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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
On February 2, 2004\_\_\_\_\_

Date of Meeting: May 19, 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 2:21 p.m., on Monday, May 19, 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 S. 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 S. Keene	City Manager
Mike Letcher	Deputy City Manager
Ned Zolman	Budget and Research Director
Jim Glock	Transportation Department Director
Michael House	City Attorney
Debra Armenta	City Clerk's Office
Nora Dunn	Recording Secretary
Kent Miller	Recording Secretary

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by President Philippe J. Kradolfer, The Church of Jesus Christ of Latter Day Saints, after which the pledge of allegiance was led by Gridley Middle School students.

### **PRESENTATIONS**

#### **A. “Distinguished Budget Preparation Award”**

Mayor Walkup presented Ned Zolman, Budget and Research Director, with the Government Finance Officers Association’s Distinguished Budget Preparation Award.

#### **B. Public Works Week Proclamation**

Mayor Walkup proclaimed May 18 to May 24, 2003 as “Public Works Week”.

Jim Glock, transportation department director, accepted the proclamation and announced that the city of Tucson and Pima County were working together to celebrate the highlights of many contributions that public works employees bring to the community. He invited the community to join the celebration on Wednesday, May 21, at El Presidio Park, outside the mayor and council chambers. The event would feature public works equipment, displays, music, handouts, and prizes and would run from 11:00 p.m. to 2:00 p.m. Tucson Water and Transportation staff would each have booths and they looked forward to seeing the mayor and council and the public at the event.

#### **C. “Operations Support Award”**

Mayor Walkup presented the Southern Arizona Branch of the American Public Works Association Operators’ Support Award to Steve Paz, Department of Transportation.

#### **D. Presentation by Gridley Middle School Students**

Mayor Walkup called on Council Member West to assist with the presentation by Gridley Middle School students, entitled “There’s No Business Like Road Business”.

Council Member West announced there were a lot of road projects going on near Gridley Middle School on South Harrison Road. Over the next several years, there would be considerable changes in the area because of development and construction. Council Member West said it was appropriate to have the students work on ways that they could be more aware of safety issues. She introduced Sarah Mann from the University of Arizona, who had been an intern in her office, and also Victoria McGhee, a guidance counselor at Gridley, who would assist the students with their presentation, which will hopefully become a public service announcement in the fall.

Council Member West introduced Cheryl Hutchins, Lili Szabo, Catherine Killough, Sarah Lupo, Sarah Luke, Alexandra Johnston, Danielle Scumaci, and Samuel Middlebrook, and offered a special acknowledgement for Victoria McGee and the project coordinator, Sarah Mann. She requested a brief presentation of their work, and the various students complied.

Mayor Walkup thanked the students and presented the students with a certificate of recognition, with Council Member West assisting.

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

Mayor Walkup announced that city manager's communication number 301, dated May 19, 2003, would be received into and made a part of the record. He also announced that this was the time for any member of the council to report on current events and asked if there were any reports.

#### **A. Battle of the Bulge Dedication**

Council Member Ibarra invited city staff and his colleagues on council to the dedication of the statue of the Battle of the Bulge on May 30, 2003, at 10:15 a.m. in Presidio Park. He added that the mayor and council all voted for the statue, so he thought it would be appropriate if they could all make it

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

Mayor Walkup announced that city manager's communication number 302, dated May 19, 2003, would be received into and made a part of the record. He also announced that this was the time for the city manager to report on current events and asked for that report.

#### **A. Santa Rosa Hope VI Project**

James Keene, city manager, reported that on Wednesday, May 21, the city of Tucson would be celebrating the completion of the Santa Rosa Recreation and Wellness Center and the overall completion of the Santa Rosa Hope VI Project. Mayor and Council invited the public to join them at a 2:00 p.m. reception at the center for a celebration and a tour of the facilities. Mr. Keene thought that Mayor Walkup and Council Member Leal would be there and speaking. Everyone was invited.

#### **B. Arizona Historical Society's Exhibit**

Mr. Keene said that the Arizona Historical Society has mounted an exhibit entitled "Rio Viejo – Rio Nuevo" uncovering Tucson's past, which would officially open this Friday night with a reception from 5:00 p.m. to 7:00 p.m. The exhibit was partially funded with Rio Nuevo funds and included information and artifacts that were uncovered during the recent archaeological excavations. John Jones would be cutting the official ribbon and Ted Ramirez would provide the entertainment. With all apologies to Mr. Jones, Mr. Keene was glad that the assignments were in that order. The Arizona Historical Society is located at 949 East Second Street, just off the U of A campus. If people needed any additional information, they should contact Marty McCune, staff member of the Comprehensive Planning Task Force.

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

Mayor Walkup announced that this was the time when the mayor and council invited any member of the audience to come forward with any matter of importance for the attention of the council. Speakers are limited to three-minute presentations. The mayor also announced that there was a call to the audience at the end of the meeting. He said speakers could address the mayor and council on any item that was not scheduled on the agenda or speakers could come forward at the end of the meeting. He asked if anyone wished to address the council at this time.

**A. Westview Estates**

Tracy Williams, said now that American troops were returning home from Iraq where their mission was to help establish democracy, that people should not lose sight of what the word "democracy" really stands for. Democracy begins at home. The events that have led up to the approval of the Westview Estates Development, a development full of flaws and code violations, which adversely affects surrounding properties, clearly illustrated that democracy was under attack from within the Tucson city bureaucracy. As part of any planning process, proposed developments must seek preliminary plat approval from the Community Design Review Committee (CDRC). One week before the CDRC was scheduled to meet to consider the plat for the Westview Estates, Council Member José Ibarra held a meeting at his office in ward one for neighborhood representatives as well as representatives from the city attorney's office. Also present were Jim Vogelsberg and Walter Tellez from Tucson's Development Services and Planning and Zoning.

Ms. Williams said according to transcripts of that meeting, Council Member Ibarra asked city engineer Vogelsberg when the plat approval meeting would occur and Vogelsberg responded in a vague manner indicating it could take four weeks for the first review. One week later, October 31, 2002, a representative from Ms. Williams' neighborhood met personally again with Vogelsberg at the ward one office. That neighborhood representative specifically asked Vogelsberg when the plat approval would take place. Vogelsberg's response was, "Oh, sometime soon." As it turned out the CDRC met the following day, on November 1, yet at no time did Vogelsberg convey that important information to her neighborhood or to Council Member Ibarra.

Ms. Williams continued that according to Michael House, city attorney, city staff is not required to offer the public any information. However, if a member of the public asks a question, city staff is legally required to provide the answer. Westview neighbors believe that Vogelsberg's actions were not only unethical, they were illegal, and they render the decision of the CDRC invalid. For too long, city staff acted in a manner that has thwarted the democratic process. As other Tucson neighborhoods have learned, there are those within the city's development services department and in planning and zoning who act as if their jobs exist solely for the benefit of the development community. When neighbors attempt to minimize the impact on development on their homes, they find a system that is deliberately murky and staff consistently refused to provide vital information. Developers, on the other hand, have an advantage because they know the system intimately and often meet with staff in a social capacity. This good old boy network leaves the deck stacked in favor of those whose money helps fund political campaigns. When the public is denied access to the

forms and the staff responsible for making those important decisions, the democratic process is subverted. It remained to be seen how committed the mayor and council are to correcting this problem. Will they ignore this or appoint another citizens' committee whose recommendations would be quietly swept under the carpet? Will they leave it to in-house legal counsel who will look for a convenient way to get Mayor Walkup and staff off the hook, or will they ask the state Attorney General's office to investigate the foul odor emanating from the development services department? Until then, those who live in the unincorporated areas should be on their guard against efforts to annex their land because once they are a part of the city, developers virtually have carte blanche to maneuver around city codes and engineering standards wherever they seek to maximize their bottom line. Ms. Williams said with the city manager working to make it easier for Tucson to annex areas like the foothills, homeowners should be very cautious and current city residents should demand their elected officials support an open and fair democratic process.

Ms. Williams continued that Westview neighbors would not stop until they find the answers. They were asking the mayor and council to withhold issuing all building permits, grading permits, and conduct a complete investigation into the problems mentioned. For the record, they would like to know when the final approval would be on the agenda and the neighborhood expected to hear in writing or by phone call as soon as city staff knew that.

Mayor Walkup said that staff should obtain a copy of Ms. Williams' presentation. There were a lot of charges there and although he did not know if his request was in order or out of order, he wanted to have a line by line response to all of her accusations to hear precisely what the city did or did not do. He wanted a response so he could know what the facts were to be able to understand what the city needed to do next. Mayor Walkup said he knew they could not talk about it at this meeting but asked that staff take care of getting a response for the mayor and council.

Michael House, city attorney, pointed out that in the city manager's summary of current events there was a report on the settlement of the case of Jonathan Tate vs. city of Tucson that Mr. House would read: "On May 12, 2003, Judge Jane Eikleberry signed a stipulation and order of dismissal in the case of Jonathan V. Tate and Karen Hyde Tate vs. city of Tucson which dismissed the case and approved the plat for Westview Estate."

James Keene, city manager, pointed out that as a follow up city staff would get that response in written form to the mayor and council and it would also be available to the public.

Council Member West said the Mayor and Council Growth Subcommittee was starting out preliminarily on those issues and would be meeting at 1:00 p.m. on May 22, 2003.

## **B. Theft at Tucson Mall**

Bill Katzel, announced "Potpourri of Pre-Memorial Day Comments." On Thursday, May 8, 2003, at 6:38 p.m., he and his wife were victimized by a brazen perp at the Tucson Mall. They were parked in the handicapped parking space adjacent to Mervyn's in front of the food court. The perp attempted to steal his new bicycle from the front of the roof rack on top of their van. It was locked in full view of the public, mall security, and in broad daylight. He

was caught on videotape. Though unsuccessful in his theft, he caused several thousands of dollars worth of damage to the bike, bike rack and automobile. The trauma of the incident was bad enough, but the victimization of the victims after the incident was more traumatic. Mr. Katzel said they were treated with disdain by a sheriff's sergeant and deputy, mall operations, and the claims center of their insurance company. The only saving grace was provided by a private security employee of the mall at the time of the incident and he was subsequently dismissed, Mr. Katzel guessed, for doing his job.

The next day two TPD bike cops were gracious enough to give him a case number so he could file a report with his insurance company. The system treats this type of crime as a low priority nuisance demand on law enforcement resources. His feelings were that this type of incident is a perfect opportunity for TPD and the Sheriff's Department to jointly ensure security of patrons and their property at the Tucson Mall. To do otherwise is to spread the actuarial cost of this incident to your insurance policies. It also discourages at least one senior cyclist and his handicapped wife from shopping at the Tucson Mall, thereby exacerbating the citizens' deficit through a reduction in sales tax revenue. Mr. Katzel felt that if DPS, TPD, and the U of A PD can have a zero tolerance for underage drinking, they can do better on these types of crimes. If they send a message to this type of brazen perp early on in his criminal career, maybe, just maybe, they can abate the double homicides and missing person cases associated with child custody matters in our community.

Mr. Katzel announced that there would be a transportation subcommittee meeting chaired by Vice Mayor Shirley Scott on Wednesday, May 21, 2003, in the mayor and council chambers at 3:30 p.m. On the agenda would be a discussion of ARS 28-704 as it applied to bicyclists. This was the first time in over five years that an arm of the mayor and council had dignified this subject in an open meeting and an open public dialogue. He thanked Vice Mayor Scott and Council Members West and Ronstadt for listening to the advice of their Bicycle Advisory Committee and putting this on the agenda for discussion. He felt that they could get a healthy outcome measure of the mayor reinstating the sanction community bike ride and leading the ride once a month as part of his fitness challenge. If they can do it in Los Angeles, he was sure it could be done in Tucson.

Mr. Katzel said on the lighter side, the mayor issued a proclamation for Hug Holiday Week. It would be instituted at the Su Casa Nursing Home on June 12, 2003. The nursing home pledged to share 10,000 hugs and was participating in a national competition with hug centers across the country during National Hug Holiday Week. He said that everyone should turn to each other and give each other hugs to start the process. After all, hugs are healthy and nonfattening.

### **C. Smoking at Transit Centers**

Joseph Corbett, said that some time ago he came in front of the council and asked basically why smoking was allowed at the transit centers. Somebody got his name and he later heard from Sun Tran, who sent him a letter that said it was allowed under city code. Mr. Corbett asked what would it take to amend the city code to include bus and transit centers under the no smoking initiative or public vote. He thought it was about time that should get done and it needed to get done.

**D. Westview Estates**

Beryl Baker, was at the meeting to support Tracy Williams in her concerns. She said she had seen evidence that sometimes Development Services doesn't always follow the guidelines. On the flip side of that, she has seen some staff members who have been very helpful, and have provided some good information to her. She thought there were two sides to the issue and she would just like to see somebody clean it up. Sometimes she has seen developers get away with things just by being fined. She thanked the mayor and council for the opportunity to address them.

Mayor Walkup noted that two people spoke about the improper application of codes by Development Services and asked if there was a remedy for those neighbors where codes had either been inappropriately interpreted or applied. What would the remedy be for that?

Michael House, city attorney, said he could only briefly answer the question since the item was not on the agenda, nor could the council discuss it today. He said there are remedies by way of appeal for decisions in interpretations.

Mayor Walkup said he just wanted to be sure that people knew that was the case. He asked if anyone else wished to address the council. There was no one.

**6. CONSENT AGENDA – ITEMS A THROUGH L**

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 by letter and title only, without objection.

**A. GRANT AGREEMENT: WITH GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR TUCSON CITY COURT'S SCHOOL PROGRAM**

- (1) Report from City Manager MAY19-03-310 CITY-WIDE
- (2) Resolution No. 19593 relating to City Court; authorizing and approving Governor's Office of Highway Safety Grant for purchase of equipment and supplies in support of Tucson City Court's School Program; and declaring an emergency.

**B. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO THE TUCSON CITY COURT**

- (1) Report from City Manager MAY19-03-309 CITY-WIDE
- (2) Resolution No. 19594 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 5 to the Intergovernmental

- Agreement with Pima County Superior Court for providing jurors to Tucson City Court; and declaring an emergency.
- C. GRANT AGREEMENT: WITH DEPARTMENT OF ECONOMIC SECURITY FOR THERAPEUTIC RECREATIONAL PROGRAMS
- (1) Report from City Manager MAY19-03-311 CITY-WIDE
  - (2) Resolution No. 19595 relating to parks and recreation; approving and authorizing execution of a D.E.S./Division of Developmental Disabilities – Therapeutic Recreation Agreement; and declaring an emergency.
- D. REAL PROPERTY: VACATION AND SALE OF SURPLUS CITY-OWNED PROPERTY LOCATED ON 39<sup>TH</sup> STREET TO THE TUCSON URBAN LEAGUE
- (1) Report from City Manager MAY19-03-307 W5
  - (2) Ordinance No. 9852 relating to real property; vacating and declaring certain city property in the vicinity of 39<sup>th</sup> Street and Euclid to be surplus, and authorizing the conveyance thereof to Tucson Urban League, Inc.; and declaring an emergency.
- E. GRANT AGREEMENT: ADMINISTRATION OF KINO WEED AND SEED COALITION GRANT
- (1) Report from City Manager MAY19-03-308 W5
  - (2) Resolution No. 19596 relating to Community Services: authorization to execute documents necessary for the administration of the Kino Weed & Seed Coalition Grant; and declaring an emergency.
- F. REAL PROPERTY: VACATION AND SALE OF SURPLUS CITY-OWNED PROPERTY LOCATED NEAR COURT AND MEYER AVENUES FOR THE COMMUNITY SERVICES HOMEOWNERSHIP PROGRAM
- (1) Report from City Manager MAY19-03-306 W1
  - (2) Ordinance No. 9853 relating to real property; vacating and declaring certain city-owned property in the vicinity of Meyer Avenue and Court Avenue to be surplus property; authorizing the City Manager to execute sales agreements for said property; and declaring an emergency.
- G. RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT: CONSENTING TO AMENDMENTS TO ADMINISTRATIVE RULES OF THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT
- (1) Report from City Manager MAY19-03-304 CITY-WIDE

- (2) Resolution No. 19597 relating to Rio Nuevo Multipurpose Facilities District; consenting to the amendment of the administrative rules of Rio Nuevo Multipurpose Facilities District to allow district board meetings to be held in South Tucson; and declaring an emergency.
- H. AGREEMENT: WITH UNITED STATES GEOLOGICAL SURVEY TO MONITOR SUBSIDENCE AND CHANGES IN AQUIFER STORAGE
  - (1) Report from City Manager MAY19-03-305 CITY-WIDE & OUTSIDE CITY
  - (2) Resolution No. 19598 relating to water; authorizing and approving the execution of an agreement with USGS to monitor subsidence and change in aquifer storage; and declaring an emergency.
- I. FINANCE: CONTINGENCY FUND TRANSFER TO SUPPORT OPERATION GOOD SAMARITAN
  - (1) Report from City Manager MAY19-03-313 CITY-WIDE
  - (2) Resolution No. 19599 relating to finance; approving and authorizing the transfer of One Thousand Dollars (\$1,000) from the Contingency Fund to Organization 001-183-1838-268, for Operation Good Samaritan; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows: Council Member Leal: \$1,000.

- J. FINANCE: SALE OF JUNIOR LIEN HIGHWAY USER REVENUE REFUNDING BONDS, SERIES 2003-A (CONTINUED FROM MEETING OF MARCH 17, 2003)
  - (1) Report from City Manager MAY19-03-314 CITY-WIDE
  - (2) Ordinance No. 9854: an ordinance relating to finance; authorizing the issuance and sale of \$15,055,000 City of Tucson, Arizona, Junior Lien Street and Highway User Revenue Refunding Bonds, Series 2003-A; providing certain terms, covenants and conditions relating to the 2003-A Refunding Bonds; providing for the application of the proceeds thereof to the redemption of the bonds being refunded; authorizing the execution and delivery of a bond purchase agreement and a continuing disclosure undertaking with regard to the 2003-A Refunding Bonds and a Depository Trust Agreement with respect to the bonds being refunded; appointing a bond registrar, transfer agent and paying agent; authorizing the preparation and delivery of an official statement in connection with the sale of the 2003-A Refunding Bonds; authorizing the purchase of and payment for bond insurance; ratifying certain acts heretofore taken by City Officials; and declaring an emergency.
- K. FINANCE: SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2003
  - (1) Report from City Manager MAY19-03-316 CITY-WIDE

- (2) Ordinance No. 9844; an ordinance relating to finance: authorizing the issuance and sale of City of Tucson, Arizona, General Obligation Refunding Bonds, Series 2003, in the principal amount of \$22,465,000; providing for the levy and collection of Ad Valorem Taxes for the payment of the principal of and interest on the Series 2003 Refunding Bonds; providing for the sale thereof; providing for the application of the proceeds therefrom to the refunding of the bonds to be refunded and providing for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2003 Refunding Bonds; authorizing the execution and delivery of a depository trust agreement and appointing a depository trustee with respect to the bonds to be refunded; authorizing the execution and delivery of a Bond Purchase Agreement and a continuing disclosure undertaking with regard to the Series 2003 Refunding Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent for the Series 2003 Refunding Bonds; authorizing the preparation and delivery of an official statement with respect to the Series 2003 Refunding Bonds; and declaring an emergency.

L. FINANCE: SALE OF WATER REVENUE REFUNDING BONDS, SERIES 2003

- (1) Report from City Manager MAY29-03-315 CITY-WIDE
- (2) Ordinance No. 9845 an ordinance relating to finance; authorizing the issuance and sale of City of Tucson, Arizona, Water System Revenue Refunding Bonds, Series 2003, in the principal amount of \$12,000,000; providing for the sale thereof, providing for the application of the proceeds therefrom to the refunding of the bonds to be refunded and providing for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2003 Refunding Bonds; authorizing the execution and delivery of a Depository Trust Agreement and appointing a Depository Trustee with respect to the bonds to be refunded; authorizing the execution and delivery of a Bond Purchase Agreement and a continuing disclosure undertaking with regard to the Series 2003 Refunding Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent for the Series 2003 Refunding Bonds; authorizing the preparation and delivery of an official statement with respect to the Series 2003 Refunding Bonds; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Ibarra, seconded by Council Member West, that consent agenda items A through L be passed and adopted and the proper action taken.

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 L were 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 299, dated May 19, 2003, would be received into and made a part of the record. He requested that the city clerk read the liquor license agenda.

### (b) LIQUOR LICENSE APPLICATION(S)

#### New License(s)

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| (1) SAMANIEGO PLACE<br>222 S. Church<br>Applicant: Catherine P. Lambert<br>City #023-03, located in Ward 6<br>Series #12<br>Action must be taken by: June 8, 2003           | <u>Staff Recommendation</u><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
| (2) CIRCLE K STORE #6286<br>8630 Golf Links Road<br>Applicant: Kim K. Kwiatkowski<br>City #024-03, located in Ward 4<br>Series #10<br>Action must be taken by: June 8, 2003 | <u>Staff Recommendation</u><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license." (A.R.S. Section 4-201)

#### Person/Location Transfer(s)

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| (3) JOHAN'S TAVERN<br>5306 S. Civano Blvd.<br>Applicant: Alan J. Boertjens<br>City #025-03, located in Ward 4<br>Series #7<br>Action must be taken by: June 8, 2003<br>Public Opinion: Protests filed | <u>Staff Recommendation</u><br>Police: In Compliance<br>DSD: DENIED<br>Bus. License: In Compliance |
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NOTE: For a person and location transfer, Mayor and Council can consider both the applicant's capability, qualifications and reliability, and location issues.

(c) Special Event(s)

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| (1) OUR MOTHER OF SORROWS<br>CHURCH<br>1800 S. Kolb Road<br>Applicant: Thomas M. McGuire<br>City #T046-03, located in Ward 4<br>Date of Event: May 30, 2003<br>May 31, 2003<br>June 1, 2003<br>(Fundraiser) | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: Review in process |
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(d) Extension of Premises

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| (1) KICKSTART GRILL<br>8987 E. Tanque Verde Road<br>Suite 335<br>Applicant: John W. Fahlberg<br>City #EP19-03, located in Ward 2<br>Date of Event: June 4, 2003<br>July 4, 2003<br>Type: Temporary<br>Series: #12<br>(Bike Show) | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
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Kathleen S. Detrick, city clerk, reported that on the afternoon agenda under item 7.b., there originally were three requests, however, the application for 7(b)(3) Johan's Tavern was withdrawn so that license would not be considered. There were two requests under new licenses and under the special events, item (c), one request and under item 7(d), the Extension of Premises, one request and they all carried staff recommendations for approval so the appropriate motion would be to forward recommendations for approval on item 7(b)(1) and (2), 7(c)(1) and item 7(d)(1).

It was moved by Council Member Dunbar, seconded by Vice Mayor Scott and carried unanimously by a voice vote of 7 to 0, to forward liquor license applications city #023-03, city #024-03, city #T046-03, and city #EP19-03 to the state department of liquor licenses and control with a recommendation for approval.

**8. ZONING: (C9-02-04) CHICANOS POR LA CAUSA - SILVERBELL ROAD, SR TO R-1, ORDINANCE ADOPTION**

Mayor Walkup announced that city manager's communication number 312, dated May 19, 2003, would be received into and made a part of the record. He requested the city clerk to read ordinance no. 9855, by number and title only, without objection.

Ordinance No. 9855

Relating to zoning: amending zoning district boundaries in the area located on the west side of Silverbell Road at Introspect Drive in case C9-02-04, Chicanos por la Causa, SR to R-1; and setting an effective date.

It was moved by Council Member Ibarra, seconded by Council Member Leal, that ordinance no. 9855 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

Ordinance no. 9855 was declared passed and adopted by a roll call vote of 7 to 0.

**9. ZONING: (C9-02-31) US HOME – BENSON HIGHWAY, I-1 TO R-1**

Mayor Walkup announced that city manager's communication number 300, dated May 19, 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 side of the Julian Wash near Benson Avenue and Campbell Avenue. The preliminary development plan is for a single-family residence. The zoning examiner and the city manager recommend approval of R-1 zoning, subject to certain conditions. He asked if the applicant or a representative was present, and if they were agreeable with the proposed requirements.

Dick Walbert, The Planning Center, asked for a 30-day continuance. He said he forwarded information to James Keene, city manager, about his request. They met with staff quite a few times and were down to one issue, which was item number three, for the installation of landscaping, irrigation, and a trail constructed to the City/County Divided Urban Pathway standard within the Julian Wash trail corridor. They have agreed on all the other issues and cleaned up some repetitious wording, so he felt like they were almost there. He felt this was a valuable development for the city of Tucson and asked for a time certain to July 7. He believed the mayor and council were meeting that date and that they would push it all together and wouldn't string it out and he thought the mayor and council would like that also.

Mayor Walkup recognized Council Member Leal.

Council Member Leal said he received a letter from the applicant, Joseph Cesare, requesting a continuation from today's meeting to the meeting of July 7, that would give some additional time for his office, city staff, US Home, Mr. Cesare, and Mr. Walbert to get together and resolve any loose ends that were left.

That motion was made by Council Member Leal, seconded by Vice Mayor Scott, and carried unanimously by a voice vote of 7 to 0.

Kathleen S. Detrick, city clerk, clarified for the record that this item would be continued to the meeting of July 7. That meeting was scheduled to start at 2:00 p.m. and would be held in the mayor and council chambers of city hall, 255 West Alameda.

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

Mayor Walkup announced that city manager's communication number 303, dated May 19, 2003, would be received into and made a part of the record. He requested a motion to approve the appointments in the report.

It was moved by Vice Mayor Scott, seconded by Council Member West, and carried unanimously by a voice vote of 7 to 0, to appoint Andy Dinauer and Dr. E. Linwood Smith, and to reappoint Michael Zeller to the Pima County Flood Control District Advisory Committee.

**11. CALL TO THE AUDIENCE**, for persons desiring to speak

Mayor Walkup announced that this was the time set aside by the council for any member of the audience to come forward with any matter of importance. He asked if there was anyone in the audience who wished to address the council. There was no one.

**12. ADJOURNMENT: 2:57 p.m.**

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held on Monday, June 2, 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 meeting of the Mayor and Council of the city of Tucson, Arizona, held on the 19<sup>th</sup> day of May, 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:DD:nd  
pr agnst tp:sac