



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on August 2, 2004

Date of Meeting: April 19, 2004

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 5:09 p.m., on Monday, April 19, 2004, 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	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

James Keene	City Manager
Mike Letcher	Deputy City Manager
Michael House	City Attorney
Kathleen S. Detrick	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor James Allerton, Rivers Edge Community Church, after which the pledge of allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 178, dated April 19, 2004, would be received into and made a part of the record. He also announced that this was the time for any members of the mayor and council to report on current events and asked for those reports.

- (a) Council Member Dunbar announced that she would be hosting a tour of the Clearwater Facility on Saturday, April 24, 2004 from 8:00 a.m. to 12:00.
- (b) Council Member West announced that the ward two office would be hosting a "Prettier Tucson Townhall" on April 20, 2004 at 7:00 p.m., that would deal strictly with structures of buildings, commercial and house designs. She also announced that on April 23, 2004 at noon, there would be a brown bag lunch presentation on the proposed draft ordinance regulating motorized scooters.

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

Mayor Walkup announced that city manager's communication number 179, dated April 19, 2004, would be received into and made a part of the record. He also announced that this time had been scheduled to allow the city manager to report on current events and he asked for that report.

James Keene, city manager, announced:

- (a) The Parks and Recreation 2004 Summer Guide and Class Catalogue was now available to the public. Swimming lesson registration via the EZ phone registration system would be available. More information would be available by calling 791-4877.
- (b) Take Our Daughters and Sons to Work Event was rescheduled to Thursday, June 17, 2004 due to a conflict with the high school AIMS testing.
- (c) The *USA Weekend*, a national magazine insert in the Sunday paper, ran a story about the "Make a Difference Awards" and the cover photo was a picture of a group of Tucsonans.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that city manager's communication number 180, dated April 19, 2004, would be received into and made a part of the record. He also asked the city clerk, to read the liquor license agenda.

(b) New License(s)

- | | |
|---|---|
| (1) ECKERD DRUGS #5324
4365 N. Oracle Road
Applicant: Michael W. Huffstuttler
City #015-04, located in Ward 3
Series 10
Action must be taken by: May 1, 2004 | <u>Staff Recommendation</u>
Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
|---|---|

(c) Special Event(s)

- | | |
|--|--|
| (1) SATORI, INC.
3727 N. First Avenue
Applicant: Yvonne L. Schultz
City #T036-04, located in Ward 3
Date of Event: May 1, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (2) SANTA CRUZ CATHOLIC CHURCH
1220 S. 6 th Avenue
Applicant: Rebecca Marie Lujan
City T047-04, located in Ward 5
Date of Event: April 23, 2004
April 24, 2004
April 25, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

It was moved by Council member Dunbar, seconded by Council Member Ibarra, and carried by a voice vote of 7 to 0, to forward 5(b)(1), Eckerd Drugs #5324; 5(c)(1), Satori Inc., and 5(c)(2), Santa Cruz Catholic Church, to the state department of licenses and control with a recommendation for approval.

6. CONSENT AGENDA ITEMS A THROUGH G

Mayor Walkup announced that the reports and recommendations from the city manager on the consent agenda 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.

A. TUCSON CODE: AMENDING (CHAPTER 11) RELATING TO THE GENERAL SERVICES DEPARTMENT

- (1) Report from City Manager APRIL19-04-181 CITY-WIDE
- (2) Ordinance No. 9948 relating to the general services department; effective July 1, 2004, providing that the general services department shall perform those duties designated by the City Manager, and that the director of general services shall carry out those assigned duties and functions, including the supervision of divisions established within the general services department, deemed advisable; providing that the general services department shall provide those architectural, engineering, communications, facilities management, fleet maintenance, and other technical, support, and administrative services that the City Manager assigns to it; and providing that the general services department's divisions shall have the functions and duties assigned to them by the director of general services, and those additional functions, powers, and duties designated by the City Manager; effective July 1, 2004, amending Tucson Code Sections 11A-2 and 11A-3; providing that these amendments supersede the amendments to sections 11A-2 and 11A-3 in Ordinance 9934, enacted February 2, 2004; ratifying and reaffirming Ordinance 9934 in all other respects; and declaring an emergency.

- B. TRANSPORTATION: APPROVAL OF PROCEDURES FOR EVALUATING HIGH-INTENSITY ACTIVATED CROSSWALK (HAWK) PEDESTRIAN FLASHER REQUESTS
- (1) Report from City Manager APRIL19-04-182 CITY-WIDE
 - (2) The City Manager recommends approval of the procedures for evaluating pedestrian crossing locations for the installation of HAWK crossings.
- C. REAL PROPERTY: ACQUISITION OF RIGHT-OF-WAY FOR THE GRANT ROAD AND CRAYCROFT ROAD INTERSECTION IMPROVEMENT PROJECT
- (1) Report from City Manager APRIL19-04-183 W2 AND W6
 - (2) Resolution No. 19811 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located in the vicinity of the intersection of Grant Road and Craycroft Road for the Grant/Craycroft Road Intersection Improvement Project; and declaring an emergency.
- D. REAL PROPERTY: VACATION OF 38TH STREET RIGHT-OF-WAY TO THE ADJOINING PROPERTY OWNERS
- (1) Report from City Manager APRIL19-04-184 W5
 - (2) Ordinance No. 9949 relating to real property; vacating and declaring certain unimproved 38th Street right-of-way located between Campbell Avenue and Kramer Avenue to be surplus property, and authorizing the sale thereof to the adjacent property owners; and declaring an emergency.
- E. REAL PROPERTY: GRANTING A TEMPORARY REVOCABLE EASEMENT ON PORTIONS OF 10TH AVENUE AND MAIN AVENUE TO THE UNIVERSITY OF ARIZONA
- (1) Report from City Manager APRIL19-04-185 W1
 - (2) Ordinance No. 9950 relating to real property; authorizing the grant of a temporary revocable easement to the University of Arizona on portions of Main Avenue and 10th Avenue; and declaring an emergency.
- F. SUBCONTRACT AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR BORDERSAFE INTEGRATED FEASIBILITY EXPERIMENT FUNDING
- (1) Report from City Manager APRIL19-04-177 CITY-WIDE
 - (2) Resolution No. 19813 relating to law enforcement; approving and authorizing execution of the subcontract with the University of Arizona reference the Corporation for National Research Initiatives (CNRI) Cooperative Agreement No. NBCH2030002; and declaring an emergency.

G. MAYOR AND COUNCIL: AMENDING (CHAPTER 2) OF THE TUCSON CODE AND THE RULES AND REGULATIONS OF THE GOVERNING BODY RELATING TO MAYOR AND COUNCIL MEETINGS

- (1) Report from City Manager APRIL19-04-191 CITY-WIDE
- (2) Ordinance No. 9953 relating to Administration; amending the Tucson Code, Chapter 2, Administration, Article II, Mayor and Council, Sec. 2-26, Time and date and place of meetings to be public, Sec. 2-26(2); and declaring an emergency.
- (3) Ordinance No. 9954 relating to Rules and Regulations of the Governing Body; amending Section E, Agenda, Rule 1, Order of Business; amending Section M, Participation by Employees and Public; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Scott, seconded by Council Member West, that consent agenda items A through G 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, Scott, and Leal; Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Absent/Excused: None

Consent agenda items A through G were declared passed and adopted by a roll call vote of 7 to 0.

7. 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 except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said there were a number of speakers.

- a. Michael Toney, recited a Japanese haiku to the mayor and council and related how the Japanese respect for nature is similar to that of the Native Americans.
- b. Lori Lustig, representing the Southern Arizona Homebuilders Association, requested that Tucson Water work with SAHBA regarding the miscellaneous water fee increases.

RECESS: 5:25 p.m.

Mayor Walkup announced that the council would stand in recess until 6:00p.m.

RECONVENE: 6:06 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	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor Ward 6
Robert E. Walkup	Mayor

PRESENTATION

Mayor Walkup proclaimed the week of April 18th through April 25th to be “Days of Remembrance”. Bill Klugerman accepted the proclamation.

7. CALL TO THE AUDIENCE

Mayor Walkup returned to Item 7.

- c. Chris Clements, requested an opportunity to meet with the members of the mayor and council to discuss plans for his company, Golden Eagle Distributors, to expand and acquire city land.
- d. Ken Rineer, submitted a petition to the mayor and council regarding a person who was in the park by the Main Library who was cited for violating “firearms in the park”.
- e. Kim Eichling, representing the Arizona Theatre Company, thanked the mayor and council for supporting the arts and requested that they continue to do so.
- f. Roger Karber, representing the Arizona Multi-Housing Association, addressed the mayor and council in opposition of the “Renter’s Tax”.
- g. Roy Martin, expressed his opposition to the demolition of the “Talk of the Town” building.

8. PUBLIC HEARING: (C09-82-80) CHEYENNE INVESTMENT – NEBRASKA STRAVENUE, I-1 ZONING, CHANGE OF CONDITIONS (CONTINUED FROM MEETING OF APRIL 5, 2004)

Mayor Walkup announced that city manager's communication number 189, dated April 19, 2004, would be received into and made a part of the record. He announced that this was the time and place legally advertised for the continuation of a public hearing on a request for a change of rezoning conditions for property located on the north side of Nebraska Stravenue between Bantam Road and Madison Stravenue. He also announced that the applicant was requesting that this hearing be continued indefinitely.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Leal, seconded by Vice Mayor Ronstadt, to continue this item indefinitely as requested by the applicant.

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

Upon roll call the results were:

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

Nay: None

Absent/Excused: None

The motion carried by a voice vote of 7 to 0, to continue this item indefinitely..

6. CONSENT AGENDA - TAKEN OUT OF ORDER

It was moved by Council Member Leal, seconded by Council Member Dunbar, to reconsider consent agenda Item E "Real Property: Granting a Temporary Revocable Easement on Portions of 10th Avenue and Main Avenue to the University of Arizona".

Upon roll call the results were:

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

Nay: None

Absent/Excused: None

The motion carried by a roll call vote of 7 to 0, to reconsider consent agenda item E.

E. REAL PROPERTY: GRANTING A TEMPORARY REVOCABLE EASEMENT ON PORTIONS OF 10TH AVENUE AND MAIN AVENUE TO THE UNIVERSITY OF ARIZONA

- (1) Report from City Manager APRIL19-04-185 W1
- (2) Ordinance No. 9950 relating to real property; authorizing the grant of a temporary revocable easement to the University of Arizona on portions of Main Avenue and 10th Avenue; and declaring an emergency.

Council Member Leal thanked his colleagues on the council for allowing him to reopen this item. He stated that it was not his intent to change the action they had taken but that he wanted to make a few comments to staff. He stated that Main Street was the Camino Real, it was the DeAnza Trail. He thought that it would be important to explicitly talk about that within the document so that in the future nothing happens to this section of the roadway. He said that in the sixties large portions of the Camino Real were done away with downtown because they did not know any better. Now, as a part of Rio Nuevo, as a part of our history, Tucson and the city had talked about recognizing and enhancing and celebrating Mission Road and Main Street as they were the DeAnza Trail and the Camino Real. He wanted staff to be clear with the University of Arizona that this piece of ground would not evaporate over time and be absorbed by the amoebae and disappear. He stated that the community needed to take care of it for the future. He asked Mr. Keene if staff had discussed any of this.

James Keene, city manager, replied that this had not been discussed with him directly. He reminded the council that this was only a temporary revocable easement. He stated that he would take Council Member Leal's comments and memorialize them in a cover memorandum to the University outlining those concerns so that it would be on the record.

It was moved by Vice Mayor Ronstadt, seconded by Council Member Leal, to pass and adopt ordinance 9950 under the conditions set out by Council Member Leal.

Upon roll call the results were:

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

Nay: None

Absent/Excused: None

Ordinance 9950 was declared passed and adopted by a roll call vote of 7 to 0.

9. MEMORIAL: URGING THE ARIZONA CORPORATION COMMISSION TO INCREASE THE COMMITMENT TO RENEWABLE ENERGY RESOURCES AND PURSUE COST-EFFECTIVE ENERGY EFFICIENCY

Mayor Walkup announced that city manager's communication number 187, dated April 19, 2004, would be received into and made a part of the record. He asked the city clerk to read the memorial by title only.

A Memorial

Relating to the Environmental Portfolio Standard; requesting an increase in the percentage of electricity that should be produced using renewable sources of energy; and urging that the Arizona Corporation Commission should pursue cost-effective energy efficiency opportunities.

Mayor Walkup recognized Vice Mayor Ronstadt.

Vice Mayor Ronstadt stated that he had an opportunity to talk to three of the commissioners, Commissioner Hatch-Miller, Commissioner Mundell and Commissioner Mayes and they held a hearing in Tucson this past Friday. He said he learned that they were moving away from the formulas and looking at a per capita formula, and by the time that they would be done reconfiguring the renewable portfolio, in Arizona there would be a twelve-kilowatt per capita standard. Currently, in California, it is only about one kilowatt per capita. He believed that the city would be way ahead of the curve. He expressed on Friday the city's interest in upgrading renewable portfolios and the commissioners were all for it. The memorial in front of the council was an affirmation of actions that the council had taken in the past.

It was moved by Vice Mayor Ronstadt, seconded by Council Member Scott, to pass and adopt the memorial and direct staff to continue to participate in the Arizona Corporation Commission's Environmental Portfolio Standard workshops and proceedings to further the goals of the memorial.

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

Upon roll call the results were:

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

Nay: None

Absent/Excused: None

The memorial was passed and adopted by a voice vote of 7 to 0.

10. MAGISTRATES: APPOINTMENT OF CITY MAGISTRATE

Mayor Walkup announced that city manager's communication number 190, dated April 19, would be received into and made a part of the record. He asked the city clerk to read ordinance 9951 by number and title only.

Ordinance No. 9951

Relating to City Magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.

Kathleen S. Detrick, city clerk, announced that section one of the ordinance named Michael P. Pollard as the City Magistrate.

Mayor Walkup recognized Council Member Leal.

It was moved by Council Member Leal, seconded by Council Member West, to pass and adopt ordinance 9951.

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

Upon roll call the results were:

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

Nay: None

Absent/Excused: None

Ordinance 9951 was declared passed and adopted by a roll call vote of 7 to 0.

11. WATER: NOTICE OF INTENTION TO INCREASE CERTAIN FEES AND SCHEDULING A PUBLIC HEARING FOR MAY 24, 2004

Mayor Walkup announced that city manager's communication number 188, dated April 19, 2004, would be received into and made a part of the record. He announced that staff had a brief presentation and asked for that presentation.

David Modeer, Tucson Water Director, explained that the item before the council was related to the annual update of miscellaneous fees that was required according to mayor and council policy. That policy stipulated full cost recovery both for direct and indirect services that had been provided in a variety of areas. The revenues for the utility would be derived from water sales as well as other revenues that include interest, such as the fees between Pima County Wastewater for billing services and system equity fees. The fees that would be included in this item would be fees for various services, like meter installations, turn on and turn offs. These fees would be updated on an annual basis to bring them up to current costs related to increase in cost of services and wages. He explained that the item on the agenda was the intention to increase the fees and that there would be a public hearing in thirty days. A letter had been sent to the homeowners associations and discussions would continue with those impacted. They did a study to update the fees as they do every year. He noted, this item had gone before the Citizen's Water Advisory Committee and the Finance Subcommittee and both had voted unanimously to adopt it and forward it to mayor and council. He asked if there were any questions.

Mayor Walkup recognized Council Member West.

Council Member West stated that in light of some earlier testimony she wanted to read from page two of the four page report. She read that on March 2, 2004 the Citizen's Water Advisory Committee approved the proposed fee changes in the study and that in addition, copies of the study had been provided to the Southern Arizona Homebuilders Association and the Tucson Utility Contractors Association. She recalled that in the past, those groups had been consulted when they

were working on changes to the fees. She did not know if that was done this year. She believed that sometimes they might have suggestions. She thought they even had someone stand up to support the fees last year, or the year prior. She also wanted to point out that Ms. Lustig said that these fees were created in a vacuum. Council Member West disagreed with that statement. She had been involved with water issues in this community since 1986 and had never known the fees of Tucson Water to be created in a vacuum, even in 1992 and 1993. She explained that there was a five and ten-year forecast that was done. They looked at the revenues that would be needed during that time and then assess them. She said a citizen's group had met and looked at the fees.

Council Member West thought it might be a good idea for Mr. Modeer or David Cormier to meet with the homebuilders association so that they would understand how the fees would be put together because, they were not put together in a vacuum in any way, shape, or form. She also said that last year the system equity fee was done in consultation with many people and it was done so that the rate increases would not be four point five percent. Looking at the records of the rate increases over the past ten years, more often there had not been a rate increase and that this was a growing community. She believed that the existing ratepayers should not have to continue paying for new growth.

It was moved by Council Member West, seconded by Vice Mayor Ronstadt, to pass and adopt resolution 19812 and direct staff to file a report with the proposed rate changes in the city clerk's office and set May 24, 2004 as the date for the public hearing regarding the rate changes.

Mayor Walkup asked if there was any discussion. He recognized Council Member Dunbar.

Council Member Dunbar asked if the system equity fee was being reviewed for an increase.

Mr. Modeer responded that this item was not related to the water system equity fee and that the fee was not being reviewed for an increase at this time.

Council Member Dunbar said she had asked previously, by motion, if staff would investigate if a mechanism could be put in place where these fees would be listed as a separate item on the home purchaser's closing statement. She had not received any information on that. She believed that it would be good to have staff look into this because it might come up again. She had also asked previously if city staff would look into water credits for users who were currently paying into the water system. She was not sure that there was a way to do that, but since that motion was made and passed it should be investigated. Those two things should be looked at especially now as the city would be looking at impact fees.

Council Member West asked if the lower rate would be considered a break. She realized that it was probably a legal question. She agreed that Council Member Dunbar's points were good ones and they should be moved forward. The city had some need for a rate increase that was four point five percent but it was actually going to be about one point five.

Mr. Modeer confirmed that the financial plan, as presented, contained a projection for a one point five percent rate increase every other year. He said there was no question that the water system equity fee and the capital that would have been needed to fund those kind of activities and was now reserved for paying the debt service on those kinds of things. That had allowed for a minimal increase and still be able to provide the same levels of service. He went on to say that they had done some looking into Council Member Dunbar's two issues. He stated that there did not seem to be a very viable way to deal with water credits for current ratepayers. There was almost no way, both

financially, and in trying to verify some of the things needed in order to do that. The city attorney's office had looked into getting water fees listed separately on the closing statements and they found that there were some legal issues, it would involve title companies and such. He stated that they had not forgotten those issues, but had not had much progress in finding positive resolutions to them.

Mayor Walkup asked the city clerk to read resolution 19812 by number and title only.

Resolution No. 19812

Relating to water; approving and authorizing the Notice of Intention to increase certain fees and to schedule a public hearing; and declaring an emergency.

Ms. Detrick noted that the notice of intention listed the meeting as starting at or after 6:00 p.m. and that the rules were changed today to start meetings at 5:30 p.m. She said they would go ahead and make that change as well.

Upon roll call the results were:

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

Nay: Council Member Ibarra

Absent/Excused: None

Resolution 19812 was declared passed and adopted by a roll call vote of 6 to 1.

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced that city manager's communication number 186, dated April 19, 2004, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member West, seconded by Council Member Leal, and carried by a voice vote of 7 to 0, to appoint Rose Chaboya Balboa and Angela Guida to the Pima County/City Of Tucson Commission On Addiction, Prevention And Treatment.

It was moved by Council Member West, seconded by Council Member Leal, and carried by a voice vote of 7 to 0, to reappoint C. Alan Nichols, Johnathan Fenton, Dan Lundwall and Wayne Swan to the Building Code Committee (Joint City/County).

It was moved by Council Member West, seconded by Council Member Leal, and carried by a voice vote of 7 to 0, to reappoint Christina Bickelmann (Water Conservation Specialist) to the Landscape Advisory Committee.

Council Member Scott announced her personal appointment of Michael Keith Mandel to the Pima County/Tucson Women's Commission.

13. ADJOURNMENT: 6:42 p.m.

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held on Monday, April 26, 2004 at 5:00 p.m. in the Ballroom at the Tucson Convention Center, 260 S. Church Avenue, Tucson, Arizona. He suggested that the west entrance off of Granada Avenue be used to access the ballroom.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the city of Tucson, Arizona, held on the 19th day of April, 2004, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:DD:NB:cf
pr agnst tp:jr