



City of Phoenix

To: Mayor and City Council

Date: February 18, 2014

From: Lisa Takata
Deputy City Manager

A handwritten signature in black ink, appearing to read "Lisa Takata".

Subject: FORMAL AGENDA OF FEBRUARY 19, 2014

PROPOSED ADD-ONS

Item 57.1 Citywide Resolution 21199 - Amend the 2012-2014 MOU Between
the City of Phoenix and LIUNA 777 (Unit 1)

See attached RCA and memo from the Acting City Manager.

Item 57.2 Citywide Resolution 21200 - Amend the 2012-2014 MOU Between
the City of Phoenix and PLEA (Unit 4)

See attached RCA and memo from the Acting City Manager.

CONTINUED ITEMS

Item 64 Page 77 District 3 Public Hearing - Ordinance G-5891 -
Z-24-13-3 - Tatum Boulevard and
Shea Boulevard

See attached memo from the Acting Planning and Development Director.



City of Phoenix

To: Mayor and City Council

Date: February 14, 2014

From: Ed Zuercher
Acting City Manager

Subject: REQUEST FOR ADD-ON RCA FOR THE FEBRUARY 19, 2014 FORMAL AGENDA- AMEND THE 2012-14 MOU BETWEEN THE CITY OF PHOENIX AND LIUNA 777 (UNIT 1)

The purpose of this memo is to inform the Mayor and City Council of an add-on to the February 19, 2014 Formal Agenda amending the MOU with Unit 1. This request is necessary to amend the 2012-14 Memorandum of Understanding (MOU) between the City of Phoenix and the Laborers' International Union of North America, LIUNA 777 (Unit 1). Negotiations between the City of Phoenix and LIUNA 777 were finalized today. This amendment conforms terms of union release activity with the judge's order in Cheatham v. Gordon.

Approved: _____

Ed Zuercher, Acting City Manager

2/14/14
Date

**CITY OF PHOENIX
REQUEST FOR COUNCIL ACTION**

Complete this form per A.R. 4.11.

Refer to the City Council Agenda Process Reference Guide for Assistance

ACTION REQUESTED	Formal Action:	OR	Legal Document:
	Bid Award <input type="checkbox"/> License Application <input type="checkbox"/> Public Hearing <input type="checkbox"/> Other <input type="checkbox"/>		Ordinance <input type="checkbox"/> Amend City Code? <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Emergency Clause? <input type="checkbox"/> (for use only w/ord. or res. requests)
IMPACTED DISTRICT(S)	CITYWIDE	ADDITIONAL BACKUP MATERIAL SENT UNDER SEPARATE COVER? <input type="checkbox"/>	
SUBJECT	AMEND THE 2012-14 MOU BETWEEN THE CITY OF PHOENIX AND LIUNA 777 (UNIT 1)		
REQUESTED AGENDA DATE	2/19/2014	PREPARED BY	Name <u>Cindy Bezaury</u>
			Department <u>Human Resources</u>
			Phone <u>262-7546</u>
APPROVALS	Division Head:	Cindy Bezaury	If prepared for another department: Department Name:
	Department Head:	Lionel D. Lyons	
			Approval:
BID AWARD INFORMATION	Bid Surety Required? <input type="checkbox"/>	Performance Surety Required <input type="checkbox"/>	
	Submitted by Low Bidder? <input type="checkbox"/>	Amount? _____	
	Contract Required? <input type="checkbox"/>	Requisition No. _____	
CONTRACT INFORMATION	Contract Amendment? <input checked="" type="checkbox"/>	Sole Source Contract? <input type="checkbox"/>	
	If Yes, Current Contract No. <u>133368</u>	Ordinance <input type="checkbox"/>	on Date: <u>4/18/2012</u>
	Approved by: _____	Resolution <input checked="" type="checkbox"/>	
		Formal Action <input type="checkbox"/>	
BUDGET INFORMATION	\$ _____	To Be Encumbered? <input type="checkbox"/>	
	Source of Funds: _____	Fiscal Year? _____	
	Fund Center(s) (SAP-FM): _____		
	Commitment Item(s) (SAP-FM): _____		
CITY MANAGER'S OFFICE	Approved by Ed Zuercher	CM Control No. _____	
CITY CLERK DEPARTMENT	Council Action Taken:		
	Ordinance Number: _____	RCA No. _____	
	Resolution Number: <u>21199</u>	Contract No. _____	
	Comments: _____	Meeting Date _____	
		Item No. <u>57.1</u>	

PROPOSED ADD-ON
ITEM 57.1
DATE: FEBRUARY 19, 2014

ITEM **CITYWIDE**

**AMEND THE 2012-14 MOU
BETWEEN THE CITY OF
PHOENIX AND LIUNA 777
(UNIT 1)**

Request approval for the City Manager to amend the 2012-14 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 City Council Resolution (#21037) on April 18, 2012, with a subsequent amendment to the MOU adopted by City Council Resolution (#21061) on July 3, 2012.

The 2012-14 MOU will be amended to:

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;
- 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 will provide monthly 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. LIUNA will reimburse the City for any activity not deemed City business.

The amendment also proposed that 9,303 hours represents 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 will be allocated across all Unit 1 employees. The amount allocated per employee is estimated to be 9.7 hours (9,303 hours/ 958 Unit 1 employees).

This amendment will 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 is to be effective February 24, 2014.

FINANCIAL IMPACT

The financial impact to the City is neutral.



City of Phoenix

To: Mayor and City Council

Date: February 18, 2014

From: Ed Zuercher
Acting City Manager

Subject: REQUEST FOR ADD-ON RCA FOR THE FEBRUARY 19, 2014, FORMAL AGENDA- AMEND THE 2012-14 MOU BETWEEN THE CITY OF PHOENIX AND THE PHOENIX LAW ENFORCEMENT ASSOCIATION, PLEA (UNIT 4)

The purpose of this memo is to inform the Mayor and City Council of an add-on to the February 19, 2014, Formal Agenda amending the MOU with PLEA (Unit 4). This request is necessary to amend the 2012-14 Memorandum of Understanding (MOU) between the City of Phoenix and the Phoenix Law Enforcement Association, PLEA (Unit 4). Negotiations between the City of Phoenix and PLEA were finalized today. This amendment conforms terms of union release activity with the judge's order in Cheatham v. Gordon.

Approved: _____

Ed Zuercher, Acting City Manager

2/18/14
Date

**CITY OF PHOENIX
REQUEST FOR COUNCIL ACTION**

Complete this form per A.R. 4.11.

Refer to the City Council Agenda Process Reference Guide for Assistance

ACTION REQUESTED	Formal Action:	OR	Legal Document:
	Bid Award <input type="checkbox"/>		Ordinance <input type="checkbox"/>
	License Application <input type="checkbox"/>		Amend City Code? <input type="checkbox"/>
	Public Hearing <input type="checkbox"/>		Resolution <input checked="" type="checkbox"/>
	Other <input type="checkbox"/>		Emergency Clause? <input type="checkbox"/> (for use only w/ord. or res. requests)

IMPACTED DISTRICT(S)	CITYWIDE	ADDITIONAL BACKUP MATERIAL SENT UNDER SEPARATE COVER?	<input type="checkbox"/>
SUBJECT	AMEND THE 2012-14 MOU BETWEEN THE CITY OF PHOENIX AND THE PHOENIX LAW ENFORCEMENT ASSOCIATION, PLEA (UNIT 4)		

REQUESTED AGENDA DATE	2/19/2014	PREPARED BY	Name	Cindy Bezaury
			Department	Human Resources
			Phone	262-7546

APPROVALS	Division Head:	Cindy Bezaury	If prepared for another department: Department Name:
	Department Head:	Lionel D. Lyons	
			Approval:

BID AWARD INFORMATION	Bid Surety Required? <input type="checkbox"/>	Performance Surety Required <input type="checkbox"/>
	Submitted by Low Bidder? <input type="checkbox"/>	Amount? _____
	Contract Required? <input type="checkbox"/>	Requisition No. _____

CONTRACT INFORMATION	Contract Amendment? <input checked="" type="checkbox"/>	Sole Source Contract? <input type="checkbox"/>
	If Yes, Current Contract No. 133387	
	Approved by:	Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/>
		on Date: 5/2/2012

BUDGET INFORMATION	\$ _____	To Be Encumbered? <input type="checkbox"/>
	Source of Funds: _____	Fiscal Year? _____
	Fund Center(s) (SAP-FM): _____	
	Commitment Item(s) (SAP-FM): _____	

CITY MANAGER'S OFFICE	Approved by Ed Zuercher	CM Control No. _____
------------------------------	-----------------------------------	----------------------

CITY CLERK DEPARTMENT	Council Action Taken:	
	Ordinance Number:	RCA No. _____
	Resolution Number: 21200	Contract No. _____
	Comments:	Meeting Date _____
		Item No. 57.2

PROPOSED ADD-ON
ITEM 57.2
DATE: FEBRUARY 19, 2014

ITEM

CITYWIDE

**AMEND THE 2012-14 MOU
BETWEEN THE CITY OF
PHOENIX AND THE PHOENIX
LAW ENFORCEMENT
ASSOCIATION, PLEA (UNIT 4)**

Request approval for the City Manager to amend the 2012-14 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 City Council Resolution (#21044) on May 2, 2012.

The 2012-14 MOU will be amended to:

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 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 will 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 will 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 will 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.

The amendment also proposed that 15,799 hours represents 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 will be allocated across all Unit 4 employees. The amount allocated per employee is estimated to be 6.5 hours (15,799 hours/2,413 Unit 4 employees).

This amendment will 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 is to be effective February 24, 2014.

FINANCIAL IMPACT

The financial impact to the City is neutral.



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Rick Naimark
Deputy City Manager

Date: February 18, 2014

From: Alan Stephenson 
Acting Planning and Development Director

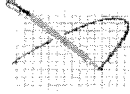
Subject: CONTINUANCE OF ITEM 64 ON THE FEBRUARY 19, 2014 FORMAL AGENDA
- PUBLIC HEARING/ORDINANCE ADOPTION OF Z-24-13-3 (G-5891)

Item 64, Rezoning Application Z-24-13-3 and Ordinance G-5891, is a request to rezone 3.52 acres located approximately 750 feet west of the southwest corner of Tatum Boulevard and Shea Boulevard from CO/GO to C-1 to allow a day care facility.

Staff has received correspondence from the applicant requesting a continuance in order to work further with the neighborhood to address their concerns.

Staff recommends continuing this item to March 19.

Attachment



Craig Mavis/PLN/PHX

02/14/2014 09:40 PM

To Laura Etter/PCC/PHX@phxent, Alan Stephenson/PLN/PHX@phxent, Diane Rogers/PLN/PHX@phxent
cc Tricia Gomes/PLN/PHX@phxent, Joshua Bednarek/PLN/PHX@phxent
bcc

Subject Fwd: Continuance Request Z-24-13

Begin forwarded message:

From: "Robert Brooks" <Therobertbrooks@aol.com>
Date: February 14, 2014 at 2:49:52 PM PST
To: "Craig Mavis" <craig.mavis@phoenix.gov>
Subject: **Continuance Request Z-24-13**

Craig,

This letter is to whoever it may concern. As you know we have been working with the surrounding neighbors concerning Z-24-13. We are very close to an agreement everyone can live with and are requesting what I now believe to be the last continuance necessary before we are ready to go before the City Council without neighbor opposition. Please let me know if there would be anything else I would need to do on our behalf. Also, please let me know if a representatives from our organization will need to attend the council hearing on the 19th for the request. I can be reached at 602-770-6146.

Thank you in advance,

Robert Brooks
Robert Brooks Ministries / Trendsetters Church
7000 North 16th street
Suite 120/413
Phoenix, Arizona 85020
602-765-8787 o
602-770-6146 c