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# Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
On October 27, 2003\_\_

Date of Meeting: April 28, 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 2:44 p.m., on Monday, April 28, 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 Staff
Kent Miller	Recording Secretary

## 2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Nathan Whitton of Mount Calvary Baptist Church, after which the pledge of allegiance was led by Vice Mayor Scott.

Before leading the pledge, Vice Mayor Scott said her anniversary of becoming an American Citizen was near. For the people who were born in the United States, their birthday is the day they became American Citizens. She has another day on her calendar. It is very special to her and she wanted to share some words she had to say when she took her oath, "I hereby declare on oath that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution Laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by law; that I will perform non combative service in the Armed Forces of the United States when required by law; that I will perform work of national importance under civilian direction when required by law; and that I take this obligation freely, without any mental reservation or purpose of evasion, so help me God. In acknowledge whereof I have hereunto affixed my signature."

Vice Mayor Scott said those were the words she said and she is very proud to be an American. She was honored to be able to lead the pledge of allegiance, which would be followed by the National Anthem.

The Desert Willow Freedom Choir performed the *National Anthem*, and other patriotic songs.

### **Presentations**

Mayor Walkup, assisted by Bernice Gottfried and Linda Hansen of the University of Arizona, presented Honorary Citizen Certificates to students from various countries.

Ms. Hansen, Chair of the Board of International Friends, said they are a community volunteer organization in Tucson that links Tucson residents with newly arriving international students from around the world, who will attend the University of Arizona. The organization matches students with hundreds of residents in Tucson, from the far northwest side to her community of Civano. The program provides opportunities for the citizens of Tucson and the students to get together and share information about their culture and their families in a very meaningful personal way and many times those friendships will grow and last for decades. The program has been in existence for 50 years has volunteers who have been active for almost that long. Another of the organization's programs is the Tucson Mayor's Award. Each year for nearly 50 years a group of international students at the university has made a commitment to go above and beyond their studies and take the time to play an active role in Tucson's community. To earn the award each student must make a presentation at a public school, participate in a community service project, observe or participate in an election, attend a lecture on campus that is not related to their studies, and attend a meeting of a local government body. She understands that most of the students had attended one or more of the city council meetings, so if anyone who was present visits one of their countries in the future

and sees something familiar at a public meeting, it may be something the students learned at the council meetings. This year 15 students from 12 countries had successfully completed the requirements for the mayor's award and she thanked the council for taking the time to recognize the achievement of these future leaders.

Mayor Walkup read the certificate, which Ms. Statford with the assistance of Dale LaFluer, liaison from the office of International Affairs at the university, presented to each of the students. Kiana Ferrari would speak on behalf of the students.

Ms. Ferrari, student representative from International Friends, thanked the mayor and council. She said they had participated in social events, community service, and elections and had the privilege of sharing aspects of their own cultures while learning about Tucson's. More than anything else they learned the actual and truest meaning of being a community. She said the best way to thank Tucson for welcoming them was by participating in the Mayor's Awards Program. She thanked the International Friends for guiding them.

Mayor Walkup said it was truly a great pleasure to have the international students in Tucson, and they should tell their countrymen that Tucson welcomes them as tourists or as citizens.

### **Proclamation**

Mayor Walkup proclaimed April 27 to May 4, 2003 to be the "Days of Remembrance" and presented the proclamation to Mr. Ray Davies of the Human Relations' Commission.

Mr. Davies said each year the Tucson Human Relations' Commission honors teachers and students and they use the lessons of the Holocaust for prejudice reduction and to understand the viciousness of bigotry and intolerance. Sixty-five years ago, an elected government had such restrictive laws that people who objected to the majority were ostracized. He said no government should ever forget what happened in the modern era when the Nazis passed by law restrictions that denied other people the voice of dissent. The lessons of the Holocaust are taught by students and teachers in a variety of ways. At Tucson High School, the drama department put on a beautiful play that took guts and courage, titled "And Then They Came for Me." The band director and his students performed a requiem. At Howenstein the Education Enrichment Foundation funded a group of students to further their examination of prejudice by taking a field trip to the Museum of Tolerance in Los Angeles. Student representatives from Howenstein School and Tucson High accepted the proclamation.

### **Presentation**

Mayor Walkup announced that Judith Blair (ph), and Kathy and Jay McCall (ph) had a presentation to make to the council.

Ms. Blair thanked the mayor and council for the opportunity to speak and said after hearing the children, she was compelled to thank the council for the freedom to come before them. She knew they had many important subjects on their agenda and many of

them deemed mere money to be a top priority. Her issue was an issue of life and death. Citizens of Tucson were dying unnecessarily and she wanted to tell the council about it. Obviously, everyone has a passionate pursuit to get their positions heard and she had come to know that those who are passionate have another distinguishing quality, that of compassion and she was appealing to that quality. She is a live organ donor. She donated a kidney in July of 2001. She is also a proponent of future donations. She was not asking the council to go out and donate an organ immediately, but she wanted them to strongly consider future donations. Prior to her donation she was part of the naïve status quo. She had no idea that 80 thousand people nationally are waiting for organs or tissues in order to live and that 50 thousand of those are waiting for kidneys. In Arizona, over 900 people are waiting for a telephone call and more than 600 are waiting for a kidney. She said organs that could be saving lives are being buried and cremated. In her own family, her parents' bodies are buried in Ohio and their organs could have saved someone else's life, but she was naïve.

One member of her family donated organs. Some of the council might remember her son, Joseph Blair, who played basketball in Tucson some years ago. She went to see him in the winter of 1998 in Ohio where he went to play as a Globetrotter. Her cousin from Buffalo, New York came; she had not seen him in over 30 years and his brother, whom she also not seen in as many years, was there. Her cousin was distraught because he had lost his teenage son the previous summer in a motorcycle accident. That is the only person in all of her family that she knows of that donated organs so that someone else could live.

She thanked the council for the time and said she would try to be brief and if she seemed anxious, she apologized. She represented citizens who are sitting at home or laying in hospitals, whose time is expiring, just waiting for a telephone call. She never dreamed she would be at this council meeting. She moved to Tucson three years ago and she never dreamed she would be addressing this subject to the council. She believed her life had evolved for a time such as this. A common quote is, "Time is everything". She did not think it was by chance that anyone was present at this meeting and she knew it was not by chance that she was there. She is a woman of faith, she tries to be in the right place at the right time, and as she proceeded, the council would better understand that.

In July of 2001, Ms. Blair said she donated a kidney. Shortly thereafter she became active in the donor network in Tucson and in November of 2001, visitors came from New Jersey to give advance training. They gave the training, one man had lost his daughter to a subway accident, and the second man had heart disease and told how he had had it for nine years. It got so bad he went to the hospital and then he was so bad he was placed at the top of the list and he got a new heart. She was in the front row, as she usually is at most proceedings, and as he gave her the assignment and went by her she asked him if he knew the name of the donor and he yes. She asked him if it was Tom Lock and he said yes. She said he had her cousin's heart. What are the odds of being the right place at the right time?

She has tried to endorse donation by running sprints in the senior Olympics. She ran last year in Tucson, Phoenix, Houston, Los Vegas and St. George, Utah. She went to Italy last year to visit her son Joseph, and the desire of her heart has been to share organ

donation, but she did not know who to contact and he is very focused on his game, so she did nothing, but God knew her desire. He got in the car and said his general manager had just asked him to participate in a community event on Monday involving organ donation. He said he wanted to take her and asked if that was okay. It was a press conference with all of the athletes from a town in Italy endorsing organ donation. She thought he had told the people that she is an organ donator, so he was talking to the people at the table, the representative from the mayor's office and a hospital administrator, and he told them in Italian what she had done and they applauded. Then they were interviewed by radio and television and he translated what he had told them. He told them that the United States is at war, but giving an organ is means of peace. It is giving the gift of life. He was in Tucson between 1992 and 1996 and was confronted at a shopping center parking lot by a young man. She would never have dreamed that they would meet this way. Kathy and Jay McCall were present and it was their son who approached her son, the basketball player, wanting to meet him. She knows all the statistics from her son's playing, but things they do off the court touch the heart. It meant so much to Jim.

Kathy McCall said her son, Jim, was 19 years old when he was in an accident on Grant Road. He was riding a motorcycle and did not survive. However, Jim was an organ donor. They were able to use his kidney; it went to a young woman in Prescott. His liver went to a 58-year-old high school counselor in Chandler who is back working with kids, coaching his granddaughter's soccer team. His corneas went to two teenagers in the Phoenix area; veins were used for bypass surgery in Ohio. They could not use his heart because of the medicines they used to try to save his life, but they did use his heart valves. One went to a 37-year-old man; one went to a five-month-old baby in New Mexico, a little girl. Those lives were touched in a positive way by their loving son and it is not just their lives that are touched by organ donation, by the person who gives. It is the lives of the family members, the people they go to church with, the people they go to work with, the people who are their neighbors. Every life their life touches is touched in a positive way by her son. It is like ripples in a pond that go out forever. Everyone's life in the council chambers was touched by her son. She did not know who in the room might go home and talk about being a donor and someday have someone in their family be a donor, but everyone's lives were being touched in a positive way by her son. That is why she talks about it. It gives her family great comfort to know that good came from their tragedy and loss.

Mr. McCall thanked the council for allowing them to speak. He said it was a little different than last Monday night when they were in Gila Bend speaking to a Rotary Club. They were speaking to a more focused group this evening and they appreciated it. He said there are true aspects of the healing in the gift, one had been addressed by his wife. Their son's organs went to others and prolonged lives. The other aspect, which is sometimes overlooked, but is of equal importance, is the family. Should tragedy come to one's family and the decision is made to donate the loved one's organs, to know afterwards that perhaps good came from the tragedy may not take the grief away, but it takes the edge off. There are two aspects to healing. That was why he was present, to ask the council members to consider it.

Ms. Blair said their next speaker was a very courageous young man of 17 with a new heart.

Roland Molina noted that Vice Mayor Scott had said she has a second birthday, and said he does too. Two years ago, he had a heart transplant at University Medical Center. The year before that he was going downhill, in and out of hospitals, doing different things. Then one night he got a call that they had a heart for him and asked how quickly he could get to the hospital. About two hours later they did the transplant and to this date, he has not seen any signs of rejection or anything bad because of it. He thinks of the person who donated their heart and of their loved ones.

Ms. Blair said she has done a lot of running and she failed to mention that Ms. McCall is a fellow member of their bowling team, "Donor Dames." They need help, they need a team, and she asked the council to remember it just takes a little bit to make a big difference. When she found out she was going to be speaking at this meeting she wondered if she should submit payroll stuffers to encourage city employees to be donors, but this month a new web site was launched and they can use it. She did not know if the city produced a newsletter, but said she was open to comments. She could say one thing as a living donor, many people ask her if she feels any differently and they ask that anticipating a void in her life, or a void in her body. She used to say no, she does not feel any differently, but she has come to qualify her response. She does feel differently. She now has the immeasurable fulfillment of having given. She believes things can change by people giving. There are a lot of givers.

After September 11 people went to give blood, she went to give and found that there were no available spaces. She had to wait until the next week. People are not aware or they are not sufficiently motivated. She wanted to avail herself, she knew it would not be resolved at this meeting, but she was available to any of the council members who would meet with her to prepare a plan of action to help with employees, citizens, or however they could motivate people to come forth. She saluted Mayor Walkup on his fitness program. He is leading people and she wondered if the council members could lead people to give. That would expand to other cities in Arizona and throughout the country. She believed they could start with one person, one council member, one mayor, and do great things. She was open to any comments.

Council Member Ronstadt asked Ms. Blair to provide the web address.

Ms. Blair said it just started this month and she did not have that info, but she would get it to the council.

Council Member Leal said the council would announce the web site address next week.

### **3. MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced that city manager's communication number 237, dated April 28, 2003, would be received into and made a part of the record. He also announced that this was time for mayor and council members to report on current events and asked if there were any reports.

#### **A. Town Hall**

Council Member West said 250 people attended her town hall meeting on prescription drugs last week and she wanted to thank Channel 12 for video taping it. She listed the times and channels it could be viewed on television during the coming week. In addition, she said the Governor's hotline for information and enrollment in discount prescription drug program is 1-999-770-8014, in case anyone was interested in the program.

**B. Diaper Bank**

Council Member West said it looked as if the diaper bank was almost empty, so she has decided to collect diapers at her office again. She hoped that people would let others know, so they can get the program going again. Seniors, children, and disabled people are in need of them. The economic downturn in the community has caused a real need for diapers and anyone willing to donate should get in touch with the diaper bank and offer their services.

Council Member Ronstadt said he was glad Council Member West brought up the diaper issue. He thought several of the council members had received a call to arms on that issue. Ward six would also be a receiving area for any diapers or contributions.

Mayor Walkup asked if there were any other reports. There were none.

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

Mayor Walkup announced that city manager's communication number 238, dated April 28, 2003, would be received into and made a part of the record. He asked for the manager's report.

**A. American Management Systems Group**

James Keene, city manager, said the city of Tucson and the American Management Systems Group would be co-hosting the Annual Western Regional Users' Conference. The AMS group is a provider of financial budgeting and human resources' software that Tucson and a number of other communities across the country use. Twenty-three jurisdictions from around the country are in town to attend the conference, which runs through this week. It provides an opportunity for city staff to receive training without having to travel.

**B. John Churchill Award**

Mr. Keene said Marty McCune, the city's historic preservation officer, received the John Churchill Award for outstanding community service from the Blenman-Elm Neighborhood Association. For the past four years, Ms. McCune has worked with that neighborhood to pursue a nomination for the National Register of Historic Places and thanks to the hard work of many neighborhood volunteers and her efforts, Blenman-Elm will receive that designation next month.

**C. Clearwater Project**

On Thursday, May 1, 2003, the Clearwater Recharge and Recovery Facility will be recognized as the project of the year by the Arizona Water Pollution Control Association at its annual convention, which will be held in Tucson. In addition, on May 16, the full completion of the Clearwater Project will be recognized in a special dedication ceremony, and of course the council and the community will receive full notice.

#### **D. Diamondback Bridge**

The Diamondback Bicycle/Pedestrian Bridge just picked up its ninth and perhaps most prestigious award when it was named the American Public Works' Association National Project of the Year.

#### **E. On-Line Permitting**

On-line permitting, which the council has been waiting, had arrived, or at least the first installment. Mr. Keene said the development services department was pleased to announce that the ability to provide Internet permitting was initiated last Monday. Licensed contractors can now obtain routine plumbing, mechanical, and electrical permits, and pay by credit card over the Internet. It is available 24-hours a day, 365 days a year. It also allows the ability to schedule and cancel inspections. The development services staff worked with a number of local contractors to develop the instructions and one contractor has already expressed great satisfaction and appreciation for the time savings, four hours per week just in that one case.

#### **F. Appointments to State Commission**

Two Tucson Fire Department staff members have been appointed by the Governor to state commissions. Captain Brian Delfts, new president of the Tucson Firefighters' Association, has been appointed by Governor Napolitano to serve on the Arizona State Industrial Commission. He will be one of five commissioners from around the state, which provides oversight in a critical function and will serve until 2006. He commended Captain Delfts. The Governor also appointed Battalion Chief Joe Garroto to the Emergency Medical Services Council earlier this month. He will have a two-year term and will work with other EMS Council members to make recommendations to the Arizona Department of Health Services Director on a variety of standards.

#### **G. Fire Chief Magazine**

Mr. Keene noted the April 2003 Edition *Fire Chief Magazine* included an article that described the health and legal issues facing pregnant firefighters and gives examples of how other fire departments throughout the nation are handling such issues and recommends policies and practices. The article was written by Tucson Fire Zone Fire Inspector, Nicky Springer (ph), who has been with the department for eight years and has two children, and Battalion Jerry Bates (ph) who has been with the department for 28 years, with the assistance of Brent Baylor (ph). He would make sure that the council received copies of the article, which deals obviously with women in the fire service. It is another positive national exposure for the fire department.

Mayor Walkup complimented the city manager for the on-line permitting. A lot of people worked a long time to make that happen. It is a major step forward. He recognized Council Member Ronstadt.

**9. PLANNING: ADOPTING THE HOUGHTON AREA PERFORMANCE POLICIES AND REZONING PREREQUISITES (taken out of order without objection)**

Kathleen S. Detrick, city clerk, advised that a request to continue this item for two weeks had been received from the state of Arizona. It would be continued to May 12, 2003.

James Keene, city manager, noted that the continuance was requested so that the State Land Commissioner could review the policies.

**5. CALL TO THE AUDIENCE**

Mayor Walkup announced that this was the time any member of the public could address the mayor and council on any issue that was not on the agenda. He said recently the council had allowed conversation about items that were on the agenda and he wanted to be sure that speakers under this item did not talk about anything that was listed on the agenda. Speakers would be limited to three-minute presentations. He had received several written requests from people wishing to address the council and he would call on those people first. This item would be limited to fifteen minutes; there would be a second call to the audience at the end of the meeting.

**A. Recommended Reading**

Bill Katzel, said he read a 112-page book over the weekend entitled *Fish*. It was an easy read and it was recommended to him by the principal of his granddaughter's home school and it has already had a major positive impact on his life. Its four basic tenets could be summarized as follows: 1) Choosing attitudes. In other words, people may not be able to control the circumstances in their lives, but they do have control over their attitude towards life's circumstances. 2) Play. Having fun while working. Revert to the child that is in the adult. 3) Make their day. Engage people in ways that create energy and good will. 4) Be Present. In other words in all human interactions live in the present moment. Do not blow somebody off by walking away, answering a cell phone, accepting interruptions from someone perceived to be more important than the person being engaged. Bring the immediate transaction to an acceptable conclusion to all parties. In a high-tech fast paced society this is the one tenet that is violated with regularity. He recommended the book to each and everyone who was within earshot, who were truly interested in changing their lives, for the better.

**B. Employee Wage Disputes**

Ray Figueroa, representing the American Federation of State, County, and Municipal Employees, said he made a request at the council's last meeting that the AFSCME wage dispute be placed on a council agenda. He did not get a response to that request and he believed city employees were being deprived of due

process according to the city charter. He again asked the council to put the issue on an agenda.

Linda Bohlke, representing AFSCME, the city's blue-collar workers, said she was present again as she was last year on wage disputes, only more discouraged than she was last year by the fact that staff was once again trying to limit employees' rights under the charter, as defined in the city charter. The *Tucson City Charter* is the document that is supposed to be above all the documents that dictate the way the city does business. The charter is very clear and there was no dispute last year that what employees could bring before mayor and council through a wage dispute and ultimately advisory arbitration was the issue of recommended increase as in percentage increase.

Last year the employees said they thought they could, because the charter talks about the compensation position plan, also dispute the process by which that recommendation was made through the Waters' dispute. That issue is still in arbitration, it has not yet been resolved. They have come back this year and again staff is trying to further limit what it is employees can discuss. Not only are they saying that employees cannot discuss classification or the Waters' process, they cannot even discuss the percentage increase. They can only address the results of the market survey. She said there is nothing in the charter that refers to market survey.

If the council allows the city employees to not be heard they will have effectively restricted what is in the charter. They will have violated the Charter of the city of Tucson and that is a very dangerous precedent. She was representing the union on behalf of employees. What other organization, what other community group will stand before the council next year as the charter gets reinterpreted and reinterpreted, narrower, and narrower by staff, not by the people who set policy or by the voters at the ballot box? Ultimately, the mayor and council will be held accountable as the policy makers and she thought this trend is something that the community has been most displeased with. She thought that would be seen in November when it is once again time to go vote on who will be making policy and who will be guarding the public interest and the sanctity of the charter, which is supposed to govern the city.

On behalf of AFSCME and the city's blue-collar workers, she implored the council to hear their wage dispute. They are within the charter even as it was narrowly defined by staff last year. Although they do not concede they view last year's dispute as equally valid as this year's, but even so they were only disputing the zero percent increase. She asked the council to have the political will to do the right thing and hear their dispute, to allow them due process that they are guaranteed under the city charter.

Mayor Walkup asked if anyone else wished to address the council. There was no one.

## **6. CONSENT AGENDA – ITEMS A THROUGH E**

Mayor Walkup announced that the reports and recommendations 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. FINANCE: CONTINGENCY FUND TRANSFER FOR ARIZONA WOMEN'S CONFERENCE
- (1) Report from City Manager APRIL28-03-241 CITY-WIDE
  - (2) Resolution No. 19563 relating to finance; approving and authorizing the transfer of Five Hundred Dollars (\$500) from the Contingency Fund to Organization 001-183-1838-268, for Arizona Women's Conference; and declaring an emergency.
- B. APPLICATION: INITIATION OF THE AMERICAN PUBLIC WORKS ASSOCIATION ACCREDITATION PROCESS FOR THE DEPARTMENTS OF TRANSPORTATION, WATER, OPERATIONS, AND SOLID WASTE MANAGEMENT
- (1) Report from City Manager APRIL28-03-242 CITY-WIDE
  - (2) Resolution No. 19564 relating to transportation, water, solid waste and operations; authorizing and approving the initiation of the American Public Works Association (APWA) accreditation process for the Departments of Transportation, Water, Solid Waste, and Operations; and declaring an emergency.
- C. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR MASS TRANSIT AND PARATRANSIT SERVICES TO PIMA COUNTY RESIDENTS
- (1) Report from City Manager APRIL28-03-243 OUTSIDE CITY
  - (2) Resolution No. 19565 relating to Intergovernmental Agreements; approving and authorizing the Intergovernmental Agreement with Pima County for the Provision of Mass Transit Service to Certain Areas of Pima County and Provision of Paratransit Service Within the ADA Mandated Service Area; and declaring an emergency.
- D. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR ADMINISTRATIVE SUPPORT FOR TRANSPORTATION SERVICES TO PIMA COUNTY RESIDENTS
- (1) Report from City Manager APRIL28-03-244 OUTSIDE CITY
  - (2) Resolution No. 19566 relating to Intergovernmental Agreements; approving and authorizing the Intergovernmental Agreement with Pima County for the Consolidation of Administration of Transportation Services to Pima County Residents; and declaring an emergency.

\*See page 12

E. GRANT APPLICATION: FEDERAL TRANSIT ADMINISTRATION CAPITAL GRANT APPLICATION FOR FISCAL YEAR 2003 (CONTINUED FROM MEETING OF APRIL 21, 2003)

- (1) Report from City Manager APRIL28-03-236 CITY-WIDE
- (2) Resolution No. 19560 relating to transportation; authorizing and approving the submission of a Federal Transit Administration Section 5307 Capital Grant Application for Fiscal Year 2003; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member West, seconded by Vice Mayor Scott, that consent agenda items B through 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 B through E were declared passed and adopted by a roll call vote of 7 to 0.

**6. CONSENT AGENDA – ITEM A**

A. FINANCE: CONTINGENCY FUND TRANSFER FOR ARIZONA WOMEN'S CONFERENCE

Resolution No. 19563

Relating to finance; approving and authorizing the transfer of Five Hundred Dollars (\$500) from the Contingency Fund to Organization 001-183-1838-268, for Arizona Women's Conference; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

Vice Mayor Scott asked that \$500 be taken from her contingency fund for the subject event.

Council Member West asked that \$500 be taken from the ward two contingency fund also.

Council Member Leal asked that \$500 be taken from his contingency fund.

Council Member Ibarra said he would contribute \$500 also.

Kathleen S. Detrick, city clerk, said that totaled \$2,500.

Council Member Dunbar thanked her colleagues for their contributions.

It was moved by Council Member Dunbar, seconded by Vice Mayor Scott, that resolution no. 19563 be passed and adopted.

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

Resolution no. 19563 was declared passed and adopted by a roll call vote of 7 to 0.

## 7. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that city manager's communication number 246, dated April 28, 2003, would be received into and made a part of the record. He asked the city clerk to read the liquor licenses agenda.

### (c) Special Event(s)

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| (1) | SOUTH TUCSON LIONS CLUB<br>4823 S. 6 <sup>th</sup> Avenue<br>Applicant: Fernando Acevedo<br>City #T033-03, located in Ward 5<br>Date of Event: May 10, 2003<br>May 11, 2003 | <u>Staff Recommendation</u><br>Police: In Compliance<br>DSD: In Compliance<br>Parks & Rec.: In Compliance |
| (2) | TUCSON JEWISH COMMUNITY CENTER<br>3800 E. River Road<br>Applicant: Sally A. Marchalonis<br>City #T034-03, located in Ward 2<br>Date of Event: May 4, 2003                   | <u>Staff Recommendation</u><br>Police: In Compliance<br>DSD: Review in process                            |
| (3) | TUCSON MUSEUM OF ART<br>140 N. Main Avenue  | <u>Staff Recommendation</u>   |

Applicant: Charlie E. Bodden  
City #T035-03, located in Ward 1  
Date of Event: May 9, 2003

Police: In Compliance  
DSD: In Compliance

- \* (4) THETA NU XI MULTICULTURAL SORORITY, INC.  
516 N. 5<sup>th</sup> Avenue  
Applicant: Sutopa Barua  
City #T039-03, located in Ward 6  
Date of Event: May 3, 2003
- (5) CONGREGATION OR CHADASH  
419 E. Limberlost Drive,  
Las Candelas Rental Hall  
Applicant: Diane K. Kerrihard  
City #T040-03, located in Ward 3  
Date of Event: May 3, 2003
- (d) Extension of Premises
- (1) THE CANDY STORE  
1104 S. Craycroft  
Applicant: Steven M. Carringer  
City #EP15-03, located in Ward 6  
Date of Event: May 3, 2003  
Type: Temporary  
Series #6
- (2) CONGRESS TAP ROOM, INC.  
311 E. Congress  
Applicant: Richard S. Oseran  
City #EP16-03, located in Ward 6  
Date of Event: May 2, 2003  
May 3, 2003  
May 4, 2003  
Type: Temporary  
Series #6
- (3) CHUY'S MESQUITE BROILER  
7101 E. 22<sup>nd</sup> Street  
Applicant: James "Brian" Latta  
City #EP17-03, located in Ward 2  
Date of Event: May 2, 2003  
Type: Temporary  
Series #12

Staff Recommendation

Police: Review in process  
DSD: In Compliance

Staff Recommendation

Police: In Compliance  
DSD: Review in process

\*See page 15

Kathleen S. Detrick, city clerk, advised that of the five requests for special event licenses one, Theta Nu Xi Multicultural Sorority, Inc., carried a recommendation from the police department for denial and should be considered separately.

It was moved by Council Member Dunbar, seconded by Vice Mayor Scott, and carried by a voice vote of 7 to 0, to forward liquor license city applications numbers T033-03; T034-03; T035-03; T040-03; EP15-03; EP16-03; and EP17-03 to the state department of liquor licenses and control with a recommendation for approval.

## **7. LIQUOR LICENSE APPLICATIONS**

(c) Special Event(s)

- (4) Theta Nu XI Multicultural Sorority, Inc.  
516 N. 5<sup>th</sup> Avenue  
Applicant: Sutopa Barua  
City #T039-03, located in Ward 6  
Date of Event: May 3, 2003

Officer Jeanie Nagore, Tucson Police Department, reported that Theta Nu Xi Multicultural Sorority, Inc., has applied for a special event liquor license. Originally, Elizabeth Yall (ph), applied for a license under T03-03. Ms. Yall is 20 years of age, not of legal age to consume alcohol, or apply for a liquor license. Sutopa Barua, then applied for a license under T039-03. On Thursday, April 17, the licensing officer had a brief conversation with the applicant, Ms. Barua. Ms. Barua indicated that she is not familiar with state liquor laws, nor was she able to provide information regarding the event. She provided a different description of the physical lay out of the event, than the one that was provided with the application. Ms. Barua stated that, "I don't really know all the details. I just signed it because I'm of age."

Officer Nagore noted that Ms. Barua suggested that they speak with Ms. Yall, the original applicant, who is the social chair of the event. Four phone calls have been placed in an attempt to obtain additional information on this event. As of April 24, the police department has not received any return phone calls. Based on that information, the police department does not feel that Ms. Barua is capable, qualified, or reliable to hold the event. The Tucson Police Department is recommending denial of the special event's license.

Council Member Ronstadt asked if the applicant was present and hearing no one, made the following motion.

It was moved by Council Member Ronstadt, seconded by Council Member Dunbar, and carried by a voice vote of 7 to 0, that liquor license city application number T039-03, be forwarded to the state liquor board with a recommendation of denial.

## **8. REAL PROPERTY: ACQUISITION OF PROPERTY IN THE WAREHOUSE DISTRICT FROM THE STATE OF ARIZONA AND APPLICATION FOR HISTORIC PRESERVATION FUNDS**

Mayor Walkup announced that city manager's communication number 251, dated April 28, 2003, would be received into and made a part of the record. He asked the city clerk to read resolution no. 19569 and resolution no. 19560 by number and title only.

Resolution No. 19569

Relating to historic preservation; authorizing and approving the application for historic reservation funds for repairs to properties located within 1 to 31 East Toole Ave., Tucson, AZ, and declaring an emergency.

Resolution No. 19570

Relating to real property; authorizing the City Manager to accept the no cost transfer of certain parcels of real property located within the Downtown Warehouse District from the State of Arizona to the City of Tucson; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Ronstadt, seconded by Council Member West, that resolution no. 19569 be passed and adopted.

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

Resolution no. 19569 was declared passed and adopted by a roll call vote of 7 to 0.

It was moved by Council Member Ronstadt, seconded by Council Member West, that resolution no. 19570 be passed and adopted.

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

Resolution no. 19569 was declared passed and adopted by a roll call vote of 7 to 0.

#### **10. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

Mayor Walkup announced that city manager's communication number 248, dated April 28, 2003, would be received into and made a part of the record. He asked the council's pleasure.

It was moved by Council Member Leal, seconded by Vice Mayor Scott, and carried by a voice vote of 7 to 0, to appoint Chris Carroll and David Wald-Hopkins to the El Presidio Historic Zone Advisory Board; and reappoint Susan Hardy Aiken, Justin Gebraad, and Oscar A. Graf Blazquez, to the El Presidio Historic Zone Advisory Board.

Mayor Walkup asked if there were any personal appointments. There were none.

#### **11. PUBLIC HEARING: (C15-02-03) ESTABLISHING ORIGINAL CITY ZONING FOR THE MARVIN ANNEXATION DISTRICT**

Mayor Walkup announced that city manager's communication number 239, dated April 28, 2003, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a hearing on establishing original city zoning for the Marvin Annexation District. The public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations. He asked if anyone in the audience wished to address the council. There was no one. He asked the council's pleasure.

It was moved by Council Member Ronstadt, seconded by Council Member Leal, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Dunbar, seconded by Council Member Leal, that ordinance no. 9834 be passed and adopted.

Mayor Walkup asked if there was any discussion, there was none. He asked the city clerk to read ordinance no. 9834 by number and title only.

#### **Ordinance No. 9834**

Relating to zoning; establishing original city zoning for approximately 6.54 acres generally located on the south side of River Road one-half mile east of Campbell Avenue, which was annexed to the City of Tucson by Ordinance No. 9765 adopted on October 7, 2002; and setting an effective date.

Mayor Walkup asked for a roll call on the motion to pass and adopted ordinance no. 9834.

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

Ordinance no. 9834 was declared passed and adopted by a roll call vote of 7 to 0.

**12. PUBLIC HEARING: (C9-98-08) WILMOT/INTERSTATE 10 PARTNERSHIP—WILMOT ROAD RV AND SH TO MH-2, TIME EXTENSION FOR MH-2 PORTION ONLY**

Mayor Walkup announced that city manager's communication number 245, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a hearing on a time extension for a portion of the Wilmot Road and Interstate 10 previously approved rezoning. He advised that the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations. He asked if anyone wished to address the council. There was no one. He asked the council's pleasure.

It was moved by Council Member Ronstadt, seconded by Council Member Ibarra, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the council's pleasure.

It was moved by Vice Mayor Scott, seconded by Council Member West, and carried by a voice vote of 7 to 0, to approve the request for a five-year time extension as recommended by the city manager.

**13. PUBLIC HEARING: TRUTH IN PROPERTY TAXATION**

Mayor Walkup announced that city manager's communication number 240, dated April 28, 2003, would be received into and made a part of the record. He also announced that this was the time for a public hearing on taxation. The public hearing was scheduled to last for no more than one hour; speakers would limited to five-minute presentations. He asked for staff's presentation.

James Keene, city manager, said this was the public hearing related to the primary property tax rate being set, the requirements for the subject hearing, the form that it takes, and the form that the notices take are all set out in the state law. He knew that some questions and issues arose about the notice of the hearing itself, and said notice is determined by the law that was passed well over 20 years ago in this regard. Essentially, the purpose of that notice, in staff's view, is to maximize the attention that is drawn to the primary property tax rate, the city's property tax rate. The council decided when it

adopted the tentative budget that it would not increase the primary property tax rate. It remains at the current year's level of .2089 cents, almost 21 cents per hundred dollars of assessed valuation. That is what was before the council. The only action that would take place at this meeting was that the council would conduct the hearing and close it. The tax rate will be set at the meeting of May 5, 2003. He reiterated that that schedule is set out specifically in state law.

Mayor Walkup asked if anyone in the audience wished to address the council. There was no one. He asked the council's pleasure.

It was moved by Council Member Ronstadt, seconded by Council Member West, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup reiterated that the adoption of the primary and secondary property tax ordinance was scheduled for May 5, 2003.

#### **14. PUBLIC HEARING: 2004 BUDGET AS TENTATIVELY ADOPTED ON APRIL 21, 2003**

Mayor Walkup announced that city manager's communication number 249, dated April 28, 2003, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a public hearing on the 2004 budget as tentatively adopted on April 21, 2003. He said the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations. He said he had received a number of written requests from people wishing to speak and asked that they come forward as he called their names.

Ray Figueroa, said he did not think he would waste the council's time or his.

Linda Bohlke, said she was again speaking on behalf of the American Federation of State, County, and Municipal Employees, blue collar employees of the city of Tucson. She recognized, she thought everyone did, the very difficult budget year this was for all public jurisdictions and all local governments. However, she thought it was very important to look at the recommendation of a zero percent increase and fully understand what it means to the employees. When wages are frozen the cost of living for those employees does not. The health insurance costs, while the city is absorbing the premium costs, the out of pocket expenses continue to go up. For working families that is significant. The costs have tripled and quadrupled many times from the costs of prescription drugs and the cost of seeing a doctor. It forces employees to make choices between whether they are going to eat, whether they are going to pay their electric bill, or take their sick children to a doctor. It is a very serious issue because a pay freeze equals a pay cut.

The pay freeze does not freeze the rising costs of food, it doesn't freeze the rising cost of rent, or the rising cost of basic necessities that people need to support their families. The council needed to be clear about when they adopt the recommended budget what it is they are asking the employees to do. It is yet again asking them to do more with less. She thought the city needed to start thinking outside the box and be more creative.

She commended the council for bringing forward an alternative budget that looked at other ways to balance the budget than on the backs of employees or working families in the community that need services, but looked at other ways to do that. She thought the city needed to continue in that trend and urged the council to reconsider that, to find the political will to find the money. She said it is out there. Last year the council found the equivalent amount of money by bringing just one contracted service back in-house, just one. She there are dozens of other services that are contracted out that could be done in-house and save taxpayers and local government a lot of money by allowing the city employees to do what the city is now paying outside contractors to do, and paying them more and without any accountability. She was concerned the city was paying two, maybe four times for the same job because in the long run they are not accountable and when they do not do the work it is the city employees that are sent out to do it and fix the problems.

As the council goes forward in adopting the budget she asked them to consider that and find the political will. AFSCME has asked the council repeatedly over the last several years to look at contracted out services and bring them back in-house, make services and government accountable.

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

Sandra Schuldman, (ph) executive director of Children Music Plus Southwest (ph), which is new to Tucson, having extended its operations from Hartford, Connecticut, thanked the mayor and council for supporting Tucson Pima Arts' Council, which is an organization that she is deeply committed to because it supports so many projects. She knew it was on the council's chopping block, but while driving to this meeting she was listening to KZAZ on the radio and she heard about the settlement that the state of Arizona is going to get, six million dollars, because of some crooked deals with Soloman Smith Barney and people like that who have a lot of money. Six million dollars that was expected is coming to Arizona and she hoped that a portion of that might be allocated to TPAC so they will get full funding.

She had prepared a packet for each of the council members containing a statement of purpose from 24 students who are graduating high school and have chosen the arts for their future and would like full scholarships to attend Pima Community College. People in the art world are convinced they know the impact the arts have on people, the environment, and on the community. It is not what she thinks art does for younger lives, but what they have told her art has done for them. She urged the council to read the statement and to think of the arts not as enrichment, but as a necessity for coping with the hardships of everyday life.

Mayor Walkup asked if anyone else wished to address the council. There was no one. He asked the council's pleasure.

It was moved by Council Member Ronstadt, seconded by Council Member West, and carried by a voice vote of 7 to 0, to close the public hearing.

**RECESS: 8:25 p.m.**

Mayor Walkup announced that the council would stand at recess and convene a special meeting for the adoption of the budget.

**RECONVENE: 8:36 p.m.**

Mayor Walkup called the meeting to order 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

**15. CALL TO THE AUDIENCE**

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 five-minute presentations. He had received one written request to speak and called on that person.

**A. ACCESS Tucson**

Dan Harrigan, said ACCESS Tucson has been in existence for a long time, as most of the council knows. He thanked the mayor and council for their calm and considerate treatment in considering ACCESS' problems. For a very long time he said they were considered to be crackpots and he has complained to the council about certain inequities that have gone on. If the cut of its budget is not sufficient to kill the snake, it will merely grow again. He was concerned that the council's budget cut will not be enough to stop the entire process and reduce ACCESS Tucson to true public access television. He said he read the annual report two days ago from Access Tucson, which contained a list, approximately 60 or 70 companies and organizations in Tucson that ACCESS Tucson claimed because they were on television. He said public access has nothing to do with the aim of the company that provides the services, it is the individual or group that walks in off the street and says they have something to say. They take the process, take the classes, and make their statement known. ACCESS Tucson goes out and secures programming.

Unfortunately, a lot of the time it is based on personally motivated agendas on the part of its staff and the administration, to a point where the membership is excluded from the process one or two nights a week, one or two days a week for the sake of these special interest groups. He said he was not going to cite any names because he did not have any fault with those groups. They all have a right to speak. That is what public access should be about. The problem is if the council takes the money away, a small

amount, what is going to happen is they will see a reduction in services because the fat cats on the top are not going to go away, but the people on the line, doing the hands on work for the membership, the public, are the ones who will lose jobs. If jobs are lost there has to be a reduction in services, time available to make television.

A few years ago, based on a 24-hour day, he did what he hoped was a summary of how much time the ACCESS Channel is available for people like himself and the council to walk in and make television. The number he came up with, based on 24 hours, was 12% of the time. That is not even a part-time job for part-time service. Work goes on that obviously cannot have anything to do with the production of television. Which poses the question what do they do all day from eight in the morning until two in the afternoon when the membership is allowed to come in and use the resource? They claim they have certain priorities, free time is always available, but he said that is not quite true. A number of members call down and if they are not one of the people on the list that is favored by the company, they are told that the suites are full. He has seen members come down to months after that conversation to see a whole fleet of empty suites. Time after time members are refused service by telephone, figuring that when they call they will not know the difference, whether it is full or not. They tell the callers it is full so they will go away.

Mr. Harrigan said the council had made a great start and made terrific headway, but the money for public access television in Tucson is not \$700 thousand, not \$800 thousand, 24-hour a day service, seven days a week, 365 days a year can be done with \$400 thousand.

The representatives from AFSCME were talking about its members having to decide whether to buy food or pay utilities. One top executive could be taken away and two fulltime workers and another part-time employee and deliver that 24-hour service. It does have to be treated like a business, it is not a business, they are volunteers, just people off the street. Their schedule varies and they should have the opportunity to go in and do television when it suits them and not the company. He thanked the council again, they've made a great beginning, but a huge percentage more can be put to much better use.

Mayor Walkup asked if anyone else wished to address the council. There was no one.

**16. ADJOURNMENT: 8:41 p.m.**

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held on Monday, May, May 5, 2003, at 2:00 p.m., in the Mayor and Council Chambers, in City Hall, 255 W. Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the city of Tucson Mayor and Council meeting held on the 28<sup>th</sup> day of April, 2003, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

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MANAGEMENT ASSISTANT

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