance.

The following property owner voluntarily asked the City to purchase her property, which was located in Phoenix, Arizona, and identified by a Maricopa County Assessor Parcel Number (APN):

<u>Owner</u>	<u>Address</u>	<u>Appraisal</u>	<u>WBS Element</u>
Dora Ramirez, an unmarried woman	1098 East Durango Street APN: 115-46-029A	\$64,000	AV01050231

This further authorized the City Controller to disburse funds necessary to purchase the property at the City's appraised value, plus usual and customary closing costs, and to accept and disburse funds necessary for the short-term, temporary occupancy agreements.

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ITEM 24

DISTRICT 8

**ORDINANCE S-40528 -
ACQUISITION OF
ONE OCCUPIED RESIDENTIAL
PROPERTY FOR THE
COMMUNITY NOISE
REDUCTION PROGRAM**

Continued from January 29, 2014 - The Council heard request to authorize the City Manager, or his designee, to perform all acts necessary to acquire fee title to, and possession of, the occupied residential real property listed below for the Aviation Department's Community Noise Reduction Program. This also authorized the City Manager, or his designee, to negotiate and execute short-term, temporary occupancy agreements to give the occupants of the property sufficient time to relocate, as such agreements were necessary to, and in furtherance of, this ordinance.

The following property owner voluntarily asked the City to purchase her property, which was located in Phoenix, Arizona, and identified by a Maricopa County Assessor Parcel Number (APN):

<u>Owner</u>	<u>Address</u>	<u>Appraisal</u>	<u>WBS Element</u>
Pomposa S. Valdez, a widow	1417 South 9th Street APN: 115-44-080A	\$47,000	AV01040079

This further authorized the City Controller to disburse funds necessary to purchase the property at the City's appraised value, plus usual and customary closing costs, and to accept and disburse funds necessary for the short-term, temporary occupancy agreements.

ITEM 29

OUT OF CITY

**ORDINANCE S-40572 -
FOREIGN-TRADE ZONE
APPLICATION FOR ISOLA
USA, CORPORATION**

The Council heard request to authorize the City Manager, or his designee, to submit a Minor Boundary Modification application to the Foreign-Trade Zones (FTZ) Board of the U.S. Department of Commerce. This also authorized entering into a Foreign-Trade Zone Operations Agreement and any other necessary documentation with Isola USA, Corporation, or City-approved nominee, and to enter into an Intergovernmental Agreement with the City of Chandler.

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The City of Phoenix, as Grantee of Foreign-Trade Zone 75, had the right and authority to apply for foreign-trade zone site designations. Isola USA, Corporation designs, develops, manufactures, and markets laminate materials used to fabricate advanced multilayer printed circuit boards, which provided the physical platforms for the semiconductors, passive components, and connection circuitry that powered and controlled virtually all modern electronic products. The company requested a usage-driven designation for the property it owned at 165 South Price Road, Chandler, Arizona.

The proposed usage-driven site consisted of approximately 17 acres. Consistent with City of Phoenix policy, Isola did not intend to seek property tax reclassification for existing property within the City of Chandler pursuant to Arizona law (Arizona Revised Statutes 42-12006).

The City of Chandler provided to the City of Phoenix a resolution indicating their support of Isola's FTZ application for the site in Chandler. With Council authorization, the City of Phoenix would enter into an Intergovernmental Agreement with the City of Chandler to evidence conditions of Chandler's support of the FTZ application and outline the cities' responsibilities to one another.

City staff would prepare an Operations Agreement with Isola requiring the company to:

- Comply with U.S. Department of Commerce Foreign-Trade Zones Board standards;
- Maintain record keeping satisfactory to the U.S. Customs and Border Protection;
- Obtain business bonding and insurance satisfactory to the City and the U.S. Customs and Border Protection;
- Indemnify the City against claims arising from their FTZ operations; and
- Pay to the City all fees pursuant to the current zone fee schedule.

The agreement would contain such other terms and conditions deemed necessary or appropriate.

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ITEM 30

CITYWIDE

**ORDINANCE S-40573 -
IFB 14-019 - COURIER AND
DELIVERY SERVICES FOR
AUTOMOTIVE EQUIPMENT
AND PARTS - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Alliance Towing for the pick-up and delivery of equipment parts between vehicle maintenance service centers, on an as-needed basis during a one-year contract period beginning on or about February 6, 2014 and ending February 5, 2015. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$375,000, with an estimated annual expenditure of \$75,000.

Four bids were received and opened on December 20, 2013. Following is a tabulation of the responsive bids received:

<u>Bidders</u>	<u>Unit Price</u>
Alliance Towing	\$61.00*
Mercury Delivery Service	\$71.90
BC Logistics, LLC	\$86.60

It was recommended by the Deputy Finance Director that the bid of Alliance Towing, as asterisked, be accepted as the responsive and responsible bidder.

Provisions of the agreement included an option to extend the contract up to four additional years, in one-year increments, which would be exercised if considered in the City's best interest to do so.

ITEM 33

DISTRICT 7

**ORDINANCE S-40576 -
IFB 14-090 - DIMMER RACK
REPLACEMENT FOR
PHOENIX SYMPHONY HALL**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Clearwing Productions to purchase theatrical dimmer racks for Symphony Hall. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$405,963, which included the bid price of \$374,850, plus tax of \$31,113.

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One bid was received by the Procurement Division on January 3, 2014, for the purchase of dimmer racks. The theatrical dimmer racks provided power for special theatrical stage, acoustical shell and auditorium lights used for theatrical state, meeting and exhibition presentations, and dimmable house lights for the auditorium at Symphony Hall. Following is tabulation of the only responsive and responsible bid received:

<u>Bidder</u>	<u>Bid Price</u>
Clearwing Productions	\$374,850

It was recommended by the Deputy Finance Director that the bid submitted by Clearwing Productions be accepted as the lowest responsive and responsible bidder.

ITEM 34 **CITYWIDE** **ORDINANCE S-40577 -**
IFB 14-093 - HIGH
PERFORMANCE RIDER
SWEEPER - REQUIREMENTS
CONTRACT

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Tennant Sales and Service Company for the purchase of a high performance rider sweeper at a cost of \$161,555.69. The contract period would begin on or about March 1, 2014 and end February 28, 2015, with the option to extend the contract up to four additional years, in one-year increments. The contract extensions would only be exercised on an as-needed basis, and would allow for the purchase of up to five high performance rider sweepers over a five-year period. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$905,000, with an annual expenditure of \$181,000, to account for taxes and shipping cost not included in the bid price.

One bid was received and opened on January 3, 2014. Following is a tabulation of the responsive and responsible bid received:

<u>Description</u>	<u>Bidder</u>	<u>Bid Price</u>
High Performance Rider Sweeper	Tennant Sales and Service Company	\$161,555.69

It was recommended by the Deputy Finance Director that the bid submitted by Tennant Sales and Service Company be accepted as the lowest responsive and responsible bidder.

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Provisions of the agreement included an option to extend the contract up to four additional years, in one-year increments, which would be exercised if considered in the City's best interest to do so.

<u>ITEM 36</u>	CITYWIDE	ORDINANCE S-40579 - IFB 14-096 - REPLACEMENT AND INSTALLATION OF ALUMINUM AND FIBERGLASS GRATING
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The Council heard request to authorize the City Manager, or his designee, to enter into a contract with All-Kote Lining, Inc. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$60,511.

Report of one bid received by the Procurement Division on December 20, 2013, to provide replacement and installation of aluminum and fiberglass grating in various areas at the Val Vista Water Treatment Plant. Following is a tabulation of the only responsive and responsible offer received:

<u>Bidder</u>	<u>Bid Price</u>
All-Kote Lining, Inc.	\$55,010

It was recommended by the Deputy Finance Director that the bid submitted by All-Kote Lining, Inc. be accepted as the lowest responsive and responsible bidder.

<u>ITEM 37</u>	CITYWIDE	ORDINANCE S-40580 - RFA 14-015 - ARSENIC ADSORPTION MEDIA - REQUIREMENTS CONTRACT
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The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Siemens Water Technologies LLC, Inc. to provide arsenic adsorption media on a month-to-month basis for up to six months, beginning on or about January 29, 2014 and ending July 29, 2014. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$99,000, with an estimated monthly expenditure of \$16,500.

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The Finance Department issued solicitation IFB 13-129 on February 28, 2013. All bids in response to this solicitation were ultimately deemed non-responsive, and staff cancelled the solicitation. The Water Services Department completed a pilot study in fall 2013 which provided information for new types of media that met the minimum requirements for arsenic adsorption. This information would be used for a new bid (scope) process. Establishment of an interim contract with Siemens was necessary to ensure that arsenic adsorption media for removing arsenic from groundwater and for treating water at the City well sites was not interrupted, until the new bid process was completed.

ITEM 39

CITYWIDE

**ORDINANCE S-40582 -
MARICOPA COUNTY
SERIAL 12137 S - LOOP
DETECTOR INSTALLATION
SERVICES - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to make purchases against the Maricopa County contract with CPC Construction, Inc. for traffic signal loop installation services on an as-needed basis. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$400,000.

The loop detector installation services was required by the Street Transportation Department Traffic Signal Section to allow for resources to replace damaged loops due to major street projects like the Light Rail Northwest Extension, Grand Avenue Improvements, overlay projects, and restoration projects.

The Maricopa County contract was awarded November 8, 2012 and would end on November 30, 2015, with options for one-year extensions through November 30, 2018. This authorized the current award period and any optional extensions Maricopa County approved.

ITEM 40

CITYWIDE

**ORDINANCE S-40583 -
STATE OF NEVADA RFP1907 -
WSCA WIRELESS
COMMUNICATION SERVICES,
ACCESSORIES, AND
EQUIPMENT**

The Council heard request to authorize the City Manager, or his designee, to make purchases with AT&T; Sprint Solutions; T-Mobile USA, Inc.; and Verizon Wireless, using the contracts established by the Western States Contracting

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Alliance (WSCA) through a competitive bidding process. The State of Arizona Department of Administration entered into a cooperative agreement with the lead agency, the State of Nevada, and entered into a participating addendum with each contractor for wireless communication services, accessories, and equipment. This further authorized the City Controller to disburse funds over the duration of the contract in an aggregate amount not to exceed \$17,419,290, with an estimated annual amount of \$3,667,219.

The contracts were awarded on October 16, 2012 and would end November 1, 2016. Provisions of the agreement included an option to extend the contract up to two additional years, in one-year increments, which would be exercised if considered in the City's best interest to do so.

Following is an outline of the contracts:

Contractor	State of Arizona Contract	Estimated Annual Expenditures
AT&T Mobility	ADSP013-032444	\$ 349,340
Sprint Solutions Inc.	ADSP013-034209	\$ 489,440
T-Mobile USA, Inc.	ADSP013-034339	\$ 8,746
Verizon Wireless	ADSP013-034099	\$2,819,693
Total		\$3,667,219

ITEM 41

DISTRICT 1

**ORDINANCE S-40584 -
AMEND ORDINANCE S-40347
TO AUTHORIZE ACQUISITION
OF ONE ADDITIONAL PARCEL**

The Council heard request to amend Ordinance S-40347 adopted November 6, 2013, to include the acquisition of fee title or lesser interest in all, or portion of, one additional parcel.

Ordinance S-40347 authorized the City Manager, or his designee, to acquire fee title or lesser interest in all, or portions of, three improved parcels located along 35th Avenue and Dunlap Avenue for the Dunlap; 31st Avenue to 43rd Avenue Improvement project. Due to a change in the project design, one additional parcel was needed for construction of the project.

All other provisions of Ordinance S-40347 remained the same.

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ITEM 42

DISTRICT 2

**ORDINANCE S-40585 -
ACCEPTANCE OF
EASEMENTS FOR PUBLIC USE
FOR THE UPPER EAST FORK
CAVE CREEK PROJECT**

The Council heard request to authorize the City Manager, or his designee, to accept easements for an equestrian trail and a sewer line for the Upper East Fork Cave Creek project pursuant to IGA FCD-90018 (Contract 57245), as amended. This easement is located in a drainage easement east of 26th Street between Union Hills Drive and Beardsley Road.

This further granted an exception pursuant to Phoenix City Code, Section 42-20, to authorize inclusion of indemnification and assumption of liability provisions in the documents pertaining to this transaction that otherwise would be prohibited by Phoenix City Code, Section 42-18, which was a necessary condition to the County granting the City the real property owned/controlled by the Flood Control District of Maricopa County.

ITEM 43

DISTRICT 6

**ORDINANCE S-40586 -
GRANT OF A PUBLIC UTILITY
EASEMENT FOR A CITY
PROJECT - 5855 NORTH ECHO
CANYON PARKWAY**

The Council heard request to grant a public utility easement, for consideration of one dollar, for the installation of a new service to a City facility on City property in the Arizona Public Service (APS) service area, and further ordering the ordinance recorded. This easement was needed to provide utilities and other services to the Echo Canyon Trailhead located at 5855 North Echo Canyon Parkway.

This public utility easement would be for the area described in the legal description to be sent directly to the Law Department ("Easement Premises") and would be granted to all public service corporations and telecommunication corporations providing utility service to the property located at 5855 North Echo Canyon Parkway, (collectively "Grantee") in perpetuity, so long as the Grantee uses the Easement premises for the purposes herein specified, subject to certain terms and conditions.

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ITEM 45

DISTRICT 8

**ORDINANCE S-40588 -
APPLY FOR AND ACCEPT
GRANT FUNDS FROM THE
NATIONAL FISH AND
WILDLIFE FOUNDATION**

The Council heard request for retroactive authorization to apply for a \$30,000 grant from the National Fish and Wildlife Foundation – Five Star and Urban Waters Restoration Program. This further authorized the City Manager, or his designee, to accept the funds, and for the City Controller to accept and disburse funds.

The Neighborhood Services Department (NSD) would partner with the Wilson Elementary School District located in the area of 30th Street - 30th Place from Van Buren to Fillmore Streets for a school improvement project. The project would transform the barren landscape areas surrounding the school back into a riparian habitat that supported biodiversity, reduced the urban heat island effect, captured storm water and improved water quality, increased tree canopy coverage, and provided an environmental education opportunity for students and the community. These funds would ultimately benefit the environment by providing shade cover, decreasing surface temperatures, and creating more walkable streets for the community.

In addition, NSD and the Wilson Elementary School District would partner with surrounding neighborhood organizations to raise awareness on environmental stewardship.

ITEM 47

CITYWIDE

**ORDINANCE S-40590 -
ACCEPT GRANT FUNDS FROM
THE ARIZONA CRIMINAL
JUSTICE COMMISSION FOR
THE PAUL COVERDELL
FORENSIC SCIENCE
IMPROVEMENT FORMULA
GRANT**

The Council heard request to authorize the City Manager, or his designee, to enter into a grant agreement between the Phoenix Police Department and the Arizona Criminal Justice Commission through the Paul Coverdell Forensic Science Improvement Formula grant. Grant funds were awarded in an amount not to exceed \$42,633. The funding period was October 1, 2013 through September 30, 2014. This further authorized the City Controller to receive and disburse funds.

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These funds would be utilized for overtime and related fringe benefits to improve the timeliness of forensic science services and to address backlogs in the analysis of forensic evidence.

ITEM 49

DISTRICT 1

**ORDINANCE S-40592 -
WS85050045 - DEER VALLEY
WATER TREATMENT PLANT
RESERVOIR #1
REPLACEMENT -
CONSTRUCTION
ADMINISTRATION AND
INSPECTION SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Black & Veatch Corporation, Phoenix, Arizona, to provide construction administration and inspection services in support of the Deer Valley Water Treatment Plant 20 million gallon Reservoir #1 Replacement project. This further authorized the City Controller to disburse funds for the purpose of this ordinance.

This project required the demolition of the existing reservoir and the installation of the new concrete reservoir. Construction administration and inspection services included, but were not limited to: representing the City on behalf of the project; managing the construction schedule; performing site visits; reviewing shop drawing and test results; interpreting and clarifying contract documents; certifying progress payments; performing substantial and final completion inspections; performing materials testing; providing the services of an on-site inspector throughout the construction; and performing special services as identified for the project.

The engineer's fee would not exceed \$1,858,155, including all subconsultant and allowable costs.

ITEM 50

DISTRICTS 4 AND 7

**ORDINANCE S-40593 -
ST89360018 - ITS FIBER OPTIC
BACKBONE PHASE B-2 -
DESIGN-BID-BUILD**

The Council heard request to authorize the City Manager, or his designee, to accept CS Construction, Inc., Phoenix, Arizona, as the lowest priced responsive and responsible bidder and to enter into a contract for construction

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services. The contract could contain other terms and conditions deemed necessary or appropriate by the City Manager, or his designee. This further authorized the City Controller to disburse the necessary funds for the purpose of this ordinance in an amount not to exceed \$538,451.

Six bids were received by the Street Transportation Department on December 10, 2013, to provide construction services in support of the ITS Fiber Optic Backbone Phase B-2 construction project. Bids ranged from a low of \$497,091 to a high of \$680,000. The engineer's estimate, second low bidder, and the lowest bidder are listed below:

	<u>Total</u>	<u>DBE Goal</u>
Engineer's Estimate	\$581,118.50	3.57%
CS Construction, Inc.	\$538,451.00	20.27%
B&F Contracting, Inc.	\$497,091.00	4.02%

The lowest bidder, B&F Contracting, Inc., withdrew their bid due to an error in their bid amount. The Street Transportation Department, therefore, recommended award of the base bid to the second lowest responsible bidder, CS Construction, Inc., in an amount not to exceed \$538,451.

ITEM 51

CITYWIDE

**ORDINANCE S-40594 -
AMENDMENT 2 - PLAN
REVIEW FOR CONSTRUCTION
PROJECTS ON-CALL
SERVICES**

The Council heard request to authorize the City Manager, or his designee, to execute Amendment 2 to Contract 133117 with Stantec Consulting Services, Inc., Phoenix, Arizona, to increase the contract capacity by \$300,000 for a total of \$750,000 to provide professional plan review services for the Planning and Development Department. This further authorized the City Controller to disburse funds for the purpose of this ordinance.

Stantec Consulting Services, Inc. supported the Planning and Development Department in performing various on-call plan review services. Services could include conducting reviews on plans for new construction, alterations, and repairs submitted by commercial and residential property owners for compliance with the Phoenix Building Construction Code. The Planning and Development Department anticipated an increased need for plan review services in commercial and residential construction.

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ITEM 53

CITYWIDE

**ORDINANCE S-40596 -
APPLY FOR AND ACCEPT
FEDERAL FUNDING FOR
BRIDGE ASSET MANAGEMENT
SERVICES**

The Council heard request to authorize the City Manager, or his designee, to apply for and enter into an agreement with the Arizona Department of Transportation to allow the Street Transportation Department to utilize grant funding from the Federal Highway Administration. This further authorized the City Treasurer to receive, and the City Controller to disburse, the funds.

Funding from this grant would be used to employ an engineering consulting firm to perform bridge asset management services for the Engineering and Technical Services Section of the Street Transportation Department. The consultant would be selected according to Arizona Revised Statute, Section 34-103 – Employment of Technical Registrants.

The grant funding period was from July 1, 2014 through June 30, 2017. The grant request was \$400,000 per year, for a total of \$1,200,000 for three years.

ITEM 54

CITYWIDE

**ORDINANCE S-40597 -
APPLY FOR AND ACCEPT
FEDERAL FUNDING FOR
BRIDGE ASSET MANAGEMENT
SOFTWARE**

The Council heard request to authorize the City Manager, or his designee, to apply for and enter into an agreement with the Arizona Department of Transportation to allow the Street Transportation Department to utilize grant funding from the Federal Highway Administration. This further authorized the City Treasurer to receive, and the City Controller to disburse, the funds.

Funding from this grant would be used to purchase software used for bridge inspections and bridge load ratings. This software included AASHTOWare Bridge Management™, AASHTOWare Bridge Rating™, and BRASS™ Load Rating.

The grant funding period was from July 1, 2014 through June 30, 2017. The grant request was \$112,000 per year, for a total of \$336,000 for three years.

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ITEM 55

CITYWIDE

**ORDINANCE S-40598 -
APPLY FOR AND ACCEPT
FEDERAL FUNDING FOR
BRIDGE INSPECTION
EQUIPMENT RENTAL**

The Council heard request to authorize the City Manager, or his designee, to apply for and enter into an agreement with the Arizona Department of Transportation to allow the Street Transportation Department to utilize grant funding from the Federal Highway Administration. This further authorized the City Treasurer to receive, and the City Controller to disburse, the funds.

Funding from this grant would be used to rent bridge inspection equipment including an under bridge inspection vehicle, manlifts, a boat, inspection vans, and traffic control equipment.

The grant funding period was from July 1, 2014 through June 30, 2017. The grant request was \$195,000 per year, for a total of \$585,000 for the next three fiscal years.

ITEM 25

CITYWIDE

**ORDINANCE S-40568 -
PAYMENT ORDINANCE**

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed \$3,611,806.97 for the purpose of paying vendors, contractors, claimants, and others; and providing additional payment authority under certain existing City contracts.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 25 be adopted, excepting Item 25y.

Mr. Pat Vint said Item 25 was complicated and he challenged whether any member of the Council knew what each of these important payments totaling \$3,611,806.97 were about. As a small business owner, he believed it was important to consider each item individually.

Regarding Item 25b, Ms. Dianne Barker wished to ensure the Council knew what the Airports Council International had done for the City to deserve the payout of \$102,182. This organization claimed to do many things, and she wanted to know the City was getting its money worth.

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In reference to Item 25d (\$12,500 to the Arizona-Mexico Commission), Ms. Barker believed they were working well with the airport, Phoenix' new office in Mexico, and the commerce on the 20th floor. Furthermore, this was necessary for Phoenix, now third in growth in the United States, to move forward and past various problems.

In regards to Item 25q (\$100,000 to Keith Knowlton), Ms. Barker noted Mr. Knowlton was an attorney. While she did not know the elements of this case, she hoped there was not an unjust handling of anybody that was nonviolent. Mr. Knowlton had handled police actions in Scottsdale, and she was opposed to people being mishandled roughly when they were nonviolent. Furthermore, she had facts to present to Police Chief Garcia and did not want the Law Department keeping her from speaking with or having access to him.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Williams, Acting Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	None

MOTION CARRIED. Item 25 was adopted in part.

Mrs. Gallego declared a potential conflict of interest and withdrew from the voting body on Item 25y.

ITEM 25y

CITYWIDE

**ORDINANCE S-40568 -
PAYMENT ORDINANCE**

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed \$3,611,806.97 for the purpose of paying vendors, contractors, claimants, and others; and providing additional payment authority under certain existing City contracts.

\$10,153.00 y) To Salt River Project, for payment authority to provide construction services to install a new electrical service required for Project WS85050026: 42nd Place Reservoir located at 7615 South 42nd Place, originally approved on January 15, 2014, for the Street Transportation Department.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 25y be adopted.

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Roll Call:	Ayes:	DiCiccio, Nowakowski, Pastor, Valenzuela, Waring, Williams, Acting Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	None

MOTION CARRIED. Item 25 was adopted in full.

Mrs. Gallego returned to the voting body.

ITEM 26

DISTRICT 8

**ORDINANCE S-40569 -
AGREEMENT WITH AMERICAN
ASSOCIATION OF AIRPORT
EXECUTIVES**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with American Association of Airport Executives (AAAE) to provide airport security, safety, and other specialized training and certification to the Aviation Department (Aviation). The agreement could contain other terms and conditions deemed necessary or appropriate by the City Manager or the Aviation Director. This further authorized the City Controller to disburse the necessary funds in an amount not to exceed \$90,000 annually over the life of the agreement.

The term of the agreement was for one year, and contained four, one-year renewal options to be exercised at the sole discretion of the Aviation Director.

The total cost of this agreement would not exceed \$90,000 per year for a total of \$450,000 if all options were exercised.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 26 be adopted.

Mr. Pat Vint noted the details of this item including the total cost of the agreement not exceed 90,000 a year for a total of 450,000 if all options were exercised. He wondered if anyone knew what the options were.

Mr. DiCiccio recalled previous discussions about the City spending millions of dollars each year on consulting agreements and associations. However, he was not receiving the information requested about what was received in return for the money spent. He believed it did not make sense to the taxpaying public to spend all this money on these associations when the City was facing deficits.

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Mr. DiCiccio advised he would vote in opposition to this item for the sole purpose that the Council was supposed to be given information from the Airport about what they were spending this money on and what kind of return the City was receiving. That basic information had not been provided, despite requesting it previously.

Mrs. Williams said her position was strongly opposite of Mr. DiCiccio. The American Association of Airport Executives was a well-known organization that provided training to employees. It was known for not only its training programs but technical expertise in airports. Phoenix had one of the largest airports, not only in the United States but in the world, and therefore, had to have top executives and staff in tune to the best practices, the latest known security needs, and how to react and handle certain situations. Based on this, it was very important the City belong to these associations because otherwise additional staff would be required to constantly research and conduct training practices, and she thought the City got more than its money's worth.

Roll Call:	Ayes:	Gallego, Nowakowski, Pastor, Valenzuela, Williams, Acting Mayor Gates, and Mayor Stanton
	Nays:	DiCiccio and Waring
	Absent:	None

MOTION CARRIED.

ITEM 27

DISTRICT 5

**ORDINANCE S-40570 -
CORE PROGRAM AGREEMENT
WITH CHICANOS POR LA
CAUSA FOR WEST SIDE
REGIONAL OFFICE
RENOVATION**

The Council heard request to authorize the City Manager, or his designee, to enter into a Commercial Outreach Renovation and Enhancement (CORE) Program agreement and other agreements as necessary (collectively, the "Agreements") with Chicanos Por La Causa, Inc. (CPLC), or its City-approved designee. This further authorized the City Controller to disburse funds for exterior renovations to the CPLC West Side Regional Office at 6808 West Indian School Road.

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Under the Agreements, CPLC would be reimbursed for up to 50 percent of approved eligible costs for exterior renovations approved by the City, including façade renovations, landscaping upgrades, parking lot enhancements, improved signage and lighting, infrastructure improvements, and associated costs. The reimbursement would not exceed \$82,775.

CPLC estimated its expenditures to improve this site would exceed \$3,000,000, including \$300,000 for exterior improvements. The Agreements with CPLC could contain such other terms and conditions as the City deemed necessary or appropriate to complete the transaction.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 27 be adopted.

Mr. Pat Vint cited the details of Item 27 as printed in the agenda, and suggested that none of the Council members could tell him what the \$3 million was going to accomplish. He warned the Council that approving expenditures like this was causing the Phoenix do be a disaster in progress, and more of the Council members should listen to Mr. DiCiccio.

Mrs. Gallego advised Mr. Vint that the Council received a good briefing on this matter from Senior Executive Assistant to the City Manager Paul Blue and the Economic Development staff.

Mr. Cecil Yates, Director of Commercial Property Development for Chicanos Por La Causa (CPLC), said he was a big advocate of return on investment. CPLC invested over \$3 million of their own money and resources in what used to be a dilapidated fitness center. He thanked Mr. Valenzuela for touring the site when CPLC acquired it. At that time, it was in tremendous disarray and there were squatters present.

Mr. Yates estimated over 100 CPLC employees would occupy the building. A conservative estimate was roughly \$3,000 to \$4,000 per employee that would be a residual return in the local economy. That was over 100 percent return on investment, not to mention having taken a dilapidated asset and turned it into a beautiful facility. He invited everyone to visit the site, and stressed that CPLC was moving forward and utilizing its own resources. This was not a hand-out, it was a hand-up.

Acting Mayor Gates noted Mr. Yates also served as a Councilman in Fountain Hills and thanked him for his service.

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Mr. Valenzuela thanked CPLC for their efforts. Being from this area in the heart of Maryvale, he used that work-out facility many years ago. It was a rough neighborhood back then, and this particular area needed this type of an investment. He was not surprised CPLC stepped-up in a big way, as they had made many investments in Maryvale, and he looked forward to continuing to work with them in the future.

Mr. Valenzuela relayed it was eye-opening to take the tour and see what CPLC had done. As stated, CPLC invested over \$3 million, and the City was being asked to reimburse them up to \$82,775, which was a significant return on investment. Therefore, he supported this request.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Williams, Acting Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	None

MOTION CARRIED.

ITEM 28

DISTRICT 7

**ORDINANCE S-40571 -
REDEVELOPMENT AND
PURCHASE AGREEMENT
WITH METROWEST
DEVELOPMENT, LLC**

The Council heard request to authorize the City Manager, or his designee, to enter into a Redevelopment and Purchase Agreement, easements, and other agreements as necessary with Metrowest Development, LLC, or its City-approved designee (Developer). This further authorized the City Controller to accept and disburse funds for the redevelopment of three City-owned properties located at 814, 816, and 822 North Second Avenue as single-family, owner-occupied residences.

Staff solicited proposals for the private financing and rehabilitation of two parcels with historic structures and the development of a vacant lot within the Roosevelt Historic District. Developer was recommended by an evaluation panel which included representatives of the Roosevelt Action Association, downtown stakeholders, and City staff.

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Under the proposed business terms, Developer would rehabilitate the three properties for use as single-family, owner-occupied residences. Developer would accept a covenant to protect the historic structures and their view sheds for 25 years, and a covenant requiring that all parcels be devoted only to owner-occupied residential use for 10 years. Developer would enter into a Second Avenue Streetscape Right-of-Way Maintenance Agreement for each parcel.

Developer would pay the City \$82,047, \$96,616, and \$81,375 for parcels 822, 816, and 814, respectively (purchase price). If Parcels 816 and/or 822 sold for amounts in excess of the Developer's anticipated gross sales prices (\$386,465 for Parcel 816 and \$328,190 for Parcel 822), Developer would pay the City 50 percent of the excess sales proceeds.

The agreements could contain such other terms and conditions as the City deemed necessary and appropriate.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 28 be adopted.

Responding to Mr. Nowakowski, Deputy Economic Development Director Scott Summers confirmed this request included three City-owned properties on 2nd Avenue, two houses and one parcel. The projected sale prices were determined as part of the projection the developer provided in their proposal; noting a representative of that developer, Metrowest Development, was present.

Mr. Nowakowski recognized the City had worked on the outside of the properties, and wondered what the City's total investment was.

Neighborhood Services Director Chris Hallett replied the City invested approximately a half a million dollars in exterior renovations and stabilization of these parcels, which proved to be cost prohibitive in the prior Request for Proposals.

Mr. Nowakowski said he was told it was closer to a million dollars, and Mr. Hallett reiterated it was half a million dollars in hard construction costs.

Mr. Nowakowski indicated he preferred to continue this item so it could be researched further and a bottom line cost to the City confirmed. Surely it would be a great deal to have a piece of property in downtown Phoenix for \$81,000 to \$96,000, and he wanted to ensure the City was getting the biggest bang for its buck, especially since this was City-owned property.

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SUBSTITUTE MOTION was made by Mr. Nowakowski, **SECONDED** by Ms. Pastor, that Item 28 be continued to the formal meeting on February 26, 2014.

Noting the \$500,000 mentioned for construction costs, Mr. DiCiccio requested clarification whether there were additional costs and what the true total cost was.

Although not readily available at the moment, Mr. Hallett said staff could provide a breakdown from the original acquisition cost and all the costs incurred to date. He knew the hard construction costs were about \$500,000 to stabilize the three structures on the two parcels; however, he would have to research the soft costs for design.

Mr. DiCiccio advised City management and staff that when information was requested by Council members, they wanted to receive the whole picture, not just one cost or a portion of the information. As this was happening repeatedly, it was frustrating and a bad way for the new City Manager to start. Also, it was setting in place a bad situation for the public. It was the Council members' job to represent the public, but in order to do that, staff should not assume they understood every aspect pertaining to the City's \$64 billion operation. They relied on staff to provide timely, complete, and accurate information to drive the Council in the right direction.

Mr. Nowakowski stressed the questions raised was not a reflection of this great developer that had done other projects in the area. Basically, he was trying to obtain the hard costs and true numbers, and ensure that the City was selling its property at fair market value and getting a return on the investment as well.

Acting Mayor Gates noted a speaker comment card was submitted for Item 28 by Pat Vint who waived his opportunity to speak regarding the continuance.

MOTION CARRIED UNANIMOUSLY.

ITEM 31

CITYWIDE

**ORDINANCE S-40574 -
IFB 14-087 - LANDFILL
SERVICES - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into agreements with Allied Waste Industries (Arizona), Inc.; Salt River Landfill; Salt River Materials Group, dba SRSR; and Vulcan Materials Company,

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on an as-needed basis during a one-year period beginning on the date of City's acceptance of the offers. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$4,700,000, with an estimated annual expenditure of \$940,000.

Four bids were received and opened on December 13, 2013. The materials to be disposed of included excavation spoil (mud and ABC), asphalt paving material, concrete materials, mixed asphalt paving and spoil materials, and water treatment plant sludge. Following is a tabulation of the bids received:

	Allied Waste Industries (Arizona), Inc.	Salt River Landfill	Salt River Materials Group, dba SRSR	Vulcan Materials Company
Excavation spoil, concrete, and mixed asphalt and spoil	\$24.00/CY	No Bid	\$3.60 - \$25/ CY*	\$6.00/CY*
Clean Asphalt	\$22.00/CY	No Bid	\$3.60 - \$25/ CY*	\$6.00/CY*
Clean Concrete	\$22.00/CY	No Bid	\$3.60 - \$25/ CY*	\$7.00/CY*
Clean Dirt	\$22.00/CY	No Charge*	No Bid	\$1.00/CY*
Water treatment sludge	\$24.00/ton*	\$28.78/ton*	No Bid	No Bid

It was recommended by the Deputy Finance Director that the bids of Allied Waste Industries (Arizona), Inc.; Salt River Landfill; Salt River Materials Group, dba SRSR; and Vulcan Materials Company, as asterisked, be accepted as the lowest responsive and responsible bidders. Multiple awards were recommended to meet the City's needs considering the geographic locations of the landfills.

Provisions of the agreement included an option to extend the contract up to four additional years, in one-year increments, which would be exercised if considered in the City's best interest to do so.

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MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 31 be adopted.

Mr. Pat Vint expressed concern that some of the items within this contract did not receive a bid, and wondered if anyone knew anything about the project.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Williams, Acting Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	None

MOTION CARRIED.

ITEM 32

CITYWIDE

**ORDINANCE S-40575 -
IFB 14-089 - WATER UTILITY
BILLING ENVELOPES -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Response Envelope, Inc. to provide water utility billing and customer return envelopes. The initial contract term would be for one year beginning on or about February 1, 2014 and ending January 31, 2015. This further authorized the City Controller to disburse funds over the life of the contract in an amount not to exceed \$755,000, with an estimated annual expenditure of \$151,000.

Eight offers were opened on December 20, 2013, and evaluated based on price, responsiveness to all specifications, terms and conditions, and their responsibility to provide the required goods and/or services. Following is a tabulation of the lowest bids received:

<u>Bidder</u>	<u>Total Bid Price</u>
Response Envelope, Inc.	\$119,994*
Accurate Forms & Supplies	\$120,109
Cenveo	\$126,293

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It was recommended by the Deputy Finance Director that the bid submitted by Response Envelope, Inc., as asterisked, be accepted as the lowest responsive and responsible bidder.

Provisions of the agreement included an option to extend the contract up to four additional years, in one-year increments, which would be exercised by staff if considered in the City's best interest to do so.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 32 be adopted.

Mr. Chuck Jones stated this looked like a simple, small contract. However, he was concerned there was no mention of where these different corporations were located, and thought about the millions of dollars spent on economic development at the City, County, and State levels, but then projects were continuously awarded to out of state firms.

In addition, Mr. Jones noticed the low bid was just under \$120,000, which City staff deemed the best, but the estimated annual contract was \$150,000 and \$180,000 in the final year. He thought this looked like a no-bid contract, and there was a possibility that one of the slightly higher bidders, all within five percent, could be willing to offer a lower five-year contract.

Mr. Jones said this did not seem like a sound business practice and he hoped Mr. DiCiccio or Ms. Pastor would continue the item so it could be investigated further. It was contracts like this where the City budget went down the drain.

Mr. Pat Vint pointed out the difference in bids received ranged from approximately \$119,000 to \$126,000. He also believed it was important to have bids and for the job to be guaranteed for a long time, so staff did not have to ask for more money from the citizens of Phoenix. He urged the Council to run the City like a business.

SUBSTITUTE MOTION was made by Ms. Pastor, **SECONDED** by Mrs. Williams, that Item 32 be continued to the formal meeting on February 26, 2014.

Mr. Gates expressed appreciation for the continuance because it was \$755,000 for envelopes. Noting he had not received a paper water bill in years, he encouraged citizens to sign up to receive their water bill via email, which would save the City a lot of money.

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Mr. Gates added the continuance would give the Council an opportunity to learn more about this. He had spoken to Water Services Director Kathryn Sorensen and understood staff was working hard on this issue, and he requested the same information he received be given to other Council members.

MOTION CARRIED UNANIMOUSLY.

ITEM 35

DISTRICT 8

**ORDINANCE S-40578 -
IFB 14-094 -
REPLACEMENT OF EXISTING
ARCHITECTURAL LIGHTING
CONTROL**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Clearwing Productions to purchase an architectural lighting control system for the Phoenix Convention Center South Building. This further authorized the City Controller to disburse funds for the life of the contract in an amount not to exceed \$117,993, which included the bid price of \$108,950, plus tax of \$9,043.

Two bids were received by the Procurement Division on January 3, 2014, for the purchase of an architectural lighting control system. The architectural lighting control system provided dimmable lighting in exhibit halls, meeting room incandescent and fluorescent lighting control, and South Ballroom auditorium work light control in the Phoenix Convention Center South Building. Following is tabulation of the lowest responsive and responsible bids received:

<u>Bidder</u>	<u>Bid Price</u>
Clearwing Productions	\$108,950*
Barbizon	\$175,850

It was recommended by the Deputy Finance Director that the bid submitted by Clearwing Productions, as asterisked, be accepted as the lowest responsive and responsible bidder.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 35 be adopted.

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Mr. Pat Vint stated that electrical and air conditioning was his area of expertise; noting that controls for electric was getting complicated with a bunch of little diodes. For lighting control, he suggested using the latest product rather than big boxes that used up electricity. By using diodes, only the electricity needed would be used. He also stressed the importance of getting bids to ensure the right amount was spent.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Williams, Acting Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	None

MOTION CARRIED.

ITEM 38

CITYWIDE

**ORDINANCE S-40581 -
RFA 14-037 - TRAPEZE
SOFTWARE MAINTENANCE
AGREEMENT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Trapeze for the purchase of a software maintenance agreement for the Public Transit Department. This further authorized the City Controller to disburse funds over the duration of the contract in an aggregate amount not to exceed \$373,000, with the following estimated five-year cost allocation: Year 1 (2014) \$68,200; Year 2 (2015) \$71,258; Year 3 (2016) \$74,455; Year 4 (2017) \$77,796; and Year 5 (2018) \$81,291.

The Public Transit Department used Trapeze PASS and PASS-MON software for the scheduling and coordination of Dial-A-Ride trips.

This agreement would be effective March 1, 2014, with the initial term of one year through February 28, 2015, with four, one-year extension options for a total of five years. The options would be exercised by staff if considered in the City's best interest to do so.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 38 be adopted.

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Mr. Pat Vint noted he did not see a bid for this item; just a statement that the contract was not to exceed \$373,000. He hoped staff would only spend \$100,000, and cautioned the Council about authorizing more than what was needed because that could lead to bankruptcy. In general, he was concerned about how money was spent at the expense of the citizens.

Mrs. Williams requested staff provide an analysis after the first year of this contract for Dial-A-Ride transportation coordination with its riders. Having received several phone calls from people not happy with the service provided, she wanted to know the situation was improving before continuing the contract additional years.

AMENDED MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 38 be adopted, with direction that staff provide an analysis, after the first year of the contract and before extending the contract for additional years, to ensure improvements had been made to the service provided.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Williams, Acting Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	None

MOTION CARRIED.

Mrs. Gallego declared a potential conflict of interest and withdrew from the voting body on Item 44.

ITEM 44

DISTRICT 8

**ORDINANCE S-40587 -
GRANT OF IRRIGATION
EASEMENT TO SALT RIVER
PROJECT - AVENIDA RIO
SALADO**

The Council heard request to authorize the City Manager, or his designee, to grant an irrigation easement to Salt River Project (SRP), for consideration of one dollar and/or other valuable consideration. The easement area contained approximately 12,083 square feet and was located within City of Phoenix right-of-way along Broadway Road between 2nd Street and Central Avenue. SRP required the easement in order to accommodate the Broadway Road (Avenida Rio Salado) street improvement project at this location.

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This further granted an exception pursuant to Phoenix Code, Section 42-20, to authorize inclusion in the documents pertaining to this transaction of indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code, Section 42-18.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 44 be adopted.

Roll Call:	Ayes:	DiCiccio, Nowakowski, Pastor, Valenzuela, Waring, Williams, Acting Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	None

MOTION CARRIED.

Mrs. Gallego returned to the voting body.

<u>ITEM 46</u>	DISTRICT 7	<u>ORDINANCE S-40589 - CONTRACTS FOR ARTISTS' INITIATIVE VI TEMPORARY PUBLIC ART PROJECTS</u>
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The Council heard request to authorize the City Manager, or his designee, to enter into contracts with Sama Alshaibi (AZ); Chris Fraser (CA); David Politzer (TX); and Michael Robinson (NY), for an amount not to exceed \$3,500 each to work with City staff and the community to present temporary video projections at select sites along the Light Rail Corridor near Margaret T. Hance Park. The projects would be part of Phase II of the "Cultural Connections" series of temporary public art projects funded through the City's Artists' Initiative VI Temporary Public Art Project and a National Endowment for the Arts (NEA) "Our Town" grant. This further authorized the City Controller to disburse the funds over the life of the contract.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 46 be adopted.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Williams, Acting Mayor Gates, and Mayor Stanton
	Nays:	Waring
	Absent:	None

MOTION CARRIED.

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ITEM 48

CITYWIDE

**ORDINANCE S-40591 -
AGREEMENT WITH CASCADIA
CONSULTING GROUP FOR
SOLID WASTE
CHARACTERIZATION STUDY**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Cascadia Consulting Group for the development of a comprehensive characterization study of solid waste materials collected from residential contained collection customers during the contract period beginning on or about March 1, 2014 and ending February 28, 2016. This further authorized the City Controller to disburse funds over the duration of the contract.

Two proposals were received by the Public Works Department on December 18, 2013. The proposals were scored by a five-member evaluation committee based on the following criteria: approach and strategy, qualifications and experience, and pricing. Proposers also made presentations to the evaluation team for further evaluation. The evaluation team recommended Cascadia Consulting Group be accepted as the highest scored responsive and responsible proposer.

The study would determine if the education and diversion over the past 10 years had been effective as well as benchmark current waste composition. The study would also provide needed data to guide diversion decisions for future programs necessary to achieve the City's waste goal of 40 percent diversion by 2020.

Provisions of the agreement included an option to extend the contract up to three additional years, in one-year increments, which would be exercised if considered in the City's best interest to do so.

The aggregate contract value for all option years would not exceed \$648,662, with an estimated expenditure of \$450,000 over the initial two-year contract period.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 48 be adopted.

Mr. DiCiccio expressed his opposition to spending \$450,000 to conduct a study to determine whether people were disposing of trash properly. It seemed like an incredibly excessive amount of money to be spending, unless staff could justify spending that amount to test trash.

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Public Works Director Neil Mann stated there was \$450,000 in the budget. The expected scope of services would cost approximately \$250,000 for the first year, and if it was decided that more work should be done in the two-year period, the expenditure could increase to \$450,000.

Mr. Mann explained the scope of work was to evaluate what was in the garbage coming into the transfer stations. Essentially, when trucks dumped bagged garbage onto the floor of the transfer stations, that waste was immediately long-hauled out to the landfill, so no one had any idea about the exact make-up of that trash. Under this contract, the garbage bags would be dumped onto the floor of the transfer station, opened, and evaluated.

An example of what staff hoped to learn, Mr. Mann said, was whether residential customers were still putting lightweight plastic into the trash rather than recycling. Based on the findings, staff could then change its educational programs to ensure residents were aware they could recycle plastics 1-10, except for Styrofoams. This study would provide a look into the bags received at both transfer stations on a seasonal audit basis for one year.

Mr. DiCiccio pointed out the value for all option years would not exceed \$648,662, which seemed like a lot of money to open a bag of trash and look at it. The City was in a budget crisis and it was important staff take that into consideration when bringing items before the Council. In addition, full information must be provided to Council members because they represented taxpayers, and it was a problem when information was not shared in a timely manner.

In this case, Mr. DiCiccio suspected the general public would agree it was not wise to spend \$450,000 to study trash. Staff should be spending this money educating the public, which he could support.

Acting Mayor Gates inquired whether staff believed this study could help the City generate more revenue in its recycling efforts.

Mr. Mann replied in the affirmative. He said Phoenix had many new residents since the last time this was done in 2002, so staff could reformat its education efforts to encourage more recycling. Also, depending on the outcome of the entire evaluation done of the garbage, recycling loads would possibly need to be considered to identify what kind of trash was being put into the recycling bins. Ultimately, the goal was to encourage people to recycle properly and not contaminate recycling, which would save residents more money in the long run. Mr. Mann also noted that revenue used for this study came from the solid waste fund which was paid for through user fees.

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Acting Mayor Gates said he appreciated that information, as well as where Mr. DiCiccio was coming from on this matter. He would take Mr. Mann at his word that this study was going to generate more revenue, but if it did not, he would then be siding with Mr. DiCiccio.

Mr. DiCiccio inquired about the metrics staff used to verify whether more revenue would be generated.

Mr. Mann replied the City would receive a full report and itemization of the materials inventoried and audited. Based on that data, staff could make estimates in terms of improvements that could be done to ensure customers were better trained to recycle properly. Furthermore, staff anticipated room for improvement because Phoenix' overall recycling rate by residential customers, comparatively speaking, was very low nationwide.

Mr. DiCiccio suggested the money would be better spent educating the public rather than studying trash, if the intent was to generate more dollars into the system. Opening bags of garbage to studying them did not make sense, and he thought the general public would view it as a silly study that the City spent over \$600,000 on. These types of things could not be done in this economic climate of the City facing a shortfall of millions of dollars.

Furthermore, Mr. DiCiccio pointed out that staff could not provide the metrics to be used. They were just promising certain results and hoping the Council would forget about it in the future, like had happened in the past. Therefore, he strongly opposed this item because it was the wrong direction for the City and it sent a bad message to taxpayers.

Mr. Nowakowski wished to know how much money was spent and the type of programs used to educate the public about recycling properly.

SUBSTITUTE MOTION was made by Mr. Nowakowski, **SECONDED** by Mayor Stanton, that Item 48 be continued to the formal meeting on February 26, 2014.

When staff briefed the Council, Acting Mayor Gates politely suggested including Terry Gellenbeck, who did a fabulous job providing education on this matter.

Mr. DiCiccio interjected the Council should also be provided, in writing, how much money the City would save as a result of this study.

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Mr. Nowakowski concurred with a matrix being provided to the Council.

MOTION CARRIED UNANIMOUSLY.

Mayor Stanton disconnected from the telephone and left the voting body at this time.

ITEM 52

CITYWIDE

**ORDINANCE S-40595 -
AMENDMENT 2 - PLAN
REVIEW FOR CONSTRUCTION
PROJECTS ON-CALL
SERVICES**

The Council heard request to authorize the City Manager, or his designee, to execute Amendment 2 to Contract 133119 with Bureau Veritas North America, Inc., Sacramento, California, to increase the contract capacity by \$150,000 for a total of \$550,000 to provide professional plan review services for the Planning and Development Department. This further authorized the City Controller to disburse funds for the purpose of this ordinance.

Bureau Veritas North America, Inc. supported the Planning and Development Department in performing various on-call plan review services. Services could include conducting reviews on plans for new construction, alterations, and repairs submitted by commercial and residential property owners for compliance with the Phoenix Building Construction Code. The Planning and Development Department anticipated an increased need for plan review services in commercial and residential construction.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 52 be adopted.

Mr. Pat Vint pointed out this request was to increase the contract capacity by \$150,000 to a total of \$550,000 to provide professional plan review services for the Planning and Development Department, which he opined was a disaster in progress.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Williams, and Acting Mayor Gates
	Nays:	Waring
	Absent:	Mayor Stanton

MOTION CARRIED.

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ITEM 56

DISTRICTS 7 AND 8

**RESOLUTION 21197 -
DECLARE 2015 NFL SUPER
BOWL ACTIVITIES IN
DOWNTOWN PHOENIX AS
SPECIAL PROMOTIONAL
EVENTS**

The Council heard request for authorization declaring that for the three-week period before the National Football League (NFL) Super Bowl XLIX game on Sunday, February 1, 2015, all Official Events and other NFL and Arizona Super Bowl Host Committee-sanctioned activities held in the Downtown Redevelopment Area would be considered special promotional and civic events for the purposes of the Zoning Ordinance.

It was anticipated that certain NFL game-related activities would take place in downtown Phoenix in the weeks prior to and after the game. These events and activities would bring significant revenue and media exposure to the city of Phoenix during the event period.

Phoenix Zoning Ordinance, Section 705.F.1.b, provided that advertising devices otherwise prohibited by the Zoning Ordinance could be erected in the Downtown Redevelopment Area, subject to a use permit, in conjunction with special promotional events of a civic or commercial nature. By declaring the NFL and Arizona Super Bowl Host Committee-sanctioned activities as special promotional and civic events, this resolution allowed the NFL, NFL-approved sponsors, and Arizona Super Bowl Host Committee to advertise Official Events in the Downtown Redevelopment Area by use of signs, banners, and similar devices.

This action would not impact any existing permitted permanent signs in downtown. This declaration would restrict all temporary signage within the Downtown Redevelopment Area that had not been authorized by the NFL and/or Arizona Super Bowl Host Committee during the above-mentioned time period in order to support NFL event-related activities.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 56 be adopted.

Ms. Dianne Barker thought this resolution planning for the National Football League (NFL) was exciting news and would address an energy void. Additionally, it would provide synchronicity with the ideas presented for Adams Street. She expressed her support for the item, with the hopes that it would enhance the downtown area and allow for events in downtown around Adams Street this summer.

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Ms. Barker predicted there should not be any vacancies during the NFL activities. It was time to move past existing problems, such as selling properties, and start making money for the City. This was a high-growth area with so much going for it.

Recognizing the City was compassionate and did a lot to address homelessness, Ms. Barker said there was no reason that panhandlers should be the greeters of Phoenix on 7th Street and 7th Avenue. They created a lot of trash, and despite her efforts, the Police Department seemed to allow it to continue. She recommended enforcing a radius relative to littering and panhandling soon.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Williams, and Acting Mayor Gates
	Nays:	None
	Absent:	Mayor Stanton

MOTION CARRIED.

ITEM 57

DISTRICT 1

**RESOLUTION 21198 -
ABANDONMENT OF
EASEMENTS - V-130047A**

The Council heard request to abandon the easements described below, as they were no longer needed.

On December 13, 2013, Mr. Mike Gleason of Dibble Engineering requested the abandonment of two one-foot vehicular non-access easements recorded in plat "Gold Mountain Preserve Phase II", Maricopa County Recorder Book 807, Page 10, located on the southern boundaries of the parcels addressed 27009 North 64th Lane (Assessor Parcel Number 201-07-792) and 27010 North 64th Drive (Assessor Parcel Number 201-07-801) and on the northern boundary of the parcel addressed 27313 North 64th Drive (Assessor Parcel Number 201-07-803).

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 57 be adopted.

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Ms. Greta Rogers stated that her comments pertained to Items 57, 58, and 62, as they were all real estate-related items.

Regarding Item 57, Ms. Rogers recalled that over a year ago she acquired a print out of all City-owned real estate with over a thousand listings. The City owned more real estate than any other single owner in the entire state of Arizona. It was idle, non-producing real estate, which could mean dollars for the City; noting the City, as a tax exempt entity, did not pay taxes on the properties. As suggested to the Council over a year ago, she reiterated this matter needed a complete review immediately. This was an area that could be addressed to change the direction of finances in the City of Phoenix, especially considering the \$25 million to \$75 million shortfall looming this fiscal year.

Referring to the historic Barrister Building (Item 58), Ms. Rogers said the situation was similar to the previous item. Realizing hearts would bleed for this "antique" building, she contended it was over 50 years old, but for anything to be considered an antique, it had to be 100 years old. Furthermore, Phoenix did not have anything that was 100 years old.

Ms. Rogers observed that the Barrister Building had parking for only approximately six cars. She contended that parking was not going to magically occur because the building was restored, and questioned the value of restoration and future use. She suggested tearing the building down and selling the property; reiterating it was not an antique. It was just an old, unusable, unused, non-compliant with building codes property that was not worth pouring money into. The same was true of the Luhrs Building.

Addressing Item 62, Ms. Rogers stated, again, this situation was similar to the other items. She wondered what the City's plans were for this property, and if there were none, it should be sold to a developer and let them worry about the cost of improvements. The City did not need to spend money on physical improvements and infrastructure for something that had no present high demand value.

Mr. DiCiccio acknowledged that Ms. Rogers raised incredibly good points that the Council struggled with, and it went back to how the City could not know the facts. Almost a year ago, an evaluation of all City-owned property was requested in terms of which property would come up on the market. However, in that time, only two had come up, which did not make sense. The City should be able to push a button and know every single property it owned. The Phoenix Board of Realtors had been asking for this information for a year, and staff still could not provide the information in that time.

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Mr. DiCiccio noted this was an area to look at in terms of identifying efficiencies and the opportunity to save money, especially during bad times. Instead of taking money from the labor groups, City-owned property could be sold. It further did not make sense that in one year's time, the City had not been able to sell anything. Also, it was counterintuitive for a city this large not to know what it owned, and not be able to provide the information to the real estate group that had been asking for this information.

Mr. DiCiccio requested staff work with the Phoenix Board of Realtors, provide them the information in the manner requested, and get moving toward selling properties. This direction was part of the efficiency subcommittee, and he recalled Acting Mayor Gates asking for this as well. He further requested staff provide a timeline depicting how fast this matter could be moved forward.

Disagreeing with Ms. Rogers, Mr. DiCiccio said he like historic property.

Acting Mayor Gates suggested those comments be held for Item 58, as the Council was going to vote only on Item 57 at this time.

Acting Mayor Gates agreed wholeheartedly with Mr. DiCiccio's comments, and the time was ripe to bring this matter back to either his Finance, Efficiency, Economy, and Sustainability Subcommittee or any other subcommittee. Two parcels in District 3 were being sold, as well as the Barrister Building, and while that was good, there were a lot more properties that needed to move forward.

Acting Mayor Gates shared that recently an issue of *The Economist*, on the front cover, addressed the issue that for all the property governments throughout the world owned, this was a way for them to address their fiscal challenges, and the City of Phoenix was no different. Therefore, he hoped to see a timeline soon.

As a newly-elected Council member, Mrs. Gallego recalled the first thing she requested from staff was a map of the vacant properties in District 8, and she received the same thick stack of papers mentioned by Ms. Rogers. It was disappointing to see how little the City could produce and that there was no map. It was her understanding the map was coming in July, though. Nonetheless, this matter needed more focus and creative thinking, so the City could ensure land was used in an economically useful way, especially in this time of limited revenue.

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Mrs. Gallego stated the City had many properties in District 8, in areas where people felt like their next door neighbor, the City of Phoenix, was not using its land well, so this really needed to be a priority. The City should be a good neighbor and put the land into use.

Mrs. Gallego recognized the problem was partially due to not having good investments in technology. It was amazing how quickly the private sector could tell her more about what the City of Phoenix owned than City staff. Therefore, it was important to review the associated technology, and she suggested possibly having more than one subcommittee address it; noting the Neighborhoods, Housing, and Development Subcommittee was very interested in this issue.

Mr. Pat Vint wondered if the Council had any idea what was happening with the site described in Item 57 (Gold Mountain Preserve Phase II Abandonment of Easement).

Mrs. Williams replied she did know. This was a project she had been working on for the seven years she had been on the Council. Also, the previous Council member had been working on it before her. This development did not meet code, fell apart, property owners got stuck with half-built houses, they had huge drainage problems, and did not have access. It had taken all this time to make this a viable project. Now, property owners would have access to their property, and this abandonment was part of the solution reached.

Mr. Vint inquired why the problem was not corrected seven years ago.

Mrs. Williams explained not everything was that easy when dealing with developers or property owners, and then the economy turned and the project went into bankruptcy. Then the City had to find the property owners, the County got involved, and eventually there were new property owners. It was a very complex situation that continued to roll through, as there were new players all the time, but there was finally a solution.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Williams, and Acting Mayor Gates
	Nays:	None
	Absent:	Mayor Stanton

MOTION CARRIED.

February 19, 2014

NEW BUSINESS

ITEM 58

DISTRICT 7

**EVALUATION CRITERIA FOR
THE BARRISTER REQUEST
FOR PROPOSAL**

The Council heard request to authorize the special requirements and evaluation criteria to be included in the Barrister Request for Proposal (RFP), for the preservation and adaptive re-use of the historic Barrister Building and the adjacent City-owned properties at 101 South Central Avenue.

The City Council authorized the Barrister RFP on September 24, 2013. Staff researched and developed the unique requirements and evaluation criteria needed for this key City-owned development site, and requested approval of the following special requirements and evaluation criteria:

Special Requirements

- Protect and preserve the historic building.
- Propose a viable adaptive re-use project that capitalizes on this unique site.
- Increase pedestrian and street-level amenities and activity to promote walkability.
- Propose a concept consistent with Downtown Strategic Plan.
- Propose a concept that accommodates the future light rail South Central alignment on Central Avenue.
- Create new jobs and business opportunities.
- Provide a reasonable return to the City.
- Provide a performance deposit of \$50,000 at time of submittal of proposal (unsuccessful proposers will have their deposit returned).

Evaluation Criteria

1. Description of Scope/Scale of the Proposed Project	100 points
2. Consistency with Approved City Plans and Ordinances	125 points
3. Integration and Preservation of Historic Elements	175 points
4. Proposer Qualifications	150 points
5. Proposer Business Plan	100 points
6. Proposer Financial Capacity	100 points
7. Level of Return and Benefits to the City	175 points
8. Proposed Project Timeline	75 points

These special requirements and evaluation criteria would be incorporated into the Barrister RFP along with the standard City terms, conditions, and other necessary requirements.

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MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 58 be approved.

Acting Mayor Gates noted Greta Rogers provided her testimony on this item along with Item 57 (see Page 394).

Mr. Waring recalled the heat he took for voting against a Barrister Building item last year. He pointed out this request before Council would effectively lock the buyer in to the façade of the building. At the time, he specifically asked how much it was going to cost the City to limit what people could do with this building, thus limiting the number of potential buyers. Nobody could provide an estimate.

Mr. Waring shared that in a recent article, the Barrister Building was described as the seedy, run-down hotel in the movie Psycho, which was made in 1960. He questioned its value versus potentially costing Phoenix taxpayers money. Furthermore, he doubted whether most residents had general knowledge or sentiment about the building, or would condone spending money to preserve it.

Mr. Waring admitted that historic preservation had its place. Mount Vernon was a good example, the Barrister Building was not. This was a frustrating situation as the City could not afford to give anything away for free. Considering the current budget deficit, it was not prudent to refuse a better bid based on a requirement that the facing of the building remain the same. Although it did not make sense to him, it appeared the Council was determined to move forward anyway. He did, however, encourage people on social media to raise money to preserve the building.

Mr. DiCiccio inquired whether the Barrister Building project included parking or just the building itself.

City Manager Ed Zuercher replied the parking connected to the building was included.

Mr. DiCiccio said it was worthless without the parking, and wondered if there were restrictions on the parking.

Mrs. Gallego interjected that a transit-oriented development would be built.

Senior Executive Assistant to the City Manager Paul Blue confirmed the site came with adjoining land that provided parking immediately south and east of the structure. There was no use limitation in the City's zoning ordinance that would prevent the parking from being used toward the building.

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Mr. DiCiccio inquired whether the adjoining land and amount of parking was part of the criteria included in the RFP.

Deputy Economic Development Director Scott Sumners clarified the RFP was for the building and the approximately one acre of surrounding land. Currently, there were 65 parking spaces between uncovered and carport. However, the future use of those were not locked in to be parking.

Mr. DiCiccio said it was important to understand the building did not offer much by itself in that area without parking. Mr. Sumners concurred.

Based on a prior debate, Mr. DiCiccio stressed that without parking, it rendered the building virtually useless. Therefore, this building would come with that land with parking and that was what the bid would be based on. This land and building would be bid together because the City owned and controlled both.

Mr. Sumners confirmed the RFP would include both, and depending on the use and parking requirements, the parking demand would vary. He also confirmed the City controlled the land and building.

Ms. Haley Tilden Ritter thanked the Council for the improvements on Indian School Road. Approving that bike lane helped tremendously for the many community members, like her, that rode bikes in that area. She appreciated the Council's efforts toward considering the young people riding bikes around beautiful Phoenix.

Ms. Ritter encouraged bicycle parking with waist-high racks for the Barrister Building project, and she also supported historical renovations. She considered them exciting and it was fun to reflect back on the communities.

During a subcommittee meeting, Acting Mayor Gates relayed that Mrs. Gallego stressed the need to ensure there was connectivity with bicyclists. He believed this would increase the value of the Barrister property even more.

Mr. Chuck Jones expressed his belief in historic preservation, but agreed that sometimes it could go overboard and reach a point where it was cost prohibitive to attempt to save some things. He wondered if the RFP could include a request for the bidders to submit an architectural rendering, so the Council could then consider the quality of what they intended to build versus saving the existing structure.

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Mr. Jones thought that too much sameness killed cities, as was evident in new housing developments. There was virtually no architectural detail in many of them. Therefore, if a person who was willing to propose something for the property with a stand-out architectural element, it could become a future historic building to bridge the gap and create a balance.

Mr. Nowakowski noticed one of the evaluation criteria was 175 points for the historic preservation element of the project, and inquired whether that was for the internal or external aspect.

Mr. Blue advised that the historic preservation related to the exterior of the building, but feedback was received from the subcommittee about their interest in encouraging the historicity of the interior of the structure.

Citing the 75 points awarded for a timeline, Mr. Nowakowski asked if there was a sunset period in this RFP.

Mr. Blue replied the RFP would have a time period within which staff would receive proposals, negotiate, and come to the Council with a recommendation. Part of that recommendation would include requirements for the recommended proposer to complete the development within a certain time.

Mr. Nowakowski inquired about a time limit associated with a prior project.

Mr. Blue explained there was a prior RFP associated with this site, and there was a requirement to conclude the work within a certain time. The work was not concluded and the recommended proposer never executed documents, so the City terminated the rights for the prior person recommended for this site. The same type of limitations would be attached to this process.

Mr. Nowakowski acknowledged some of his colleagues supported historic preservations; others had questions. However, since this property was in District 7, he requested that a historic preservation advocate be on the selection committee.

Mr. Sumners assured Mr. Nowakowski that staff would include a person as requested.

Mr. Waring contended the evaluation criteria point system was skewed. There was 175 points for integration and preservation of historic elements, but only 125 points for consistency with approved City plans and ordinances. There was 150 points for proposer qualifications, but 175 points for the level of return and benefits to the City.

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Essentially, Mr. Waring added, historic preservation was being placed above money, compliance with approved City plans and ordinances, and proposer qualifications. This did not make sense. There should be a limit on what the City thought about spending on this, in light of facing a \$29 to \$52 million deficit.

Noting this corner was well-traveled and very visible, Mr. Waring suggested having the RFPs open-ended in order to not exclude an architect who wanted to build something nice without limitations. He felt the City was paying an awfully high price for being stylish about a building that staff abandoned under David Cavazos' reign because it was so unwieldy.

Mr. Waring recalled being briefed on another building that was half completed, and people who wanted to build on that site said it was easier to demolish and start over. Therefore, it was possible the City was costing whoever did buy the Barrister site, more money to work around the existing structure. He thought the point system did not make sense, but if historic preservation was the goal, including the interior, perhaps it could be done better or worse.

Mr. Nowakowski clarified the City did not abandon the Barrister Building. Staff was relocated as part of a strategic plan to move the offices into City Hall. In addition, he noted there was a plan in District 7 to ensure downtown was more pedestrian-friendly. Work had been done on 2nd Avenue, 1st Street, and Grand Avenue, as well as the Adams Street project that was underway and consideration being given to create a project on Jefferson Street. Therefore, he inquired whether the Barrister Building project would go along with the master plan for a more pedestrian-friendly and greener downtown.

Mr. Blue confirmed there was a pedestrian master plan that related to both how pedestrians interacted and the shade provided. Additionally, pursuant to the comments of the subcommittee, staff's intention was to encourage and ask for the integration of the development of this building to acknowledge those plans.

Mr. Nowakowski inquired where that plan would fall under the point system.

Mr. Sumners replied that would fall under the criteria for consistency with approved City plans and ordinances.

Mr. Nowakowski noted this site was in District 7. The matter was heard by the Downtown, Aviation, and Redevelopment, which he was not a member of, so he did not have an opportunity to hear all the RFP concerns. He suggested that in the future, staff brief him prior to an item going before the subcommittee, then his input could be provided to the subcommittee.

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Mr. DiCiccio asked Mr. Nowakowski if he was interested in continuing this item since he was not briefed.

Mr. Nowakowski said he was eventually briefed, but had questions on the point system.

Mr. DiCiccio favored moving this forward and getting the property sold, but recognized it was a complicated situation. He suggested including language in the motion to accept all bids, which should always be done and he did not understand why that trend had changed. He would leave the decision up to Mr. Nowakowski, but likely would not support the motion without that option.

As the maker of the motion, Mrs. Williams requested an explanation from staff about what it meant to accept all bids.

Mr. DiCiccio interjected it meant anybody could submit a bid.

Mr. Blue understood it to mean any proposed use of the site could be submitted and would have to be considered by the staff.

Mr. DiCiccio agreed. He thought the City should see what options were available.

Mr. DiCiccio's **FRIENDLY AMENDMENT** was accepted by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 58 be approved to include an open bid system whereby all bids would be accepted.

Mrs. Williams said her acceptance of Mr. DiCiccio's friendly amendment was with the understanding that the criteria remained the same. Also, she did not think there were many things in downtown Phoenix, or in Phoenix, that were over 100 years old and that could be restored. She thought historic was considered at 50 years, perhaps that had changed, but Phoenix was a young city. Therefore, if there was a desire to preserve anything, action had to happen now; otherwise the potential sites would not hit that 100-year mark, so the Council was going to have to be optimistic and make it happen.

Mr. DiCiccio agreed the criteria could stay the same, but at least if someone wanted to write a check for \$7 million, staff would be able to compare it because there was an option to receive all bids.

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Mr. Waring appreciated Mr. DiCiccio coming up with a good solution. This was basically what he asked for, which was to be able to compare, when voting originally. For example, if it was a \$10 difference, then go ahead and preserve the building; however, if it was a \$2 million difference, that was money the City could use. Even if bonus points were given for historic preservation, realistically, accepting all bids and being able to make a comparison, afforded the Council the opportunity to make a knowledgeable decision.

Mr. Waring added that his goal was to receive information, and communication needed to improve between staff and Council. He specifically wanted to know what he was voting on, and with this system, he now felt that he could know, so he appreciated that opportunity.

Mr. DiCiccio stated that when in an economic crisis, it was important to see everything available. Additionally, for any projects in the downtown area and Mr. Nowakowski's district, staff needed to make an extra effort to ensure he was briefed, regardless of which subcommittee it went through. As this was his district, he deserved the opportunity to offer guidance.

Mrs. Gallego indicated her intent to vote against the motion because she thought it would create a confusing bidding process. She also did not want to send a signal that the City would consider knocking down the building. The Council needed to decide whether they valued historic preservation, and the original motion confirmed that. If there was a desire to open the process to all bids, that should be done. However, she thought the better option was to use the existing criteria and point system, so people participating knew what to expect in the bidding process. If any changes were made to the system, she suggested adding more clarity to identify this as a transit-oriented sustainable project, since it was in downtown Phoenix near the future Light Rail Corridor. It should also be clear that was a value, instead of lumping it in with all approved City plans and ordinances.

Mrs. Gallego explained she was concerned that in the past, on downtown issues, similar projects were voted on that stipulated to approved City plans and ordinances, and they were not in the downtown transit-oriented, pedestrian-friendly, shade and tree master plan.

Acting Mayor Gates suggested Mrs. Williams clarify the intent of the motion.

Mrs. Williams responded she was relying on Mr. Blue's response that the evaluation criteria would stay the same, which would preclude people from tearing down the building and doing some of the things Mrs. Gallego was concerned about.

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Mr. Zuercher further clarified the intent of the motion was to accept all bids, which Mr. Blue and his team would do. In Mr. DiCiccio's example, if somebody offered a check for \$7 million to tear the building down, it would probably score very low under the evaluation criteria, but it would be scored based on the thousand-point system.

Ms. Pastor stated her impression of the motion was that the evaluation criteria would remain the same, it would be open to all bids, and the special requirements were also included. Mr. Zuercher concurred.

Based on that, Ms. Pastor theorized that the building would still be preserved because that was part of the criteria.

Mr. Zuercher confirmed the criteria would stand. The theoretical \$7 million check to tear the building down would probably score fairly low given the points, but the Council would be able to assess that against the other bids that had different scores.

Mr. Nowakowski inquired whether the Barrister Building was registered as historic, and could it be knocked down if desired.

Acting Planning and Development Director Alan Stephenson replied it was a historic building. Therefore, it would have to go through the waiting period before knocking the building down, and there would be a one-year stay.

Mr. Nowakowski noted there were safeguards in place.

Using the example of a \$7 million check and a \$2 million bid, Mr. Waring noted 175 points were awarded for both the level of return to the City as well as for integration and preservation of historic elements. However, he believed the level of return should have a higher point value.

Mr. Waring said he got the impression it was considered immaterial, but he continued to think the proposed point system was wrong. He had not realized the Council was wedded to this particular point system, that again, valued historic preservation as much as benefits and return to the City, which he interpreted as dollars. Also, he wondered why it had a higher point value than proposer qualifications or consistency with City plans and ordinances. The message appeared to be that, if they were out of compliance with City plans and ordinances, but they preserved the building, it was considered a good thing. Due to the confusing nature of the point system, he offered to simply the matter by voting against the motion.

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Mr. Blue said it was clear the message was for staff to accept all bids. Further, he observed that in the special requirements, which were part of the minimum qualifications for a bidder to be considered, the number one factor was to protect and preserve the historic building. Therefore, staff would gather the information, but it would be difficult to score somebody's proposal who proposed to tear the building down because it was a minimum qualification for the bid and did not fit the criteria required.

Mr. DiCiccio advised Mr. Blue that staff must consider everything submitted because the Council was directing them to do that. Mr. Blue confirmed staff would take it all in.

Acting Mayor Gates thought the point Mr. Blue made was to ensure the Council was aware of the special requirements included. Mr. Blue concurred.

Mr. Valenzuela stated he chaired the Downtown, Aviation, and Redevelopment Subcommittee. However, he did not serve on every subcommittee, although important issues, some involving District 5, were covered in subcommittees he was not a part of. In fact, as a firefighter, he was not on the Public Safety and Veterans Subcommittee. To that point, though, he believed staff did a good job briefing him, and he also had the opportunity to ask for more briefings.

When this matter went through subcommittee, Mr. Valenzuela remembered them having a really good discussion. Personally, he felt good about the point system based on the subcommittee members' discussion about the importance of historic preservation.

Mr. Valenzuela opined that the look of downtown Phoenix had improved in the last 10 years. Phoenix was the sixth largest city in the country, and it did not use to look deserving of that title when walking downtown. Now, because of light rail, the Arizona State University downtown campus, and many other opportunities staff had taken advantage of, it looked like a real downtown.

As Mrs. Williams pointed out, Mr. Valenzuela agreed there was not a lot of historic buildings. Therefore, dealing with a building like Barrister, it was important to attempt to maintain that historic preservation and look, because it about more than just the façade. That type of discussion resulted in the point system established.

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Mr. Valenzuela noted there were different layers of the City's governing process. This item went to the Downtown, Aviation, and Redevelopment Subcommittee. That was not a permanent vote, as it then came before the full Council. Any given item was open for discussion and amendments, and the subcommittees helped the process move forward. Staff was shaping and molding this item based on policymakers' comments and majority votes. Therefore, he was comfortable with the point system. Furthermore, he agreed with Mrs. Gallego that it was important to know what was in the RFP process, as well as have integrity and transparency in any process moving forward. That practice kept the City of Phoenix in a safe position to avoid lawsuits.

Responding to Mr. Valenzuela's comments about subcommittees, Mr. Nowakowski pointed out there was not a subcommittee specifically for public safety issues in Maryvale or District 5. The Downtown, Aviation, and Redevelopment Subcommittee did, however, encompass downtown Phoenix and District 7 which he was elected to represent. He believed this was the first time in the history of Phoenix that a Council member elected to represent the downtown area was not representing downtown on the subcommittee. He did not think any other Council member was in that situation. In addition, he felt bad staff had to go back and forth to brief subcommittee and Council members.

In response, Mr. Valenzuela noted the only light rail expansion occurring in Phoenix was in District 5 on 19th Avenue, but he was not on the Transportation and Infrastructure Subcommittee. As a result, it was his responsibility to review the agenda and ask for briefings when appropriate. As a subcommittee chair, he was happy to meet with Mr. Nowakowski or any Council member to relay pertinent information, or they could obtain the information directly from staff. He had, in fact, had such meetings in the past with each member of the Council, noting they always abided by the open meeting laws.

Mr. DiCiccio believed there was a clear difference from a light rail project being constructed in one district and not being able to represent one's district. He equated it to him not being able to have representation on the various Village Planning Committees in District 6. As debated, if the Council member who represented a specific area, was not a part of a particular process, assumptions should not be made about what information had been shared. Also, efforts should be made to include that Council member in the meetings.

Mrs. Gallego requested the motion be clarified before voting.

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Mrs. Williams and Ms. Pastor agreed the motion was to approve Item 58, with direction to have an open bid system and for the special requirements and evaluation criteria to remain the same.

MOTION CARRIED, 7-1, with Mr. Waring casting the dissenting vote.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Items 59 through 61 be approved. **MOTION CARRIED UNANIMOUSLY.**

ITEM 59

CITYWIDE

**IFB 08-128B - CONCRETE
FLATWORK - REQUIREMENTS
CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to extend the agreement with T.E.C., (The Engineering & Construction Company, LLC) to provide Citywide departments with concrete flatwork, on an as-needed basis for a five-month period ending June 30, 2014, to allow for a new solicitation. As there were authorized funds remaining at the end of the contracts' terms, no new funds were requested.

Focus group meetings with Citywide departments were scheduled to broaden the scope of work to meet their requirements. The additional time was necessary in order to accommodate the new requirements and perform the competitive process. The contract was necessary to ensure continued access to concrete flatwork on an as-needed basis.

ITEM 60

CITYWIDE

**RFP 08-027B - HAZARDOUS
MATERIAL REMOVAL AND
DISPOSAL SERVICES -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to extend Contract 125127 with Environmental Response, Inc. to provide Citywide departments with hazardous material removal and disposal services, on an as-needed basis for a one-month period ending April 30, 2014, to allow for a new solicitation. Sufficient funds were available under the current contract such that additional funds for the extension period were not required.

Proposals for the new solicitation, RFP 14-012, were due February 7, 2014. The additional time was necessary in order to complete the competitive process. The contract was necessary to ensure Citywide departments had continued access to hazardous material removal and disposal services.

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ITEM 61

CITYWIDE

**SUBMIT FEDERAL FISCAL
YEAR 2015 GRANT
PROPOSALS FOR FUNDS
AVAILABLE THROUGH THE
ARIZONA GOVERNOR'S
OFFICE OF HIGHWAY SAFETY**

The Council heard request to submit grant proposals for funding administered by the Arizona Governor's Office of Highway Safety (GOHS). These funds would be used to support new traffic safety programs and enhance existing programs in the City Prosecutor's Office, Street Transportation, Fire, and Police Departments. The anticipated funding period was from October 1, 2014 through September 30, 2015. The total amount requested was \$1,528,982.

The GOHS grant funds would be used to support the following programs:

City Prosecutor's Office Total Funding Requested - \$225,982
Traffic Safety Resource Prosecutor - to pay the salary, expenses, supplies, and travel for an existing Traffic Safety Resource Prosecutor, Attorney IV.

Street Transportation Department Total Funding Requested - \$153,000
Roadway Safety/Education Programs - to help develop and enhance educational campaigns and employee training on roadway, school, bicycle and pedestrian safety.

Fire Department Total Funding Requested - \$150,000
Impaired Driving - for overtime and related fringe benefits, materials, and equipment related to high school education campaigns to inform and remove alcohol and other drug impaired drivers from the road, decreasing injuries and fatalities. Total funding requested: \$21,000

Occupant Protection - Child Car Seats - for training, overtime, related fringe benefits, materials, and equipment related to child safety seats and seat belt usage. Total funding requested: \$115,000

Pedestrian and Bicycle Safety - for overtime, related fringe benefits, materials, and equipment related to education campaigns to increase safety awareness, traffic awareness, and skills necessary for young pedestrians and bicyclists. Total funding requested: \$14,000

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Police Department Total Funding Requested - \$1,000,000
Accident Investigation, Vehicular Crime Unit (VCU) - for training and equipment for the VCU. Total funding requested: \$50,000

DUI/Underage Alcohol Enforcement (Traffic Bureau) - for training, overtime, related fringe benefits, materials, and supplies related to education and enforcement campaigns targeting prevention of underage alcohol use. Total funding requested: \$100,000

Underage Alcohol Enforcement (86Z) - for training, overtime, related fringe benefits, materials, and supplies related to education and enforcement campaigns targeting prevention of underage alcohol use. Total funding requested: \$100,000

DUI Enforcement (Traffic Bureau) - for training, overtime, related fringe benefits, and equipment to support and enhance DUI enforcement within the city of Phoenix and joint enforcement efforts throughout the Valley. Total funding requested: \$300,000

Occupant Protection (Traffic Education Safety Unit) - for training, materials, supplies, overtime, and related fringe benefits associated with Click It or Ticket enforcement activities, child passenger safety technician certification classes, car seat events, Buckle Up, Baby Hotline, and various seatbelt enforcement campaigns. Total funding requested: \$100,000

Pedestrian and Bicycle Safety (Traffic Education Safety Unit) - for training, materials, supplies, overtime, and related fringe benefits associated with education and enforcement campaigns designed to increase safety awareness, traffic law knowledge, and skills among pedestrians and bicyclists. Total funding requested: \$150,000

Traffic Services (Traffic Education Safety Unit) - for training, materials, supplies, equipment (radar/laser speed detection devices), overtime, and related fringe benefits associated with education and enforcement campaigns such as: Traffic Impact Programs, school zone enforcement, construction zone enforcement, Traffic Complaint Hotline enforcement, and Selective Traffic Enforcement Programs. Total funding requested: \$150,000

Motorcycle Safety (Traffic Education Safety Unit) - for training, materials, supplies, overtime, and related fringe benefits associated with an education and enforcement campaign designed to increase safety awareness, traffic law knowledge, and specific enforcement of motorcycle traffic law violations. Total funding requested: \$50,000

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ITEM 62

DISTRICT 1

**FINAL PLAT - AMENDED
GOLD MOUNTAIN PRESERVE
PHASE II - 130087**

The following final plat was reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code, and was approved on February 3, 2014:

Plat 130087

Project 05-39

Name of Plat: Amended Gold Mountain Preserve Phase II

A Two-Lot Residential Plat

Generally located at the northwest corner of 63rd Avenue and Pinnacle Vista Drive

Owner(s): Pyramid Peak GM North, LLC and Gold Mountain 22, LLC

Engineer(s): Dibble Engineering

It was recommended that the above plat be approved by the City Council and certified by the City Clerk.

MOTION was made by Mrs. Williams, **SECONDED** by Ms. Pastor, that Item 62 be approved.

Mrs. Williams stated this location was in District 1, and was related to Item 57 during which she previously described the longtime problems.

Acting Mayor Gates noted Greta Rogers also spoke previously on this item as part of her comments regarding Item 57 (see Page 394).

MOTION CARRIED UNANIMOUSLY.

February 19, 2014

ADJOURNMENT

There being no further business to come before the Council, Acting Mayor Gates declared the meeting adjourned at 6:52 p.m.

MAYOR

ATTEST:

CITY CLERK

0219min.doc/SD

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 19th day of February, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of April, 2014.

City Clerk

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February 19, 2014