



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 28, 2005

Date of Meeting: November 8, 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 5:42 p.m. on Monday, November 8, 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
Fred Ronstadt	Vice Mayor, Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Steve Leal	Council Member Ward 5
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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 Senior Pastor Lupe Rodriguez, Agape Christian Fellowship, after which the pledge of allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 631, dated November 8, 2004, would be received into and made a part of the record. He also announced 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 commented on the future agenda request made by Mayor Walkup, and requested the Neighborhoods Subcommittee study the issue of "Desert Mistletoe" and send it to the Landscape Advisory Committee for review.

She also announced there would be a celebration to honor the artists that created the 911 painting (owned by the Red Cross) currently on display in her office. The celebration was scheduled for November 9, 2004 at the Ward 2 Office.

- b. Vice Mayor Ronstadt announced the Ward 6 booth at the Tucson Firefighter's Chili Cook-Off was awarded first place, and gave special recognition to the chef, Michael Guyman, Ward 6 Council Aide.
- c. Council Member Dunbar congratulated Ward 6 on their victory and presented Vice Mayor Ronstadt with a special recognition award from Ward 3.

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

Mayor Walkup announced City Manager's communication number 632, dated November 8, 2004, would be received into and made a part of the record. He also announced this time had been scheduled to allow the City Manager to report on current events, and asked for the City Manager's report.

James Keene, City Manager, reported:

- a. The Tucson Zoological Society and Reid Park Zoo recently received the prestigious Kresge Foundation Green Building Planning Grant in the amount of ninety four thousand dollars.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 623, dated November 8, 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 License

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| 1. | Claim Jumper Restaurant
3761 E. Broadway Blvd.
Applicant: Amy S. Nations
City #077-04, Ward 6
Series 12
Action must be taken by: November 18, 2004
Public Opinion: Support Filed | Staff Recommendation

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |
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Location Transfer

- | | | |
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| 2. | Frys Food & Drug #90
8080 S. Houghton Road
Applicant: Stephen M. McKinney
City 073-04, Ward 4
Series 9
Action must be taken by: November 11, 2004
Public Opinion: Support Filed | Staff Recommendation

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |
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c. Special Event

- | | | |
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| 1. | Tucson Community School, Inc.
3201 E. Presidio Road
Applicant: Catherine L. Mahoney
City T097-04, Ward 3
Date of Event: November 20, 2004
(Raise money for programs) | Staff Recommendation

Police: In Compliance
DSD: In Compliance |
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It was moved by Council Member Dunbar, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), that liquor license applications 5b1, 5b2, and 5c1, be forwarded to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA ITEMS A THROUGH F

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.

A. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR FISCAL YEAR 2005 JOINT FUNDING OF THE TUCSON-PIMA COUNTY HISTORICAL COMMISSION

1. Report from City Manager NOV8-04-627 CITY-WIDE & OUTSIDE CITY

2. Resolution No. 19968 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement Amendment with Pima County for Fiscal Year 2005 Joint Funding of the Tucson-Pima County Historical Commission; and declaring an emergency.
- B. GRANT APPLICATION: FOR FEDERAL BROWNFIELDS FUNDS TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1. Report from City Manager NOV8-04-624 CITY-WIDE
 2. Resolution No. 19967 relating to redevelopment; approving and authorizing submission of a Grant Application to the U.S. Environmental Protection Agency for federal Brownfields funds for the redevelopment of various sites within the Empowerment Zone, and declaring an emergency.
- C. REAL PROPERTY: ACCEPTANCE OF A LEASE TERMINATION AGREEMENT FOR PROPERTY LOCATED AT THE HISTORIC DEPOT AT 400 NORTH TOOLE AVENUE
1. Report from City Manager NOV8-04-626 W6
 2. Ordinance No. 10079 relating to real property; authorizing and approving the termination of a lease agreement with Leading Medical Research LLC for the lease of space in Suites B and C of the Historic Depot at 400 North Toole Avenue; and declaring an emergency.
- D. AGREEMENT: FACILITIES DEVELOPMENT AGREEMENT WITH THE TANQUE VERDE GIRLS SOFTBALL LEAGUE FOR A SNACKBAR AT UDALL PARK
1. Report from City Manager NOV8-04-628 W2
 2. Resolution No. 19969 relating to parks and recreation; approving and authorizing the Facilities Development Agreement between the City of Tucson and Tanque Verde Girls Softball League for the development, construction and use of a new snack bar to be constructed at Udall Park; and declaring an emergency.
- E. TUCSON CODE: AMENDING (CHAPTER 12) TECHNICAL AND ADMINISTRATIVE AMENDMENTS RELATING TO ELECTIONS
1. Report from City Manager NOV8-04-633 CITY-WIDE

2. Ordinance No. 10081 relating to elections; amending Tucson Code Section 12-1 to clarify that prior to every city election, the City Clerk shall compile the “Register of Voters–City of Tucson” for that election using Pima County Voter Registration Records; amending Tucson Code Sections 12-18 through 12-20 and 12-22 through 12-29 to refer to “Early” rather than “Absentee and Mail” ballots; amending Tucson Code Section 12-18 to state that “Early,” as used in Tucson Code Chapter 12, Article II, is synonymous with “Absentee” as used in the Charter and “Early” as used in Title 16, Arizona Revised Statutes; amending Tucson Code Section 12-20 to clarify that the City Clerk need only respond to an early ballot request within 48 hours if the request is received during the period when state law permits early voting; amending Tucson Code Section 12-28 to allow election boards to check early ballot voter affidavits using early ballot registers of voters and poll lists for specific precincts, or combinations of precincts, prepared by the City Clerk from the “Register of Voters–City of Tucson”; amending Tucson Code Section 12-93 to require that recall elections be held on a date authorized by A.R.S. Section 16-204; making certain other technical and stylistic changes to the previously listed Tucson Code Sections; and declaring an emergency.

F. REAL PROPERTY: SALE OF EASEMENT TO THE UNIVERSITY OF ARIZONA FOR AN ELECTRIC TRANSMISSION DUCT BANK

1. Report from City Manager NOV8-04-625 W6
2. Ordinance No. 10083 relating to real property; authorizing and approving the sale of an easement to the University of Arizona within certain portions of Second Street and Tyndall Avenue rights-of-way for an electric transmission duct bank; and declaring an emergency.

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

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Items A through F 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 also announced the call to the audience would last for thirty minutes.

- a. Michael Toney provided a design for the Science Center. He also spoke of safety concerns at the Ronstadt Transit Center.
- b. Ray Figueroa, representing the American Federation of State, County, and Municipal Employees (AFSCME) #97 and the American Federation of Labor – Congress of Industrial Organizations (AFL-CIO), commented that the resignation of James Keene as City Manager would be a loss for the City and urged the Mayor and Council to keep the process to replace him open.
- c. Servant Bishop Chicago, of the Church Without Walls, brought a message of peace to the Mayor and Council.
- d. Joyce Smith addressed the Mayor and Council regarding alleged police brutality at a peaceful demonstration.
- e. Phoenix Wheeler addressed the Mayor and Council with a concern that the Tucson Police Department was too aggressive.
- f. Elder John, of the Church without Walls, shared his message of peace with the Mayor and Council.
- g. Keith McHenry urged the Mayor and Council to ban the use of “less than lethal” weapons and asked for their support of the First Amendment rights.
- h. Walt Staton addressed the Mayor and Council with concerns regarding alleged police brutality.
- i. Gretchen Nielsonn Road, addressed the Mayor and Council with concerns the Tucson Police Department was too aggressive.
- j. Swaneagle Harijan addressed the Mayor and Council regarding alleged police brutality.
- k. Mike Sousa addressed the Mayor and Council regarding alleged police brutality at a peaceful demonstration.
- l. Adelene Sampson addressed the Mayor and Council regarding alleged police brutality at a peaceful demonstration.

8. PUBLIC HEARING: LOS REALES NUMBER TWO ANNEXATION DISTRICT

Kathleen S. Detrick, City Clerk, announced this item would be continued to November 15, 2004 at the request of staff.

9. ZONING: (C9-99-25) CHICAGO TITLE AND TRUST NO. 12151 - ALVERNON WAY I-1 TO R-1, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 629, dated November 8, 2004, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10084, by number and title only.

Ordinance No. 10084 relating to zoning: amending zoning district boundaries in the area located on the east side of Alvernon Way approximately 1,275 feet north of Valencia Road in Case C9-99-25, Chicago Title and Trust No. 12151 – Alvernon Way, I-1 to R-1; and setting an effective date.

Ernie Duarte, Development Services Director, advised the Council there was a change to one of the conditions. Condition 24, originally noted "that all interior streets would be private", was deleted as directed by Council and at the request of the developer. The language inserted in Condition 24 was "Development in the area of Earp Wash, including compliance with conditions 1-C and D3, D5, D6, D9, and D21 shall be subject to approval for conformance with wash regulations prior to final plat approval."

It was moved by Vice Mayor Ronstadt, duly seconded, to pass and adopt Ordinance 10084 as amended.

Mr. Duarte confirmed Council Member Scott's statement that language inserted into Condition 24 would replace "all interior streets would be private."

Mayor Walkup asked if there was any further discussion. Upon hearing none, he called for the roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10084 was declared passed and adopted by a roll call vote of 6 to 0.

10. ZONING: (C9-96-01) TACK ROOM – SABINO CANYON ROAD, C-1 ZONING, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION (CONTINUED FROM MEETING OF OCTOBER 25, 2004)

Mayor Walkup announced that City Manager's communication number 621, dated November 8, 2004, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10068 by number and title only.

Ordinance No. 10068 relating to zoning: amending Ordinance No. 8991 to amend conditions in the area located approximately 1,300 feet east of Sabino Canyon Road in Case C9-96-01, Tack Room – Sabino Canyon Road, C-1; and declaring an emergency.

Council Member West asked Ron Peetz to come forward. She reminded the Council that two weeks ago they asked that this meeting be continued so there would be time for the developer and the neighborhood representatives to meet and discuss issues related to the redevelopment of the Tack Room property.

Ron Peetz, president of AmericaBuilt, stated that in response to the Council's request of two weeks ago, they immediately sent out notification to all one hundred and four neighbors in the homeowner's association. They held a meeting last Monday night at which thirty-eight home-sites were represented and fifty-five to sixty people attended. They had unanimous approval from the thirty-eight home-site representatives that attended. One of the board members, Andrea Whittey, canvassed the neighborhood and received sixteen additional signatures. Therefore, a total of fifty-four home-sites were represented in the signature petition and were included in the report to the Council.

Mr. Peetz added that they also spoke to one of the four individuals that protested, and she was one of the first people to sign the second petition. The homeowner's association of the second protestor did not attend their meeting and the other two protests were from homeowner's associations in other communities.

Mr. Peetz responded to Council Member West's question that they were amenable to the conditions that had been attached to this item.

It was moved by Council Member West, duly seconded, that Ordinance 10068 be passed and adopted.

Mayor Walkup asked if there was further discussion. Hearing none, he asked for the roll call vote.

Upon roll call, the results were:

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

Nay: Council Member Ibarra

Absent/Excused: Council Member Leal

Ordinance 10068 was declared passed and adopted by a roll call vote of 5 to 1.

11. ZONING: (C9-03-24) ABRAMS/ACEDO – FOURTH STREET, R-1 AND R-2 TO R-2, CITY MANAGER’S REPORT (CONTINUED FROM MEETING OF NOVEMBER 1, 2004)

Mayor Walkup announced City Manager’s communication number 620, dated November 8, 2004, would be received into and made a part of the record. This was a request to rezone property located on the south side of Fourth Street between Richey Boulevard and Dodge Boulevard. The preliminary development plan proposed eleven one and two story single-family detached residences. The Zoning Examiner and the City Manager recommended approval subject to certain conditions. He asked if the applicant or representative was present and if they were aware of and agreeable to the proposed requirements.

Eric Abrams, Stanley Group, indicated that they were in agreement with the City Manager’s zoning conditions, with the exception of Item 4. They asked that the retention/detention area be designed as a pass of open space and the remainder of that be excluded.

Vice Mayor Ronstadt asked Mr. Abrams if they were just talking about the elimination of the park benches.

Mr. Abrams confirmed.

Vice Mayor Ronstadt noted that the neighborhood wanted to make sure that the access point to the one way street for service vehicles be carefully engineered to make sure that access could be only for emergency service vehicles.

Mr. Abrams stated that Evan Eglund was the land design architect and Baker Engineering was the project engineer and would make sure they take extra care.

It was moved by Vice Mayor Ronstadt, duly seconded, to approve the rezoning request C9-03-24, as recommended by the Zoning Examiner and with the amendment to Item 4.

Kathleen S. Detrick, City Clerk, asked if it was their intention that Item 4 would read “the retention/detention area was to be designed as usable path of and/or open space.”

Mr. Abrams confirmed. He also confirmed Ms. Detrick’s statement that it would be without the remainder of that sentence or the following sentence.

The motion to approve the request to rezone property located on the south side of Fourth Street between Richey Boulevard and Dodge Boulevard as recommended by the Zoning Examiner and the City Manager, and as amended was carried by a voice vote of 5 to 1 (Council Member Ibarra dissenting, Council Member Leal absent/excused).

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced City Manager’s communication number 622, dated November 8, 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 Vice Mayor Ronstadt, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Leal absent/excused).to approve the reappointments of Alan Jim, Rose Chaboya Balboa, Angela Guida, William Anderson, Raj Kohli, W. Mark Clark, Melody Flores, Ricardo Jasso, and Don Jorgensen to the Pima County/City of Tucson Commission on Addiction, Prevention and Treatment; and to ratify the appointment of Nan Lagermann and Gypsy Barker Lyle to the Pima County/Tucson Women’s Commission. At the request of Kathleen S. Detrick, City Clerk, appointments to the Citizens’ Advisory Committee regarding the City Manager Recruitment Process were made part of the record. The Mayor’s appointments were Dr. Charles Ford, Armando Rios and Don Bourn. Ward 1 appointments were Rosemary Marquez and Jesus Castro. Ward 2 appointments were Eve Thorburn and Dr. Anna Jolivet. Ward 3 appointments were Britton Dornquast and Kevin Daily. Ward 4 appointments were Art Eckstrom and Frank Thomson. Ward 5 appointments were Sylvia Campoy and Tom Castillo. Ward 6 appointments were Mary R. Zulli and Roger Hartley.

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

13. ADJOURNMENT 6:31 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting of the Mayor and Council to be held on Monday, November 15, 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 8th day of November, 2004, and do hereby certify that it was an accurate transcription. .

DEPUTY CITY CLERK

KSD:sac/jk