

MAYOR AND COUNCIL – STUDY SESSION
ADMINISTRATIVE ACTION REPORT AND SUMMARY

MARCH 23, 2010
MAYOR AND COUNCIL CHAMBERS – CITY HALL
255 W. ALAMEDA, TUCSON, AZ

Mayor Robert E. Walkup called the Study Session to order at 9:03 A.M. in the Mayor and Council Chambers, City Hall Tower, Tucson, Arizona.

OFFICIAL MEMBERS

PRESENT:

- Mayor Robert E. Walkup
- Vice Mayor Rodney Glassman, (Ward 2)
- Council Member, Regina Romero, (Ward 1)
- Council Member Karin Uhlich, (Ward 3)
- Council Member Shirley C. Scott, (Ward 4)
- Council Member Richard G. Fimbres, (Ward 5)
- Council Member Steve Kozachik, (Ward 6)

STAFF:

- Mike Letcher, City Manager
- Mike Rankin, City Attorney
- Roger W. Randolph, City Clerk

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>1. Conservation Effluent Pool and City-County Effluent IGAs (City-Wide and Outside City) SS/MAR23-10-108</p> <p>Presentation was made, no formal action was taken.</p>	
<p>2. Fiscal Year 2011 Budget Balancing Discussion (City-Wide) SS/MAR23-10-102</p> <p>Vice Mayor Glassman MOVED and it was duly seconded to direct staff to identify and calculate tort liability payments to date for FY10 and include those amounts with the proposed primary property tax levy to be presented to the tax commission for approval prior to setting the tax rate in June 2010 as recommended by the City Manager regarding B-23 Tort Liability Charge on Primary Property Tax Assessment.</p> <p>Motion PASSED by a vote of 7 to 0.</p>	<p><u>BUDGET & INTERNAL</u> <u>AUDIT</u> Is responsible</p>

AGENDA ITEM/MAYOR AND COUNCIL ACTION

STAFF ACTION

2. Fiscal Year 2011 Budget Balancing Discussion (City-Wide)
SS/MAR23-10-102 (continued from previous page)

Vice Mayor Glassman MOVED and it was duly seconded to table B-7 Food Tax.

Motion PASSED by a vote of 7 to 0.

Council Member Uhlich MOVED and it was duly seconded to table B-20, the concept of repealing the Big Box Ordinance.

Council Member Glassman requested a friendly amendment to request staff support this type of development in appropriate locations.

The amendment was NOT ACCEPTED by the maker.

Motion PASSED by a vote of 5 to 2 (Council Member Kozachik and Mayor Walkup dissenting).

Vice Mayor Glassman MOVED and it was duly seconded to direct staff to move forward on B-13 Malicious Criminal Offense Cost Recovery by preparing a cost recovery ordinance with the rate at seventy-five dollars and including DUIs as recommended by the Police Chief.

Motion PASSED by a vote of 7 to 0.

Vice Mayor Glassman MOVED and it was duly seconded to direct staff as recommended by the City Manager regarding B-24 Towed and Impounded Vehicle Fees.

Motion PASSED by a vote of 7 to 0.

Vice Mayor Glassman MOVED and it was duly seconded to continue the discussion of B-22 Sun Tran Fare Increases until after the RTA Regionalization discussion.

Motion PASSED by a vote of 7 to 0.

(Vice Mayor Glassman departed at 11:41 a.m. and returned at 11:47 a.m.)

(Council Member Romero departed at 11:41 a.m. and returned at 11:56 a.m.)

AGENDA ITEM/MAYOR AND COUNCIL ACTION

STAFF ACTION

2. Fiscal Year 2011 Budget Balancing Discussion (City-Wide)
SS/MAR23-10-102 (continued from previous page)

Council Member Scott MOVED and it was duly seconded to wait on B-25 Pima Animal Care Center Fees so that City fees increases coincide with Pima County rate increases.

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

Council Member Scott MOVED and it was duly seconded to approve the City Manager's Recommendation for items in the Direction Requested Regarding Proposed Action Plan column of the matrix with the following changes:

- B-2 – Charging Business Privilege Tax on UA Stores Transactions – move to the Do Not Pursue column
- B-17 – Pawn Shop Transaction Fee – This item will be considered at the April 13, 2010 Regular Session following Police Department outreach to stakeholders.

Motion PASSED by a vote of 7 to 0.

Vice Mayor Glassman MOVED and it was duly seconded to approve the items in the Direct Further Review in Recommended Budget column of the matrix.

Council Member Kozachik requested a friendly amendment to B-8 In-lieu of Property Tax on Tucson Water to sunset for FY12.

The amendment was ACCEPTED by the maker.

Motion as amended PASSED by a vote of 7 to 0.

Council Member Uhlich MOVED and it was duly seconded to move B-11 Licensing of Bicycles to the Direct Further Review in the Recommended Budget column to allow for further consideration.

Motion PASSED by a vote of 6 to 1 (Vice Mayor Glassman dissenting).

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>2. Fiscal Year 2011 Budget Balancing Discussion (City-Wide) SS/MAR23-10-102 (continued from previous page)</p> <p>Council Member Fimbres MOVED to move B-1 Advertising Tax to the Direct Further Review in the Recommended Budget column to allow for further consideration.</p> <p>Motion was WITHDRAWN by the maker.</p> <p>Vice Mayor Glassman MOVED and it was duly seconded to table B-1 Advertising Tax for FY2011.</p> <p>Motion PASSED by a vote of 5 to 2 (Council Members Uhlich and Fimbres dissenting).</p>	
<p>These items were taken out of order.</p> <p>9. Executive Session – Notice of Claim, Edward Unkle v. City of Tucson (City-Wide) SS/MAR23-10-99</p> <p>11. Executive Session – City of Tucson v. State of Arizona, et al., Pima County Superior Court Case No. C20097207 (City-Wide) SS/MAR23-10-104</p> <p>Council Member Scott MOVED and it was duly seconded to enter into Executive Session for Items 9 and 11 as noticed in the agenda.</p> <p>Motion PASSED by a vote of 7 to 0.</p>	
<p>RECESS: 12:22 p.m. RECONVENE: 1:45 p.m. MAYOR & COUNCIL: All present STAFF: All present</p>	
<p>Executive Session was held from 12:22 p.m. to 1:45 p.m.</p>	

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>Council Member Romero MOVED and it was duly seconded to return to open session.</p> <p>Motion PASSED by a vote of 7 to 0.</p>	
<p>10. Mayor and Council Direction Regarding Executive Session - Notice of Claim, Edward Unkle v. City of Tucson (City-Wide) SS/MAR23-10-100</p> <p>Council Member Uhlich MOVED and it was duly seconded to direct the City Attorney to proceed as discussed in Executive Session.</p> <p>Motion PASSED by a vote of 7 to 0.</p>	<p><u>CITY ATTORNEY</u> Is responsible</p>
<p>12. Mayor and Council Direction Regarding Executive Session – City of Tucson v. State of Arizona, et al., Pima County Superior Court Case No. C20097207 (City-Wide) SS/MAR23-10-105</p> <p>Council Member Romero MOVED and it was duly seconded to direct the City Attorney to appeal City of Tucson v. State of Arizona, et al., Pima County Superior Court Case No. C20097207 as discussed in Executive Session.</p> <p>Motion PASSED by a vote of 5 to 2 (Council Member Kozachik and Mayor Walkup dissenting).</p>	<p><u>CITY ATTORNEY</u> Is responsible</p>
<p>3. Proceeds from W. R. Grace Settlement (City-Wide) SS/MAR23-10-107</p> <p>Council Member Scott MOVED and it was duly seconded to direct the proceeds of the W. R. Grace Settlement to the unreserved fund balance.</p> <p>Motion PASSED by a vote of 6 to 1 (Council Member Uhlich dissenting).</p>	<p><u>FINANCE</u> Is responsible</p>

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>4. Realignment of Outside Agency Budget: Presentation and Discussion of Proposed Funding Processes for agencies based on classification as Human Services, Arts & Cultural Enrichment or Economic Development (City-Wide) SS/MAR23-10-109</p> <p>This item was continued at the request of staff.</p>	<p><u>CITY MANAGER</u> Is responsible</p>
<p>This item was taken out of order.</p> <p>6. Pima Association of Governments (PAG) Management Committee's Recommendations to Regional Council and the RTA Board (City-Wide) SS/MAR23-10-101</p> <p>Council Member Uhlich MOVED and it was duly seconded to approve Pima Association of Governments (PAG) Management Committee's Recommendations to Regional Council and the RTA Board.</p> <p>Motion PASSED by a vote of 7 to 0.</p>	<p><u>TRANSPORTATION</u> Is responsible</p>
<p>This item was taken out of order.</p> <p>7. Intergovernmental Relations: Update of 2010 State and Federal Legislation Affecting the City of Tucson (City-Wide) SS/MAR23-10-103</p> <p>Council Member Fimbres MOVED and it was duly seconded to SUPPORT HB 2145 County Planning and Zoning.</p> <p>Motion PASSED by a vote of 7 to 0.</p> <p>Council Member Romero MOVED and it was duly seconded to OPPOSE SB 1305 Public Monies; Insurance; Abortion; Prohibition.</p> <p>Motion PASSED by a vote of 7 to 0.</p> <p>(Vice Mayor Glassman departed at 2:04 p.m. and returned at 2:06 p.m.).</p>	<p><u>INTERGOVERNMENTAL RELATIONS</u> Is responsible</p>

AGENDA ITEM/MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>This item was taken out of order.</p> <p>8. Review of Boards, Committees and Commissions (City-Wide) SS/MAR23-10-106</p> <p>Council Member Romero MOVED and it was duly seconded to direct the City Clerk's Office to evaluate the functions and goals and review the membership qualifications and number of members of each Board Committee and Commission (BCC) to determine their continued relevance and to report back to Mayor and Council regarding which BCC's with similar goals and commonalities should be considered for consolidation or elimination.</p> <p>It was FURTHER moved to direct staff to return with an amendment to the Tucson City Code Chapter 10A to require all BCC's to file an annual report with the City Clerk by March 1 of each year to review their accomplishments from the prior year.</p> <p>Motion PASSED by a vote of 7 to 0.</p>	<p><u>CITY CLERK</u> Is responsible</p>
<p>5. Update on Certificate of Occupancy (C of O) Process (continued from the meeting of 2/17/10) (City-Wide) SS/MAR23-10-98</p> <p>Council Member Fimbres MOVED and it was duly seconded to direct staff that the inspections for Certificates of Occupancy be conducted by one inspector from the Fire Department and that they be focused on basic life safety and to direct staff to go before the Planning Commission for the purpose of removing existing commercial buildings from the <i>Land Use Code</i> requirements for the C of O process.</p> <p>Council Member Scott requested a friendly amendment that the proposed ordinance be reviewed as part of the process.</p> <p>Amendment ACCEPTED by the maker.</p> <p>Vice Mayor Glassman requested a friendly amendment that the item comes back to Mayor and Council in sixty to ninety days.</p> <p>Amendment ACCEPTED by the maker.</p> <p>Motion, as amended, PASSED by a vote of 7 to 0.</p>	<p><u>PLANNING & DEV. SERVICES</u> Is responsible</p>

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>13. Mayor and Council Regional and National Committee Reports (City-Wide) SS/MAR23-10-95</p> <p>No report was given.</p>	
<p>14. Mayor and Council Discussion of Regular Agenda SS/MAR23-10-96</p> <p>Council Member Fimbres requested that Consent Agenda Items 7E and 7G be considered separately.</p> <p><u>7-E - Transportation and Finance: Accepting and Utilizing Private Donations For Pothole Repairs</u></p> <p><u>7-G - Intergovernmental Agreement: With Various Outside Agencies for Use of American Recovery and Reinvestment Act Justice Assistance Grant Program Award</u></p> <p>Council Member Kozachik requested that that Consent Agenda Item 7F be considered separately.</p> <p><u>7-F - Intergovernmental Agreement: With Pima County for Operation of Solar One Stop Shop</u></p> <p>Mike Rankin, City Attorney, noted that, as previously discussed, Regular Agenda Item 9 would be continued to April 13, 2010.</p> <p><u>9 - Tucson Code: Amending (Chapter 7) Relating to the Current Pawn Shop Ordinance</u></p>	
<p>15. Mayor and Council Discussion of Future Agendas and Approved Work Plan (City-Wide) SS/MAR23-10-97</p> <p>Council Member Kozachik requested an April 6 Study Session item on the City's land use powers as they relate to the Rio Nuevo Multipurpose Facilities District and also an item at that meeting on staff support to Rio Nuevo.</p> <p>Council Member Kozachik requested an April 20 Study Session item</p> <p>* on a proposed change to the Tucson Code to prohibit dogs at street fairs.</p>	

*Revised

AGENDA ITEM/MAYOR AND COUNCIL ACTION

STAFF ACTION

ADJOURNMENT: 3:42 p.m.

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