

Minutes Formal City Council Meeting May 28, 2009

Minutes of the Formal Council Meeting of Thursday, May 28, 2009, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Vice Mayor Shana Ellis
Councilmember P Ben Arredondo
Councilmember Mark W. Mitchell
Councilmember Joel Navarro
Councilmember Onnie Shekerjian
Councilmember Corey D. Woods

Mayor Hallman called the meeting to order at 8:00 p.m.

1. Councilmember Shekerjian gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.

3. **MINUTES**

A. Approval of Council Meeting Minutes

Motion by Councilmember Arredondo to approve the following **COUNCIL MEETING MINUTES** (with the exception of items #2 and #3). Second by Councilmember Woods. Motion passed unanimously on a voice vote.

1. Council's Executive Session – May 7 & 14, 2009
2. *THIS ITEM WAS REMOVED.*
3. *THIS ITEM WAS REMOVED.*
4. Council's Special Budget Session – May 14, 2009 [20090528budget01.pdf](#)
5. Council's Mill & Lake District Committee – May 7, 2009 [20090528mld01.pdf](#)
6. Council's Sports, Recreation, Arts & Cultural Development Committee – April 30, 2009
[20090528srac01.pdf](#)
7. Council's Quality of Life Committee – April 23, 2009 [20090528ql01.pdf](#)
8. Council's Technology, Economic & Community Development Committee – April 10, 2009
[20090528tecd01.pdf](#)
9. Council's Transportation Committee – April 28, 2009 [20090528tcc01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

Motion by Councilmember Arredondo to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Mitchell. Motion passed unanimously on a voice vote.

10. Aviation Commission – April 14 & May 6, 2009 [20090528tavco01.pdf](#)
[20090528tavco02.pdf](#)
11. Committee for Youth, Families and Community – April 20, 2009 [20090528cyfc01.pdf](#)
12. Enhanced Services Commission – April 8, 2009 [20090528esc01.pdf](#)
13. Golf Committee – April 1, 2009 [20090528gc01.pdf](#)
14. Hearing Officer – April 21, 2009 [20090528ho01.pdf](#)
15. Historic Preservation Commission – March 12 & April 9, 2009 [20090528hpc01.pdf](#)
[20090528hpc02.pdf](#)
16. Historical Museum Advisory Board – April 2, 2009 [20090528csjc01.pdf](#)
17. Library Advisory Board – April 6, 2009 [20090528lab01.pdf](#)
18. Mayor's Youth Advisory Commission – April 21, 2009 [20090528myac01.pdf](#)
19. Merit System Board – December 17, 2008 [20090528msb01.pdf](#)
20. Rio Salado/Papago Park Ad Hoc Committee – April 14, 2009 [20090528rspp01.pdf](#)
21. Tempe Fire Public Safety Personnel Retirement Board – March 5, 2009
22. Tempe Police Public Safety Personnel Retirement Board – Executive Session
April 9, 2009
23. Tempe Police Public Safety Personnel Retirement Board – April 9, 2009

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- a. Mayor Hallman stated that Tempe works hard to create an environment in which the community benefits economically, environmentally and culturally through cooperative efforts with its partners. GE has been a great partner to Tempe. Their Reclamation Technology has been of significant assistance in helping the City enhance and improve its recycling efforts. One of those efforts included an upgrade to the Kyrene Water Reclamation Facility using GE's ecomagination-certified ZeeWeed Membrane Bioreactor (MBR) technology. As a result, the facility doubled its water recycling capabilities from 4.5 to 9 million gallons of water each day and became one of the largest MBR plants in North America today. That reclaimed water is playing a critical role in the City's long-term water management strategy, such as cooling at a major power plant and irrigation at a municipal golf course. The City also injects the reclaimed water into local aquifers, earning aquifer storage credits that can be used to access additional water supplies during time of drought. Reclaimed water may even be used to indirectly refill Tempe Town Lake. In honor of those efforts, Tempe recently earned the **GE Ecomagination Leadership Award**. **GE representative, Grant MacInnis**, presented the award to the City Council, the people of Tempe, and to Water Utilities Manager Don Hawkes.
- b. Mayor Hallman stated that the Tempe community is stellar in terms of citizen inclusion and participation, in government and in volunteer service as well. He reminded everyone that the Tempe City Council counts on that dedication and expertise in members of the three dozen **boards and commissions**. He announced current board and commission vacancies and asked that applications be submitted to the City Clerk's Office or through the website at www.tempe.gov/clerk by June 8th.

B. Manager's Announcements

- a. City Manager Charlie Meyer announced that on tonight's agenda the Council will consider awarding the issuance of \$56M of general obligation Bonds. It is part of the normal process in order to fund the capital program, however, in the economic circumstances, the critical issue is

that any time we issue bonds, those bonds have to be rated by the bond rating agencies. Staff just received notification today that the City received ratings from all three major rating agencies and we have retained our ratings in all three. Fitch's and Standard and Poors have rated our general obligation bonds as "AAA" bonds, and Moody's, which has a slightly different criteria, retained the "AA-1" rating. He acknowledged the finance staff for working with these rating agencies because they look far more closely in this kind of economic circumstances than they would normally, and staff was able to do a great job of articulating to the rating agencies what we are doing to deal with the economic circumstances. He quoted a portion of Moody's report: *"The rating outlook on the City's long-term obligations is stable. The stable outlook reflects the expectation that management will take decisive action to preserve healthy reserve levels above the median for similarly rated cities given the region's weakening and uncertain economic outlook."* This is positive and the rates were very favorable at 3.99%.

5. AGENDA

All items in these minutes identified with an asterisk (*) are public hearing items. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

Motion by Councilmember Arredondo to approve the Agenda as read (Items #36 and #52 were removed for separate consideration). Second by Councilmember Woods. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

24. Approved renewal of **Contract #2000-144L, #2000-144M, and #2000-142I**, public defender contracts for a one-year period to provide services for indigent defendants in the Tempe Municipal Court.

COMMENTS: The total cost of these contracts with overages shall not exceed \$220,000

DOCUMENT NAME: [20090515mclca01.pdf](#) COURT ADMINISTRATION (0501-02)

25. Approved **with condition** a Final Subdivision Plat for Lowe's at LAKES TOWNE CENTER, located at 777 East Baseline Road.

COMMENTS: (PL090144) (Kitchell Development Company, property owner; Brian Benedict, CMX, applicant) consisting of a Final Subdivision Plat on a 14.76 acre site located at 777 East Baseline Road in the PCC-2, Planned Commercial Center General District. The request includes the following:

SBD09007 - A Final Subdivision Plat to subdivide one (1) lot into four (4) new commercial lots on 14.76 net acres.

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before May 28, 2010. Failure to record the plat by May 28, 2010, which is within one (1) year from the date of City Council approval, shall make the approval of the plat null and void.

DOCUMENT NAME: [20090528dsdk01.pdf](#) **PLANNED DEVELOPMENT (0406)**

26. Approved **with condition** a Final Subdivision Plat for TERRACE LOTS, located at 903 South Rural Road.

COMMENTS: (PL090027) (City of Tempe by Kenneth Olmstead, Arizona Board of Regents by Steve Nielsen, property owners, and John Scott/Arizona Engineering Company, applicants) for a Final Subdivision Plat on 3.89 acres, located at 903 South Rural Road in the CSS, Commercial Shopping and Service District, R-4, Multi-family Residential General District, and R/O, Residential/Office District. The request includes the following:

SBD09001 – Final subdivision plat for lot lines adjustment for three (3) lots and one (1) tract.

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before May 28, 2010. Failure to record the plat by May 28, 2010, which is within one (1) year from the date of City Council approval, shall make the approval of the plat null and void.

DOCUMENT NAME: [20090528dsjc01.pdf](#) **PLANNED DEVELOPMENT (0406)**

27. Approved **with condition** a Final Subdivision Plat for TWENTY THREE "T" LLC located at 2318 South Industrial Park Avenue.

COMMENTS: (PL070542) (Twenty Three T LLC, property owner, Shawn M. Clow/Deines Hollow Architects, applicant) for a Final Subdivision Plat on 1.6531 net acres, located at 2318 South Industrial Park Avenue, in the GID, General Industrial District. The request includes the following:

SBD08030 – A final subdivision plat for a line adjustment between two (2) lots.

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before May 28, 2010. Failure to record the plat by May 28, 2010, which is within one (1) year from the date of City Council approval, shall make the approval of the plat null and void.

DOCUMENT NAME: [20090528dsjc02.pdf](#) **PLANNED DEVELOPMENT (0406)**

28. Approved **with condition** a Subdivision Plat for FISHER'S TOOLS AND HANDLES, located at 1990 East 3rd Street.

COMMENTS: (PL080360) (Greg Fisher / Fisher's Tools & Handles, Inc., Owner, Timothy O'Neill, O'Neill Engineering, LLC, applicant) for a subdivision plat on 4.22 net acres, located at 1990 East 3rd Street in the GID, General Industrial District. The request includes the following:

SBD09003 – A Subdivision Plat consisting of three (3) lots

The following condition was also approved:

1. The Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before May 28, 2010. Failure to record the plat by May 28, 2010, which is within one (1) year from the date of City Council approval, shall make the approval of the plat null and void.

DOCUMENT NAME: [20090528dsjc03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *29. Held a public hearing and recommended the approval of a Series 10 beer and wine store liquor license for Elton Enterprises Inc., dba Rundles Market, 1324 West University Drive.
COMMENTS: Mary Kesto is the Agent for this application.
DOCUMENT NAME: [20090528LIQ01.pdf](#) LIQ LIC (0210-02)
- *30. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Sports Center Bar & Grill LLC dba Sports Center Bar & Grill, 5235 South Kyrene Road, #104.
COMMENTS: Richard Regaldo Jr. is the Agent for this application.
DOCUMENT NAME: [20090528LIQ02.pdf](#) LIQ LIC (0210-02)
- *31. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Kronlan LLC dba Boney's Bar & Grill, 1805 East Elliot Road, #104/105.
COMMENTS: Brian Langhoff is the Agent for this application.
DOCUMENT NAME: [20090528LIQ03.pdf](#) LIQ LIC (0210-02)
- *32. Held a public hearing and recommended the approval of a Series 12 restaurant liquor license for Tempe Boys LLC dba Dave's Electric Café, 502 South College Avenue, #103.
COMMENTS: David Hoffman is the Agent for this application.
DOCUMENT NAME: [20090528LIQ04.pdf](#) LIQ LIC (0210-02)
- *33. Held a public hearing and recommended the approval of a Series 03 microbrewery liquor license for Tempe Boys LLC dba Dave's Electric Café, 502 South College Avenue, #103.
COMMENTS: David Hoffman is the Agent for this application.
DOCUMENT NAME: [20090528LIQ05.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

- 34. Approved **Contract #2009-92**, a sixteen-month software maintenance and support service agreement with the Arizona Supreme Court for the Tempe Municipal Court's new case management system.
COMMENTS: (#T09-151-01) Total cost shall not exceed \$166,000.
DOCUMENT NAME: [20090528fsts06.pdf](#) PURCHASES (1004-01)
- 35. Approved **Contract #2009-93**, a five-year contract with L. N. Curtis & Sons for the purchase of fire hose for the Fire Department.
COMMENTS: (09-102) Total cost for this contract shall not exceed \$130,000 during the contract term.
DOCUMENT NAME: [20090528fslq01.pdf](#) PURCHASES (1004-01)
- 36. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved **Contract #2009-94**, two-year contracts with Central Arizona Landscape Management; Desert Glen Commercial Landscape Group, Inc.; ISS Grounds Control, Inc.; Natural State Landscaping, LLC; Reyes & Sons Landscape LLC; Somerset Landscape Maintenance, Inc.; and Westscape Environmental, Inc., for as-needed miscellaneous landscape services to supplement the City's work force.
COMMENTS: (09-084) Total cost for this contract shall not exceed \$524,000.

Vice Mayor Ellis asked for this item to be removed so that she could declare a conflict of interest.

Motion by Councilmember Arredondo to approve Item #36. Second by Councilmember Navarro. Motion passed on a roll call vote, 6-0, with Vice Mayor Ellis abstaining.

DOCUMENT NAME: [20090528fslg05.pdf](#) [20090528fslg05a.pdf](#) PURCHASES (1004-01)

37. Approved **Contract #2009-95**, nine-month contracts with Basic Chemical Solutions, LLC, Brenntag Pacific, Inc., and Hill Brothers Chemical Company for the purchase of water and wastewater treatment chemicals for the Water Utilities Department.

COMMENTS: (IFB 09-080) Total cost of this contract shall not exceed \$250,000.

DOCUMENT NAME: [20090528fst10.pdf](#) PURCHASES (1004-01)

38. Approved **Contract #2008-92A**, final contract with Medco Health Solutions, the City's pharmacy benefits provider.

COMMENTS: (T08-124-01)

DOCUMENT NAME: [20090528fsta03.pdf](#) PURCHASES (1004-01)

39. Approved **Contract #2008-252B**, job order no. 2 with Pierson Construction Corporation and a project contingency for the water line upgrade and replacement at Orange Street and Lemon Street.

COMMENTS: Total amount of job order no. 2 is \$930,387.07 and the project contingency is \$45,000.

DOCUMENT NAME: [20090528PWTG05.pdf](#) WATERMAIN UPGRADES (0810-04)
PROJECT NO. 3209321

40. Approved **Contract #2008-136F**, job order no. 6 with SDB, Inc., awarded **Contract #2009-96**, a construction management contract with Vanir Construction Management, Inc., and approved a project contingency for the Well No. 9 site improvements.

COMMENTS: Total amount of job order no. 6 is \$647,711.35, total amount for the construction management contract is \$63,447, and the amount of the project contingency is \$65,000.

DOCUMENT NAME: [20090528PWTG04.pdf](#) WELLS-CONSTRUCTION/MAINTENANCE (0811-01) PROJECT NO. 3202601

41. Approved amendments to Job Order Miscellaneous Horizontal Construction and Minor Water and Wastewater Treatment Plant Improvements contracts: **Contract #2008-250** with Quest Civil Constructors, Inc., **Contract #2008-251** with Hunter Contracting Co. and **Contract #2008-252** with Pierson Construction Corp.

COMMENTS: These amendments will increase the maximum allowable dollar amount for individual Job Orders from \$600,000 to \$1,000,000, consistent with Arizona Revised Statutes.

DOCUMENT NAME: [20090528PWTG03.pdf](#) CONSTRUCTION-ENGINEERING ADMINISTRATION (0803)

42. Approved amendments to Job Order Construction contracts: **Contract #2008-136** with SDB, Inc., **Contract #2008-138** with Foresite Design & Construction, Inc. and **Contract #2008-137**

with Caliente Construction.

COMMENTS: These amendments will increase the maximum allowable dollar amount for individual Job Orders from \$600,000 to \$1,000,000, consistent with Arizona Revised Statutes.

DOCUMENT NAME: [20090528PWTG02.pdf](#) **CONSTRUCTION-ENGINEERING ADMINISTRATION (0803)**

43. Awarded **Contract #2009-97**, a professional services design contract with Wilson Engineers for the replacement of the sedimentation basin grout liner at the South Tempe Water Treatment Plant.

COMMENTS: Total cost for this contract is \$72,835.

DOCUMENT NAME: [20090528PWTG01.pdf](#) **SOUTH TEMPE WATER TREATMENT PLANT (0811-08) PROJECT NO. 3203421**

44. Approved a one-year renewal of a contract with Robertson Industries, Inc., for the purchase and installation of rubberized playground surfacing.

COMMENTS: (T08-013-01) Total amount not to exceed \$100,000.

DOCUMENT NAME: [20090528fslg08.pdf](#) **PURCHASES (1004-01)**

45. Approved a one-year renewal of a contract with Marsh USA, Inc., for risk management consultation and insurance broker services for the Risk Management Division of the Financial Services Department.

COMMENTS: (T05-109-01) Total amount shall not exceed \$90,000.

DOCUMENT NAME: [20090528fst09.pdf](#) **PURCHASES (1004-01)**

46. Approved the utilization of a two-month City of Tucson contract with Mobile Concepts Technology for the purchase of microwave communications equipment for the City's Wide Area Network used by the Police Department and other City departments.

COMMENTS: (#0703103-03) Total cost shall not exceed \$200,000.

DOCUMENT NAME: [20090528fst07.pdf](#) **PURCHASES (1004-01)**

47. Approved the utilization of a State of Arizona contract with Dell Marketing L.P. through Mythics, Inc., **Contract #2009-98**, for the purchase of Oracle/PeopleSoft Project Costing module, training and annual support for the Engineering Division of Public Works Department.

COMMENTS: (AD050028-A3-1-A8) Total cost shall not exceed \$160,000.

DOCUMENT NAME: [20090528fst11.pdf](#) **PURCHASES (1004-01)**

48. Approved the utilization of a one-year State of Arizona contract with AmPac Tire Distributors, Inc., for the purchase of tires and tubes.

COMMENTS: (EPS070094) Total cost of the contract shall not exceed \$150,000.

DOCUMENT NAME: [20090528fsta04.pdf](#) **PURCHASES (1004-01)**

49. Approved the utilization of State of Arizona contracts with Bingham Equipment Company; Golf Ventures West; Bobcat of Phoenix; Borders Turf & Tractor, Inc.; John Deere Company; Norstar Industries, Inc.; Quality Equipment & Spray and Simpson Norton Corporations for turf and construction equipment to be utilized by the Public Works Department.

COMMENTS: (SCC070014) Total cost of this contract shall not exceed \$200,000.

DOCUMENT NAME: [20090528fsta02.pdf](#) PURCHASES (1004-01)

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.
- D. Ordinances and Items for Second Hearing/Final Adoption

*50. Held the **second public hearing** and approved an Historic Overlay District for DATE PALM MANOR.

COMMENTS: (PL090049) (multiple property owners; Tempe Historic Preservation Office, applicant) consisting of thirty-eight (38) lots with single-family homes, all within approximately 7.84 acres, located at 2106 S. Mill Avenue; 5-137 W. Palmcroft Drive; 2015-2030 S. Dromedary Drive; 32-121 W. Palmdale Drive; and 2019-2025 S. Dateland Drive, in the R1-6, Single-Family Residential District and the R-3, Multi-Family Residential Limited District. The request includes the following:

HPO09001 (Ordinance No. 2009.12) – Historic Overlay District consisting of thirty-eight (38) lots.

ZOA09002 (Ordinance No. 2009.12) – Code Text Amendment for Section 5-502 of the Zoning and Development Code.

DOCUMENT NAME: [20090528dsrl01.pdf](#) PLANNED DEVELOPMENT (0406)

*51. Held the **second public hearing** and approved an Historic Designation for ELLIOTT (GARBINSKI) HOUSE, located at 1010 South Maple Avenue.

COMMENTS: (PL090050) (Justin Garbinski, property owner; Tempe Historic Preservation Office, applicant) consisting of a 1929 Bungalow-style home on approximately 0.22 acres, located at 1010 South Maple Avenue, in the R-2, Multi-Family Residential District. The request includes the following:

HPO09002 (Ordinance No. 2009.13) – Historic Designation consisting of one (1) lot.

DOCUMENT NAME: [20090528dsrl02.pdf](#) PLANNED DEVELOPMENT (0406)

*52. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Held the **second public hearing** and approved ORDINANCE NO. 2009.11 amending Chapter 32 of the Tempe City Code relating to Towing from Private Property by amending Sections 32-1, 32-2, 32-4, 32-5 and 32-6 and adding new Section 32-9.

PUBLIC HEARING

Pete Colantoni, Mesa, former Vice-Chair of the Ad Hoc Towing Committee. He stated that he is concerned with the issue of calling in tows prior to the vehicles being immobilized as opposed to within one hour of being immobilized. One possible solution to address the resource issue would be an electronic uplink rather than placing a call. This would expedite the process. He would suggest bringing this back to an ad hoc committee before the ordinance is changed. The other issue involves the smaller signs. The larger sign was the consensus of Council at the time the ordinance was changed, and he is concerned with a smaller sign.

Mayor Hallman clarified that the sign specifications are found in Section 5, Sec. 32-6(b). The proposed change is: "Signs at the entrance of the parking area will be a minimum of twelve (12) inches by eighteen (18) inches in size." It doesn't say the signs have to be made smaller but they can't be smaller than that.

Mr. Colantoni added that within the property they can be even smaller.

Mayor Hallman clarified that minimum standards have been set, rather than maximum. It doesn't require anyone to reduce their signs. During the conversations of the ad hoc committee, it was to make sure people had fair notice so that they couldn't complain that the signs were too small to be seen.

Amy Drew, Phoenix. She is the presiding member of the Maple Avenue Investment Company which owns the building at 24 W. Fifth Street. She has 39 on-site parking places. She is a daily victim of crime as described in ARS §13-1502. This crime is criminal trespass in the third degree and is committed when a person knowingly enters or remains on any real property when there is reasonable notice prohibiting entry. This is a third degree misdemeanor and carries a fine up to \$500 or 30 days in jail. Her building is surrounded by public metered spaces on Mill, Maple, 4th and 5th Streets, and the condo garage is next door. People still choose to criminally trespass on her property rather than parking in one of the 12,000 public spaces. For years she has placed stickers on hundreds of cars and spoken to hundreds of motorists. She was fighting a losing battle. By June of 2007, her property was so overrun that she and her tenants couldn't park there, so she instructed her towing company to clear the lot. It was ugly at first. For ten months, there was an average of 233 criminal trespassers per month, and then it dropped off, and now they are towing only two or three trespassers per day and most of those are on the weekends. This is a 68% decrease in both towing and in criminal trespass. The reason is that people finally figured out that she meant business. The past year has been good for her tenants to be able to park in their spaces and the reduction in the amount of vandalism on weekends has been great. The proposed change to the towing ordinance that is devastating is the notification to police. Under the current ordinance, notification must occur within one hour of the tow. The proposed change is that notification must be made prior to a tow. Because notification is not an immediate process, it can take up to 45 minutes. This small change in language turns her private parking into free short-term parking for the entire world. Her building is bounded on the north by an alley and on the east by a fire alley, and according to the Tempe City Code, an alley is "a lane for use as a means of access to the rear of buildings. Alleys are not in any way to be considered thoroughfares." Her alleys are very busy thoroughfares and the reason for all the towing is that people access her property from the alleys. There is no reason for a passenger vehicle to enter the fire alley from 5th Street. The only vehicles that should enter the Maple Avenue alley are her tenants, visitors to the Hackett House, or vehicles using the loading zone before the Mill Avenue shops. She asked, with respect to the new towing ordinance, whether the Council is on the side of people who break the law, or people who follow the law? Second, does Council have any immediate future plans to start enforcing the City code about alley usage? For years the DTC pestered her to turn her public parking spaces over to them to use as metered spaces, and each time she explained that she couldn't do that because her private parking was the most desirable feature of her building. Without her parking, she would have no tenants. The towing ordinance will turn her parking into short-term parking and it will put her out of business. She and her tenants spend a minimum of \$10,000 per month in the downtown Tempe area.

Mayor Hallman stated that he appreciated the fact that she does business in downtown Tempe. She said she would like the City to enforce the Code against the use of the alleys as thoroughfares. He asked if the City should do that with respect to her tenants as well.

Ms. Drew responded that the alleys are to be used as a means of access to the rear of the buildings. Her parking is at the rear of her building so the tenants need to access by way of the alley.

Mayor Hallman asked if there was access from the front of the building.

Ms. Drew responded that she has covered parking under the building, and they typically enter from Maple Avenue to the

covered parking.

Mayor Hallman clarified that they could also come off of 5th.

Ms. Drew responded that from 5th Street they have access into the Trails parking lot, which is a separate lot.

Mayor Hallman clarified that many times when people ask the City to stop the speeding through their neighborhood, many of those speeders are their neighbors. His concern is that if the City tries to stop anyone from using the alleys on the north and east sides of the property, she might find out that maybe it is some of her tenants who access the property through the alleys as well. Although it may be none of Council's business, he asked if she had any financial arrangements to the towing company.

Ms. Drew responded that she did not.

Mayor Hallman clarified that she said it was a 45-minute process to alert the Police Department. He asked for the basis of that number.

Ms. Drew responded that the towing drivers have stated that. On a good notification, it can take from 15 to 20 minutes, but on weekends when the problems are greater, it can be up to 45 minutes if the dispatch operators are busy. The drivers say that they will hook the car and as they are going out of the lot, they are on the phone, making the notification. They will call and be put on hold. The drivers say that sometimes Dispatch will call them back and say they are swamped and will call back.

Mayor Hallman clarified that the necessary information is the license plate number, the VIN number, and location from which the car was taken. As a result, if the drivers have to make that call before they actually disable the car, the people will learn to park for free.

Ms. Drew added that people will learn quickly that they are safe to run in and get something done before they are towed.

Mayor Hallman added that one of Council's concerns is that currently towing companies are doing "quick hookups" which are somewhat dangerous. They will grab a car, pull it off the lot, and then stop and complete the hookup to make it legal.

Ms. Drew clarified that she does not condone any such behavior from a towing company.

Mayor Hallman asked Assistant Police Chief Carbajal to respond to the assertion that it takes 45 minutes to report a tow. The reason Council took a huge effort to create a new towing ordinance was to balance the interest of people who were complaining about being towed without any notice against the property owners' right to stop that kind of behavior.

Ms. Drew added that there was no private property representative on the ad hoc towing committee.

Mayor Hallman added that he was confident that most of the people who served on that committee owned property.

Ms. Drew stated that she understood there was an ad hoc committee, but that was disbanded. She would like to see a committee look at this ordinance.

Mayor Hallman clarified that her complaint is about the same issue as Mr. Colantoni's concern. Is it fair to ask a towing

company to make the call to identify the vehicle with the license plate and VIN numbers so that the City doesn't end up with cars being reported as stolen? That consumes an enormous amount of Police resources and puts the public at risk. These Councilmembers all seek to see the law enforced. That includes going after towing companies that are pulling cars using a fast-towing technique, and Council doesn't approve of people parking illegally on her lot. Part of the reason she has seen a reduction in the kinds of complaints, not with respect to people parking illegally on her property, but the other kinds of problems she is seeing, is that the police officers have been spending a significant amount of time focusing on improvements in the downtown and stopping that kind of behavior. That also includes the Public Works Department re-doing the sidewalk in front of her building to make it a brick-paved parkway which was not required by the City but something the City reached out to do. He is grateful that she would spend her money and time in downtown Tempe, but he wished she would be a little grateful that the City has worked that hard to improve her property frontage.

Asst. Chief Carbajal stated that the information he has does not show the 45-minute number as accurate. During the previous Council meeting there was a report that it would take anywhere from 15 minutes to 45 minutes to report that a vehicle was being towed. While he was in the audience at the meeting, he called the non-emergency number and it took approximately 20 seconds to get through. He also had a report pulled from January 1, 2009, to May 28, 2009, and the average time for dispatchers to pick up a non-emergency line is 11 seconds. Average time in queue is 1.0 minute. On the issue of the towing company notifying the police department for the tow, the issue he has is that if we give up to an hour, if a person comes 15 minutes after that vehicle is towed, their natural assumption will be that the vehicle was stolen and they will call the Police Department. Officers will be sent there and the dispatchers will be working the problem. Approximately 45 minutes later, we will find the vehicle is actually towed and those resources have been wasted. Also, from a customer service standpoint, when citizens call the Police Department, we can immediately tell them that their vehicle was not stolen, but rather towed.

Mayor Hallman proposed that the Police Department monitor the circumstances in two lots in the downtown, Ms. Drew's property and the Jack-in-the-Box property. He asked the Police Department to fairly monitor the circumstance so we don't see a declination of the character of Ms. Drew's property as a result of people thinking they can park on her property illegally. He would like to have an update within 90 days. He further asked Ms. Drew to contact him if she sees an increase in illegal parking.

Asst. Chief Carbajal added that not only do phone calls not take as long as have been portrayed, Sec. 32-4 includes language of "...shall notify the Police Department" and that was done intentionally so that if there are other electronic means, that would be a sufficient notification.

Mayor Hallman clarified that Council can actually work with the Police Department and determine a proper electronic means. He suggested setting up a specific email address for tow companies to use immediately and provide the VIN and license numbers.

Ms. Drew added that she has tenants that really spend money in downtown Tempe.

Mayor Hallman added that she has spent her time and resources investing in a property in Tempe, and she should be treated fairly.

Motion by Councilmember Arredondo to approve Item #52. Second by Councilmember Navarro. Motion passed on a roll call vote, 7-0.

E. Resolutions

53. Approved RESOLUTION NO. 2009.51 approving and authorizing the Mayor to sign **Contract #2008-100A**, Addendum No. 1 to the Intergovernmental Agreement between the City of Tempe and Tempe Elementary School District No. 3 (C2008-100) for use of the City Fueling Facility at the City of Tempe East Valley Bus Operations and Maintenance Facility.
DOCUMENT NAME: [20090528PWR01.pdf](#) **TRANSPORTATION PLANNING (1101-01)**
54. Approved RESOLUTION NO. 2009.46 approving the Substantial Amendment to the City's Community Development Block Grant (CDBG) Consolidated FY 2008-2009 Action Plan.
DOCUMENT NAME: [20090528cdch01.pdf](#) **COMMUNITY DEVELOPMENT BLOCK GRANT (0207-30)**
55. Approved RESOLUTION NO. 2009.47 authorizing **Contract #2009-76A**, a revised Memorandum of Understanding (MOU) with Maricopa County to accept funding from the Justice Assistance Grant (JAG) program.
DOCUMENT NAME: [20090528pdsj01.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02)**
56. Approved RESOLUTION NO. 2009.55 accepting Arizona Governor's Office of Highway Safety (GOHS) funding for Occupant Protection Enforcement Waves.
COMMENTS: The Occupant Protection Enforcement Wave is designed to increase seat belt and child safety seat usage. The program provides overtime funding, totaling \$12,500, for the following time period: Click It or Ticket - May 18 through May 31; Child Passenger Safety Week - September 19 through September 26
DOCUMENT NAME: [20090528pdsj03.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02)**
57. Approved RESOLUTION NO. 2009.39 amending City Code Appendix A – Schedule of Fees and Charges, relating to Chapter 32, fees for towing from private property.
DOCUMENT NAME: [20090528pdsam01.pdf](#) **TCC CH 32 – TOWING (0503-32)**
58. Adopted RESOLUTION NO. 2009.53 providing for the issuance and sale of \$56,055,000 of City of Tempe General Obligation Bonds, Series 2009A; providing for the annual levy of a tax for the payment of the bonds; providing certain terms, covenants and conditions regarding the issuance of the bonds; accepting a proposal for the purchase of the bonds; appointing a registrar, transfer agent and paying agent for the bonds.
DOCUMENT NAME: [20090528fsjh01.pdf](#) **BOND SERVICE ADMINISTRATION (0203-01)**

6. **PUBLIC APPEARANCES**

There were no public appearances.

7. **CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

- Councilmember Shekerjian thanked the Economic Development and Community Relations staff who assisted with the Economic Forum last night. There were 45 attendees who gave suggestions on ways to improve the economy of Tempe. About a month ago, a Technology Forum was held and many ideas surfaced there, as well. She offered her condolences to the State Treasurer, Dean Martin, who lost his wife, Terri Martin. The world is a sadder place without her tonight. Today, he also lost his 3-day-old son. We battle over things and something like this makes us realize how fragile life is and puts things in perspective.
- Councilmember Navarro commended everyone for a wonderful Memorial Day celebration last Monday.
- Councilmember Woods added his condolences to State Treasurer Dean Martin. He agreed that the Memorial Day celebration was outstanding. He also congratulated his brother on his graduation from Columbia University.
- Mayor Hallman added that the community has lost a fair number of outstanding people recently. We are beginning to lose a generation of true giants who have committed themselves to the community. He also thanked the Tempe Police Department for sponsoring a blood drive in honor of an officer. Dozens of employees responded and he commended them.

Meeting adjourned at 8:50 p.m.

I, Jan Hort, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of May 28, 2009, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2009.