



## Minutes City Council Issue Review Session July 19, 2007

Minutes of the Tempe City Council Issue Review Session held on Thursday, July 19, 2007, 6:00 p.m., in the City Council Chambers, Tempe City Hall, 31 E. Fifth Street, Tempe, Arizona.

**COUNCIL PRESENT:**

Mayor Hugh Hallman  
Vice Mayor Hut Hutson  
Councilmember P. Ben Arredondo  
Councilmember Barbara J. Carter  
Councilmember Shana Ellis  
Councilmember Mark W. Mitchell

**COUNCIL ABSENT:**

Councilmember Onnie Shekerjian

*Mayor Hallman called the meeting to order at 7:08 p.m.*

### **Call to the Audience**

**Bill Butler, Tempe, re: Item #3,** suggested setting up a City-owned ambulance service under the leadership of Fire Chief Cliff Jones. Users of the service or their insurers should not pay higher fees in order to enrich the City in any matter. Splitting the service area would lower the resources available in each area. The City already has the core personnel and the buildings, and start-up costs would be minimal.

**Martin Nowakowski, Tempe, re: Item #3, Director of Government and Community Relations for Southwest Ambulance.** Southwest Ambulance, in partnership with Tempe Fire, meets and exceeds response time requirements and patient care expectations. For the past two decades, Southwest Ambulance has built a professional, working relationship with Tempe Fire that puts the citizens' needs first. It is their strong desire to continue to work with Tempe Fire to serve Tempe. Each year, Tempe receives \$500K into its general fund for labor reimbursement and cost recovery, and over the past few years, Southwest Ambulance has invested more than \$500K in capital into its Tempe system. A fifth ambulance has been added in anticipation of future needs. Southwest Ambulance has been recognized by FEMA for its mass casualty response capability with 280 ambulances and over 1,000 dedicated EMTs throughout the Valley.

**Bob Ramsey, Tempe, re: Item #3, speaking on behalf of PMT.** PMT is based in Tempe, and has more ambulances stationed in Tempe than any other provider. PMT participated in an RFP and that process never reached conclusion. PMT wishes to participate in a fair and open system and would ask Council to

take that process to its final conclusion. PMT provides the fastest and most efficient response.

**Jason Payne, Tempe, re: Item #3, representing International Association of Firefighters, Local I60.** Members of the International Association of Firefighters are proud to serve alongside the Tempe Fire Department, and the highest level of patient care is delivered. As president of the International Association of Firefighters Local I60, he represents over 700 union members working for Southwest Ambulance in Arizona. Of those 700 members, many live in Tempe, and 24 of those are permanently assigned to serve Tempe. They are proud of their working relationship with Tempe Fire and their past involvement in Tempe's prevention activities and promotion and implementation of community-based health and safety initiatives. Current response times in Tempe are some of the best in the nation for a private ambulance provider. He urged Council to support Southwest Ambulance as the continued service provider in Tempe.

**Aaron Moss, Tempe, re: Item #3, representing employees of PMT Ambulance.** The average response time is 6 minutes 30 seconds and their extensive training builds confidence. PMT has gone through a fair RFP process and they intend to create the most seamless EMS system available. They want to work side-by-side with Tempe Fire.

**Jack Frank, Tempe, re: Item #2.** His neighborhood has experienced many problems with loud parties in recent years. During the last year, the City has taken a serious approach, and residents are taking back their neighborhood. He encouraged the City to continue with their approach of no tolerance.

**Ron Ober, Phoenix, re: Item #3.** He has represented Southwest Ambulance since 1991. He suggested that Council look at this contract and other contracts in a different way. When a contract is in force this long, periods of extensions are good times to look at performance. If the company is doing a good job, then don't go out for bid. If there are things that need to be changed, then change them. Southwest Ambulance is asking for an extension to the contract until the end of the term. He presented the scoring sheet from the RFP. According to the scoring sheet, Southwest Ambulance won.

**Pat Cantelme, Phoenix, re: Item #3, CEO for 911 Services for PMT Ambulance.** PMT is a Tempe-based company. PMT was in the RFP process to determine the next provider. That process was stalled because of issues with the Department of Health Services (DHS). Those issues have now been clarified. There is a template from the Attorney General, DHS, and the City of Chandler that can be used to put together another RFP. Where PMT has had the opportunity to compete, services have increased. PMT desires the same opportunity in Tempe.

## **Loud Party Ordinance Enforcement Review**

INFORMATIONAL BACKGROUND available in City Clerk's Office.

DISCUSSION – Presenter: Police Chief Tom Ryff; Assistant Police Chief Angel Carbajal

Assistant Police Chief Angel Carbajal provided a party patrol update at the request of Councilmember Arredondo through the Council's Neighborhood Quality of Life, Public Safety and Parks & Recreation Committee. Loud parties are a significant issue for residents. Commencing with the beginning of the school year, the Tempe Police Department staffs a party patrol to answer the large volume of loud party calls.

Officers typically respond to the calls and issue notices. Oftentimes, there is a continuing problem, and the crime prevention officers then make the contacts during regular hours. At that time, the civil and criminal ramifications are discussed. This year, staff will mandate that the crime prevention officers staff one of those positions and participate in those patrols. Staff is also reaching out to ASU to partner with them in these endeavors and ASU has been receptive to this point.

Councilmember Arredondo added that this has been a priority with this Council and ASU has assigned someone to help the City with this problem. A brochure has been released with contact information and the information will be part of ASU freshmen orientation. Chief Ryff has been proactive in making sure response time and follow-up time is taken seriously and the fines are steep.

Assistant Chief Carbajal added that use of the public service fee for the loud parties was successful at the beginning, but its effectiveness has waned. Staff is considering other enforcement actions in addition to the public service fee, as well as use of the State statute for disorderly conduct.

Mayor Hallman added that a suggestion was made by the Rental Housing Task Force to work with ASU to add violation of the City ordinance as an actionable offense under their Code of Conduct.

Councilmember Arredondo responded that staff is working with the City Attorney on that suggestion. Staff will return to Council with statistical data.

Councilmember Mitchell suggested that the Neighborhood Office work with the neighborhood associations so neighborhoods know these tools are available.

Councilmember Arredondo suggested the City Manager assign Shauna Warner, Neighborhood Services Director, as liaison to meet with each Councilmember to outline the available tools.

**\*\*NO CONSENSUS – UPDATE ONLY**

## **Ambulance Service Contract Follow-up**

INFORMATIONAL BACKGROUND available in City Clerk's Office.

DISCUSSION – City Manager Will Manley; Fire Chief Cliff Jones; City Attorney Andrew Ching

Councilmember Mitchell declared a conflict of interest and left the table.

Fire Chief Cliff Jones summarized that this process was started nearly two years ago and staff has evaluated the service a number of times over the years. He further responded to questions from the June 28<sup>th</sup> Issue Review Session.

- Ambulance service in Arizona requires a certificate of necessity to operate within a given geographic area or jurisdiction. Both Southwest Ambulance and PMT have this certificate to operate in Tempe, and the City of Tempe Fire Department does not. It would be difficult for a third

party to obtain a certificate.

- Cost is also an issue. The City of Phoenix bills for their ambulance service at the same rate as billed by the ambulance provider in Tempe.
- There have been two contract extensions. The first was for six months, and the second was for twenty-four months which was enacted at the expiration of the six-month extension because the situation was still in flux. Council was notified of the extension in a memorandum dated May 8, 2006. The date was determined by exercising the extension period allowed in the current contract.
- There are two options for moving forward:
  - Stay with the current contract until May, 2008, which could include exercising one more extension, thereby allowing the contract to possibly run until December, 2009.
  - Develop a new RFP and have it reviewed by the DHS.

Chief Jones summarized that in terms of public health and the overall financial picture, there is no current compelling operational or financial reason to seek a change. The Fire Department command staff and EMS staff have concerns with a number of possible changes that could take place for ambulance service and those would be better addressed at a different time. Tempe has good service, but anytime there is a service delivery organization, there is always room for improvement. Developing a new RFP and having it reviewed by the DHS is the only way to address the two principal mandates from Council on June 28<sup>th</sup>. One mandate was to do an “apples-to-apples comparison” and the other was to perform a cost/benefit analysis. The only way to get that information is to do another RFP and bring the results back to Council for direction. RFP development and DHS review would take approximately three to six months and then the RFP would be issued.

Councilmember Arredondo felt that Council was very clear in sending out an RFP and he understood that the DHS saw flaws. Also, Council made it clear that staff would come back with a recommendation, not an extension of a contract. He had been told by the Fire support staff that there was trouble with the delivery service and Council recommended that it be studied. The recommendation was made to divide the city. Council is now hearing that the service has improved. From his perspective, this should go for RFP and the professionals should determine where the city should be divided.

Councilmember Carter asked about the certificate of necessity and why it would be difficult for the City to receive it and run its own EMS service.

Chief Jones responded that the certificate of necessity process is managed by the DHS and oftentimes they have only one certificate of necessity for a service area. It is unusual to have two certificates for a service area. Staff has talked with the DHS, and they have explained what it would take to justify a third certificate of necessity when no service issues exist.

Councilmember Carter added that the idea of an RFP with a split is a concern because of the difficulty in determining the split and arriving at a fair comparison for response time.

Chief Jones stated that the Fire Department recommendation would be to do an RFP. The first part of that process would be to develop the appropriate model to get a series of enhancements approved by the DHS

and then bring it back to Council. He would not recommend determining tonight whether or not to split the city. He would ask for time to do the RFP and get it to the DHS for review, and then return to Council. All of the analysis done in the interim could help formulate a recommendation about a single provider or a split RFP. Council could then choose.

Councilmember Arredondo stated that two years has already been invested and this would add another year.

Mayor Hallman asked for clarification that staff would examine the geographic areas and determine how to divide it, if that's the appropriate thing to do. Whatever that geographic split is, there would be an "A" side and a "B" side, and companies could bid on either or both.

Chief Jones responded that it would be part of their overall analysis and a recommendation would be formulated based on that.

Councilmember Carter agreed with Councilmember Arredondo's concern for service to residents and that this process needs to be expedited.

Mayor Hallman stated that it appears the process would take about seven months and the current contract runs out in nine months. If this is going to happen, it would have to start expeditiously.

Vice Mayor Hutson stated that he had a problem with the way this was handled. This should have come back to Council in six months. He asked for a cost analysis. He didn't remember getting a memo. He didn't feel comfortable with a person providing him with an evaluation form that he should have had months ago. He was lobbied hard to split the city east to west and he still thinks it is a good idea. He asked what geographical area is awarded as a service area by DHS.

Chief Jones responded that it is typically a city or fire district.

Vice Mayor Hutson added that if it were determined to provide our own ambulance service, he thought DHS would issue that award. This needs to be resolved. The people of Tempe deserve the best service and Council needs to move on it quickly. We have the expertise to make those decisions.

Councilmember Ellis added that when she had checked on this late last year, she was told that the former RFP was being reviewed by DHS. Was it marked up so badly that it is necessary to start over?

Chief Jones responded that it was.

Councilmember Ellis asked if there are other communities that have been through that DHS process that would have a template we could use to reduce the time.

Chief Jones responded that there is no template. This is evolutionary and a case-by-case review. A precedent is not to be considered.

Councilmember Ellis asked whether DHS requirements change the level of service over what is currently offered.

Chief Jones responded that there should be no impact on service delivery but there are potential impacts on finance. Those cannot be discerned without doing a new RFP.

Councilmember Arredondo asked how Council will be assured that this process isn't dragging and is moving forward aggressively.

Mayor Hallman clarified that there has been some confusion about what occurred in this process. When we went to DHS, the City of Chandler was in disarray because they had been audited by DHS. We were trying to avoid that. He didn't remember the memo, but he had no doubt there was such a memo. The two-year extension runs out on May 8, 2008. Council desires that staff create an RFP as expeditiously as possible, that it be reviewed by DHS, and then staff should expeditiously bring it to Council and make recommendations on what the RFP can contain, including geographic division, if any. Staff's analysis should also contain the service we provide today and what is the best deal for tomorrow. It might be irrelevant or relevant and Council can make that decision. The Neighborhood Quality of Life, Public Safety and Parks & Recreation Committee will be assigned the obligation to keep tabs on this and make sure it moves forward. The entire process should fall within a seven-month timeframe.

Councilmember Ellis asked for clarification that if, through the cost benefit analysis, staff's recommendation is that what we have currently is best, Council could extend the contract to 2009.

Andrew Ching responded that when the 24-month extension was originally done, the understanding was that it would be until and unless there was a new RFP process finished and granted. That was when the first RFP was being executed. It was never anyone's intention that it would have to go twenty-four months. At any point prior to the awarding of an RFP and to the extent there is a current contract, Council could agree to direct an extension to the 2009 date.

Councilmember Carter added that Council owes it to the community to at least explore the possibility of a certificate of necessity. Staff should return with an answer from DHS and a recommendation.

Chief Jones agreed to make that part of the process.

Vice Mayor Hutson had concerns that no one is going to fast-track this.

Chief Jones added that the time-consuming part is developing and analyzing all the possibilities, including the certificate of necessity for the City, which staff had envisioned anyway. We don't want to get it done and have someone ask why we didn't do that. Staff will attempt to address all of the possibilities. Last week, Chief Jones spoke with the manager of DHS and he was given assurance that the review process would be expedited.

Councilmember Arredondo added that he is concerned with the composition of the selection committee.

Mayor Hallman responded that the review panel composition could also be addressed.

Mr. Ching added that it should also be noted that even after the selection of the successful bidder, there would be a contract negotiation period between that entity and the City, and there would be a potential for a bid protest. There are some things we can't anticipate in the length of time for award of contract by Council.

Mayor Hallman asked for confirmation that the score sheets that were presented earlier indicate that the RFP process was actually completed, in terms of getting the responses, scoring them, and rejecting all bids.

Chief Jones so affirmed.

Will Manley suggested that one approach might be for Chief Jones to return to the next IRS and map that out. There is a committee composed of representatives from the Fire Department, City Attorney's Office, and Procurement Office, along with outside consulting personnel, to put together the RFP, and there is the actual review committee to review the responses to the RFP. If and when we get to that point, it would be appropriate for Chief Jones to come forward and provide an update.

Mayor Hallman summarized that at the August 16<sup>th</sup> IRS, Chief Jones could present information on how the group is put together to score the responses, and when the RFP comes in, how that RFP would be reviewed and who would be reviewing it.

#### **CONSENSUS**

- Staff directed to expedite the development of an RFP and submission to the State Department of Health Services for review. Staff to return to Council with recommendations for RFP based on analysis.
- Staff to return to the August 16<sup>th</sup> IRS with recommendations for composition of the RFP review panel and the potential of securing a certificate of necessity.
- Council's Neighborhood Quality of Life, Public Safety and Parks & Recreation Committee to monitor progress of the RFP.

Follow-up responsibility: Cliff Jones

## **Fall Council Meeting Calendar**

Mayor Hallman noted that this item was agendized as "discussion only" and it would need to be agendized for the next Issue Review Session to set specific dates.

#### **CONSENSUS**

Staff was directed to agendize for the August 2<sup>nd</sup> Council Issue Review Session the rescheduling of the October 18, 2007, Council meeting, to October 25, 2007, and the scheduling of a date for the next phase of the Council Summit.

**Follow-up Responsibility:** Jan Hort

## **Affordable Housing Summit**

INFORMATIONAL BACKGROUND available in City Clerk's Office.

### **DISCUSSION**

Mayor Hallman stated that this is a request for referral to the Council's Transportation and Affordable Housing Committee to convene an Affordable Housing Summit.

### **CONSENSUS**

Referral to Council's Transportation and Affordable Housing Committee.

## **Formal Council Agenda Items**

No agenda items were discussed.

## **Future Agenda Items**

Councilmember Carter expressed a concern with recent newspaper articles about open meeting law and council briefings with staff.

Mayor Hallman stated that as part of the Council Summit, a lengthy discussion of open meeting law requirements was held. He suggested that Councilmember Carter discuss with the City Attorney her concerns to make sure Council is briefed on any issues.

Mr. Ching added that any legal advice should take place in Executive Session.

Mayor Hallman suggested having a presentation of the law's requirements for specific instances, similar to that held at the Council Summit. That type of presentation would be helpful to the public and should be presented at a future IRS.

Mr. Ching added that Charlotte Benson from the City Attorney's Office regularly provides open meeting law briefings to the boards and commissions, and she could work with Councilmember Carter.

## **Mayor's Announcements/Manager's Announcements**

None.

*Meeting adjourned at 7:10 p.m.*



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Jan Hort  
City Clerk