



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on February 8, 2005

Date of Meeting: October 11, 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 Street, Tucson Arizona, at 5:35 p.m. on Monday, October 11, 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
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor, Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Kathleen Dunbar	Council Member Ward 3
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Staff Members Present:

James Keene	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Michael D. Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Joe Chan, Tucson Chinese Baptist Church, after which the pledge of allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed October to be Disability Awareness Month.
- b. Mayor Walkup proclaimed the week of October 11, 2004 to be Minority Enterprise Development Week.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 563, dated October 11, 2004, would be received into and made a part of the record. He also announced that this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member West announced there would be a "Landfill Tour" on Saturday, October 23, 2004, at 8:15 a.m. She also announced a special art exhibit for the month of October was on display at Eastside City Hall. The Tucson Art Center Design College created the display as a meaningful remembrance to commemorate the tragedy of September 11, as well as the contributions made by the Red Cross during the tragedy.

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

Mayor Walkup announced City Manager's communication number 564, dated October 11, 2004, would be received into and made a part of the record. He asked for the City Manager's report.

James Keene, City Manager, reported:

- a. City Clerk employee Ceci Sotomayor would be recognized with 2004 FBI Community Service Award at the League of United Latin American Citizens (LULAC) Luncheon on Friday.
- b. Commemorative Rio Nuevo Placemats were available and were being used by several downtown restaurants.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 555, dated October 11, 2004, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New Licenses

1. O.K. Corral
7710 E. Wrightstown Road
Applicant: Raul C. Peralta
City 062-04, Ward 2
Series 12
Action must be taken by: October 24, 2004
Public Opinion: Protest Filed
Considered separately.
Staff Recommendation
Police: In Compliance
DSD: In Compliance
Revenue: In Compliance
2. Trident
2033 E. Speedway Blvd. #101
Applicant: Nelson A. Miller
City 063-04, Ward 6
Series 12
Action must be taken by: October 24, 2004
Public Opinion: Protest Filed
Considered separately.
Staff Recommendation
Police: In Compliance
DSD: In Compliance
Revenue: In Compliance
3. Catalina Mart
7085 E. Broadway Blvd.
Applicant: Robert D. Mahlstedt
City 065-04, Ward 2
Series 10
Action must be taken by: October 23, 2004
Staff Recommendation
Police: In Compliance
DSD: In Compliance
Revenue: In Compliance

Person/Location Transfer

4. 58 Degrees & Holding Company
5340 E. Broadway Blvd.
Applicant: Ryan M. Schoff
City 061-04, Ward 6
Series 7
Action must be taken by: October 22, 2004
Staff Recommendation
Police: In Compliance
DSD: In Compliance
Revenue: In Compliance

c. Special Events

1. Tucson Blues Society Inc.
900 S. Randolph Way
Applicant: John W. Seeds
City T085-04, Ward 6
Date of Event: October 17, 2004
(Benefit for TBS & promote awareness of blues arts)
Staff Recommendation
Police: In Compliance
DSD: In Compliance
Parks: In Compliance

5. LIQUOR LICENSE APPLICATION

b. New License

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| 1. | O.K. Corral | Staff Recommendation |
| | 7710 E. Wrightstown Road | |
| | Applicant: Raul C. Peralta | Police: In Compliance |
| | City 062-04, Ward 2 | DSD: In Compliance |
| | Series 12 | Revenue: In Compliance |
| | Action must be taken by: October 24, 2004 | |
| | Public Opinion: Protest Filed | |

Ms. Detrick announced the first liquor license application to be considered separately was item 5b1, O.K. Corral. It had a staff recommendation for approval; however, a protest had been filed. The license is located in Ward 2.

Mayor Walkup recognized Council Member West.

Council Member West asked if the protestor was present. The protestor was not present. She said she had received the protest letter. This was a restaurant license and it was a transfer because the establishment was now under new ownership. The letter stated now there would be a liquor license at the location and the protestor did not believe there had been one there before. Council Member West stated there had always been a liquor license at the location and it was a well-run establishment. She said the applicant, Raul Peralta, was present and asked if he would tell the Council about his plans for the O.K. Corral.

Raul Peralta said the O.K. Corral was a well-known restaurant and they applied for a liquor license. He said they were not a bar, but a restaurant and steakhouse. Some of their customers requested wine with dinner and that was why they requested the liquor license. The working hours were from 5:00 p.m. to 9:00 p.m. The restaurant was established in 1964 and had been running from then until now. They had never had any problems, it was a family restaurant. He said they had good plans and a good reputation and they wanted to promote some of the history of cowboys in Tucson. He asked for the Mayor and Council's support so they could continue that tradition and bring tourism to this town. His restaurant supported 40 families and, in their name, he wanted to thank everyone.

It was moved by Council Member West, duly seconded, and passed by a voice vote of 6 to 0 (Council Member Dunbar absent/excused), that liquor license application 5b1 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATION

b. New License

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|--|---|
| 2. Trident
2033 E. Speedway Blvd. #101
Applicant: Nelson A. Miller
City 063-04, Ward 6
Series 12
Action must be taken by: October 24, 2004
Public Opinion: Protest Filed | Staff Recommendation

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |
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Kathleen S. Detrick, City Clerk, announced the final liquor license application to be considered separately was item 5b2, a new license request for Trident. It had a staff recommendation for approval, however a protest letter and a support letter had been filed. The license is located in Ward 6 and the applicant was present.

Mayor Walkup recognized Vice Mayor Ronstadt.

Vice Mayor Ronstadt asked if the protestor was present. The protestor was not present. He said this was the same situation as the O.K. Corral. There was an ownership change and it went from two owners to one and the same person was running the restaurant. He said there had been a number twelve license there forever and there had been no problems.

It was moved by Vice Mayor Ronstadt, duly seconded, and passed by a voice vote of 6 to 0 (Council Member Dunbar absent/excused), that liquor license application 5b2 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA ITEMS A THROUGH I

- A. WARD REDISTRICTING: EXTENDING THE TERM OF OFFICE FOR THE MEMBERS OF THE 2004 REDISTRICTING ADVISORY COMMITTEE
1. Report from City Manager OCT11-04-560 CITY-WIDE
 2. Resolution No. 19950 relating to the redistricting of wards; extending the 2004 Redistricting Advisory Committee's term to December 31, 2005, pursuant to Tucson Charter Chapter XVI, § 8.1 and Tucson Code § 12-9; and declaring an emergency.

- B. TUCSON FIRE: APPROVING CONSTRUCTION OF THE FIREFIGHTERS MEMORIAL ADJACENT TO FIRE STATION 6
1. Report from City Manager OCT11-04-556 W4
 2. Resolution No. 19951 relating to real property; authorizing and approving an Installation Agreement between the City of Tucson and Tucson Firefighters Association Local 479 for installation of a firefighters memorial upon a portion of Fire Station 6 at 10001 South Wilmot Road and declaring an emergency.
- C. REAL PROPERTY: GRANTING OF RIGHT-OF-WAY EASEMENTS LOCATED NEAR SILVERBELL ROAD AT BLANCO AND BRAWLEY WASHES TO PIMA COUNTY
1. Report from City Manager OCT11-04-557 OUTSIDE CITY
 2. Ordinance No. 10056 relating to easements; authorizing the granting of right-of-way easements to Pima County in the vicinity of Silverbell Road at Blanco and Brawley Washes, and declaring an emergency.
- D. REAL PROPERTY: ACQUISITION OF PROPERTY FOR A MAINTENANCE SHOP CONNECTING TO THE PENNINGTON STREET PARKING GARAGE
1. Report from City Manager OCT11-04-558 W6
 2. Resolution No. 19952 relating to real property; authorizing the City Manager to acquire from Pima County certain real property located north of the southeast corner of Scott Avenue and Pennington Street to build a maintenance shop connecting to the Pennington Street Parking Garage; and declaring an emergency.
- E. TUCSON CODE: AMENDING (CHAPTERS 10 AND 22) UPDATING EMPLOYMENT STATUS DEFINITIONS TO ALIGN WITH THE CIVIL SERVICE RULES AND REGULATIONS
1. Report from City Manager OCT11-04-559 CITY-WIDE

2. Ordinance No. 10057 relating to Civil Service and Human Resources and to Pensions, Retirement and Group Insurance; amending Tucson Code Chapter 10, Section 10-3. Definitions, adding new Section 10-3(15), renumbering former Sections 10-3(15) and 10-3(16) to Sections 10-3(16) and 10-3(17), adding new Section 10-3(18), renumbering former Section, 10-3(17) to 10-3(19) and renumbering former Sections 10-3(18) through 10-3(32) to Sections 10-3(20) through 10-3(34), amending renumbered Sections 10-3(22), 10-3(23), 10-3(24), 10-3(25), and 10-3(32); deleting renumbered Section 10-3(33); amending Section 10-4 Officers, Employees in Classified Service; Exceptions; amending Section 10-4(2); deleting section 10-4(3); amending Chapter 22, Article V, Leave Benefit Plan, Section 22-90(1)d and Section 22-90(2)d; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced a clerical correction to Item E. The ordinance as originally distributed included, on page four, a section nine that authorized the Mayor to execute documents necessary to effectuate the transaction. That section should not have been included. It was an amendment to the Tucson Code and there was no transaction for the Mayor to execute. Former section nine was deleted and sections ten and eleven were renumbered to be nine and ten.

F. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE BRAVO PARK LANE NEIGHBORHOOD REINVESTMENT PROJECT

1. Report from City Manager OCT11-04-562 W5
2. Resolution No. 19953 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with Pima County for the Bravo Park Lane Neighborhood Reinvestment Project; and declaring an emergency.

G. REAL PROPERTY: CONVEYANCE OF SURPLUS PROPERTY IN THE WEST OCHOA NEIGHBORHOOD TO CHICANOS POR LA CAUSA

1. Report from City Manager OCT11-04-561 W5
2. Ordinance No. 10058 relating to real property; vacating and declaring to be surplus a certain parcel of real property in the West Ochoa Neighborhood, Tucson, Arizona, and authorizing the conveyance thereof to Chicanos Por La Causa; and declaring an emergency.

H. TUCSON CODE: AMENDING (CHAPTER 22) RELATING TO EMPLOYEES OF THE CITY OF TUCSON – MEDICAL INSURANCE INCENTIVE ALLOWANCE

1. Report from City Manager OCT11-04-553 CITY-WIDE
2. Ordinance No. 10059 relating to Pensions, Retirement and Group Insurance; amending the Tucson Code, Chapter 22 Pensions, Retirement and Group Insurance, Article IV Group Insurance and Medical Health Plans, Section 22-86 Medical Insurance Incentive Allowance; and declaring an emergency.

I. INTERGOVERNMENTAL AGREEMENT: WITH THE CITY OF PHOENIX AND ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE ARIZONA UNIFIED CERTIFICATION PROGRAM

1. Report from City Manager OCT11-04-568 CITY-WIDE
2. Resolution No. 19954 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between and among City of Tucson, Arizona Department of Transportation and City of Phoenix for implementation of a Unified Certification Program for Disadvantaged Business Enterprises; and declaring an emergency.

It was moved by Council Member Ibarra, duly seconded, that Consent Agenda Items A through I be passed and adopted and the proper action taken.

Upon roll call, the results were:

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

Nay: None

Absent Council Member Dunbar

Consent Agenda Items A through I, including a clerical correction to Item E as announced by the City Clerk, were declared passed and adopted by a roll call vote of 6 to 0.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He called on the first speaker.

- a. Michael Toney addressed the Mayor and Council with comments on the University of Arizona Science Center.
- b. Lee Ewing, a resident of Pima County, representing Arizonans for Citizen Immigration Control, spoke in support of Proposition 200.
- c. Sue Voss, a resident of Pima County, representing Citizens for Proposition 200, spoke in support of Proposition 200.
- d. Russ Dove, representing Citizens for Proposition 200, spoke in support of Proposition 200.
- e. Randy Graf, a resident of Green Valley, representing Yes on Proposition 200 Committee, spoke in support of Proposition 200.
- f. Walter Haessner, a resident of Pima County, spoke in support of Proposition 200.
- g. Laura Leighton spoke in support of Proposition 200.
- h. Wes Bramhall, representing Arizonans for Immigration Control, spoke in support of Proposition 200.
- i. Alfred Rumberg spoke in support of Proposition 200.

8. ZONING: (C9-03-01) WPI KOLB AND I-10 LLC – KOLB ROAD, RX-1 TO R-1, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 565, dated October 11, 2004, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10060 by number and title only.

Ordinance 10060 relating to zoning: amending zoning district boundaries in the area located on the south side of Voyager Road, between the Kolb and Pantano Road alignments in Case C9-03-01, WPI Kolb and I-10 LLC – Kolb Road, RX-1 to R-1 (Ward 4).

Mayor Walkup recognized Council Member Scott.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10060.

Upon roll call, the results were:

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

Nay: None

Absent Council Member Dunbar

Ordinance 10060 was declared passed and adopted by a roll call vote of 6 to 0.

9. MAYOR AND COUNCIL: STATEMENTS OF INDIVIDUAL POSITION REGARDING PROPOSITIONS 102 AND 200

Mayor Walkup announced City Manager's communication number 567, dated October 11, 2004, would be received into and made a part of the record. He announced time was scheduled to allow members of the Mayor and Council to make individual statements of position regarding Propositions 102 and 200. He asked if any Council Member wished to make a statement at this time.

Mayor Walkup recognized Council Member West.

Council Member West thought Proposition 102 was something she personally supported. In other states, public universities were allowed to boost their revenue by profiting from campus research. This was called technology transfer, taking on campus innovations and transforming those ideas into consumer friendly products that can reel in big profits. One example was Gatorade; one of the universities in Florida had profited immensely with that. She said Proposition 102 could help attract top ranked faculty and stop the university brain drain. It could do so without a tax increase or an investment of cash. Universities would get their payment if and when the technology proved commercially viable. Lawmakers put some provisions into the plan during the past legislative session. Universities could not invest their own cash or property in exchange for an equity position. Additionally, no Regent could be paid for being a director or trustee of any company, and that should answer those who were concerned that technology transfer could benefit the wrong people. She planned to vote yes on Proposition 102.

Council Member West stated that on Proposition 200 she wanted to thank those who presented their point of view. She said she could not help thinking about the State she was from, which did not have voter registration, and how they would handle that in that state. She thought the Arizona Taxpayer and Citizen Protection Act did nothing to impact levels of immigration in Arizona. She said that its title however, gave away the most important fact about why this initiative was in existence. She thought it was fear and racism, being afraid of those who were different. Arizona taxpayers would pay for the new bureaucracies required to enforce the initiative; with no funding source identified by the initiative, the sponsors chose to stick the taxpayers with the bill instead. The State

of Arizona could not deny or even verify eligibility for certain public benefits like education. The initiative required breaking federal law and they could not do that. Immigrants were already ineligible for almost all public benefits including welfare, except those necessary to life and safety such as immunizations and emergency disaster relief. Council Member West stated this initiative was not needed and that the lawyers would have a ball trying to defend it.

Mayor Walkup recognized Council Member Ibarra.

Council Member Ibarra spoke on Proposition 200 and urged everybody in the City of Tucson, Pima County, and the State of Arizona to vote no on it. He thought the people before him had said it much more eloquently and more precise than he would. It was a bad proposition; it was not a solution but more of a problem, so he asked people to vote no on Proposition 200.

Mayor Walkup recognized Council Member Leal.

Council Member Leal thought Proposition 200 used scapegoating to respond to issues that had evolved over time in the State of Arizona. He said there were many ironies in this, on the one hand it professed to be concerned about saving taxpayers money, yet it probably promulgated the changing of public employees into quasi-police to monitor the applicability of aspects of the proposition. He thought it was corrosive because it turned everyone into police who are policing each other. There was enough fear and balkanization going on in the community without internalizing that into one's own soul. He thought all should vote against Proposition 200.

Council Member Leal agreed with Council Member West with regard to Proposition 102. He thought it was a great synergy between the cultivation of personal wealth and the elevation of the commonwealth by allowing technology transfers. He thought it was a good thing for the people of Arizona to support.

Mayor Walkup recognized Council Member Scott.

Council Member Scott stated she would support Proposition 102. She clarified, for the public, that the Council could not elect to take a vote as a body so each was making a public statement. They would not be taking an actual vote as the sitting City Council Members. Proposition 102 was definitely something she supported and she encouraged others to read about it and find out more about it.

Council Member Scott thought Proposition 200 was anti-American, an anti-democratic process, and anti-everything to suggest that anyone who disagreed was not an American citizen. She would not be supporting Proposition 200. She had made that statement early on. She thought it was over the top to suggest that it was un-American not to agree with a certain group of people. She found it very easy to not support this.

Mayor Walkup stated his position. He firmly supported Proposition 102. He thought that it was the right thing for the state to do. It would allow technology transfer to occur at a greater pace and create quality jobs.

Mayor Walkup said he was on record as being opposed to Proposition 200. He said there were parts of the Proposition that he thought made some sense, showing registration during voting had some sense to it, many states did that. He thought it was the application of showing proof of citizenship for welfare that complicated the issue to the point that most agencies were not sure how they would respond to that kind of legislation. He recommended voting against Proposition 200.

10. RECONSIDERATION OF ORDINANCES 10047, 10048, 10049, 10050, 10052, 10055, AND RESOLUTIONS 19947, 19948, AND 19949, ADOPTED OCTOBER 4, 2004, TO ENABLE AN EARLIER EFFECTIVE DATE

Mayor Walkup announced City Manager's communication number 566, dated October 11, 2004, would be received into and made a part of the record.

Kathleen S. Detrick, City Clerk, said a motion to reconsider the ordinances and resolutions would be needed, and if that motion passed then a motion would be needed to pass and adopt the ordinances and resolutions.

Mayor Walkup asked for a motion to reconsider the ordinances and resolutions.

It was moved by Council Member Ibarra, duly seconded, and passed by a voice vote of 6 to 0 (Council Member Dunbar absent/excused), to reconsider Ordinances 10047, 10048, 10049, 10050, 10052, 10055, and Resolutions 19947, 19948, and 19949, adopted October 4, 2004, to enable an earlier effective date.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Ordinances 10047, 10048, 10049, 10050, 10052, 10055, and Resolutions 19947, 19948, and 19949.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Dunbar

Ordinances 10047, 10048, 10049, 10050, 10052, 10055, and Resolutions 19947, 19948, and 19949 were declared passed and adopted by a roll call vote of 6 to 0.

11. TUCSON CODE: AMENDING (CHAPTER 8) RELATING TO THE CITY MAGISTRATE APPOINTMENT PROCESS (CONTINUED FROM MEETING OF OCTOBER 4, 2004)

Mayor Walkup announced City Manager's communication number 569, dated October 11, 2004, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10062 options A, B, and C and Ordinance 10063 by number and title only.

Kathleen S. Detrick, City Clerk, stated the title for Ordinance 10062 was the same for all three options so she would read it once and state what each option was.

Ordinance 10062 relating to City Court; amending the Tucson Code, Chapter VIII, Article 1, Section 8-2.1 Methods of Appointment of Magistrates and Qualifications; establishing Senior Special Magistrate Status and Compensation; Section 8-4 Magistrates; Powers and Duties; Section 8-4.1 authorizing assignment of an Associate Presiding Magistrate, Term, Compensation; and declaring an emergency.

Option A would allow the City Magistrates Merit Selection Commission to include a member of Law Enforcement, including a current Tucson Police Department Officer or City Employee.

Option B would allow the City Magistrates Merit Selection Commission to include a member of Law Enforcement, but not a current Tucson Police Department Officer or Employee

Option C would not allow the City Magistrates Merit Selection Commission to include a member of Law Enforcement.

Ordinance 10063 relating to City Court; amending the Tucson Code, Chapter VIII, Article 1, Section 8-2.2 Appointment of Special Magistrates; Terms of Office; Compensation; Powers; Duties; Qualifications; Section 8-2.3 Appointment of Limited Special Magistrates; Term; Powers; Duties; Qualifications; Compensation; and declaring an emergency.

Mayor Walkup recognized Council Member Leal.

It was moved by Council Member Leal, duly seconded, to pass and adopt Ordinance 10062, Option C.

Council Member Ibarra clarified that the Council was voting on the option that would not allow the City Magistrates Merit Selection Commission to include a member of Law Enforcement

Council Member Leal confirmed that he was correct.

Upon roll call, the results were:

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

Nay: Vice Mayor Ronstadt

Absent/Excused: Council Member Dunbar

Ordinance 10062, Option C was declared passed and adopted by a roll call vote of 5 to 1.

Council Member Scott asked for a clarification on the importance of this ordinance.

Anthony Riojas, Associate Presiding Magistrate, City Court, stated that Ordinance 10063 was designed to change the appointment procedure for Limited Special Magistrates and Special Magistrates. This issue first came before the Mayor and Council in late May or early June, when he attempted to appoint some Special Magistrates. At that time Mayor and Council directed the ordinance be changed so that appointments of Special Magistrates went entirely through the Merit Selection Commission, as opposed to the previous process where they just applied to City Court and City Court would review and forward names to the Merit Selection Commission. He said the process was being changed so all of the application procedures would go through the Merit Selection Commission. City Court would be out of the process other than to possibly give some advice if asked.

Over the summer, they began the process of hiring Limited Special Magistrates. The difference between the Limited Special Magistrates and the Special Magistrates was the Special Magistrate was like a substitute teacher. It was a substitute judge who was brought in on an on-call basis. The Limited Special Magistrate was a civil hearing officer who was used to hear civil ordinances, parking citations and some traffic matters. He stated in the last budget process the Council increased the budget to allow the hiring of one more Limited Special Magistrate. There was already one on board and they were in the process of hiring a second. That was what this had been amended to do. He said there were three different types of judges, regular Magistrates, Special Magistrates and Limited Special Magistrates and they were going to amend the process so that they would all be appointed basically the same way. They would all go through the Merit Selection Commission all the way through the process before going to the Mayor and Council for final approval.

Judge Riojas said they were already in the process of hiring one particular Limited Special Magistrate, they were down to three names and it was set on the agenda for next week. He had no problems changing the process to the way it had been constructed, but his concern was the current crop of Limited Special Magistrates, that this not apply to the current appointment, because he needed that position, it was scheduled to start November 1, 2004. His choice was to delay all the cases or to hire someone on a

part-time basis until they could fill that position. He did not know if anyone had talked to the Merit Selection Commission to see if they wanted to go through this all over again with this particular group. He urged them not to make this an emergency.

Council Member Leal clarified that Judge Riojas would like the Council to allow the ones in the pipeline to be grandfathered into the older process. He said that was fine.

Ms. Detrick asked the City Attorney for instruction on the best way to do that.

Michael Rankin, City Attorney, stated what they wanted to make part of the motion was that Section 2 of the ordinance, which reflected the change to the language for the appointment of Limited Special Magistrates would have a delayed effective date. He said they could leave the emergency clause in the ordinance so it was adopted as an emergency, but they could specifically state that Section 2 of the ordinance had a delayed effective date and would not go into effect until November 1, 2004.

It was moved by Council Member Leal, duly seconded, to pass and adopt Ordinance 10063 with an amendment to Section 2 to reflect a delay of the effective date to November 1, 2004.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Dunbar

Ordinance 10063 was declared passed and adopted by a roll call vote of 6 to 0.

Ms. Detrick asked to return to Ordinance 10062 Option C, as it was adopted by a vote of 5 to 1 without the emergency clause. She asked for a second vote for the purpose of the emergency clause and that purpose only.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Dunbar

Ordinance 10062, Option C was declared passed and adopted by a roll call vote of 6 to 0, with the emergency clause.

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced City Manager's communication number 554, dated October 11, 2004, would be received into and made a part of the record. He asked if there were any personal appointments by any member of the council.

There were no personal appointments.

13. ADJOURNMENT: 6:42 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Monday, October 18, 2004, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 11th day of October 2004, and do hereby certify that it is an accurate transcription

DEPUTY CITY CLERK

KSD:cf/sl