



General Information Packet

Thursday, June 29, 2023

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For Transmittal, Minutes of the Policy Session on May 16, 2023

Summary

This item transmits the Minutes of the Policy Session on May 16, 2023.

The Minutes are attached for review as **Attachment A**.

Responsible Department

This item is submitted by the City Manager's Office.



City of Phoenix

Minutes

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

City Council Policy Session

Tuesday, May 16, 2023

2:30 PM

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CALL TO ORDER

The Phoenix City Council convened in Policy Session on Tuesday, May 16, 2023, at 2:33 p.m. in the Council Chambers.

Present: 9 - Councilwoman Betty Guardado, Councilwoman Kesha Hodge Washington, Councilwoman Ann O'Brien, Councilwoman Laura Pastor, Councilman Kevin Robinson, Councilwoman Debra Stark, Councilman Jim Waring, Vice Mayor Yassamin Ansari and Mayor Kate Gallego

COUNCIL INFORMATION AND FOLLOW-UP REQUESTS

Councilwoman O'Brien stated she spent the week in Washington, D.C. with congressional delegations and advocated for funding to build infrastructure to combat the federal Colorado River water cuts, needed investments at the Deer Valley Airport, increased housing choice voucher allocations, and incentivized smart homes, low flow toilets and turf buyback programs. She named five Phoenix police officers recognized for heroism at an incident on Feb. 11, 2022 and noted other National Police Week ceremonies she participated in during the trip.

Councilwoman Guardado stated in conjunction with State efforts, her Office met with residents to report fraudulent sober living homes. She thanked staff and stakeholders for participating in the ribbon-cutting ceremony at Project Haven for seniors experiencing homelessness. Councilwoman Guardado expressed excitement over the new partnerships along the Camelback Corridor and invited residents to attend the community cleanup on May 20. She congratulated Jason Stokes on his retirement and congratulated students graduating this year, including her son who is going on to middle school.

Councilman Robinson recognized National Police Week and the Phoenix Police Department for their sacrifices. He thanked City staff for helping his Office learn how to appropriately address the needs of residents. He shared about two upcoming meetings for Peak Neighborhood Association on May 18 and Arcadia Osborn Association on May 28. Councilman Robinson invited the community to also come for coffee and donuts at Hillside Spot on May 26.

Vice Mayor Ansari stated her district held the Smith Park mobile office hours and Central City community meeting. She said she was the keynote speaker at the Sister Cities Youth Ambassadors graduation. She explained engagement of staff in the block-by-block cleanups and placing 45 people into a shelter or a hotel which represents a 70 percent success rate. Vice Mayor Ansari highlighted a success story of two individuals experiencing homelessness and thanked staff for the progress. She expressed excitement about housing infrastructure funding in the State budget. Vice Mayor Ansari shared upcoming events including the Mission of Mercy Clinic opening on May 23, Roosevelt Pool Party on June 17, and Heat Relief Shifts throughout the summer.

Councilwoman Pastor recapped the May Coffee Chat discussions. She explained the Affordable Connectivity Program grant for eligible residents to get free or reduced internet services. She reported she provided breakfast at the Charles W. Harris Elementary School for Teacher Appreciation Week. Councilwoman Pastor shared a story about a student she interacted with regarding civic engagement at the event. She indicated her goal is to bring blood tests to detect breast cancer to underserved neighborhoods and hold a Women's Health Forum in the fall. She recognized students she personally knew at the Phoenix College graduation. She attended the Arizona Dental Mission of Mercy 10th Anniversary Celebration. Councilwoman Pastor thanked Woodlea-Melrose Pierson Place for holding monthly clean-ups. Councilwoman Pastor congratulated Chad Makovsky for being named Airport Executive of the Year, Cynthia Campbell for her appointment to the Governor's Water Policy Council, and Zona Pacheco for receiving the Aguila Champion Award. She shared upcoming events including a public meeting on the proposed water rate increases on May 30, a pool party at Cielito Park on June 3, and a community chat on June 7.

Councilwoman Hodge Washington thanked City staff for assistance settling into her new role. She recognized the families of the police officers who lost their lives.

She stated she observed the progress of the Office of Homeless Solutions during enhanced cleanups. Councilwoman Hodge Washington highlighted the Teacher Appreciation Week in Roosevelt and Laveen School Districts. She said she participated in the inaugural Laveen Sundown Bike, Walk, and Run and also attended the 5th Annual Engineers of the Future Science Fair at South Mountain Community College.

Mayor Gallego recognized specific appropriations in the approved State budget. She called upon the State Legislature to provide affordable housing tools, like inclusionary zoning. Mayor Gallego also expressed her desire to see the State Legislature act on the Maricopa Association of Governments Transportation 2050 plan and view cities as partners in crafting legislation.

CONSENT ACTION

This item is scheduled to allow the City Council to act on the Mayor's recommendations on the Consent Agenda. There is no Consent Agenda for this meeting.

CALL FOR AN EXECUTIVE SESSION

A vote may be held to call an Executive Session for a future date.

REPORTS AND BUDGET UPDATES BY THE CITY MANAGER

This item is scheduled to allow the City Manager to provide brief informational reports on topics of interest to the City Council. The City Council may discuss these reports but no action will be taken.

DISCUSSION AND POSSIBLE ACTION (ITEM 1)

1 City Council Decision on the 2023-24 Budget

Discussion

City Manager Jeffrey Barton recognized the leadership and stewardship of the City Council throughout the budget development process. He stated the budget focused on core City services and commitment to employees.

Budget and Research Director Amber Williamson described the General Fund status and City Manager's Proposed Budget, community feedback received and related additions to the General Fund budget, non-General

Fund budget additions, and next steps in the budget process. She requested City Council approval of the 2023-24 budget.

Mayor Gallego opened the floor to public comment.

Santohsh Bhugatha spoke in support of expanding cricket.

Mayor Gallego opened the floor to councilmember questions and comments.

Councilwoman Pastor asked about the impact of possible cuts from the State Legislature.

Mr. Barton replied State Legislature cuts were speculative and the experience of staff gave time to adjust priorities of the budget in the future if necessary.

Ms. Williamson added any State Legislature decision would possibly impact the 2024-25 budget.

Councilwoman O'Brien expressed reassurance about the budget with pending actions by the state legislature. She asked if vacancy savings could be used to continue providing park security.

Mr. Barton replied that with the approval of this budget, recruitment for park rangers could begin soon. He stated other savings opportunities within the Parks and Recreation Department may be explored. Mr. Barton noted the possibility of bringing the park security contract back before City Council to increase the spending authority before summer recess.

Councilwoman O'Brien requested the contract be reviewed so there is no gap in service.

Councilwoman Guardado thanked City staff for assisting at the budget hearings. She thanked her Office for their hard work on the Engagement Survey completed by 1,150 residents. Councilwoman Guardado stated District 5 residents expressed their support of stronger and safer communities with needs such as 911 and Crime Stop operators, bulk

trash, more pool openings, and filling Head Start classrooms. She expressed support of the budget and employee compensation.

Councilwoman Stark thanked staff for accommodating various needs in the budget. She stated she was excited for a future discussion on affordable housing later in the budget cycle.

Vice Mayor Ansari expressed her support for the budget. She expressed excitement for the continued conversations for public bathroom access at bus stops, even though it was not added to the budget.

Councilwoman Hodge Washington expressed support for employee compensation and gratitude to staff for incorporating the feedback her district gave at the budget hearings.

Mayor Gallego expressed support of the budget. She thanked staff for hearing community feedback, noting some comments were about policy and program recommendations that would move forward where possible. Mayor Gallego expressed concern about potential State Legislature changes and the economy. She was hopeful that international economic development and energy efficiency programs would be included in future budgets.

A motion was made by Vice Mayor Ansari, seconded by Councilwoman Stark, that City Council approve the FY 2023-24 budget. The motion carried by the following vote:

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilman Robinson, Councilwoman Stark, Vice Mayor Ansari and Mayor Gallego

No: 1 - Councilman Waring

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 3:35 p.m.



For Transmittal, Minutes of the Policy Session on June 13, 2023

Summary

This item transmits the Minutes of the Policy Session on June 13, 2023.

The Minutes are attached for review as **Attachment A**.

Responsible Department

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City of Phoenix

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

City Council Policy Session

Tuesday, June 13, 2023

2:30 PM

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CALL TO ORDER

The Phoenix City Council convened in Policy Session on Tuesday, June 13, 2023, at 2:31 p.m. in the Council Chambers.

Present: 8 - Councilwoman Betty Guardado, Councilwoman Kesha Hodge Washington, Councilwoman Ann O'Brien, Councilwoman Laura Pastor, Councilwoman Debra Stark, Councilman Jim Waring, Vice Mayor Yassamin Ansari and Mayor Kate Gallego

Absent: 1 - Councilman Kevin Robinson

COUNCIL INFORMATION AND FOLLOW-UP REQUESTS

Councilwoman Pastor celebrated the re-opening of Cielito Pool. She stated there was good attendance at the public meeting on the proposed water rate and stormwater tax increase. She said she participated in the May 30 proclamation of Frank Barrios Day to honor his statewide flood-control efforts. Councilwoman Pastor recapped the Community Chat at Bret Tarver Learning Center with the Office of Homeless Solutions. She highlighted Phoenix Coqui's Puerto Rican food for Pride month. She recognized a Maricopa County Supervisor for hosting a Water Day Resource Fair at Holiday Park. She thanked Maryvale Estrella Mountain Precinct Community Action Officers for helping the community cleanup at 35th Avenue and McDowell Road. She noted the tethering ordinance update being presented at the Public Safety and Justice Subcommittee on June 14. Councilwoman Pastor stated she was working with Phoenix Union students to promote safe storage and safe reporting for gun safety. She shared an upcoming District 4 event was the Community Block Party and Resource Fair at Carl Hayden High School, in the morning on June 17.

Councilwoman O'Brien thanked community members that came to bid farewell

to Metro Center and thanked City staff for helping coordinate the large event.

Councilwoman Guardado announced the upcoming District 5 summer events, including Light Up the Sky Independence Celebration at the American Family Fields of Phoenix on July 1 and the Washington Pool Party on July 15. She highlighted two back-to-school events with Cartwright school district, one at Adkins middle school for haircuts, shoes and more on July 20 and then on July 29 the annual Back to School Drive for 1,000 backpacks give away.

Vice Mayor Ansari thanked her colleagues for signing a letter to Congress to request the City receives increased housing choice vouchers from the United States Department of Housing and Urban Development in order to address the housing crisis. She celebrated the 100th mile of cool pavement and other Street Transportation maintenance. Vice Mayor Ansari said she attended the opening of Mission of Mercy Clinic on Central Avenue, welcomed 30 new bus drivers at a Transdev training, and saw students test bridges at Engineers of the Future Science Fair. She thanked Water Services Department staff who helped a constituent maintain water services at her daycare and expressed excitement about the facility expanding. Vice Mayor Ansari stated her Office will be engaging residents in the Redistricting and GO Bond processes with the assistance of a new youth civic engagement council. She listed upcoming District 7 events, including the Roosevelt Pool Party on June 17, the closure for Juneteenth holiday, the first Redistricting informational meeting on June 20, and the Laveen Quarterly meeting on June 26.

CONSENT ACTION

This item is scheduled to allow the City Council to act on the Mayor's recommendations on the Consent Agenda. There is no Consent Agenda for this meeting.

CALL FOR AN EXECUTIVE SESSION

A vote may be held to call an Executive Session for a future date.

REPORTS AND BUDGET UPDATES BY THE CITY MANAGER

This item is scheduled to allow the City Manager to provide brief informational reports on topics of interest to the City Council. The City Council may discuss these reports but no action will be taken.

INFORMATION AND DISCUSSION (ITEM 1)**1 Update on Availability of Colorado River Water 2024-26 and Water Strategy**

Deputy City Manager Ginger Spencer introduced the item and explained the presentation will be in two parts: first about the water strategy and water portfolio diversification, and second about the Sustainable Desert City Development Policy for new water users, annexations outside the approved Water Department city service area, and best management practices for zoning stipulations.

Water Resource Management Advisor Cynthia Campbell provided an overview of the sources of the City's water supply, which include the Salt, Verde, and Colorado Rivers, and Groundwater. She explained shared water supply and how it was protected. She stated the Lower Basin states developed a plan to stabilize reservoirs, however the City evaluated the water strategy to secure a better future of water. She described the four parts of the strategy: to deploy water resources, improve water efficiency with phased projects, augment water resource portfolio, and the Sustainable Desert City Development Policy.

ORDINANCES, RESOLUTIONS, AND FORMAL ACTION (ITEM 2)**2 Resolution Adoption - The Sustainable Desert City Development Policy-Water (Resolution 22129)****Discussion**

Water Services Director Troy Hayes reviewed the drought management plan. He discussed the conservation plan approval for new large water users of greater than 250,000 gallons of water per day. He showed on a map where a pause of service to annexations would occur in times when the drought management plan was active.

Councilwoman Stark asked if there was an agreement with EPCOR to serve the northern areas.

Mr. Hayes replied the highlighted portions of the map in Anthem showed areas served by the Water Services Department and the remaining portions were served by EPCOR.

Planning and Development Director Josh Bednarek explained best management practices to implement across standards for stipulations in rezoning, zoning ordinance, building code, and drainage design manual.

Deputy City Manager Alan Stephenson stated staff recommended the Sustainable Desert City Development Policy be adopted to address new large water users, annexations, and best management practices.

Councilman Waring asked if Phoenix can be removed from the name of the Active Management Area (AMA) by the Arizona Department of Water Resources, because of the public misperception.

Deputy City Manager Ginger Spencer expressed agreement regarding questions received about the Phoenix Active Management Area and changing the name, but replied the AMA name was required by State Statute.

Mayor Gallego stated there was additional Council support for an accurate name change for the area extending beyond Maricopa County and reiterated Phoenix does not rely on fossil groundwater supplies.

Councilman Waring stated he is often asked why development is allowed if water is scarce, therefore he asked staff to clarify if housing developments and office parks use small amounts of water and if the amount was significantly less than agriculture used.

Water Resource Management Advisor Cynthia Campbell confirmed both statements were correct. She emphasized Phoenix customers were served by two percent of groundwater, to keep wells operable.

Councilman Waring asked if there was water supply available for new housing developments.

Ms. Campbell replied the designation of the Assured Water Supply would serve current and future water customers for the next 100 years and beyond.

Councilman Waring recalled that the average water usage per capita had

not increased over the last 20 or 30 years, despite the population increase.

Mr. Hayes replied in 1990 the average water use was 140 to 150 gallons per person per day and at the current time it was less than 100 gallons per person per day.

Councilman Waring reflected on the size of the City when he first moved to Phoenix and stated it was remarkable it grew without needing to use larger amounts of water. He noted a couple recent District 2 projects that were recognized as best water users. He asked how dramatic the change in efficiency was for houses built in the current year.

Mr. Bednarek thanked the Councilman and City Council for their leadership on the referenced Verdin planned unit developments and stated those utilized practices would continue to be applied in future subdivisions.

Councilman Waring expressed the project efforts were valuable and stated the situation overall was more positive than had been portrayed by media.

Mayor Gallego stated the Verdin developments relying on Colorado River water were estimated to save 80 million gallons of water per year and have natural landscaping. She said this type of project development was an opportunity to lead policy and meet the housing demand. Mayor Gallego highlighted methods to partner with residential water users. She noted there were numerous water-focused items across City departments at different meetings this year.

Councilwoman Stark asked how staff addressed water leaks and provide education about water use at golf courses.

Mr. Hayes stated staff worked with golf courses to use alternative sources like reclaimed or raw water. He stated staff prioritized leaks though the miles of water lines across the City and contracted additional positions when excessive amounts of leaks occurred. Mr. Hayes noted future exploration of new technology for leak detection to reduce response times.

Councilwoman Stark asked about possible incentives for the Homeowners Association (HOA) checkups.

Ms. Campbell responded the HOA efficiency checkup provided staff recommendations for how that community could save water. She stated to date these checkups identified over 180 million gallons of potential savings. She gave some future methods that the program could use to benefit an HOA.

Councilwoman Stark thanked staff for the forethought to use water wisely.

Mayor Gallego expressed excitement for leak detection technology.

Councilwoman Guardado expressed her preferences on how to implement the water sustainability strategies. She requested current large water users be addressed.

Mr. Hayes replied it would be a good economic business plan for all large water users to engage with staff to identify water bill reductions.

Councilwoman Guardado offered support for outreach to the current large water users.

Vice Mayor Ansari commended staff and State leaders for the efforts on a water strategy in desert developments. She asked if rainwater capture technology could be used as a rebate incentive for individual homes.

Mr. Hayes responded that a Request for Information (RFI) would be sent in the summer to identify new innovative technologies and lead to future discussions about rebate programs.

Vice Mayor Ansari asked the timeline of the RFI.

Mr. Hayes replied the RFI would be sent out in August and come back with information to the subcommittee in the fall.

Vice Mayor Ansari expressed her preference for dense infill.

Councilwoman Hodge Washington thanked staff and requested staff look into incentivizing reuse of graywater.

Mayor Gallego explained the Blue Bank cooling towers program for business partners, a program implemented at Phoenix Sky Harbor Airport.

Ms. Campbell reiterated the private financing for businesses to retrofit their cooling towers.

Mayor Gallego stated tools were available for business partners or nonprofits to offset water usage.

Councilwoman Pastor thanked staff and leaders for creating the committee that developed the water strategy plan.

Councilwoman O'Brien asked if turf removal would be with the commercial or HOA water customers of the City.

Ms. Campbell replied the intent was for all non-residential City customers to participate in removal of nonfunctional turf.

Councilwoman O'Brien thanked staff and leadership. She expressed her support for Bartlett Dam expansion and an advanced purification system. She thanked staff for infrastructure built to connect Colorado River and Salt River water sources.

The Mayor asked City Clerk Denise Archibald to do roll call and read the 24-Hour Paragraph.

An affidavit was presented to the Council by the City Clerk stating that the copy of the title of Resolution 22129 were available to the public in the Office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

A motion was made by Vice Mayor Ansari, seconded by Councilwoman O'Brien, that City Council approve a resolution to develop the Sustainable Desert City Development Policy to address water consumption of new development including conservation and restrictions on New Large Water Users, Annexations outside the current Water Department Service Area and Conservation Measures for New Development. The motion carried by the following vote:

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

Absent: 1 - Councilman Robinson

DISCUSSION AND POSSIBLE ACTION (ITEM 3)

3 Results on Yellow Light Timing Field Study

Discussion

Councilwoman Stark stated traffic fatalities were the origination of the study on yellow timing at signals. She expressed her preference to examine other enforcement of red-light running as well.

Deputy City Manager Alan Stephenson introduced the item.

Street Transportation Director Kini Knudson explained signalized intersections in the City. He discussed red-light running data in the United States and the City. He stated the interval purpose of the light colors and a red clearance interval. He gave the standard operating procedures the Street Transportation Department utilizes.

Assistant Street Transportation Director Briiana Velez detailed the 2020 Institute of Transportation Engineers (ITE) guidelines followed for calculating traffic signal timing. She explained the design of the field study with University of Arizona was to examine the yellow light timing relationship to red-light running at 12 locations. She shared that the results of modifications in the study yielded a 33 to 55 percent reduction in red-light running for through movement and 60 to 65 percent reduction of red-light running for left-turn movements. Ms. Velez stated yellow light interval

increases would be based on the posted speed limit. She listed the University of Arizona recommendations for guidelines to follow to impact driver behavior.

Mr. Knudson stated the Vision Zero Road Safety Action Plan implementation was multifaceted. He estimated 87,000 incidents per day of red-light running driver behavior across the City. He stated new yellow change intervals at 1,200 signals would take six years to complete with current staffing. He provided an update on the smart sensor equipment procurement for the 64 intersections owned by the City that the Maricopa Association of Governments deemed to be in the top 100 most dangerous. He stated staff recommendations were to adopt and implement the ITE 2020 guidelines for calculating yellow light change intervals for through movements, to adopt and implement the National Cooperative Highway Research Program (NCHRP) Report 731 guidelines for calculating yellow change intervals for left-turn movements, and approve five new full-time staff positions to expedite the implementation of changes to three years.

Councilwoman Stark stated she was pleased with the yellow light timing changes and expressed belief that enforcement methods would help the engineering changes be effective.

Councilwoman Stark shared an experience of watching a vehicle speed up to go through a yellow light.

Councilwoman O'Brien asked in what order the 1,200 traffic signals would be modified.

Mr. Knudson replied he would direct staff to use the data from the Vision Zero Road Safety Action technology to determine installation.

Councilwoman O'Brien asked if it was a best practice to time traffic signals every three years.

Mr. Knudson confirmed that was correct, because of the changes in development and traffic patterns.

Councilwoman O'Brien asked where the funding would come from for the additional staff and asked if those five would be permanent positions.

Mr. Knudson said the positions would be permanent and funded from available unallocated dollars without taking away from existing programs.

Councilwoman O'Brien thanked staff.

Councilwoman Guardado asked when a report would be prepared to show the results of the yellow light timing changes impact on red-light running.

Mr. Knudson replied that a report would be published on the webpage by the end of June.

Councilwoman Guardado expressed support for the item and stated equity was important while keeping the streets safe.

Mayor Gallego acknowledged the tools and grants the City has to create safer streets and school zones.

A motion was made by Councilwoman Stark, seconded by Councilwoman O'Brien, that City Council approve staff's recommendation, which includes making the yellow light timing changes over a three-year timeline and approving five additional staff positions in Streets Transportation to help them do that, as well as give direction to staff to research and evaluate a potential automated enforcement program for Phoenix, which could include options to address red-light running, school zone speed enforcement, and general speed enforcement on our City streets, and to return to Council later this year to report on their findings. It included staff coordinate the effort with the objectives of our Vision Zero Road Safety Action Plan objectives to ensure safety concerns are addressed, using data to drive our decision making, and maintaining an equity focus at all times. Councilwoman O'Brien added a friendly amendment, stating the yellow light study would come back to Public Safety and Justice Subcommittee in October. The motion carried by the following voice vote:

Yes: 8 - Councilwoman Guardado, Councilwoman Hodge Washington, Councilwoman O'Brien, Councilwoman Pastor, Councilwoman Stark, Councilman Waring, Vice Mayor Ansari and Mayor Gallego

No: 0

Absent: 1 - Councilman Robinson

ADJOURN

There being no further business to come before the Council, Mayor Gallego declared the meeting adjourned at 4:07 p.m.



Department of Justice Investigation Update

This report provides information relating to the United States Department of Justice (DOJ) Investigation into the Phoenix Police Department (PPD).

Summary

Since the DOJ announced its investigation into the PPD on Aug. 5, 2021, staff have continued to pledge their support and participation. See prior updates on June 30, 2022, Jan. 19, 2023, March 23, 2023, April 27, 2023, and May 25, 2023.

The investigation focuses on five areas:

- Excessive force in violation of the Fourth Amendment.
- Discriminatory policing that violates the Constitution and federal law.
- Retaliation against those engaged in First Amendment-protected activities.
- Violations of the Americans with Disabilities Act (ADA) related to behavioral health disabilities.
- Violations of the rights of individuals experiencing homelessness with regards to the disposal of their property.

Chicago

- The DOJ opened a pattern or practice investigation into use of force by the Chicago Police Department (CPD) on Dec. 7, 2015.
- The investigation followed the release of dash-cam video depicting the fatal shooting of Laquan McDonald, a 17-year-old African American, by a CPD officer.
- The investigation focused on CPD's use of force, including racial, ethnic, and other disparities in use of force, and its systems of accountability.

Findings

On Jan. 13, 2017, the DOJ announced it had found reasonable cause to believe the CPD engaged in a pattern or practice of unreasonable force in violation of the Fourth Amendment of the U.S. Constitution.

In addition to serious concerns about the prevalence of racial discrimination by some CPD officers, the DOJ found the unconstitutional use of force was largely attributable to:

- deficiencies in accountability systems and how CPD investigated use of force;
- responded to allegations of misconduct;
- trained, and supervised officers, and collected and reported data on officer use of force;
- the lack of effective community-oriented policing strategies; and
- insufficient support for officer wellness and safety.

The city of Chicago signed an Agreement in Principle with DOJ and agreed that compliance with the consent decree would be reviewed by an independent monitor.

Consent Decree and Monitoring

- After negotiations between Chicago and the DOJ stalled in early 2017, the Illinois Attorney General (Illinois AG) filed a federal lawsuit against the city of Chicago on Aug. 29, 2017, seeking injunctive relief.
- The Illinois AG relied almost exclusively on the investigation conducted by DOJ.
- Then-Mayor Rahm Emanuel authorized representatives of the city to negotiate an agreement, which ultimately became a consent decree with the Illinois AG's Office.
- After many months of negotiation, the city and the Illinois AG's Office reached an agreement.
- The city and the Illinois AG established a process to solicit applications from prospective monitoring teams and to review those applications and conduct interviews.
- The city and the Illinois AG recommended different monitoring team candidates to the court, which made the ultimate selection of the monitoring team on March 1, 2019, the same date that the consent decree was effective.
- The consent decree contains 799 paragraphs and requires the monitor to provide an annual monitoring plan, and a semi-annual report to assess reform efforts.
- The Independent Monitoring Report 6 dated Dec. 15, 2022, found that the city and CPD had achieved some level of compliance with more than 77 percent of the 554 paragraphs assessed to date.
- CPD's Fiscal Year 2022-23 budget was posted at \$1.9 billion with \$36 million designated for the Office of Constitutional Policing and Reform to address consent decree activities.
- After approximately three years under a decree, only 23 of 719 measurable paragraphs have reached full compliance, with 691 areas still pending.

Albuquerque

- The DOJ opened a pattern or practice investigation into use of force by the Albuquerque Police Department (APD) on Nov. 27, 2012.
- The investigation focused on allegations of use of excessive force, including deadly force, against civilians.

Findings

On April 10, 2014, the DOJ announced it found reasonable cause to believe APD engaged in a pattern or practice of excessive force, including deadly force, in violation of the Fourth Amendment of the U.S. Constitution.

Specifically, the DOJ found three categories of excessive force by APD:

- Use of deadly force against people who pose minimal threat;
- Use of less lethal force on people passively resisting, non-threatening, observably unable to comply with orders; and
- Interactions with persons with mental illness and in crisis.

The DOJ found systemic deficiencies that contributed to the three patterns:

- deficient policies;
- failed accountability systems;
- inadequate training and supervision;
- ineffective systems of investigation;
- absence of community policing; and
- lack of sufficient civilian oversight.

The city of Albuquerque signed a Settlement Agreement in November 2014 and immediately began implementation efforts.

Consent Decree and Monitoring

- The Settlement Agreement was approved by the U.S. District Court for the District of New Mexico on June 2, 2015, and included 276 requirements.
- In May 2022, APD reported spending over \$25 million on settlement agreement related expenses.
- After seven years under the Settlement Agreement, which included two years of sustained compliance with significant provisions, the District Court approved a joint agreement allowing APD to self-monitor certain paragraphs of the consent decree on Sept. 15, 2022.

Seattle

- The DOJ opened a pattern or practice investigation into use of force by the Seattle Police Department (SPD) on March 31, 2011.
- The investigation started in response to invitations from the American Civil Liberties Union (ACLU) Washington, and approximately 35 community organizations outraged over the lethal shooting of John Williams, a Native American wood carver by an SPD officer.
- The probe focused on allegations of use of excessive force, including deadly force and discriminatory policing.

Findings

On Dec. 16, 2011, the DOJ announced it had found reasonable cause to believe SPD engaged in a pattern or practice of excessive force, including deadly force, in violation of the Fourth Amendment of the U.S. Constitution.

The DOJ found:

- when using force, 20 percent of the time SPD's use of force was unconstitutional;
- SPD unnecessarily relied on impact weapons;
- used force when arresting for minor offenses or against individuals who talked back or were under physical control; and
- multiple officers would jointly use force against a single individual.

DOJ attributed the Constitutional violations to:

- deficiencies in oversight,
- training and policies,
- ineffective investigations of uses of force,
- lack of an early intervention program,
- biased policing, and
- insufficient data collection.

Consent Decree and Monitoring

- On July 27, 2012, the Judge of the Western District of Washington at Seattle accepted the Settlement Agreement between the DOJ and SPD.
- Six years later, in January 2018, the court ruled that SPD was in "full and effective compliance" with all requirements under the consent decree and entered the requisite two-year compliance period.
- In February 2020, Seattle reported over \$100 million in actual consent decree related expenditures, which included \$8 million for monitoring costs, \$9.9 million in

consultants' costs, and \$32.5 million towards accountability entities including the Community Police Commission, external legal fees, the Office of Inspector General, and Office of Police Accountability.

- On May 7, 2020, Seattle and the DOJ filed a Joint Stipulated Motion to Terminate the Consent Decree after demonstrating sustained compliance for two years; however, following SPD's controversial response to the protests sparked by George Floyd's death, the city of Seattle withdrew its motion.
- The May 2022 Comprehensive Assessment found that SPD had sustained full and effective compliance with the consent decree's use of force in all respects (with the exception of the summer 2020 protests), crisis interventions, stops and detention and bias-free policing.
- On March 28, 2023, Seattle and the DOJ jointly filed a proposed agreement which would replace the consent decree but requires the city to continue measuring the effectiveness of the reforms and complete work in the areas of use of force in crowd management and accountability.

Next Steps

- City staff will provide status updates of other jurisdictions operating under pattern or practice consent decrees and independent monitors, including further cost analysis.
- Continued production of body-worn camera (BWC) footage to DOJ.

Responsible Department

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



American Rescue Plan Act 2023 Reallocation Information and Update

This report provides an update on American Rescue Plan Act (ARPA) spending to date and introduces the discussion of reallocating remaining or potentially unspent ARPA funds.

Summary

The federal government allocated \$396 million to the City of Phoenix in the American Rescue Plan Act (ARPA). On June 8, 2021, and June 7, 2022, City Council approved the ARPA Strategic Plan and at several subsequent Council meetings, approved additional programs which included new programs in affordable housing and homelessness funded through the first large reallocation in December 2022.

There are currently 67 programs across 19 City departments and as of May 31, 2023, \$191 million has been spent. Twelve programs are at or near total expenditures spent. These programs include the Arts Career Advancement Grants, Better Health and Community Outcomes, Bus Card Subsidy Program, Family Assistance Resource Program, Food Banks and Pantries Support, Meals That Work, Micro and Small Business Assistance Programs, Nonprofit Arts and Culture Stabilization Grants, Premium Pay, Summer Heat Respite, After-School Grant for Phoenix Schools, and Transit Heat Relief Program. Twenty-five percent of programs have more than 75 percent or more expended to date, and about 65 percent of programs are more than 25 percent expended to date. There are less than a dozen programs currently with zero expenditures and staff anticipates spending in these programs to begin Fiscal Year 2023-24. Staff will continue to monitor these programs over the next several months. If spending does not improve, these funds may be recaptured in the next exercise in December 2023.

Attachment A provides a chart with current expenditures by program. Staff is currently completing the July 2023 Recovery Plan Performance Report, due to the United States Treasury by July 31. The final report will be included in a future General Information Packet for City Council review. ARPA information is updated monthly and can be accessed in the City's Open Data portal at phoenixopendata.com.

Reallocation of Unused, Underspent, or Reprioritized ARPA Funds

During the June 7, 2022, City Council Formal meeting, staff indicated reallocation exercises would be performed throughout the remaining duration of the grant to analyze all programs with unused, underspent, or reprioritized funding that may be used for other ARPA eligible uses. The intent of the reallocation exercises is to ensure full utilization of all awarded ARPA funds. The first reallocation exercise resulted in the approval of \$21.2 million, for three affordable housing and homelessness projects. At this time, approximately \$18 million has been identified for possible reallocation. The potential range of funding has been identified due to savings in contracts and program spending. The actual amount and programs affected will be further evaluated over the summer with a recommendation to follow in September.

Potential Programs

As the City continues to work towards providing solutions for homelessness and increasing the supply of affordable housing units, staff anticipates a majority of the reallocation funding will be used to support additional programs in these areas.

During the summer, staff will provide the City Council with the ARPA 2023 Recovery Plan Performance Report, that is due to the United States Treasury by July 31, which will provide an in-depth update on current programs. Staff will return to City Council after the summer break to discuss potential programs for final City Council reallocation.

Responsible Department

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

Attachment A
ARPA Expenditures as of May 31, 2023

Program	Original Allocation*	Updated Allocation**	Expenditures
Administrative Oversight, Compliance & Outreach Efforts	\$ 6,900,000.00	\$ 3,900,000.00	\$ 1,249,757.00
Affordable Housing Program	\$ 12,000,000.00	\$ 16,000,000.00	\$ 1,024.00
After-School Grant for Phoenix Schools	\$ 2,500,000.00	\$ 601,464.00	\$ 591,463.36
Airport Childcare Facility	\$ 5,000,000.00		\$ 2,120,164.21
Area Agency on Aging's Goods2HOME	\$ 2,000,000.00	\$ 1,500,000.00	\$ 678,338.46
Artists to Work	\$ 1,000,000.00		\$ 388,825.00
Arts and Culture Internship Program	\$ 500,000.00		\$ 153,000.00
Arts Career Advancement Grants	\$ 500,000.00		\$ 499,834.00
Better Health & Community Outcomes	\$ 28,900,000.00	\$ 16,615,519.00	\$ 16,614,643.79
Bus Card Subsidy Program	\$ 1,000,000.00		\$ 1,000,000.00
Bus Stop Shelter Program	\$ 500,000.00		\$ -
CED Support Staff	\$ 400,000.00		\$ 267,542.36
College Depot Assistance for Students	\$ 1,000,000.00		\$ 273,504.26
Community Land Trust Program	\$ 5,000,000.00		\$ -
COVID-19 Health Care Expenses	\$ 28,000,000.00		\$ 19,190,984.30
Digital Divide Program	\$ 22,000,000.00		\$ 10,000,000.00
Early Childhood Education Expansion	\$ 6,000,000.00		\$ 1,371,933.31
Early Literacy Tutoring Support	\$ 300,000.00		\$ 228,807.13
Economic Development & Innovation	\$ 5,515,000.00		\$ 3,654,058.94
Edison Impact Hub	\$ 5,000,000.00		\$ 33,126.20
Equity & Inclusion	\$ 3,372,200.00		\$ 2,523,875.79
Family Assistance Resource	\$ 12,000,000.00	\$ 11,997,000.00	\$ 11,997,000.00
Financial Assistance for Phoenix Refugee & Asylee Community	\$ 8,300,000.00		\$ 144,877.13
Food Banks & Pantries Support	\$ 1,432,500.00		\$ 1,432,500.00
Heat Response/Temporary Shelter	\$ 16,000,000.00		\$ 6,307,119.65
Heat Relief Outreach Program	NA	\$ 450,000.00	\$ 45,796.17
Home Weatherization Assistance Program	\$ 4,500,000.00		\$ -
Homelessness & Mental Health	\$ 10,500,000.00		\$ 3,943,437.52
Homelessness Projects	\$ 26,500,000.00		\$ 2,236,681.44
XWing Non-Congregate Shelter Project	NA	\$ 5,500,000.00	\$ 2,217,569.28
Hotel Acquisition and Renovation	NA	\$ 11,662,972.00	\$ 9,158,935.00
Homelessness Youth Reunification Program	\$ 1,000,000.00		\$ -
Infrastructure, Technology, & Capital Needs	\$ 23,000,000.00		\$ 10,376,783.53
Justa Center	\$ 1,000,000.00	\$ 401,804.00	\$ 175,804.15
Library Bookmobile for Underserved Areas	\$ 700,000.00		\$ 13,203.16
Library Hotspot Lending Program	\$ 600,000.00		\$ 4,362.00
Library Technology, Capital, & Staff Support	\$ 3,000,000.00		\$ 315,747.21
Local Food Consumption/ Production	\$ 4,930,300.00	\$ 2,687,662.00	\$ 1,189,636.74
Meals that Work	\$ 655,000.00		\$ 632,697.24

Program		Allocation	Expenditures
Memory Café Program	\$ 2,000,000.00	\$ 1,200,000.00	\$ 297,779.23
Micro & Small Business Assistance Programs	\$ 8,000,000.00		\$ 8,000,000.66
Nonprofit Arts & Culture Stabilization Grants	\$ 2,750,000.00		\$ 2,750,000.00
Outreach & Support Staff	\$ 550,000.00		\$ 322,169.82
Parks Activation Grants Program	NA	\$ 500,000.00	\$ -
Personnel/Technical Assistance/ Professional Development Programs	\$ 250,000.00		\$ 148,509.38
Phoenix Parks Improvements	\$ 2,900,000.00		\$ -
PHXWorks at Burton Barr & Ocotillo	\$ 600,000.00		\$ 22,940.32
PPE/Heat Relief	\$ 600,000.00		\$ 541,417.79
Premium Pay	\$ 22,000,000.00	\$ 21,073,250.00	\$ 21,073,250.00
Residential Tree Equity Accelerator & Trees and Shade for Schools	\$ 6,000,000.00		\$ 15,226.49
Resilient Food System	\$ 245,000.00		\$ 176,293.32
Revenue Replacement	\$ 20,000,000.00		\$ 15,925,483.74
Shade Structures	\$ 3,000,000.00		\$ -
Small Business Workforce Program	\$ 2,000,000.00		\$ 799,468.13
St. Joseph the Worker's Workforce Village Program	\$ 2,000,000.00		\$ -
St. Vincent de Paul Transitional Housing Project	\$ 6,000,000.00		\$ -
Starfish Place Wraparound Services Program	\$ 800,000.00		\$ -
StartupPHX @ Burton Barr	\$ 1,400,000.00		\$ 148,668.33
Summer Heat Respite	\$ 3,000,000.00	\$ 2,210,544.00	\$ 2,191,758.02
Transit Heat Relief Program	\$ 78,677.00	\$ 71,488.71	\$ 71,488.71
Tuition Assistance Program	\$ 5,000,000.00		\$ 2,500,000.00
U.S. Vets & Veteran Relief	\$ 4,500,000.00		\$ 1,007,015.05
Utility and Rental Assistance	\$ 14,000,000.00		\$ 8,872,844.91
Vacant Storefront Improvement Assistance	\$ 2,000,000.00		\$ -
Wi-Fi Connectivity for Community Centers and Public Housing Properties	\$ 5,300,000.00		\$ 150,831.89
Workforce Training Facility and Training Program	\$ 18,500,000.00		\$ 12,075,864.46
Workforce Wraparound Tuition/ Apprentice Program	\$ 10,000,000.00		\$ 3,077,280.00
Youth Sports League Grants	\$ 500,000.00		\$ 177,766.25
TOTAL			\$ 191,379,088.83

*Original allocation reflects 2022 ARPA Stratgic Plan

*Allocation values may vary due to changes in contract value or reallocation