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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on June 28, 2005

Date of Meeting: November 15, 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 5:37 p.m. on Monday, November 15, 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, Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

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 Reverend Lee Norris May, Prince Chapel African Methodist Episcopal 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 City Manager's communication number 638, dated November 15, 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 announced on November 13, 2004 she joined the Eastside Neighborhood Association in cleaning up Broadway from Harrison to Houghton. She said that on November 16, 2004 the Ward 2 Council Office would be hosting a townhall featuring Tucson Fire and their excellent community programs. She also announced that a Landfill tour was scheduled for November 20, 2004.

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

Mayor Walkup announced City Manager's communication number 639, dated November 15, 2004, would be received into and made a part of the record. He asked for the City Manager's report.

James Keene, City Manager, stated that he had nothing to report.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 637, dated November 15, 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

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| 1. Innsuites Tucson City Center<br>Suite Hotel & Conference Resort<br>475 N. Granada Avenue<br>Applicant: Douglas B. Caron<br>City 083-04, Ward 1<br>Series 11<br>Action must be taken by: November 28, 2004 | Staff Recommendation<br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance |
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## 5. LIQUOR LICENSE APPLICATIONS

### b. New License

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| 2. | Super Carniceria El Herradero #2<br>5434 S. 12th Avenue<br>Applicant: Hiram N. Rascon<br>City #085-04, Ward 1<br>Series 10<br>Action must be taken by: December 2, 2004 | Staff Recommendation<br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance |
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Kathleen S. Detrick, City Clerk, announced that the first liquor license application to be considered separately was item 5b2. It had a staff recommendation for approval; however, protests had been filed. It is located in Ward 1.

Council Member Ibarra asked if the applicant, Hiram N. Rascon, was in the audience and asked him to come forward to address the Mayor and Council.

Hiram Rascon said this was actually an existing liquor license, it was just a transfer of owner. He said he bought the business. Mr. Rascon noted that the previous owner had the license for years and never had any complaints or violations.

Council Member Ibarra said they would talk to any protesters and then go from there. He called on Yolanda Herrera LaFond, who had sent him an e-mail.

Yolanda Herrera LaFond said she was the current president of the Sunnyside Neighborhood Association, which was Tucson's largest registered neighborhood association with approximately 18,000 residents. She began by wishing James Keene, City Manager, well in his new venture and said he would be greatly missed. She also wanted to note that the Sunnyside Neighborhood Association supported the Tucson Police Department. Last week a lot of negative energy was brought up at the meeting, but said that without a doubt, the Tucson Police Department was the glue of the community.

She said this license application was a new application. Therefore, under the State guidelines they could protest under the location. Their neighborhood association had worked closely with the Tucson Police Department and their Crime Reduction Task Force. They worked along with their division advisory committee and with several other committees. Ms. Herrera LaFond said she was also a youth diversion counselor. Youth alcohol use was on the rise, and she said that before the council today on the consent agenda they would be looking at another commission. One of the recommendations of that commission was to reduce the amount of liquor establishments in a given area. As they all knew, with the increase in liquor establishments in an area, the higher the crime rate. This particular area was also considered a high stress area. The Sunnyside Unified

School District was experiencing high dropout rates. They were trying to do what they could in that area to increase graduation rates.

Ms. Herrera LaFond continued that the Sunnyside Neighborhood Association voted to ask the Mayor and Council to deny this liquor license application, because it would not better serve their community.

Council Member Ibarra asked Michael Rankin, City Attorney, if this application fell under a new license.

Michael Rankin, City Attorney, replied that was correct.

Council Member Ibarra said that then location did come into play. It was not a person to person transfer.

Mr. Rankin responded that when considering a new license application, both prongs of the analysis were in place. Therefore, the capabilities, qualifications and reliability of the applicant, as well as the suitability of the location would have to be considered.

Council Member Ibarra said he would then like to make a motion. He noted that Ms. Herrera LaFond said it best and he did not want to duplicate what she said. He reiterated that she said it best when she said that this area was saturated with liquor licenses. They had a situation with young people drinking and that was increasing, as they could tell by their consent agenda. Therefore, under the State law that said that it did not show a public convenience or would substantially help the community, and that the saturation was quite high in this area, he said he would make a recommendation for denial.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b2, Super Carniceria El Herradero #2, be forwarded to the State Department of Liquor Licenses and Control with a recommendation for denial.

## **5. LIQUOR LICENSE APPLICATIONS**

### Person Transfers

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| 4. | The Home Den<br>2607 N. 1st Avenue<br>Applicant: Francisco A. Ortiz<br>City 082-04, Ward 3<br>Series 6<br>Action must be taken by: November 28, 2004<br>Public Opinion: Protests Filed | Staff Recommendation<br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance |
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Kathleen S. Detrick, City Clerk, announced that the second license to be considered separately would be 5b4, a person transfer for The Home Den. She said that it did have a staff recommendation for approval, however a protest had been filed. She stated that this was located in Ward 3.

Council Member Dunbar stated that she knew that the applicant was present and she wondered if the protestor was also present. The protestor was not present.

Council Member Dunbar stated that it was a person to person transfer and therefore, the only thing that they were allowed to look at by law was if the person was capable, qualified and reliable. She stated that staff had recommended approval and that they were in compliance. She encouraged Mr. Ortiz to get involved in the neighborhood association. She stated that they had talked briefly before the meeting and that was a tough area. If it had not been a person to person transfer, she would have moved for denial. She said that now the responsibility was on him to make sure that he was a good neighbor in that neighborhood. She said that they had marvelous people and that they did a lot of work to improve the neighborhood and she hoped he would be a part of it.

It was moved by Council Member Dunbar, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b4, The Home Den, be forwarded to the Arizona State Liquor Board with a recommendation for approval.

## **6. CONSENT AGENDA - ITEMS A THROUGH B**

Mayor Walkup announced 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. AMENDED FINAL PLAT: (S01-005) WILMOT OFFICE PARK CONDOMINIUMS, UNITS 1 TO 17 AND COMMON AREAS "A" AND "B"**

1. Report from City Manager NOV15-04-641 W2
2. The City Manager recommends that the Mayor and Council approve the amended final plat as presented. The Development Services Director recommends approval of the amended final plat. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

### **B. BOARDS, COMMITTEES AND COMMISSIONS: AUTHORIZING THE PIMA COUNTY-CITY OF TUCSON COMMISSION ON ADDICTION, PREVENTION, AND TREATMENT TO CREATE AN UNDERAGE DRINKING TASK FORCE AND ACCEPTANCE OF THE COMMISSION REPORT**

1. Report from City Manager NOV15-04-635 CITY-WIDE

2. Resolution No. 19971 relating to City Boards and Commissions; approving a Task Force under the direction of the Pima County-City of Tucson Commission on Addiction, Prevention, and Treatment, accepting the report from the commission, and declaring an emergency.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Items A and B were declared passed and adopted by a roll call vote of 7 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 said there were a number of speakers.

- a. Ruth Beeker, representing the Neighborhood Infill Coalition, addressed the Mayor and Council with a concern regarding the makeup of the Planning Commission's Subcommittee on Infill.
- b. Bill Katzel thanked the Mayor for proclaiming him the 2004 Bicycle Ambassador and invited everyone to participate in a sixty-six mile bike ride on that Saturday at Udall Park.
- c. John Garwood, representing Church Without Walls, requested that the Mayor and Council find a way to keep park bathrooms open past 2:30 p.m.
- d. Michael Toney addressed the Mayor and Council regarding the University of Arizona Science Center.
- e. Robert Reus addressed the Mayor and Council with a concern regarding police force and called for a new form of government.

**8. PUBLIC HEARING: LOS REALES NUMBER TWO ANNEXATION DISTRICT  
(CONTINUED FROM MEETING OF NOVEMBER 8, 2004)**

Mayor Walkup announced City Manager's communication number 640, dated November 15, 2004 would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the Los Reales Number Two Annexation District. The public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup announced no cards had been turned in. He asked if anyone wanted to speak. There was no one.

It was moved by Vice Mayor Ronstadt, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

James Keene, City Manager, responded to Mayor Walkup that there would not be a staff presentation.

It was moved by Vice Mayor Ronstadt, duly seconded, to direct the City Manager to proceed with the Los Reales Number Two Annexation District.

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

Upon roll call, the results were:

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

Nay: Council Member Leal

Motion was declared passed by a roll call vote of 6 to 1.

**9. ZONING: (C9-03-15) PLACITA DEL RIO – I-19 AND IRVINGTON ROAD R-1  
TO R-2 AND C-1, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 642, dated November 15, 2004 would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10085 by number and title only.

Ordinance No. 10085 relating to zoning: amending zoning district boundaries in the area located on the east side of Interstate 19, approximately 500 to 1,000 feet north of Irvington Road behind an existing shopping center in Case C9-03-15, Placita del Rio – I-19 & Irvington Road, R-1 to R-2 and C-1; and setting an effective date.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Ordinance 10085.

Mayor Walkup asked if there were 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

Ordinance 10085 was declared passed and adopted by a roll call vote of 7 to 0.

**10. ZONING: (C9-03-08) KALAMAZOO MATERIALS – STONE AVENUE R-2 TO O-2, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 643, dated November 15, 2004 would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10086 by number and title only.

Ordinance No. 10086 relating to zoning: amending zoning district boundaries in the area located on the east side of Stone Avenue, approximately 200 feet north of Pastime Road in Case C9-03-08, Kalamazoo Materials – Stone Avenue, R-2 to O-2; and setting an effective date.

It was moved by Council Member Dunbar, duly seconded, to pass and adopt Ordinance 10086.

Mayor Walkup asked if there were 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

Ordinance 10086 was declared passed and adopted by a roll call vote of 7 to 0.

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

Mayor Walkup announced City Manager's communication number 636, dated November 15, 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 none.

**12. ADJOURNMENT 6:09 p.m.**

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled to be held on Monday, November 22 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 15<sup>th</sup> day of November, 2004, and do hereby certify that it was an accurate transcription.

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DEPUTY CITY CLERK

KSD:cf/jk