



Minutes of MAYOR AND COUNCIL Meeting

Approved By Mayor and Council
on May 24, 2004_____

Date of Meeting: June 16, 2003

The Mayor and Council of the city of Tucson met in regular session, at the Tucson Convention Center, 260 South Church Avenue, Copper Ballroom, Tucson, Arizona, at 2:42 p.m. on Monday, June 16, 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 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 Keene	City Manager
Mike Letcher	Deputy City Manager
Michael House	City Attorney
Suzanne Mesich	City Clerk's Office
Sandra Slate	Recording Secretary
Stephanie Juarez	Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Trevor Hubbs, Welcome Baptist Church, after which the pledge of allegiance was presented by the entire assembly.

Presentation

Mayor Walkup recognized Joseph Robinson, Umpire-In-Chief for the department of Parks and Recreation, as an "Extraordinary Citizen".

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 337, dated June 16, 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 mayor and council to report on current events and asked if there were any reports. There were no reports.

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

Mayor Walkup announced that city manager's communication number 338, dated June 16, 2003, would be received into and made a part of the record. He also announced that this was the time as scheduled for the city manager to report on current events.

A. EOO Office

James Keene, city manager, reported that last week Sylvia Campoy retired from the city of Tucson after eight years as the Director of the city's Equal Opportunity Office. To ensure a transition and seamless service, he asked Liana Perez, the city's Independent Police Auditor to take charge of the city's Equal Opportunity Office. She will oversee both the EOO Office and the Independent Police Auditor function for the next 90 days and then he would advise on how to proceed for the long run. Ms. Perez has background and experience in the equal opportunity field. She has worked in the field of civil rights as an investigator with the city of Tucson Equal Opportunity Office in the Arizona Attorney General Civil Rights division, so she would serve the city well in this capacity.

The Independent Police Auditor's Office, which is on the first floor of City Hall, will remain in operation at that location for the next 30 days and during that time, notice would be provided to the public of the location of the combined Internal Police Auditor/EOO Office to be located at 100 North Stone, 6th Floor, in the Pioneer Building. In approximately 30 days, persons with issues or complaints to the Independent Police Auditor would report to the 6th Floor of the Pioneer Building. Staff will get that notice out.

B. TPD Award Recipients

Mr. Keene stated that several of Tucson Police Department's units received awards of recognition from the state. The first was from the Arizona Driver and Safety Education Association. Sergeant Quinn McCarthy, Officer Dave Rencken, and Officer Terry McCarthy were awarded the organization's Professionals of the Year Award, which recognized their leadership in creating and providing training modules for high school

student drivers and driver education teachers at local and state levels that also focused on teaching the impacts of drugs and alcohol in drivers, et cetera. He offered his congratulations to the three officers.

Mr. Keene continued that the second award, the Exemplary Unit Award, from the Arizona Automobile Theft Authority, was given to Tucson Police Department's Auto Theft Unit. They are a part of TPD's Central Investigations Division Task Force, and the Auto Theft Task Force, a team comprised of TPD, the Pima County Sheriff's Department, and the Marana Police Department. He announced that together they made 546 auto theft related arrests and recovered 3,530 vehicles with an approximate worth of \$24 million and reduced the number of vehicle thefts in our area by over six percent, which is significant when state and national percentages are rising. He offered congratulations to that unit.

C. Gay, Lesbian, Bisexual, Transgender Book Month

Mr. Keene reported that June was Gay, Lesbian, Bisexual and Transgender Book Month so as part of the national GLBT Book Month recognition, Tucson/Pima Public Libraries would be focusing on increasing the recognition of Lesbian, Gay, Bisexual, and Transgender literature. That recognition began in 1992 by the Publishing Triangle and June was selected in honor of the anniversary of the 1969 Stonewall riots in New York City. To celebrate, the GLBT Committee created bookmarks that highlight GLBT literature in ten different genres. These bookmarks are available at all Tucson/Pima Public Library branches and on the library's web site. The Tucson/Pima Public Library also offers an extensive web based collection of resources for the gay, lesbian, bisexual, and transgender community. The website, <http://www.ttpl.org> contained selected links to some of the best local, state, national, and international GLBT Internet resources.

Again, that acknowledgement helped the city to be close to a final recognition thanks to the leadership that library director, Agnes Griffin, has provided to the Tucson/Pima Public libraries branches for many, many years in this community. He added that she would be retiring at the end of this month.

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

Mayor Walkup announced that at this time any member of the public was allowed to address the mayor and council on any issue not listed on the agenda. There would also be a call to the audience at the end of the meeting. Speakers would be limited to three-minute presentations. He would limit this item to a total of 20 minutes. The mayor called on Kathryn Rowland.

A. Tucson Code – Amending (Chapter 22) Relating to Leave Benefits for Employees of the City of Tucson

Kathryn Rowland, CWA-TACE Representative, thanked the mayor and council in advance for passing the amendment to the ordinance no. 1964 on the consent agenda regarding the city's floating holiday for white-collar employees. She also thanked Mr. Keene for working with the union and for the recommendation that hopefully they would find is for the benefit of the white-collar employees.

B. American Red Cross Blood Drive

Nancy Mahlstedde, American Red Cross Blood Services, thanked Mayor Walkup and the council members for their support of the community blood program and wanted to take just a couple of minutes to talk to them briefly about the blood needs in the community and to urge them to take part in the blood drive at City Hall on Thursday, June 19, from 7:30 in the morning until 2:00 in the afternoon. The blood drive sponsors would have a raffle drawing, with a generous donation from El Corral Restaurant. The need for blood in our community is constant and growing. In the United States a blood transfusion is given to patients once every two seconds. In fact, 97% of us would use some type of that service during our lifetime, yet only 5% of the eligible population currently donates blood. In the Arizona region of the American Red Cross, 300 units of blood is needed every day, 365 days a year, just to meet the needs of the patients in our own community. Blood is used in a variety of situations, such as, trauma patients, serious accidents, fires, et cetera. It is also used in surgical procedures, open heart surgeries or transplants, other surgeries, and in addition, for patients who undergo treatments for cancers, leukemia, lymphomas, and sickle cell disease.

Ms. Mahlstedde said that there is a serious blood shortage nationwide. As medical technology increases, so does the need for blood. But our blood donor base is shrinking as a result of decreased donor referral and military deployments. In Southern Arizona, the Red Cross relies on the military to provide six percent of the blood on an annual basis. Huge numbers of military personnel were recently deployed to the Middle East and while now they were thankfully returning home, they would need to defer from donating blood for at least a year after having been out of the country. The impact of the military personnel would have a long-term impact on the blood supply in Southern Arizona.

Ms. Mahlstedde said the Red Cross needed the city's help and asked that individuals schedule an appointment to donate blood through the city clerk's office on Thursday, June 19. The entire process only takes about an hour, the needle would only be in an individual's arm between five and ten minutes. The exciting part is that in those five to ten minutes, people would have the opportunity to save three patients' lives. The blood is then pumped and prepared for blood transfusions and that is pretty powerful for people who have never had the opportunity to save a person's life.

Finally, Ms. Mahlstedde wanted to share a quick story about a little girl who lives here in Tucson. Her name is Libby and she just turned nine years old, a very petite little girl, with striking dark eyes and a personality to match. Libby was born with an extremely rare blood disorder called Diamond Blackfan Anemia. What that means is that the body does not manufacture red blood cells. Red blood cells are very vital to us. We can't live without them. In order to live, to survive, Libby receives blood transfusions every two weeks of her life, she has received more than 115 blood transfusions in her short little nine years. She is attached to a pump for ten hours every day that pumps medicine through a tube into her tummy to sustain her until the next blood transfusion. Libby would not be alive today if it were not for the generosity of the residents of Tucson who donate blood to keep her alive. Ms. Mahlstedde thanked the city on her behalf for their generosity and urged individuals to take part in the blood drive.

C. Library Hours in Tucson

Jean Moody, appreciated the opportunity to address the mayor and council and was very concerned after reading in the paper that there were plans to shut down library hours in Tucson. Ms. Moody wanted to express her concerns because the library is one of the most vital things in Tucson. As a substitute teacher she was particularly aware of the needs of children in the community and education. The number of children that do not read is really high and she did not understand how they could be cutting back on of the best solutions to the literacy problems that we have. Parents who work during the week need the opportunity to take their children to the libraries on the weekends and she understood that weekends were one of the prime times when libraries were being considered to be shut down. She realized that the city was trying to stagger this process, she understood that there was a budget crunch, but she believed that there were alternatives to cutting library hours and believed the library hours should be increased. Everybody is concerned about education in our community so the hours at the libraries should not be cut.

Eleanor B. Snyder, reported that she had been a librarian in Fairfax County, Virginia for over 20 years and saw that the use of libraries tend to increase in bad times when people are out of work and so on. People need the libraries; children need the libraries during the summer. Ms. Snyder continued that she is a mother of five children and knew from her own experience that her children used the libraries greatly. They all read and appreciate books and other materials. Also, people who are retired from library work in the community may be willing to volunteer to fill in at the library. She thought that should be a consideration to think about.

6. CONSENT AGENDA – ITEMS A THROUGH S

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. TUCSON CODE: AMENDING (CHAPTER 22) RELATING TO A PENSION BENEFIT INCREASE FOR EMPLOYEES OF THE CITY OF TUCSON WHO RETIRED PRIOR TO JULY 1, 1993

- (1) Report from City Manager JUNE16-03-345 CITY-WIDE
- (2) Ordinance No. 9860 relating to pensions, retirement and group insurance; Chapter 22, Article 3, Tucson Supplemental Retirement System; providing for an increase in retirement benefits for city employees who retired prior to July 1, 1993; and declaring an emergency.

*** B. FINANCE: CONTINGENCY FUND TRANSFER FOR THE 2003 TUCSON BUDDY WALK**

- (1) Report from City Manager JUNE16-03-339 CITY-WIDE

* Removed at the request of Council Member Dunbar

C. FINANCE: CONTINGENCY FUND TRANSFER TO SUPPORT OPERATION GOOD SAMARITAN

- (1) Report from City Manager JUNE16-03-340 W1
- (2) Resolution No. 19608 relating to finance; approving and authorizing the transfer of Six Hundred Dollars (\$600.00) 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 Ibarra. Allocation of funds is as follows:
Council Member Ibarra: \$600.00.

* D. FINANCE: CONTINGENCY FUND TRANSFER FOR MUSIC WORKSHOPS HELD AT LOCAL SCHOOLS BY THE SOVEREIGN ARTS SOCIETY, INC.

- (1) Report from City Manager JUNE16-03-341 W5
- (2) Resolution No. 19609 relating to finance; approving and authorizing the transfer of Two Thousand Dollars (\$2,000.00) from the Contingency Fund to Organization 001-183-1838-268, for Sovereign Arts Society, Inc.; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows:
Council Member Leal: \$2,000.00.

E. TUCSON CODE: AMENDING (CHAPTER 11) RENAMING THE DEPARTMENT OF SOLID WASTE MANAGEMENT TO THE ENVIRONMENTAL SERVICES DEPARTMENT

- (1) Report from City Manager JUNE16-03-342 CITY-WIDE
- (2) Ordinance No. 9861 Relating to Solid Waste Management; authorizing and approving the Department of Solid Waste Management's change of name to Environmental Services Department, and the Director of Solid Waste Management's change of title to Director of Environmental Services, both changes to take effect July 1, 2003; providing that all of the Department of Solid Waste Management's official acts and documents in force as of June 30, 2003 are unaffected by the name change and shall automatically continue in force as official acts or documents of the renamed Department of Environmental Services. Effective July 1, 2003, Amending Tucson Code Chapter 11B, and Tucson Code sections 11-46.1, 15-1, 15-2, 15-13, 15-14, 15-15, 15-22, and 29-23, to reflect the changes in departmental name and directorial title; and declaring an emergency.

F. TUCSON CODE: ADOPTION OF THE ANNUAL COMPENSATION PLAN FOR EMPLOYEES OF THE CITY OF TUCSON FISCAL YEAR 2004

- (1) Report from City Manager JUNE16-03-358 CITY-WIDE

** See page 10

- (2) Ordinance No. 9866 relating to compensation plan; Tucson Code Chapter 10, Article II, Section 10-31, adopting salary schedules for Fiscal Year 2004; implementing Section 10-31; ratifying, reaffirming and reenacting Sections 10-31(7), providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions; Section 10-33, language communication compensation; Section 10-34, incentive pay for fire prevention inspectors; Section 10-34.1., assignment and incentive pay for maintaining paramedic certification and working as paramedics; Section 10-35, Fire Battalion Chief call back shift pay; Section 10-47, recruiting referral compensation for police officer applicants program; Section 10-53 pipeline protection program; compensation; Section 10-53.1., permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance; Section 10-53.2, maintenance management program, assignment and incentive pay compensation; amending Section 10-37, reallocation, providing procedure for compensation; amending Section 10-48 supplement to military pay, providing for annual sunset subject to readoption; all as part of implementation of the annual compensation plan for fiscal year 2004; and declaring an emergency.
- G. AMENDED FINAL PLAT: (S02-003) RIO NUEVO, BLOCKS 1 TO 15, COMMON AREAS A, B, AND C
- (1) Report from City Manager JUNE16-03-344 W1 & 6
 - (2) The City Manager recommends that the Mayor and Council approve the amended 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.
- H. AGREEMENT: WITH THE UNITED STATES DEPARTMENT OF COMMERCE FOR A COMMERCIAL SERVICE OFFICER AT THE OFFICE OF ECONOMIC DEVELOPMENT
- (1) Report from City Manager JUNE16-03-336 CITY-WIDE
 - (2) Resolution No. 19611 relating to the Office of Economic Development; authorizing and approving a memorandum of agreement establishing a joint project between the United States and Foreign Commercial Service International Trade Administration of the U.S. Department of Commerce and the City of Tucson Office of Economic Development; and declaring an emergency.
- I. REAL PROPERTY: AUTHORIZING THE VACATION AND SALE OF FOURTH STREET RIGHT OF WAY TO TUCSON IMAGING ASSOCIATES, LLC.
- (1) Report from City Manager JUNE16-03-349 W6
 - (2) Ordinance No. 9862 relating to real property; vacating and declaring certain portions of Fourth Street rights-of-way to be surplus, and authorizing the conveyance thereof to Tucson Imaging Associates, LLC.; and declaring an emergency.

- J. TRANSPORTATION: INSTALLATION OF A TRAFFIC SIGNAL AT PARK AVENUE AND SIXTH STREET AND A PEDESTRIAN TRAFFIC SIGNAL AT FREMONT AVENUE AND SIXTH STREET
- (1) Report from City Manager JUNE16-03-347 W6
 - (2) The City Manager recommends that the Mayor and Council approve allowing the University of Arizona to install a traffic signal at Park Avenue and Sixth Street, and replace the pedestrian/traffic signal at Fremont Avenue and Sixth Street with a PELICAN pedestrian signal.
- K. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY TO ADMINISTER A LOW-INCOME WATER BILL ASSISTANCE PROGRAM
- (1) Report from City Manager JUNE16-03-348 CITY-WIDE & OUTSIDE CITY
 - (2) Resolution No. 19612 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement with Pima County to administer a Low-Income Water Bill Assistance Program; and declaring an emergency.
- L. REAL PROPERTY: APPROVING A LEASE WITH DESERT SUNSET BMX, INC. FOR OPERATION OF A DIRT BICYCLE TRACK AT HARRISON LANDFILL
- (1) Report from City Manager JUNE16-03-346 W4
 - (2) Ordinance No. 9863 relating to real property; authorizing and approving the lease of certain city-owned real property at the Harrison Landfill to Desert Sunset BMX, Inc., an Arizona Non-Profit Corporation; and declaring emergency.
- M. TUCSON CODE: AMENDING (CHAPTER 22) RELATING TO LEAVE BENEFITS FOR EMPLOYEES OF THE CITY OF TUCSON
- (1) Report from City Manager JUNE16-03-351 CITY-WIDE
 - (2) Ordinance No. 9864 relating to leave benefit plan; Amending Tucson Code Chapter 22, Article V, Section 22-90, Section 22-91 and 22-94. Amending Section 22-90(3), compensation for unused accrued leave to employees separating from city service, deleting Commissioned Police Officers and Commissioned Fire personnel from leave compensation schedule, adding section providing separate Commissioned Police Officer and Commissioned Fire personnel leave compensation benefit, correcting numbering of following military leave sections; reenacting and Amending Section 22-90(5) (previously numbered Section 20-90(4)), providing supplement to military leave for Fiscal Year 1994; Amending Section 22-91.a.6., providing for floating holiday in place of employee birthday holiday; Amending Section 22-94(d), decreasing qualifying years for annual sick leave payment for Commissioned Police Officers, providing for inclusion of prior military service in calculation of qualifying years for annual sick leave payment for commissioned police officers; and declaring an emergency.

The City Manager recommends the Mayor and Council approve the ordinance to become effective June 29, 2003.

- N. APPROVAL OF MINUTES: January 28, 2002
July 1, 2002
August 5, 2002
October 14, 2002
October 28, 2002
November 4, 2002
November 18, 2002
December 16, 2002
January 6, 2003
January 13, 2003
- O. COMMUNITY SERVICES: DECLARATION OF TRUST FOR IMPLEMENTATION OF THE SANTA ROSA HOPE VI GRANT
- (1) Report from City Manager JUNE16-03-354 W5
 - (2) Resolution No. 19613 relating to Community Services; providing for a Declaration of Trust from the Mayor and Council acting as the Public Housing Authority to the U. S. Department of Housing and Urban Development; providing for the construction of units at Posadas Sentinel; and declaring an emergency.
- P. COMMUNITY SERVICES: DECLARATION OF TRUST FOR IMPLEMENTATION OF THE SOUTH PARK HOPE VI GRANT
- (1) Report from City Manager JUNE16-03-355 W5
 - (2) Resolution No. 19614 relating to Community Services; providing for a Declaration of Trust from the Mayor and Council acting as the Public Housing Authority to the U. S. Department of Housing and Urban Development; providing for the acquisition of certain units for South Park Hope VI Project; and declaring an emergency.
- Q. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR DEPARTMENT OF JUSTICE GRANT EXTENSION FOR PURCHASE OF HAZARDOUS MATERIALS EQUIPMENT
- (1) Report from City Manager JUNE16-03-356 CITY-WIDE
 - (2) Resolution No. 19615 relating to the Fire Department; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County, under which the Tucson Fire Department will have until January 31, 2004 to complete purchases of personal protective, detection, decontamination, and communications equipment for its hazardous materials team using United States Department of Justice Grant Funds provided through Pima County; for a period of five years from the date this resolution is enacted, authorizing and directing the Fire Chief to execute, and the City Clerk to attest to, any future amendments, extensions, or agreements that are substantially similar in form to the

agreement approved in this resolution, specifically including any agreements governing the granting of United States Department of Justice Funds for different Federal Fiscal Years; and declaring an emergency.

R. INTERGOVERNMENTAL AGREEMENT: WITH THE TOWN OF MARANA FOR GROUNDWATER MODELING SERVICES FOR THE TRES RIOS DEL NORTE PROJECT

- (1) Report from City Manager JUNE16-03-350 W1 & OUTSIDE CITY
- (2) Resolution No. 19616 relating to water; authorizing and approving the execution of an Intergovernmental Agreement with the Town of Marana for Groundwater Modeling of Effluent Recharge in the Santa Cruz River Channel; and declaring an emergency.

S. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COMMUNITY COLLEGE DISTRICT FOR JOINT DEVELOPMENT AND USE OF RECREATIONAL FIELDS AND FACILITIES AT THE DESERT VISTA CAMPUS

- (1) Report from City Manager JUNE16-03-357 W1
- (2) Resolution No. 19617 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with Pima Community College for joint use of Desert Vista Campus Sports Fields; and declaring an emergency.

Mayor Walkup recognized Council Member Ibarra.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

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

6. CONSENT AGENDA – ITEM D

Resolution No. 19609

Relating to finance; approving and authorizing the transfer of Two Thousand Dollars (\$2,000.00) from the Contingency Fund to Organization 001-183-1838-268 for Sovereign Arts Society, Inc.; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

Council Member Leal requested that the resolution be considered separately and believed that other council members may wish to add funds for this organization. The ward five office would put in \$2,000.

Council Member Ibarra said the ward one office would be giving \$2,000 from the contingency fund for this project.

Vice Mayor Scott announced that ward four would also provide \$2,000.

It was moved by Council Member Leal, seconded by Vice Mayor Scott, that resolution no. 19609 be passed and adopted, making the total contribution of \$6,000.

Kathleen S. Detrick, city clerk, wanted to clarify for the record that the vote would be on resolution no. 19601, contingency fund transfer for the Sovereign Arts Society, Inc. Staff would correct the resolution to reflect the new total of \$6,000 dollars.

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. 19601 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 335, dated June 16, 2003, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| (1) | MOUNTAIN OYSTER CLUB
6400 E. El Dorado Circle #100
Applicant: Forrest L. Metz
City #028-03, located in Ward 2
Series #14
Action must be taken by: June 21, 2003 | <u>Staff Recommendation</u>
Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (2) | CUVÉE WORLD BISTRO
3352 E. Speedway Blvd. | <u>Staff Recommendation</u> |

Applicant: Mitchell B. Levy Police: In Compliance
City #030-03, located in Ward 6 DSD: In Compliance
Series #12 Bus. License: In Compliance
Action must be taken by: July 3, 2003

- (3) RED SKY BISTRO & CAFE Staff Recommendation
5523 E. Grant Road
Applicant: Steven S. Schultz Police: In Compliance
City #031-03, located in Ward 2 DSD: In Compliance
Series #12 Bus. License: In Compliance
Action must be taken by: July 6, 2003

- (4) LA CHOLLA FOOD STORE Staff Recommendation
1777 W. 36th Street
Applicant: Satyendra S. Bhati Police: In Compliance
City #035-03, located in Ward 1 DSD: In Compliance
Series #10 Bus. License: In Compliance
Action must be taken by: July 7, 2003
Public Opinion: PROTEST FILED
 SUPPORT FILED

Person Transfer(s)

- (5) STARR PASS GOLF CLUB Staff Recommendation
3645 W. 22nd Street
Applicant: Malcolm M. Fujita Police: In Compliance
City #029-03, located in Ward 1 DSD: In Compliance
Series #6 Bus. License: In Compliance
Action must be taken by: June 26, 2003

(c) Special Event(s)

- (1) SOUTH TUCSON LIONS Staff Recommendation
4825 S. 6th Avenue
Applicant: Fernando Acevedo Police: In Compliance
City #T047-03, located in Ward 5 DSD: In Compliance
Date of Event: June 22, 2003 Parks & Rec.: In Compliance
(Fundraiser)

(d) Extension of Premises

- (1) KICKSTART GRILL Staff Recommendation
8987 E. Tanque Verde Road
Suite 335
Applicant: John W. Fahlberg Police: In Compliance
City #EP21-03, located in Ward 2 DSD: In Compliance
Date of Event: June 22, 2003
 July 6, 2003
Type: Temporary Series: #12
(Cancer Benefit & Bike Show)

Kathleen S. Detrick, city clerk, announced that there were four requests for new licenses. La Cholla Food Store, 7(b)(4), had both protest and support letters filed, so it would be considered separately. Item 7(b)(5) was a person transfer and under the special events, 7(c), a request which carried a recommendation for approval, and item 7(d), a request that also carried a recommendation for approval. The appropriate motion would be to forward recommendations for approval on items 7(b)(1), (2), (3), (5), items 7(c)(1) and 7(d)(1).

It was moved by Vice Mayor Scott, seconded by Council Member West, and carried by a voice vote of 7 to 0, to forward liquor license applications city #028-03, city #030-03, city #031-03, city #029-03, city #047-03, and city #EP21-03, to the state department of liquor licenses and control with a recommendation for approval.

7. LIQUOR LICENSE APPLICATIONS – (b)(4)

New License(s)

(4)	LA CHOLLA FOOD STORE 1777 W. 36 th Street Applicant: Satyendra S. Bhati City #035-03, located in Ward 1 Series #10 Action must be taken by: July 7, 2003 Public Opinion: Protest Filed Support Filed	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Business License: In Compliance
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Kathleen S. Detrick, city clerk, reported that staff recommended approval, however, protest and support letters had been received. The license is located in ward one.

Mayor Walkup recognized Council Member Ibarra.

Council Member Ibarra suggested that the council hear from the speakers first, then make a decision after that. He called on Jade Stokes and John Bordenave.

Jade Stokes, president of the Enchanted Hills Neighborhood Association, said the neighborhood is a great place to raise a family and that their adopted motto is "Many people, one place." It will soon be two years since he became president of the neighborhood association and he wanted to accomplish a number of things. He wanted to get rid of the graffiti, speeding, and illegal dumping. A lot of that had been accomplished with the help of ward one. One of the first things he imposed was no parking on the sidewalk, because the neighborhood was beginning to look like a parking lot. A lot of seniors appreciated that because they were able to walk in the streets again. There were also some people who did not like that because they were getting \$100 tickets for illegal parking.

Mr. Stokes said he got a lot of complaints about speeding in the neighborhood so he worked diligently to get speed humps installed. That was also accomplished with the help of ward one. A lot of people didn't like the speed humps because they said they shook their cars and rattled their bumpers.

Mr. Stokes noted that the department of neighborhood resources would not allow him to include in the neighborhood's newsletter that there were meetings being proposed regarding this license because it posed a conflict of interest. He went all the way to the city attorney and Paul Swift and eventually the case was vacated from the newsletter. A lot of people in the neighborhood were not aware that this was an ongoing issue. Mr. Stokes said he had the petitions that were actually distributed and with one exception, only one individual has ever attended the neighborhood association meetings.

Mr. Stokes said they did an extensive background check on the owner of the store and he got calls from the property owner. He was told that they had two choices because they had tried on many occasions to get a liquor license. One use was a food store and the other was a boxing ring, which nobody wanted. At the association meetings, everyone said they could live with the grocery store. He said none of the petitions mentioned that a series 10 liquor license is not a hard liquor license. It cannot be transferred or updated. If the owner of the store sells his store, the process starts all over again. He talked with Theresa Morse in Phoenix, who is a lawyer for the Arizona Liquor Board, and she said that there is a mechanism that is put in place. Should a store move in the location and there are compliance problems, the association and other people can come together and get the license revoked, or make sure the store is in compliance.

Mr. Stokes said the neighborhood association voted unanimously on two occasions, but Ms. Harris was not present and was not aware that the neighborhood association supported this. One thing the neighborhood needs to do is support small businesses in the neighborhood. The new building is going to be built by US Home. The neighborhood realized that Tucson is growing, but they don't want a lot of things in the neighborhood. However, for as long as he has been in the neighborhood, since 1989, the subject location has been an eyesore. All the information regarding all of the other stores and everything that has been mentioned, not one piece of information has statistically shown any negative impact on the neighborhood's views.

Mr. Stokes continued that the applicant wants to assimilate into the neighborhood. He wants to integrate his business and be part of the neighborhood. The subject store is a grocery store and delicatessen that happens to sell beer and wine. The whole issue of the beer and wine license is being totally blown out of proportion. He hoped the council would take that into consideration.

Mr. Stokes thought Council Member Ibarra could agree that they had all worked diligently for years to try to change the subject location from what it was to anything, because it was such an eyesore. He pointed out that no one who signed the petitions has picked up the condoms, syringes, broken bottles, and cleaned up the graffiti. He recalled that the last store was like a police substation, it was very welcomed by the neighborhood. They would like that repeated and hoped the council would accept the proposed use.

John Bordenave, Enchanted Hills Neighborhood, submitted handouts to the clerk and continued that the point he wanted to raise is that there are a lot of things going on in the neighborhood. He had been a neighborhood activist for a long time. He thought there should be a lot of local businesses. Giant corporations are not legal assets to the community so he does not believe in them. He

said people should be thinking about the positive ways the La Cholla Food Store would be an asset to the surrounding neighborhoods and the city as a whole. He recommended that the owner of La Cholla Food Store stock his store with as many local products as possible. The local food products could include tortillas, tamales, menudo and perhaps some of the arts and crafts that the corporate giants don't handle. He thought he might be amendable to also stock beer from local breweries and wine from Arizona vineyards, which might be a positive step to win the approve of the neighborhood association.

Mr. Bordenave said there are too many negative things going on in the neighborhood and there is an opportunity for something positive. As he previously stated, he has met the owner and told him that he would volunteer his services. He also spoke to others regarding this matter and all of this depends on how willing Mr. Bahti is willing to work with the neighborhood association and residents in that area. It might be an asset for the whole city if owners are willing to work with the people in the neighborhoods.

Connie Harris, said she agreed with everything that Mr. Stokes has done with the neighborhood. It had been very positive. She was sorry that she missed a couple of neighborhood meetings, however, she travels a lot and cannot apologize for that. She was present in opposition of the series 10 beer and wine license for La Cholla Food Store at 1777 W. 36th Street. The neighborhood had gone through many changes, and a lot of difficult periods, but they survived. The will of the neighborhood residents has kept their neighborhood alive and well. They lived through the time of the old Circle K Store, the slashing of tires, the broken windshields, the marijuana, and other vandalism. The residents do not want that to happen again. Some of the youth that did not live in the neighborhood knew that the Circle K was selling liquor, beer and wine, and they would get an adult to purchase it for them. At one time, Ms. Harris noticed this activity and reported it to the police department, but the individuals were gone by the time the police arrived.

Ms. Harris said there is also a grade school west of the subject location and she questioned why the children should be jeopardized with the activity that would occur at that location. She understood that the owner of the store is willing to work in the neighborhood, and that all is well and good, but he can do it without the beer and wine license.

Reverend Mitchell Wright, Enchanted Hills Baptist Church, said he had been pastor for over 20 years. He resides at 1270 S. Bison Drive and has lived within the neighborhood for over 21 years. He said currently there were six facilities that sell beer and alcohol within a mile radius of Mission Drive. There is Food City, Garretts, Shamrock Station, Circle K and a Quik Mart. So, if beer and wine is what is needed in the area, he thought there were plenty of facilities that provide would it. He looked on the internet and was surprised at how many accidents occurred at the intersection of Mission and Ajo. One statistic he wished to point out is that at the corner of Mission and Ajo, there was a DUI property damage, five DUI non-accidents, and six personal injury accidents.

Reverend Wright said it had been rumored that the Enchanted Hills Baptist Church was in favor of the proposed liquor license. He mentioned that the mayor and council had before them 70 signatures from members of the church who are opposed to the facility selling beer and wine. He differed with Mr. Stokes that one one else picks up the beer

bottles, condoms and other debris, because as pastor of the church, he has picked up beer and wine bottles from the church property and they don't need any more.

Reverend Wright pointed out that if the applicant's goal is to help the community, he should put his store in, but do not allow the sale of beer and wine. He thought it would be redundant for another liquor store to be in the neighborhood.

John Bloucher, said his house is easily recognized because that is where people headed south on La Cholla at 20 to 30 miles per hour, will turn on and take out his yard. He noted that they did not have speed humps. In the early 1970's early 1980's, he was active in the homeowners group, however, due to health and other related problems, he was unable to continue in the Enchanted Hills Association. He has lived at his address since July of 1971. Mr. Bloucher felt he was the oldest resident speaking, and he did not want to talk about what he had done since Mr. Stokes and others had done many good things for the neighborhood and they are thankful for it.

If one takes a short drive from the intersection of 36th and South La Cholla, approximately 1.3 miles, one will find a market that sells liquor. One could drive a tenth of a mile farther to the other side of the intersection and there are two markets that sell liquor. Come back traveling approximately 1.1 miles from the front of the school at 36th and La Cholla, one could go to Larry's Hide Out and buy anything they want, including liquor. There is also a Shamrock and Circle K at the corner of Mission and 36th. That's eight-tenths of a mile from the front door of the school. There's a Quik Mart 1.3 miles from the front door of the school, approximately, that sells liquor.

Mr. Bloucher was not aware of which *Arizona Revised Statute*, but he thought it was Section 4-201, which says the applicant must prove that the store is going to be an asset to the community. He questioned how this particular establishment would be an asset. The nearest store is .5 from the school, and how could the mayor and council justify putting an establishment that sells liquor .5 miles away from the front door of a school when there are approximately seven places someone could get liquor not more than 1.5 miles away from the school.

Mr. Bloucher requested that the liquor application be denied for all the reasons discussed, plus *Arizona Revised Statutes Section 4-201* because no one with any sense of comprehension at all about a need in the best interest of the community would add a place to sell liquor.

Mr. Bloucher recalled the constant problems and issues with the Circle K Store in the early 1970s. Underage individuals were constantly being turned away for trying to purchase liquor. He couldn't say how much liquor he sold to people of legal age. So, he thought that it was common sense, in light of the young people in the neighborhood and respect for the school, that the council deny the application.

Council Member Ibarra called on the applicant.

Satyendra Bhati, applicant, said he intended the store to be different than when it was a Circle K. He intended it to be a family run store. He does not intend to sell hard liquor. He would sell beer and wine and other store items. He does not want his children to be negatively affected either, and he would take all the measures necessary to keep his business clean and family oriented.

Mr. Bhati's business partner also addressed the council and concurred with what Mr. Bhati had said.

Council Member Ibarra said he was in the neighborhood this weekend and he must have been stopped eight or nine times by people asking him not to allow the liquor license. His wife was joking around with him because their home messaging had about 13 messages asking him not to support the liquor license. In addition, the petitions that Connie Harris submitted had four to five pages of signatures asking him not to support the application. He understood that they were trying to revitalize this piece of property and they had worked with the owners of this property for many years, when they brought in the Shamrock business.

Council Member Ibarra thought the neighborhood and council should try to work with the business owners and try to develop the entire parcel, not just the old Circle K, into something that works best for the neighborhood. There is no way of protecting the neighborhood from the current building because there is no wall, it is merely an alley. Outside the door from the Circle K is someone's backyard. He imagined there would be trash in someone's yard and in the alley.

Council Member Ibarra understood and agreed that small business is important, but the fact is that this market can achieve a good balance without a liquor license. He did not think that denying the liquor license was going to cause the store to shut down. Other businesses in the downtown have been able to operate without a liquor license, have been overwhelmingly successful. Other businesses on Fourth Avenue are also successful.

It was moved by Council Member Ibarra, seconded by Council Member Leal, that liquor license application city #035-03, La Cholla Food Store, be forwarded to the state liquor board with a recommendation for denial.

Mayor Walkup asked if there was any discussion and hearing none, called for the vote.

Upon roll call, the results were:

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

Nay: Council Members Dunbar and Ronstadt

Absent/Excused: None

The motion forwarding a recommendation for denial to the state liquor board on city license application no. 035-03, carried by a roll call vote of 5 to 2.

8. FINANCE DIRECTOR: APPOINTMENT OF THE FINANCE DIRECTOR FOR THE CITY OF TUCSON

Mayor Walkup announced that city manager's communication no. 343, dated June 16, 2003, would be received into and made a part of the record. He asked the city clerk to read ordinance no. 9865 by number and title only, without objection.

Ordinance No. 9865

Relating to the Department of Finance; approving the appointment of Scott Douthitt as the Director of Finance and fixing compensation; and declaring an emergency.

It was moved by Council Member West, seconded by Council Member Leal, that ordinance no. 9865 be passed and adopted.

Mayor Walkup asked if there was any discussion.

Council Member Leal had observed Mr. Douthitt for some time in a variety of capacities that he had worked in the city and had come to know him as diligent, a straight shooter, creative, a congenial partner, and concerned about the community. Council Member Leal had come to value him and saw that as a constant kind of posture that he expected from him. Council Member Leal considered him to be a valued person well suited for the position and was glad that Mr. Keene had seen fit to bring him forward.

Mayor Walkup asked if there were any further comments, and said he would like to echo Council Member Leal's statements as well. Mr. Douthitt was a very professional individual and very responsive. There had been times that Mayor Walkup had asked for information and received it immediately, so he agreed with Council Member Leal. He asked if there was further 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. 9865 was declared passed and adopted by a roll call vote of 7 to 0.

9. ZONING: (C9-97-08) HOUGHTON-IRVINGTON LP – IRVINGTON ROAD, MH-1 ZONING, CHANGE OF CONDITIONS AND DEVELOPMENT PLAN - ORDINANCE ADOPTION

Mayor Walkup announced that city manager's communication number 334, dated June 16, 2003, would be received into and made a part of the record. He also announced that this was a request to allow a change to the development plan for property located northwest of the northwest corner of Irvington and Houghton Roads. The applicant is proposing to develop this approximately 15-acre site with a 71 unit single-family subdivision of site-built homes in lieu of the previously approved 69 space manufactured housing development. The city manager recommends approval of the requested change of conditions and development plan and adoption of the ordinance as presented.

Ordinance No. 9858

Relating to zoning: amending Ordinance No. 9702 and amending conditions for approval of the zoning district boundaries in the area located at the northwest corner of Houghton Road and Irvington Road in case C9-97-08, Houghton/Irvington LP – Irvington Road, SR to MH-1; and setting an effective date.

Mayor Walkup asked the council's pleasure.

Vice Mayor Scott said she had a question for Mr. House. She was asked to include the following language as part of this, and she would like to ask if he had any objection to that. That as part of all of this, there shall be language that says, "As the property exists now, it is approved for a mobile home park, and this is to clarify that the terms, "residential area," or "residential units," can mean a mobile home park or residential subdivision."

Michael House, city attorney, said that was the first he had heard about that condition so he would not be able to give an opinion about that.

Vice Mayor Scott asked if Mr. Duarte was aware of any of that language.

Ernie Duarte, Director of Development Services, said the proposal as it stood before the mayor and council, would allow site-built units at this location. In the event the developers' buyer did not follow through with the purchase, then the property would revert back to the manufactured housing community that was previously approved.

Vice Mayor Scott was just clarifying language that was already in existence. Both had been requested by the developer and the representative and she just wanted the language "either/or" to be clarified.

Mr. Duarte explained that the zoning itself does not change. The original zoning was MH, which would allow the manufactured housing to remain if site built housing did not come forward.

Vice Mayor Scott pointed out that the representatives were concerned about that and she just wanted that point to be clarified.

It was moved by Vice Mayor Scott, seconded by Council Member Ibarra, that the request for a change of conditions and development plan be approved as recommended and that ordinance no. 9858 be passed and adopted, as recommended by the city manager.

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. 9858 was declared passed and adopted by a roll call vote of 7 to 0.

10. PROFESSIONAL SERVICES CONTRACT: RENEWAL OF WASHINGTON, D.C. CONSULTANT CONTRACT WITH BRACY TUCKER BROWN

Mayor Walkup announced that city manager's communication number 352, dated June 16, 2003, would be received into and made a part of the record. He asked the council's pleasure.

It was moved by Vice Mayor Scott, seconded by Council Member West, that the contract renewal with Bracy Tucker Brown be approved for Fiscal Year 2004 at the same terms, conditions, and funding levels that existed in Fiscal Year 2003.

Council Member Ronstadt stated that he had asked the last time this contract was sent out for renewal and he did not recall the answer. He wondered if this particular renewal was the result of an RFP process or just rubber stamping the current contract.

Karen Thoreson, assistant city manager, responded that this contract was simply a renewal, there had not been an RFP done this year.

Council Member Ronstadt said he would vote against the renewal, not because he had anything specifically against Terry Bracy or his organization but the fact of the matter was that this is an important contract and there had been no RFP for several years. The city of Tucson needed to explore the types of services that it needs, and the contract rates. Although this rate was the same as 2002, it was not known if the same service would be provided at a better rate because staff had not been asking those questions. The mayor and council have just been rubber stamping this contract every year so he thought not having an RFP was inappropriate and was going to vote against the contract.

Mayor Walkup asked if there were any other comments. He commented about the services that Bracy Tucker Brown had provided, at least to him, and all he could do was speak for himself. Bracy Tucker Brown has been extraordinarily professional to him in all the things that he has ever asked them to do, and one thing they provide is continuity of effort. So if the city of Tucson decided to move toward any kind of a competitive bid, it would have to be careful. Bracy Tucker Brown had established an extraordinary number of relationships that have become very important to the city of Tucson.

Council Member Leal said if he could, he wanted to chime in on what Mayor Walkup had said, because he brought up something that was really very important. Many people know that it often takes more than one time, two times, to be successful at getting legislation through. When the mayor brought up the issue of continuity, knowing the prior conversations, the history of the project, the issues at hand are extremely important in increasing the likelihood that the legislation is ultimately passed. He thought in the future that when the city of Tucson does go out to bid, continuity and history on issues are a very important variable that the city of Tucson needed to factor into the effort.

The motion to renew the contract with Bracy Tucker Brown for Fiscal Year 2004 at the same terms, conditions, and funding levels that existed in Fiscal Year 2003 carried by a voice vote of 5 to 2 (Council Members Dunbar and Ronstadt voted nay).

James Keene, city manager, said as follow-up related to the issuance of the request for proposal this year, staff was involved with the budget in the Spring and had questions about the timing for this year but staff was not in that position to do so. He wanted to be responsive to the council concerns as they relate to next year, and if the mayor and council wanted to explore that, then one of the things that he might bring forward would be whether staff wanted to get an early start, whether this would be something that staff could have a discussion with the Good Government Subcommittee just as a starting place and then move on from there just to flesh it out.

11. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced that city manager's communication number 353, dated June 16, 2003, would be received into and made a part of the record. He asked if there were any personal appointments to be made. There were none.

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

Mayor Walkup announced that this was the time when the mayor and council invite any member of the audience to come forward with any matter of importance for the attention of the council. Speakers would be limited to three-minute presentations. He asked if there was anyone in the audience who wished to speak at this time. There was no one.

13. ADJOURNMENT: 3:46 p.m.

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held on Monday, June 23, 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 meeting of the city of Tucson, Arizona, held on the 16th day of June, 2003 and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:SM:DD:nd
pr agnst tp:dmp