

MAYOR AND COUNCIL – STUDY SESSION

ADMINISTRATIVE ACTION REPORT AND SUMMARY JANUARY 17, 2007

FROM: CITY MANAGER



Mayor Robert E. Walkup called the Study Session to order at 2:08 P.M. in the Mayor and Council Chambers, City Hall Tower, Tucson, Arizona.

COUNCIL MEMBERS PRESENT: Mayor Robert E. Walkup
Vice-Mayor Carol West, (Ward 2)
Council Member Jose J. Ibarra, (Ward 1)
Council Member Karin Uhlich, (Ward 3)
Council Member Shirley C. Scott, (Ward 4)
Council Member Steve Leal, (Ward 5)
Council Member Nina J. Trasoff, (Ward 6)

STAFF: Mike Hein, City Manager
Mike Rankin, City Attorney
Kathleen Detrick, City Clerk

AGENDA ITEM/MAYOR AND COUNCIL ACTION

STAFF ACTION

1. Executive Session - Cox License Renewal (City-Wide) SS/JAN17-07-14

3. Executive Session - Ponce et al v. Pima County et al, Maricopa County Superior Court Cause No. CV2003015486 and Acosta et al v. Pima County et al, Maricopa County Superior Court Cause No. CV2003016710 (City-Wide) SS/JAN17-07-18

Council Member Leal MOVED and it was duly seconded to go into Executive Session for Items #1 and #3 as noticed in the agenda.

Motion PASSED by a vote of 6 to 0 (Council Member Ibarra abstaining).

RECESS: 2:08 p.m.

RECONVENE: 3:38 p.m.

MAYOR & COUNCIL: ALL PRESENT

STAFF: ALL PRESENT

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>Executive Session was held from 2:08 p.m. to 3:38 p.m. (Council Member Ibarra did not attend the executive session.)</p>	
<p>Vice Mayor West MOVED and it was duly seconded to return to open session.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Ibarra abstaining).</p>	
<p>4. Mayor and Council Direction Regarding Executive Session - Ponce et al v. Pima County et al, Maricopa County Superior Court Cause No. CV2003015486 and Acosta et al v. Pima County et al, Maricopa County Superior Court Cause No. CV2003016710 (City-Wide) SS/JAN17-07-19</p> <p>Council Member Trasoff MOVED and it was duly seconded to direct the City Attorney to proceed as directed in Executive Session.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Ibarra abstaining).</p>	<p><u>CITY ATTORNEY</u> Is responsible</p>
<p>At this time the Mayor and Council recessed the executive session for Item #1- Executive Session - Cox License Renewal.</p>	
<p>5. Discussion of Increase in Water System Equity Fee (City-Wide & Outside City) SS/JAN17-07-10</p> <p>Presentation was given, formal action taken under Regular Agenda Item #12.</p>	

AGENDA ITEM/MAYOR AND COUNCIL ACTION STAFF ACTION

<p>6. Discussion of Proposed CAP Water Resource Fee (City-Wide & Outside City) SS/JAN17-07-11</p> <p>Presentation was given, formal action taken under Regular Agenda Item #13.</p>	
<p>7. City of Tucson 2007 Legislative Agenda (City-Wide) SS/JAN17-07-17</p> <p>Vice Mayor West MOVED and it was duly seconded to support the following City of Tucson Legislative Agenda that:</p> <ol style="list-style-type: none">1. Urges the Legislature to provide policies, infrastructure and transportation systems that support competitiveness, innovation and advancement in Arizona's economy.2. Urges the Legislature to support local authority and to support State Shared Revenues as an essential mechanism to provide core municipal services to Arizona's economy.3. Urges the Legislature to encourage an increased supply of housing for Arizona's work force. <p>Council Member Trasoff offered a friendly amendment and it was duly seconded to add the following to the Legislative Agenda:</p> <ol style="list-style-type: none">4. Urge the Legislature to oppose efforts to erode local control and decision-making authority through preemptions or mandates. <p>Amendment accepted by the maker.</p> <p>Motion as amended PASSED by a vote of 7 to 0.</p>	<p><u>DIR. OF INTERGOV. RELATIONS</u> Is responsible</p>
<p>8. Intergovernmental Relations: Update of 2007 State and Federal Legislation Affecting the City (City-Wide) SS/JAN17-07-16</p> <p>Presentation was made, no formal direction was given.</p>	

AGENDA ITEM/MAYOR AND COUNCIL ACTION STAFF ACTION

9. Mayor and Council Subcommittee Reports (City-Wide) SS/JAN17-07-12

Council Member Scott reported that the Transportation Subcommittee met on January 16th and the following items were on the agenda:

- An update of RTA projects, with nothing new to report;
- An update on the I-10 widening and a report on Prince Road being close for one month to create two lanes, and the need to be sensitive to transportation needs during the upcoming gem show;
- Intergovernmental Agreements for a bus maintenance facility, Grant Road, Broadway, and 22nd street, that will soon be forthcoming to Mayor and Council;
- A preview of a new GIS system that will help track maintenance activities in all City washes;
- An update on the Basket Bridge which will create connectivity for bicycle and pedestrian traffic; and
- An update on the status of the Five Points intersection, and its location as a possible 'gateway' into downtown from the South Side

Vice Mayor West reported that on January 17th a joint meeting of the Neighborhoods, Public Safety & Emergency Preparedness and Children, Families & Seniors Subcommittees was held and they discussed:

- Photo Enforcement – the town halls are complete and the committee has placed on the 1/23 meeting as a Public Hearing;
- VANS registration fee program draft ordinance, which will continue to be discussed in the Children, Families & Seniors Subcommittee;
- 2007 Regional Plan: West Nile Virus- and an update will be scheduled for March, 2007; and
- Sidewalk Maintenance – a memo will be sent out with the status of sidewalks, miles, maintenance costs and information to promote community awareness.

Council Member Uhlich reported that the Environment, Planning and Resource Management Subcommittee met on January 11th and discussed the two water fees that are on today's agenda, received an update on Impact Fees, Phase I of which is coming forth to Mayor and Council on February 6th, with Phase II – public safety – still in subcommittee, and also a State CAP Board update. The next meeting will be held on the second Thursday in February and the public is urged to view the future agendas on the City web site.

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>10. Mayor and Council Discussion of Regular Agenda SS/JAN17-07-13</p> <p>Vice Mayor West clarified that Consent Agenda Item 7-A is located in Ward IV not Ward II.</p> <p><u>7-A. - Public Improvements: Harrison Road, Old Spanish Trail to Golf Links Road District Paving Improvement</u></p>	
<p>11. Mayor and Council Discussion of Future Agendas SS/JAN17-07-9</p> <p>No future agenda items were requested at this time.</p>	
<p>At this time the Mayor and Council returned to Item #1.</p>	
<p>1. Executive Session - Cox License Renewal (City-Wide) SS/JAN17-07-14</p> <p>Council Member Scott MOVED and it was duly seconded to return to Executive Session for Item #1 as noticed in the agenda.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Ibarra abstaining).</p>	
<p>RECESS: 5:01 p.m. RECONVENE: 5:47 p.m. MAYOR & COUNCIL: ALL PRESENT STAFF: ALL PRESENT</p>	
<p>Executive Session was held from 5:01 p.m. to 5:47 p.m. (Council Member Ibarra did not attend the executive session.)</p>	
<p>Council Member Scott MOVED and it was duly seconded to return to open session.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Ibarra abstaining).</p>	

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>2. Mayor and Council Direction Regarding Executive Session - Cox License Renewal (City-Wide) SS/JAN17-07-15</p> <p>Council Member Trasoff MOVED and it was duly seconded that on tonight's Regular Agenda is a resolution for adoption by the Mayor and Council that will continue the formal cable license renewal process and request a formal license renewal proposal from Cox. Even though the City will be moving ahead with the formal process that Cox instituted over two years ago, the Mayor and Council continue to expect staff and Cox to work together to attempt to resolve the renewal issues informally. To that end, and given Cox' stated concern as to the difficulty of negotiating and moving through the next stage of the formal process at the same time, the Mayor and Council are also authorizing temporary suspension of the request for a renewal proposal, and Cox' deadline for response under either of the following conditions:</p> <ol style="list-style-type: none">1. The City Manager advises Mayor and Council that there is a written settlement proposal that addresses the concerns identified by the Mayor and Council on January 9, 2007 and that requires Mayor and Council consideration; or:2. Cox represents in writing that it is willing to resolve the issues identified by the Mayor and Council on January 9, 2007 in the following manner. These proposals by the City represent compromises offered solely to resolve issues immediately.<ol style="list-style-type: none">a. Free drops to schools: The City would be satisfied if there is a separate agreement with the school districts that addresses the free drop issue. The license would reference that agreement, and protect the schools if the agreement never materializes or if it terminates.b. PEG channels: The City is willing to drop two PEG channels (one digital and one analog) immediately.c. Higher education channels: In addition, if Cox and the University of Arizona and Pima Community College reach an agreement for the provision of higher education programming that runs at least for nine years, then so long as the agreement is in effect, the City will suspend two more PEG analog channels. If the agreements end, the City should be able to reactivate one PEG digital channel.	<p><u>DIR. OF INFORMATION</u> <u>TECHNOLOGY AND</u> <u>CITY ATTORNEY</u> Are responsible</p>

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
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2. Mayor and Council Direction Regarding Executive Session - Cox License Renewal (City-Wide) SS/JAN17-07-15 (Continued from previous page)

- d. Other PEG channels: The City is willing to accept three analog, and two digital PEG channels in addition to higher education channels. PEG channels could move from analog to digital six months after entertainment on demand is implemented, if “digital divide” issues are addressed.
- e. Digital divide: To maintain current levels of accessibility to PEG channels for all members of the community, PEG channels would not shift from analog to digital before the date broadcasters are required to shift to digital service, currently February 2009. The City will allow Cox to shift the channels sooner if Cox addresses the digital divide issue in another manner mutually agreeable to the parties.
- f. Entertainment on demand: Cox would provide up to 2000 hours of PEG programming on demand within six months of commercial implementation of on-demand services.
- g. Audit: Audit issues would be addressed outside the license.
- h. Term: The term would be nine years.

Council Member Trasoff stated that the Mayor and Council recognize that they will need to finalize many other terms where it is their understanding the parties are in substantial agreement, including financial terms.

Furthermore, the chart of the City’s Proposed Resolution of Key Differences (attached hereto as Attachment 1) is to be entered into the record as part of the motion.

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

ADJOURNMENT: 6:00 p.m.

VERBATIM TAPE RECORD AVAILABLE UPON REQUEST FROM THE CITY CLERK’S OFFICE

City's Proposed Resolution of Key Differences

Key Differences	City Position	Cox Position	City Proposed Compromise
Term	9 years	12 years	9 years
Cable Drops at TUSD	Free	Not mentioned	Cross-reference agreement in separate document
Higher Ed	Shift to 2 digital upon agreement with Higher Ed, up to 2 channels return to City if agreement ends.	Shift within 6 months to digital, if not programmed by Higher Ed channel goes to Cox for commercial use	Shift to 2 digital upon agreement with Higher Ed, up to 1 channel returns to City if agreement ends.
On-Demand	2000 hours	2000 hours	In agreement
Number of PEG Channels	Will reduce 8 analog to 3 analog plus 2 digital; shift to digital at time of on-demand PEG programming being available	3 analog plus 1 digital; shift at time of on-demand availability, estimated to be within six months. Higher Ed channels outside this agreement.	3 analog plus 2 digital, shift to digital at time of on-demand PEG programming being available, if digital divide addressed
Digital Divide	Digital PEG channels should be provided at a nominal cost to all subscribers	Costs of Digital Tier of \$15-\$35 additional per month is acceptable to community and should be borne by subscribers or paid by City	Channels not converted to digital before the date broadcasters are required to shift to digital service, currently February 2009. Can shift earlier if digital divide addressed in another manner
Audit	Should be addressed through separate contractual resolution process	Cox states in 1/11/07 letter from Doris that resolution through legal process	Issue addressed outside license by mutual agreement