



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
On October 27, 2003_____

Date of Meeting: April 7, 2003

The Mayor and Council of the city of Tucson met in regular session, in the Mayor and Council Chambers, in City Hall, 255 West Alameda, Tucson, Arizona, at 2:05 p.m., on Monday, April 7, 2003, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley C. Scott	Vice Mayor Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Council Member Ward 6
Robert E. Walkup	Mayor
Kathleen S. Detrick	City Clerk

Absent/Excused:

None

Staff Members Present:

James Keene	City Manager
Mike Letcher	Deputy City Manager
Michael House	City Attorney
Debra Armenta	City Clerk's Office
Nora Dunn	Recording Secretary
Gar Smith	Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by the Reverend/Doctor Marva Gordon, Prince Chapel, after which the pledge of allegiance was presented by the entire assembly.

Proclamations

Mayor Walkup proclaimed April to be "Fair & Affordable Housing Month".

Presentations

A. Sun Tran

Mayor Walkup presented certificates of recognition to the Sun Tran Distinguished Employee Team, of 2002, Patricia DeNault, Lauri Gacey, and John Seitz.

To members of the audience who were present for the first time, Mayor Walkup said the council likes to honor things that are going on in the community, particularly those employees that have distinguished themselves.

B. Tucson Submarine 770

Mayor Walkup announced that some very distinguished visitors were present from Tucson Submarine 770, whose commander comes to Tucson once or twice a year. It is a great event for Tucson to have a submarine of such distinction named after it and allowing its crew members to come to Tucson. They have a general understanding of what Tucson is all about, they know it is a fairly large city in the middle of Arizona, but they have no idea what a great place it is. As those young men spread out over the community, the mayor said Tucson should get ready because they have gotten the word from previous visitors that Tucson is a wonderful city. He presented certificates of appreciation to the commander and crewmembers.

The Commander of the USS Tucson thanked the mayor and said he appreciated the recognition. He said the USS Tucson completed deployment to the 7th Fleet area, the Western Pacific, in November. It was a six-month deployment and they did a lot of work very important to national security. The ship is currently going through a maintenance period and getting updated combat systems, getting ready to go out with the latest and greatest in technology. It is essentially a combat system like the one that is going to be on the new attack submarine that is currently under construction in Connecticut. The USS Tucson will be up to the same level as the new attack submarine in about another month. He expressed his appreciation for the city's support and everything Tucson has done for them. He presented the mayor with a wooden Hawaiian bowl engraved with the ship's crest.

Mayor Walkup thanked the commander for a job well done.

C. Welcome Guests

Mayor Walkup announced that it was a great pleasure to welcome guests from Almaty, Kazakhstan. It is always a great pleasure to welcome them to the city. Many individuals have come to Tucson from Almaty, Kazakhstan to see how its government operates. He introduced Jerry Gary, and said he has always steadfastly assisted Tucson's Sister City Program.

Mr. Gary agreed that it is always a great pleasure to welcome visitors from Tucson's Sister City in Kazakhstan. The current group of visitors was present on a State Department sponsored tour that takes them to many cities in the United States. He has discovered that those tours always come to Tucson because the words and effects of the deeds of the Tucson Sister Cities Committee are well recognized and the people all come to see Tucson's memorabilia and the effects of the 13-year relationship the city has had with Almaty, Kazakhstan.

Mayor Walkup asked that the visitors stand and if anyone else wished to speak.

Eloise Brown, a member of the Tucson Council for International Visitors, said they are the host group for the State Department and their guests and the representatives from Almaty were guests of the State Department. She thanked the mayor and council for recognizing them and said she thinks it is wonderful that they do. She introduced Dr. Kenisshava (ph).

Dr. Kenisshava, on behalf of the entire delegation of secondary school principals from the cities of Kazakhstan, expressed their sincere appreciation and gratitude for the opportunity to become familiar with the system of secondary school education. They have visited quite a few schools in the United States and were very grateful for the opportunity. He wanted to specifically recognize the International Visitors' Council and its honorable chair, Eloise Brown, for everything that she had done for them. Since the very first minute of their sojourn in this hospitable land, he said they have been feeling the warmth of American's hearts and souls. It is wonderful that Tucson and Almaty are connected with each other through the Sister Cities Program. His culture has a saying that if God favors an individual, he bestows good teachers on him or her. In the course of the tour, he said they have met many wonderful school principals and teachers. The tour group wished prosperity and peace to the United States and to each and every household in it.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 192, dated April 7, 2003, would be received into and made a part of the record. He also announced that this was time for the mayor and council members to report on current events. He asked if there were any reports.

A. Health Fair

Council Member West said her office would be holding a health fair on Saturday, April 12, 2003, at Eastside City Hall, and invited the public to attend.

B. Town Hall

Vice Mayor Scott announced that as part of her office's outreach to the community, a town hall meeting would be held at the Clements Center and invited the public to attend. She said there would be a final opportunity for people in her ward to comment on the budget on Wednesday, April 16, 2003, at Desert Sky Middle School.

C. International Council

Council Member Ronstadt said the work of Ms. Brown and International Council is phenomenal. They bring groups from different countries to the United States and expose them to how the US operates. The part of the program that shows how government operates is especially phenomenal. It had been really exciting for him to work with the group and have a dialogue with former Communist aides, who ask for copies of the city charter and the budget, the nuts and bolts of a democratic republic. It is exciting to work on those projects.

D. Troops in the Middle East

Council Member Ronstadt said he and Council Member West are engaged in a joint project and would be requesting supplies, letters, and care boxes for military personnel in the Middle East. They are doing that through the National Guard and the Army Guard and are still getting the specifics. They will be using channel 12 and the city's web page as well as this forum to let people know how they can send items to the troops in the Middle East.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 193, dated April 7, 2003, would be received into and made a part of the record. He also announced that this was the time scheduled by the council to allow the city manager to report on current events and asked for his report.

A. Reid Park Zoo

James Keene, city manager, on behalf of the parks and recreation department staff, said he was pleased to report that Reid Park Zoo was officially granted re-accreditation by the American Zoo and Aquarium Association. Accreditation is granted for a five-year period. Staff just went through a process where the zoo must undergo a very rigorous program and process to assure that it meets industry standards in collection, veterinary care programs, conservation, education, and safety. Obviously, staff is very proud of its organization and the zoo foundation in reaffirming its status as an accredited zoo. He congratulated the staff at the zoo.

B. Sun Tran/Air Show

Mr. Keene commended Sun Tran and all of the participants who were at the Arizona Aerospace Days at Davis Monthan Air Force Base. The attendance was great and during the two-day show Sun Tran provided 28,000 passenger trips, which is three times the number of passenger trips provided at previous air shows.

C. Asphalt Zipper

He said one of the newest pieces of equipment in transportation, the asphalt zipper, recently milled a 250-foot long section of asphalt on Stone Avenue in preparation for re-paving in about 45 minutes. It normally takes a crew about four hours to be able to do that. He thought the zipper would let the city do a lot of street maintenance.

D. Magazine

Mr. Keene said there was a nice article in the morning paper about the business link program. In the *Biz Arizona Magazine* the city had gotten a nice spread on that program, the first in a three part series that would be looking in depth at the initiative the city has in economic development to link business together.

E. Conference

The bio terrorism conference that the city recently jointly hosted was reported in the March 2003 edition of *FireHouse Magazine*. The article was written by Battalion Chief Les Caid and Brent Baylor (ph), who is a free lance writer and media consultant. *Fire House Magazine* is a monthly magazine for fire service personnel and targets about one and a half million paid and volunteer firefighters. It is also published on line at www.firehouse.com. He said the article gave deserved national recognition for the city and for the fire and emergency personnel.

F. Air Show

Mayor Walkup said he wanted to expand on the manager's comments about the employees who helped with the air show at Davis Monthan on Saturday and Sunday. It took many weeks of planning with Air Force personnel and it went off without a hitch under very difficult circumstances. To everyone involved, he said it was a job nicely done for the citizens of Tucson.

5. CALL TO THE AUDIENCE, for persons desiring to speak

Mayor Walkup announced that this was the time any member of the public was allowed to address the mayor and council on any issue that was not scheduled on the agenda. Speakers would be limited to three-minute presentations for a total of 30 minutes. He had received a number of written requests to speak and would call on those people in the order that he had received their requests. He said there would also be a call to the audience at the end of this meeting.

A. Flag on "A" Mountain

Bill Katzal, said he wished to speak about the difference between paint, patriotism, and vandalism. He said he had provided the council with a copy of Dave Fitzsimmons' cartoon on the subject along with statutes dealing with criminal damage, which is a class five felony. He wanted to differentiate between those three items. On Sunday, March 30, 2003, at a special study session, the council failed to differentiate between those items while deliberating the fate of the "A" on Sentinel Peak. He said paint means to produce in lines and colors on a surface by applying pigments. Patriotism means love for or devotion to one's country, and vandalism means the willful or malicious destruction or defacement of public or private property.

He had a box of rocks, which he said were not taken from the public domain but borrowed from his seven year old granddaughter's private collection. He held up a rock that was in its natural state, much like the rocks that made up the "A" on "A" Mountain in the early 1900s. The second rock was painted white, a sign of peace and purity, much like the way the "A" stood for many decades. The third rock was painted a rainbow coalescence, much like he would have advocated that the "A" be painted if he had been allowed to speak at the Sunday, March 30, 2003 special session.

He said he served as a commissioned officer in the Strategic Air Command of the United States Air Force during the Cuban crisis. He was prepared to give his life and the life of his family to avert a nuclear threat 90 miles south of the US border. He still has a love and devotion to his country, which he shows through his anti-terrorism activities and his many other legal citizen advocacy activities. He is an outspoken advocate for what is right and that outspoken advocacy put his name on a list banning citizens from city hall that has not been resolved.

He loves the US, but he does not break the law to express that love. He does not engage in the willful defacement of public property to express that love. Unlike four members of the council, he is not a vandal who confuses lawlessness with patriotism to express love of country. He suggested that the council should get back to the business at hand of solving the \$81 million dollar deficit that is facing the city and that they get back in touch with the citizens who elected them. He said that did not include a one-half cent sales tax increase, \$21 million dollar grade separated intersections, condoning city hall banning lists, condoning the citing of legally riding cyclists, or proposing an ordinance that overrides the peoples' constitutional right to peacefully assembly.

The citizens deserve an elected body that engages in a vision that sets its petty, personal differences aside and gets on with legally advocating the municipal model for the rest of the United States of America. He asked God to bless America and said the city should end the divisiveness and get on with solving the serious problems at hand.

B. Access to City Hall

Lisa DeLong, said Mr. Katznel had kind of said it all, but she was before the council in January and she was appalled by a certain council person's reaction. She said she is legally blind, but the telephone was ringing off the hook and a lot of people had approached her because of the January situation. They were appalled by that councilperson's reaction to what Ms. DeLong had to say. She said she was talking about Council Member Dunbar, who has been a nightmare, causing her nothing but grief. Ms. DeLong knows some of the things that she is involved in, but Council Member Dunbar does not know her. She may know about the rumors and things that have been said about her around the city, but she wanted the \$75 licensing fee for dogs, she got it and Ms. DeLong lost her service dog.

The law about animal cruelty was re-written and because she stands up for her rights as a disabled person. She is on the city hall ban list and she has been on it since 1999. She has been harassed by security staff and just because she wants to talk to the mayor, or city attorney, or somebody else security guards follow her around, they have to stand right next to her and that is not because she is disabled. They want to know where she needs to go and say they will show her. They do not say hi and ask how she is. They

call the police. There have not been any court orders and the police only came once when one of the staff members got irate because she had a service dog. That was before she lost her service dog because of the stupidity of a councilperson that wanted a \$75 licensing fee. Ms. DeLong is tired of being abused and she thought Council Member Dunbar should be held responsible. She did not want to ask for much from the city, but she thinks the city owes her a service dog.

She was demanding a public apology from Council Member Dunbar for sitting on the dais thinking she is high and mighty, better than anyone else, that she is above the law and can do what she wants. She sits on the dais and laughs at her constituents when they come to the council and speak their minds because they do not like something that is going on.

C. Appointment with the Mayor

Mardi Hadfield, said she would not elaborate on Ms. DeLong's issue as she had expressed herself well, but she did want to tell her story of how she got on the city hall ban list. In 1997, she came to city hall to visit the mayor, George Miller at that time. She had a seizure alert service cat with her, it was on a leash and harness and it sat in a little basket attached to her wheelchair. A security officer rushed toward her, yelling that she could not have that animal in city hall. That happened to her three or four times. She finally lost her service cat to cancer and when her eyesight got worse she got a dog. She and Ms. DeLong came to city hall one day with their service dogs and they were told that they could not have their dogs in city hall. They stood up for their rights, the police were called, and they had to leave.

The mayor's office sent a memorandum saying that Ms. Hadfield and Ms. DeLong were not allowed to have their dogs in city hall. Then it became a situation where they were not allowed to take their dogs to the tenth floor. Then they got a certified letter from Mayor Walkup that they were not allowed in city hall unless they had an appointment. She said they have never been able to get an appointment and that was one of their gripes. They wanted to get an appointment to welcome Mayor Walkup, but he was not welcoming them.

There was a defective elevator, she was caught half in, and half out of it while it was bouncing up and down, choking her dog. The back wheels of her chair were out of it and the front was still in. She was being tossed around and her dog was being choked. She was told it was no big deal to be caught in an elevator. She said it was to her. She could not see very well, she could not see what was happening, she only knew she was being bounced around in an elevator. She did not know if it was going to fall or not. She thought it was insensitive of the mayor to say it was no big deal. Every time she comes into city hall, the doors close on her dog. They do not stay open long enough, if they can even be gotten to work because most of the time they do not work when the button is pressed.

D. Sign on "A" Mountain

Elezabeth Cameron, said she was grateful for the freedom that allowed her to speak to the council. She was present about the stupid peace sign and the special council session that it caused, and the actions of council

members who, as Council Member West said, hold themselves above the law. Few Americans were offended by the “A” being painted red, white, and blue, or when it was painted green. The black offended her and she thought the mayor and council did a fine job of taking care of that. When the council called a special meeting about the peace sign she doubted if they could have found one person who would have been against peace or thought that someone else did not deserve to be given freedom, not that they are for war or against war.

She was offended not because of the tri-colored peace sign, but what the mayor and council did from that point on. Council Members Leal and Dunbar know that it is against the law to paint the “A”. If they had just supported that, it would have been okay, but to pick up a brush, step over the boundary and brag about it in the newspaper and television was really over the boundary. She said it is not civil disobedience when a council member knowingly goes against the law. The council called a special session over a peace sign. Why did they not just send someone up with a couple of cans of paint and paint it? That would have been the end of it. Ms. Cameron said she has come to the council in the past five years about flooding in her neighborhood and asking for help. That was reason for a special session, but none have been held.

She has come to the council on four occasions asking that they repeal the dog ordinance that the citizens were promised would be repealed after one year if it were a failure and it is a miserable failure. No special meeting was held on that. She came to the council about dangerous dogs that were attacking the disabled, which was another reason for a special meeting but none was called. When Council Member Dunbar laughed at a disabled speaker who got up to speak about the loss of her service dog, no special meeting was called about her inappropriate actions or to apologize to the speaker. She bragged about running her dogs off leash regularly, letting them run amuck in the city council office. Both of those things are violations of the law.

Ms. Cameron said the council needed to get its priorities straight, which are to benefit the needs of the citizens of Tucson, not personal agendas. She supported Vice Mayor Scott’s suggestion and she supported painting the “A” appropriately, but she thought the next special session should be to remove Council Member Dunbar from ward three for her multiple violations of the law as she seems to set herself above the citizens of the community as a council member.

Mayor Walkup recognized Council Member Dunbar.

Council Member Dunbar said she just wanted to make it perfectly clear that her dogs do not run in the wash off leash and nothing that Ms. Cameron had said was true.

Ms. Cameron asked to respond.

Mayor Walkup pointed out that there would be time after the meeting for further comments.

6. CONSENT AGENDA – ITEMS A THROUGH H

Mayor Walkup announced that the reports and recommendations from the city manager on the consent agenda items would be received into and made a part of the record. He asked the city clerk to read the consent agenda items.

A. REAL PROPERTY: ACQUISITION OF PROPERTY NEAR KOLB ROAD AND LOS REALES ROAD TO EXPAND WELLSITE

- (1) Report from City Manager APRIL7-03-190 W4
- (2) Resolution No. 19548 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property for the expansion of Wellsite E-028A near Kolb and Los Reales Roads; and declaring an emergency.

B. ANNEXATION: VALENCIA/CRAYFROFT ANNEXATION DISTRICT
(CONTINUED FROM THE MEETING OF MARCH 24, 2003)

- (1) Report from City Manager APRIL7-03-200 W5 and OUTSIDE CITY
- (2) Ordinance No. 9822 relating to annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto certain portions of Section 12, T. 15 S., R. 14 E., G. & S.R.B. & M., Pima County, Arizona, more particularly described in the body of this ordinance; and declaring an emergency.

C. FINANCE: CONTINGENCY FUND TRANSFER FOR THE BREWSTER CENTER DOMESTIC VIOLENCE SERVICES, INC.

- (1) Report from City Manager APRIL7-03-188 CITY-WIDE
- (2) Resolution No. 19550 relating to finance; approving and authorizing the transfer of Two Hundred Twenty-Seven Dollars (\$227) from the Contingency Fund to Organization 001-183-1838-268, for the Brewster Center Domestic Violence Services, Inc.; and declaring an emergency.

* D. ASSURANCE AGREEMENT: (S02-014) ECHO RIDGE ESTATES LOTS 1 TO 11 AND COMMON AREA "A"

- (1) Report from City Manager APRIL7-03-195 W6
- (2) Resolution No. 19551 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S02-014 of a final plat for the Echo Ridge Estates Subdivision, Lots 1 to 11 and Common Area "A"; and declaring an emergency.

- * E. FINAL PLAT: (S02-014) ECHO RIDGE ESTATES LOTS 1 TO 11 AND COMMON AREA "A"
 - (1) Report from City Manager APRIL 7-03-196 W6
 - (2) The City Manager recommends that after the approval of the Assurance Agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- F. COMMUNITY SERVICES; SUBMISSION OF THE PUBLIC HOUSING AGENCY ANNUAL PLAN FOR THE CITY OF TUCSON AND PIMA COUNTY CONSORTIUM
 - (1) Report from City Manager APRIL 7-03-198 CITY-WIDE
 - (2) Resolution No. 19552 relating to the Public Housing Reform Act (PHRA) of 1998; approving the City of Tucson Public Housing Agency (PHA) Annual Plan for Fiscal Year 2003 – 2004; authorizing and directing submittal of that Plan to the United States Department of Housing and Urban Development (HUD); and declaring an emergency.

- G. PUBLIC IMPROVEMENTS: PANTANO ROAD, SPEEDWAY BOULEVARD TO 22ND STREET DISTRICT LIGHTING IMPROVEMENT
 - (1) Report from City Manager APRIL 7-03-199 W2
 - (2) Report of Expiration of Protest Period.
 - (3) Resolution No. 19519. A resolution of the Mayor and Council of the City of Tucson, Arizona, overruling protests and ordering the improvement known as the "Pantano Road, Speedway Boulevard to 22nd Street District Lighting Improvement," in the City of Tucson, Arizona, and ordering the publication of A Notice of the Resolution ordering the work and inviting sealed bids for making the improvement, all in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and amendment and supplements thereto.

- H. FINAL PLAT: (S02-027) CAMP LOWELL CORPORATE CENTER LOTS 1 TO 33 AND COMMON AREA "A"
 - (1) Report from City Manager APRIL 7-03-202 W2
 - (2) The City Manager recommends that the Mayor and Council approve the final plat as presented. A Letter of Credit has been submitted for Assurances. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

* See page 11

Mayor Walkup asked the council's pleasure.

It was moved by Vice Mayor Scott, seconded by Council Member West, that consent agenda items A through H, with the exception of items D and E, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Ronstadt;
Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: None

Consent agenda items A through H, with the exception of items D and E, were declared passed and adopted by a roll call vote of 7 to 0.

6. CONSENT AGENDA – ITEMS D AND E

D. ASSURANCE AGREEMENT: (S02-014) ECHO RIDGE ESTATES LOTS 1 TO 11 AND COMMON AREA "A"

E. FINAL PLAT: (S02-014) ECHO RIDGE ESTATES 1 TO 11 AND COMMON AREA "A"

Mayor Walkup asked the council's pleasure.

Council Member Ronstadt said he thought each of the council members received a three-page letter from Dr. Swaim regarding the subject project. He had asked the city attorney to respond to the letter and give the council a timeline of events, when they occurred, what happened and what did not happen. He had talked to Mr. Patrick, the developer's representative, and they were agreeable to a one-week continuance so that the issues that were raised in the letter by neighbors and two other council members could be addressed. Council Member Ronstadt thought the representatives had visited all of the council offices.

It was moved by Council Member Ronstadt, seconded by Council Member West, and carried by a voice vote of 7 to 0, to continue items D and E, for one week.

Mayor Walkup recognized Vice Mayor Scott.

Vice Mayor Scott said she could not say with certainty that her office had received the letter and asked if Council Member Ronstadt would mind sending it to her again.

7. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that city manager's communication number 194, dated April 7, 2003, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

Person/Location Transfer

- | | |
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| (1) BASHAS' 69
3923 N. Flowing Wells Road
Applicant: Michael J. Basha
City #012-03, Ward 3
Series #9
Action must be taken by: April 18, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus.License: In Compliance |
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Special Event(s)

- | | |
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| (1) COMITE DE FESTIVIDADES MEXICANO
3700 S. La Cholla Blvd., Kennedy Park
Applicant: Mercedes M. Guerrero
City #T012-03, Ward 1
Date of Event: May 2, 2003
May 3, 2003
May 4, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks & Rec: In Compliance |
| (2) FRIENDS OF ST. MICHAELS
602 N. Wilmot Road
Applicant: Natali A. Little
City #T018-03, Ward 2
Date of Event: May 3, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (3) ST. CYRIL CATHOLIC
CHURCH & SCHOOL
4725 E. Pima Street
Applicant: Amy E. Haas
City #T025-03, Ward 6
Date of Event: May 26, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (4) SANTA CRUZ CATHOLIC SCHOOL
134 S. 5 th Avenue
Applicant: Mary Ann T. Hendrickson
City #T029-03, Ward 6
Date of E vent: April 27, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

Extension of Premises

- | | |
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| (1) PLUSH
340 E. 6 th Street
Applicant: Maebelle Reed
City #EP09-03, Ward 6
Date of Event: April 19, 2003
Series #6, Temporary | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance Series |
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(2) CONGRESS TAP ROOM, INC.
311 E. Congress
Applicant: Richard S. Oseran
City #EP12-03, Ward 6
Date of Event: April 19, 2003
Series #6, Temporary

Staff Recommendation

Police: In Compliance
DSD: In Compliance

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Leal, seconded by Council Member West, and carried by a voice vote of 7 to 0, to forward liquor license city applications numbers 012-03; T012-03; T018-03; T025-03; T029-03; EP09-03; and EP12-03, to the state department of liquor licenses and control with a recommendation for approval.

8. ZONING: (C9-02-32) A-C INVESTMENT – AJO WAY, R-1 AND R-2 TO I-1

Mayor Walkup announced that city manager's communication number 197, dated April 7, 2003, would be received into and made a part of the record. He also announced that this was a request to rezone property located on the north and south sides of Ajo Way at the Ajo and Kino interchange. The preliminary development plan was for a light industrial and manufacturing park. The zoning examiner and city manager recommend approval of I-1 zoning, subject to certain standard conditions. He asked if the applicant or a representative was present and if so, were they aware of and amenable to the standard conditions recommended by the city manager.

Charles Deans, Planners Inc., representing A-C Investment, said they were.

Mayor Walkup asked the council's pleasure.

Council Member Leal said in the last year and a half or two a number of industrial properties have been presented to the council for rezoning to residential. The subject case is a request to rezone from residential to light industrial. He wanted to explain because without more information it could look contradictory. He said the subject started out residential and was not surrounded by intense thoroughfare as it currently is. It would really be, in terms of the environmental psychology of the site, fairly inhospitable for it to be used for residential purposes, so the proposal that Mr. Deans and his clients have proposed really made good use, or better use of the property.

It was moved by Council Member Leal, seconded by Vice Mayor Scott, and carried by a voice vote of 7 to 0, that in zoning case C9-02-32, staff be directed to prepare an ordinance rezoning the subject property from R-1 to I-1, subject to the standard conditions recommended by the city manager.

9. SOLID WASTE MANAGEMENT: PROPOSED FISCAL YEAR 2003 DISPOSAL RATES AT LOS REALES LANDFILL (CONT'D FROM THE MEETING OF MARCH 24, 2003)

Kathleen S. Detrick, city clerk, announced that this item was being continued to the mayor and council meeting of April 14, 2003.

10. WATER: ADOPTION OF WATER SYSTEM EQUITY FEE

Kathleen S. Detrick, city clerk, announced that this item was being continued to the mayor and council meeting of April 21, 2003.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced that city manager's communication number 191, dated April 7, 2003, would be received into and made a part of the record. He asked if there were any appointments.

It was moved by Council Member West, seconded by Vice Mayor Scott, and carried by a voice vote of 7 to 0, to appoint Richard D. Whitaker and reappoint Brent Woods, Gordon V. Brown, Edwin D. Morgan and David Eisenberg to the joint City/County building code committee; to reappoint Harold Pedersen, Thomas Addison, David L. Martin, and Jeffrey Duffy to the joint city/county electrical code committee; to appoint Anna H. Spitz, and reappoint John Gross and James Singleton to the joint city/county outdoor lighting code committee; and appoint Louis Romero to the veterans' affairs committee.

Mayor Walkup asked if there were any personal appointments by any member of the council. There were none.

12. CALL TO THE AUDIENCE, for persons desiring to speak

Mayor Walkup announced that this was the time any member of the public was allowed to address the mayor and council on any issue. Speakers would be limited to three-minute presentations for a total of 20 minutes.

A. City Buses and Sidewalks

Mardi Hadfield said coming into city hall, she was told that she was terrorizing the mayor and council. She said it is actually the opposite. She is terrorized everyday when she rolls down a street to get somewhere because she cannot get a bus. The buses won't stop and pick her up, they drive right by her or slam the door in her face telling her the lift does not work, or that the bus doesn't run at the time she needs to be somewhere. If she has to go to the hospital, the paramedics tell her they will not transport her wheelchair. She asked if the mayor and council members would take their legs off and leave them and said she did not think so. One time a paramedic told her to go home, there was nothing wrong with her. She took a bus to the hospital the next day and found she was suffering from pulmonary embolism. She almost died. She gets terrorized when she rolls down the street and loose dogs come out and attack her dog. Nobody does anything. She has had to retire one dog and her replacement dog has already been attacked. She asked when would it stop. She is tired of being terrorized in Tucson and she is tired of having her taxes raised. She does not benefit from those taxes, there are still sidewalks she cannot get onto, and some she cannot get off. She has to roll on the street. The city passed a law that if someone drives too close to the cyclist they can be arrested. She asked what about the people in wheelchairs and said it seemed to be open season on them. She is tired of being terrorized in Tucson and something had better change. She did not want to be taxed out of her property.

B. Street Flooding

Elezabeth Cameron, said her neighborhood, Casa Alegra, five years later, is still flooding. Habitat says they do not have the money to fix the street and they built a subdivision on King that routes water into houses that were already there. The King Subdivision does not flood, but the houses south of the hill do. She was asking, she thought this was the third time, that something be done. Another subdivision, 100 houses, is being proposed for 36th with a clubhouse and they want to break up the natural wildlife corridor to A Mountain. She said she needed help. If there was money to build on King and to build on 36th Street, there must be money to fix the street. Her street is not legal, the homes flood every time it rains.

Mayor Walkup asked if anyone else wished to address the council.

C. Access to City Hall

Lisa DeLong, said she is disabled and she was disgruntled because she was on a list that banned her from city hall for no reason. Said she understood an issue on raises was proposed to be on the ballot and it would not get her vote because she does not see a lot of consideration for a lot of the council's constituents. There is a lot of ignoring and laughing and whatever. She asked the council to stop some of the nonsense and some of the misconduct on the part of the council members, and her being ignored and harassed by city staff when she comes to city hall to do business, asking that an official like the city attorney do something. She commended the city clerk, she has gotten a little better reception from that office, but the reason is because she has a federal lawsuit against the city and she can come in. One of the city clerk employees, Geoff, has been very kind and courteous to her. However, she is still not allowed upstairs with her sight assist dog.

Mayor Walkup asked if anyone else wished to address the council.

D. Art in Tucson

Albert Soto, development director for Tucson-Pima Arts Council, speaking on behalf of the artists and the arts organizations, said as the council begins to review next year's budget he wanted to bring to their attention the importance of the arts to the community. Just a couple of weeks ago the arts council was the recipient of the Governor's Arts Award for the state. They have been receiving awards that were made possible because of the resources that have come from the city of Tucson. City funding has helped them make the events, the pieces of public art and all of the various programs in the community that involve the arts, whether working with the schools or directly with the community possible. He noted that at the beginning of this meeting representatives from Almaty were present and said three years ago the arts council was part of a program that actually worked with the Sister Cities program. Students from Almaty worked with students at Cholla High School and Pueblo High School and those students went to Almaty. Part of that was because of some of the resources that were obtained from the arts council to help support some of the cultural programming that took place. He noted that the arts council is involved with a lot of activities and events that the city's funding has helped support. As the council looks at the budget, he asked that they keep in mind the importance of the programming and the

services that the arts council provides to the community, its artists and arts organizations. He said there is nothing else that duplicates the arts council. He knew the council had been extremely generous and hoped they would continue to support the arts council in the future, which certainly benefits Tucson.

13. ADJOURNMENT: 3:00 p.m.

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held on Monday, April 14, 2003, at 7:30 p.m., in the Mayor and Council Chambers, in City Hall, 255 W. Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the city of Tucson, Arizona, held on the 7th day of April, 2003, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:DA:DP:mjv:ss
pr agnst tp:ss