

# MAYOR AND COUNCIL - REGULAR MEETING

## ADMINISTRATIVE ACTION REPORT AND SUMMARY

MAY 24, 2004

FROM: CITY MANAGER



1. ROLL CALL: 5:40 P.M.

COUNCIL MEMBERS PRESENT: Mayor Robert E. Walkup, Vice-Mayor Fred Ronstadt, Council Members Jose J. Ibarra, Carol West, Kathleen Dunbar, Shirley Scott, and Steve Leal, Kathleen S. Detrick, City Clerk

STAFF MEMBERS: James Keene, City Manager  
Mike Letcher, Deputy City Manager  
Michael House, City Attorney

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Carol Chandler, United Methodist Church, after which the Pledge of Allegiance was presented by the entire assembly.

### PRESENTATIONS:

- a. Presentation of Energy Awards to the City of Tucson:
  1. Southern Arizona Energy Award and the State of Arizona Governor's Award for Excellence for the Tucson House Energy Star Project.
  2. State of Arizona Governor's Award for Excellence, entitled "Sustainable Energy Standard the Easy Way" for the El Rio Adult Education Center.
- b. Proclamation – Proclaiming June 3, 2004 to be National Hunger Awareness Day.

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS – MAY24-04-251	
Vice-Mayor Ronstadt made the following announcements:	

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS – MAY24-04-251 (Cont'd from previous page)

1. He was present at a Red Cross Volunteer Appreciation dinner where 600 men, women and children who trained to help this community prepare for, prevent and respond to disasters of any type were acknowledged. Volunteer of the Year is Alice Freida.
2. Last Wednesday at 10:40, Larry Augustus Ronstadt was born; he was 7 lbs. 10 oz. and 20 ½ inches long.

Mayor Walkup and the members of the Council presented outgoing City Attorney, Michael House, with a commemorative book.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS MAY24-04-252

City Manager, James Keene, announced:

- a. As a result of Development Services' recently completed program in Team Powered Services, the first in a series of educational seminars for the public will be held on Wednesday, June 9<sup>th</sup> from 6-8 p.m. at the Woods Library; title of presentation is "Zoning 101".
- b. At 8:00 p.m. this evening, the sold-out Eagles concert will begin at the Tucson Convention Center. Also coming to the Tucson Convention Center are Harry Connick, Jr. on July 20<sup>th</sup>, Kenny Loggins on July 27<sup>th</sup>, John Fogerty on August 2<sup>nd</sup>, Rod Stewart on August 4, and Weird Al Yankovich on August 6<sup>th</sup>. La Mesa RV, AEG Live and the Tucson Convention Center have teamed up to help Ronald McDonald House. The rent from four RV's used for the Eagles concert has been dedicated to Ronald McDonald House.
- c. The Transportation Department's Traffic Safe Kid Program recently completed its Spring schedule with more than 1600 third-grade children participating and becoming traffic safe kids.
- d. The City's Gay, Lesbian, Bisexual and Transgender Commission recently distributed a video they created, "Hate Crimes and Domestic Violence in the GLBT Community" to be used to train police officers responding to domestic violence incidents.
- e. On behalf of City staff, Mr. Keene thanked outgoing City Attorney, Michael House, for his contribution to the City.

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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5. LIQUOR LICENSE APPLICATIONS – MAY24-04-250

CITY CLERK

COMITE DE FESTIVIDADES MEXICANAS, CITY # T049-04  
TUCSON MUSEUM OF ART, CITY # T050-04  
TUCSON MUSEUM OF ART, CITY # T051-04

Vice-Mayor Ronstadt MOVED, SECONDED by Council Member West to direct staff to forward these applications to the State Liquor Board with recommendations for approval.

Motion PASSED by a vote of 7 to 0.

BIRRIERIA LOS CUATES, CITY # 024-04

Council Member Leal MOVED, SECONDED by Council Member Ibarra to direct staff to forward this application to the State Liquor Board with a recommendation for denial.

Motion PASSED by a vote of 7 to 0.

OUR MOTHER OF SORROWS, T053-04

Council Member Scott MOVED, SECONDED by Council Member Ibarra to direct staff to forward this application to the State Liquor Board with a recommendation for approval.

Motion PASSED by a vote of 7 to 0.

6. C O N S E N T A G E N D A

\*\* ITEM "N" WAS DELETED FROM THE CONSENT AGENDA \*\*

A. ASSURANCE AGREEMENT: (S03-031) CROW CREEK  
SUBDIVISION LOTS 1 TO 6 – MAY24-04-266

DIR. OF DEV.  
SERVICES

RESOLUTION NO. 19838

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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<p>B. FINAL PLAT: (S03-031) CROW CREEK SUBDIVISION LOTS 1 TO 6 – MAY24-04-254</p>	<p><u>DIR. OF DEV. SERVICES</u></p>
<p>C. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA FOR THE PLANNING AND ENGINEERING DESIGN OF THE PRINCE ROAD AND INTERSTATE 10 TRAFFIC INTERCHANGE – MAY24-04-256</p> <p>RESOLUTION NO. 19831</p>	<p><u>DIR. OF TRANS</u></p>
<p>D. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA FOR FEDERAL FUNDS FOR CONSTRUCTION OF HARRISON ROAD, SPEEDWAY BOULEVARD TO OLD SPANISH TRAIL – MAY24-04-257</p> <p>RESOLUTION NO. 19832</p>	<p><u>DIR. OF TRANS</u></p>
<p>E. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE STATE OF ARIZONA FOR THE EMERGENCY ROOM LINK-TUCSON PROGRAM – MAY24-04-255</p> <p>RESOLUTION NO. 19833</p>	<p><u>DIR. OF TRANS</u></p>
<p>F. APPROVAL OF MINUTES – MAY24-04-262</p>	<p><u>CITY CLERK</u></p>
<p>G. FINANCE: SALE OF SENIOR LIEN STREET AND HIGHWAY USER REVENUE BONDS, SERIES 2000-C (2004) – MAY24-04-258</p> <p>ORDINANCE NO. 9956</p>	<p><u>DIR. OF FINANCE</u></p>

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<p>H. FINANCE: SALE OF GENERAL OBLIGATION BONDS, SERIES 2000-D (2004) – MAY24-04-259</p> <p>ORDINANCE NO. 9955</p>	<p><u>DIR. OF FINANCE</u></p>
<p>I. FINANCE:: SALE OF WATER SYSTEM REVENUE BONDS, SERIES 2000-D (2004) – MAY24-04-260</p> <p>ORDINANCE NO. 9957</p>	<p><u>DIR. OF FINANCE</u></p>
<p>J. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO TUCSON CITY COURT – MAY24-04-263</p> <p>RESOLUTION NO. 19834</p>	<p><u>CITY COURT</u></p>
<p>K. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE EL RIO NEIGHBORHOOD REINVESTMENT PROJECT – MAY24-04-248</p> <p>RESOLUTION NO. 19835</p>	<p><u>DIR. OF NEIGHBORHOOD SERVICES</u></p>
<p>L. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE PUEBLO GARDENS NEIGHBORHOOD REINVESTMENT PROGRAM – MAY24-04-264</p> <p>RESOLUTION NO. 19836</p>	<p><u>DIR. OF NEIGHBORHOOD SERVICES</u></p>
<p>M. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE SOUTH PARK NEIGHBORHOOD REINVESTMENT PROJECT – MAY24-04-265</p> <p>RESOLUTION NO. 19837</p>	<p><u>DIR. OF NEIGHBORHOOD SERVICES</u></p>

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<p>O. ASSURANCE AGREEMENT: (S03-026) CASITAS DEL SOL ESTATES, LOTS 1 TO 121, BLOCKS 1 TO 9 AND COMMON AREAS "A", "B" AND "C" – MAY24-04-272</p> <p>RESOLUTION NO. 19840</p>	<p><u>DIR. OF DEV.</u></p>
<p>P. FINAL PLAT: (S03-026) CASITAS DEL SOL ESTATES LOTS 1 TO 121, BLOCKS 1 TO 9 AND COMMON AREAS "A", "B" AND "C" – MAY24-04-269</p>	<p><u>DIR. OF DEV.</u> <u>SERVICES</u></p>
<p>Council Member Scott MOVED, SECONDED by Council Member Ibarra that items on the Consent Agenda (Except "N") be approved and/or adopted and proper action taken.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	
<p>N. FINANCE: CONTINGENCY FUND TRANSFER FOR MAGEE MIDDLE SCHOOL AND WHEELER ELEMENTARY SCHOOL FOR THE ODYSSEY OF THE MIND NATIONAL COMPETITION – MAY24-04-267</p> <p>RESOLUTION NO. 19839</p> <p>Council Member Dunbar announced she would like to contribute \$200 to Wheeler Elementary School and \$200 to Magee Middle School.</p> <p>Mayor Walkup announced he would like to contribute \$200 to Wheeler Elementary School and \$200 to Magee Middle School.</p> <p>Council Member Scott MOVED, SECONDED by Council Member West to pass and adopt Resolution No. 19839 with the following allocations: \$500 to Wheeler Elementary School and \$900 to Magee Middle School.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	<p><u>DIR. OF BUDGET</u> <u>AND RESEARCH</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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7. CALL TO THE AUDIENCE

- a. Jerry D’Paco addressed the Mayor and Council regarding the development of a “Dollar Store” in his neighborhood.
- b. John Laswick addressed the Mayor and Council on behalf of and in support of the artists formerly living in the Sangin Warehouse.
- c. John Kromko urged the Mayor and Council to consider all options when deciding on the fate of the Talk of the Town building and encouraged them to do the right thing.
- d. Joseph Baker encouraged the Mayor and Council to preserve the Thrifty Block.
- e. Sybil Needham suggested the Mayor and Council use the Talk of the Town building to encourage tourism in the downtown area.
- f. Bill Katzel challenged the Mayor and Council to earn a Platinum Award (ref: Bicycle Friendly Community).
- g. George Mcferron addressed the Mayor and Council on behalf of the Commission on Disability Issues.
- h. Michael Toney addressed the Mayor and Council in support of the artists formerly living at the Sangin Warehouse and noted that he has commented several times that the Flandrau Bridge is a waste of time and money.
- i. Winston Watson read a letter to the Mayor and Council from Professor of Architecture, Harris Sobin, urging preservation of the Talk of the Town building.
- j. Gretchen Luik urged the Mayor and Council to preserve the Talk of the Town building.
- k. Bill Christy addressed the Mayor and Council in support of preserving the Talk of the Town building.
- l. Joan Maguire suggested to the Mayor and Council that the Talk of the Town building would make an excellent dinner theatre.
- m. Linda Bohlke addressed the Mayor and Council on behalf of AFSCME and urged the Mayor and Council to not privatize the collection of trash.
- n. Ray Figueroa addressed the Mayor and Council and urged them to not balance the budget on the backs of City employees.
- o. Charlie Salas addressed the Mayor and Council in support of City employees and against the garbage fee.
- p. Steve Valencia addressed the Mayor and Council in opposition to any privatization of City services.
- q. Jesus Ibarra addressed the Mayor and Council and read a letter in opposition to privatizing trash pickup.

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7. CALL TO THE AUDIENCE (Cont'd from previous page)

Council Member Leal noted a Study Session discussion regarding the Talk of the Town building should be scheduled and he would be requesting it at the next Agenda Committee Meeting.

8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 27) RELATING TO WATER, BACKFLOW AND CROSS-SECTION CONTROL ORDINANCE – MAY24-04-268

ORDINANCE NO. 9976

(Council Member West departed at 7:09 p.m. and returned at 7:11 p.m.)  
(Council Member Dunbar departed at 7:11 p.m. and returned at 7:18 p.m.)

Vice-Mayor Ronstadt MOVED, SECONDED by Council Member Ibarra to close the public hearing.

Motion PASSED by a vote of 6 to 0 (Council Member Dunbar absent/excused).

Council Member West MOVED, SECONDED by Council Member Leal to pass and adopt Ordinance No. 9976 relating to water; amending the Tucson Code Chapter 27, Water, by repealing Article V, Backflow Prevention and Cross-Connection Control and enacting a new article V, Backflow Prevention and Cross-Connection Control; and declaring an emergency.

Motion PASSED by a vote of 6 to 0 (Council Member Dunbar absent/excused).

DIR. OF WATER

9. PUBLIC HEARING: TUCSON WATER MISCELLANEOUS FEES, ORDINANCE ADOPTION – MAY24-04-270

ORDINANCE NO. 9977

(Council Member Ibarra departed at 7:17 p.m. and returned at 7:19 p.m.)

DIR. OF WATER

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

9. PUBLIC HEARING: TUCSON WATER MISCELLANEOUS FEES, ORDINANCE ADOPTION – MAY24-04-270 (Cont'd from previous page)

Vice-Mayor Ronstadt MOVED, SECONDED by Council Member West to close the public hearing.

Motion PASSED by a vote of 7 to 0.

Council Member Dunbar MOVED, SECONDED by Council Member West moved to pass and adopt Ordinance No. 9977 relating to water; amending certain portions of the Tucson Code, Chapter 27, Article I, In general, Section 27-9 Application for Service Required, Payment of Charges Prerequisite to Service, Deposits, Amount, Refund, Utility Service Bond; Chapter 27, Article II, Rates and Charges, Section 27-16.2, Permit for Construction Water, Section 27-30, Service Charge, Section 27-33, Monthly Potable Water Service Charges, Section 27-35, Charges for Installation of Water Service Connections, Section 27-37, Agreements for Construction of Water Facilities Authorized, Section 27-43, Charge when Meter Not Registering Properly; and declaring an emergency.

Motion PASSED 6-1 (Council Member Ibarra dissenting)

10. PUBLIC HEARING: FALSE ALARM ORDINANCE – MAY24-04-249

ORDINANCE NO. 9975

Council Member West MOVED, SECONDED by Council Member Dunbar to close the public hearing.

Motion PASSED by a vote of 7 to 0.

Council Member Scott MOVED, SECONDED by Council Member Leal to pass and adopt Ordinance No. 9975 relating to alarm companies and false alarms.

Motion PASSED by a vote of 7 to 0.

Vice-Mayor Ronstadt requested that over time, staff evaluate this process and differentiate between residential alarms and commercial alarms.

POLICE CHIEF

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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11. ALTERED DOG LICENSE FEE – MAY24-04-261

ORDINANCE NO. 9978

Council Member Dunbar MOVED, SECONDED by Council Member Leal to close the public hearing.

Motion PASSED by a vote of 7 to 0.

Council Member Leal MOVED, SECONDED by Council Member West to pass and adopt Ordinance No. 9978 relating to animals and fowl; providing for an increase in the license fee for altered dogs; amending the Tucson Code by amending Section 4-82; and declaring an emergency.

Motion PASSED by a vote of 7 to 0.

DIR. OF BUDGET  
AND RESEARCH

12. MEMORANDUM OF UNDERSTANDING: BETWEEN THE MAYOR AND THE CHAIRPERSON OF THE PIMA COUNTY BOARD OF SUPERVISORS REGARDNG 1997 TRANSPORTATION BOND PROJECTS WITHIN THE CITY LIMITS (CONT'D FROM MEETING OF MAY 17, 2004)

RESOLUTION NO. 19830

Vice-Mayor Ronstadt MOVED, SECONDED by Council Member Ibarra to pass and adopt Resolution No. 19830 and request the County to amend the 1997 Transportation Bond Implementation Ordinance to fully fund the projects as listed in the Memorandum of Understanding and to direct staff to work with Pima County to prepare the appropriate intergovernmental agreements for actual implementation.

Motion PASSED by a vote of 7 to 0.

DIR. OF TRANS

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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13. APPOINTMENTS TO BOARDS, COMMISSIONS AND  
COMMITTEES – MAY24-04-253

No appointments at this time.

CITY CLERK

14. ADJOURNMENT: 8:00 P.M.

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, June 7, 2004 at 5:30 p.m. at the Tucson Convention Center, Ballroom, 260 S. Church, Tucson, Arizona.