


# MAYOR AND COUNCIL - REGULAR MEETING

## ADMINISTRATIVE ACTION REPORT AND SUMMARY

MAY 5, 2003

FROM: CITY MANAGER



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1. ROLL CALL: 2:20 P.M.

COUNCIL MEMBERS PRESENT: Mayor Robert E. Walkup, Vice-Mayor Shirley Scott, Council Members Jose J. Ibarra, Carol West, Kathleen Dunbar, Steve Leal, and Fred Ronstadt, 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 Pastor Frank Rose, Sunrise Chapel Sweedenborgian, after which the Pledge of Allegiance was presented by the entire assembly.

PRESENTATIONS:

- a. Mayor Walkup proclaimed the month of May to be "Good Neighbor Month".

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS – MAY5-03-261</p> <ul style="list-style-type: none"><li>a. Council Member Dunbar announced that Ward 6 and Ward 3 will be hosting a joint townhall on Transportation and will discuss: reversible lanes on Garnt and the Grant/Dodge Study. The townhall is Wednesday, May 28<sup>th</sup>, 6:30 p.m. at the Ward 3 Council Office.</li><li>b. Council Member Ronstadt noted that in light of 71 DUI arrests this weekend, praise should be given to Luz Social Services for their non-alcoholic event celebrating the true meaning of Cinco de Mayo.</li><li>c. Mayor Walkup thanked the Hispanic Community and other City employees for the successful Cinco de Mayo celebration at Kennedy Park.</li></ul>	

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS MAY5-03-262</p> <p>City Manager, James Keene, had nothing to report.</p>	
<p>5. CALL TO THE AUDIENCE</p> <p>a. Bill Katzel urged the Mayor and Council to be informed before they vote and encouraged a continuance on the Patriot Act.</p>	
<p>6. <u>C O N S E N T A G E N D A</u></p> <p>A. REAL PROPERTY: ACQUISITION OF RIGHT-OF-WAY, SPEEDWAY BOULEVARD AND STONE AVENUE INTERSECTION IMPROVEMENT – MAY5-03-254</p> <p>RESOLUTION NO. 19571</p>	<p><u>DIR. OF TRANS</u></p>
<p>B. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA FOR SIDEWALKS ON THE WEST SIDE OF ORACLE ROAD, BETWEEN MIRACLE MILE AND PRINCE ROAD – MAY5-03-256</p> <p>RESOLUTION NO. 19572</p>	<p><u>DIR.OF TRANS</u></p>
<p>C. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA FOR THE BARRIO ANITA NOISE WALL MURALS AND PEDESTRIAN REST AREA – MAY5- 03-257</p> <p>RESOLUTION NO. 19573</p>	<p><u>DIR. OF TRANS</u></p>

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<p>D. INTERGOVERNMENTAL AGREEMENT: WITH FLOWING WELLS SCHOOL DISTRICT FOR A PEDESTRIAN CROSSING FLASHER ON FLOWING WELLS ROAD AT PASTIME ROAD – MAY5-03-258</p> <p>RESOLUTION NO. 19575</p>	<p><u>DIR. OF TRANS</u></p>
<p>E. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR ROADWAYS ON THE BOUNDARY OF THE JURISDICTIONS – MAY5-03-255</p> <p>RESOLUTION NO. 19574</p>	<p><u>DIR. OF TRANS</u></p>
<p>F. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE JACKSON EMPLOYMENT CENTER “EMPLOYMENT IN THE CONTINUUM OF CARE” SERVICES PROJECT – MAY5-03-253</p> <p>RESOLUTION NO. 19577</p>	<p><u>DIR. OF TRANS</u></p>
<p>G. ASSURANCE AGREEMENT: (S02-026) PALOMINO TRAIL, LOTS 1 TO 26, AND COMMON AREAS “A” AND “B” – MAY5-03-270</p> <p>RESOLUTION NO. 19580</p>	<p><u>DIR. OF TRANS</u></p>
<p>H. FINAL PLAT: (S02-026) PALOMINO TRAIL, LOTS 1 TO 26 AND COMMON AREAS “A” AND “B” – MAY5-03-252</p>	<p><u>DIR. OF DEV. SERVICES</u></p>
<p>I. REAL PROPERTY: VACATION AND SALE OF SURPLUS CITY PROPERTY LOCATED AT 448 S. MAIN AVENUE TO DALE AND JOYCE AROUTY – MAY5-03-265</p> <p>ORDINANCE NO. 9837</p>	<p><u>DIR. OF COMM. SERVICES</u></p>

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<p>J.      PARKS AND RECREATION: AGREEMENTS WITH TUCSON YOUTH GOLF FUND FOR THE FIRST TEE PROGRAM AT THE TRINI ALVAREZ-EL RIO GOLF COURSE (CONT'D FROM THE MEETING OF 4/14/03) MAY5-03-266</p> <p>RESOLUTION NO. 19578</p>	<p><u>DIR. OF PARKS AND RECREATION</u></p>
<p>K.      PROFESSIONAL SERVICES CONTRACT: WITH HEINFIELD, MEECH &amp; CO. FOR AUDIT SERVICES FOR FISCAL YEAR 2003 – MAY5-03-273</p> <p>RESOLUTION NO. 19582</p>	<p><u>DIR. OF FINANCE</u></p>
<p>Council Member Dunbar MOVED, SECONDED by Vice-Mayor Scott that items on the Consent Agenda be approved and/or adopted and proper action taken.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	
<p>7.      LIQUOR LICENSE APPLICATIONS – MAY5-03-264</p> <p>LIGHTHOUSE II, CITY # 019-03 TUCSON MUSEUM OF ART, CITY # T036-03 RED LOBSTER RESTAURANT #369, CITY # EP19-03</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member Leal to direct staff to forward these applications to the State Liquor Board with recommendations for approval.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	<p><u>CITY CLERK</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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8. FINANCE: FIXING AND LEVYING THE 2004 PRIMARY AND SECONDARY PROPERTY TAXES – MAY5-03-263

ORDINANCE NO. 9836

Vice-Mayor Scott MOVED, SECONDED by Council Member West to pass and adopt Ordinance No. 9836.

Motion PASSED by a vote of 7 to 0.

DIR. OF BUDGET  
AND RESEARCH

9. ZONING: (C9-00-19) TUCSON MEDICAL CENTER – WILMOT ROAD, R-1 AND R-3 TO O-3, ORDINANCE ADOPTION – MAY5-03-259

ORDINANCE NO. 9835

Council Member Ronstadt MOVED, SECONDED by Council Member West to pass and adopt Ordinance No. 9835.

Motion PASSED by a vote of 7 to 0.

DIR. OF DEV.  
SERVICES

10. TUCSON CODE: (CHAPTER 19) – AMENDING THE TUCSON CODE RELATING TO LIQUOR LICENSE APPLICATION FEES AND PROCESS – MAY5-03-268

ORDINANCE NO. 9839  
RESOLUTION NO. 19579

Council Member Ibarra MOVED, SECONDED by Council Member West to pass and adopt Ordinance No. 9839.

Motion PASSED by a vote of 7 to 0.

Council Member Ibarra MOVED, SECONDED by Council Member West to pass and adopt Resolution No. 19579.

Motion PASSED by a vote of 7 to 0.

DIR. OF FINANCE

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11. FINANCE: TUCSON CONVENTION CENTER RENTAL RATES – MAY4-03-260

RESOLUTION NO. 19576

Council Member West MOVED, SECONDED by Council Member Ronstadt to pass and adopt Resolution No. 19576.

Motion PASSED by a vote of 5 to 2 (Council Members Ibarra and Leal dissenting).

On a second roll call vote for the sole and separate purpose of amending the resolution to include the emergency clause, the vote was 7 to 0.

DIR. OF TUCSON  
CONVENTION  
CENTER

12. TUCSON CODE: (CHAPTER 19) – IMPLEMENTING THE USE TAX PROVISIONS OF THE MODEL CITY TAX CODE – MAY5-03-271

ORDINANCE NO. 9840

Council Member West MOVED, SECONDED by Vice-Mayor Scott to pass and adopt Ordinance No. 9840.

Motion PASSED by a vote of 4 to 3 (Council Members Dunbar, Ibarra and Ronstadt dissenting).

On a second roll call vote for the sole and separate purpose of amending the resolution to include the emergency clause, the vote was 7 to 0.

Council Member West requested that staff hold workshops for businesses and any other interested parties to explain details of the use tax.

DIR. OF FINANCE

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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13. TUCSON CODE: (CHAPTER 19) AMENDING THE TUCSON  
TRANSIENT OCCUPANCY TAX RATE (BED TAX) – MAY5-03-  
269

ORDINANCE NO. 9838

Council Member Leal MOVED, SECONDED by Vice-Mayor Scott to  
pass and adopt Ordinance No. 9838.

Motion PASSED by a vote of 6 to 1 (Council Member Ibarra  
dissenting).

DIR. OF FINANCE

14. MASTER OPERATING AGREEMENT: WITH THE  
METROPOLITAN TUCSON CONVENTION AND VISITORS  
BUREAU FOR THE PROMOTION OF TOURISM IN TUCSON –  
MAY5-03-272

RESOLUTION NO. 19581

Council Member Ronstadt MOVED, SECONDED by Council Member  
West to pass and adopt Resolution No. 19581.

Motion PASSED by a vote of 7 to 0.

DIR. OF BUDGET  
AND RESEARCH

15. WATER: ADOPTION OF WATER SYSTEM EQUITY FEE – MAY5-  
03-274

ORDINANCE NO. 9842

Council Member Dunbar MOVED, SECONDED by Council Member  
West to continue this item to May 12, 2003 at the request of the City  
Manager.

Motion PASSED by a vote of 7 to 0.

DIR. OF WATER  
AGENDA COMMITTEE

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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16. MAYOR AND COUNCIL: POSITION REGARDING THE USA PATRIOT ACT – MAY5-03-275

RESOLUTION NO. 19583

Council Member Leal MOVED, SECONDED by Vice-Mayor Scott to pass and adopt Resolution No. 19583.

Motion PASSED by a vote of 4 to 3 (Mayor Walkup, Council Members Dunbar and Ronstadt dissenting).

On a second roll call vote for the sole and separate purpose of amending the resolution to include the emergency clause, the vote was 7 to 0.

CITY ATTORNEY

17. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMISSIONS – MAY5-03-267

No appointments made.

CITY CLERK

18. CALL TO THE AUDIENCE

- a. Tres English addressed the Mayor and Council in support of the Water System Equity Fee and stressed rate payers have been over-paying into the current system and that money should be returned.
- b. Robert Royce addressed the Mayor and Council in support of the item on today’s agenda regarding the Patriot Act; Mr. Royce continued his testimony after the final speaker.
- c. Carter Rose addressed the Mayor and Council regarding the Patriot Act, noting “The Price of Democracy is Eternal Vigilance”.
- d. Mark Waterstone also supported today’s resolution regarding the Patriot Act.
- e. John Albin addressed the Mayor and Council in support of today’s resolution regarding the Patriot Act.
- f. Richard Cook addressed the Mayor and Council in support of today’s resolution regarding the Patriot Act.
- g. David Ray noted a concern to the Mayor and Council with military over-flights.
- h. Mr. Royce continued his testimony by reading an excerpt from a book about Thomas Jefferson.



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19. ADJOURNMENT: 3:13 P.M.

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, May 12, 2003, at 7:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.