



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 11, 2005

Date of Meeting: December 13, 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, December 13, 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	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	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
Mike Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor John W. Miller, Northwest Bible Church, after which the pledge of allegiance was presented by the entire assembly.

Presentations

- a. Mayor Walkup, assisted by Council Member Scott, presented an “Outstanding Citizen of Tucson” award to Loren Whitehead in recognition of his participation in the 2004 International Police and Fire Games in Las Vegas, Nevada.
- b. Jerry Gary from the Tucson-Almaty Sister City Committee presented Mayor Walkup with a Certificate of Recognition.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 671, dated December 13, 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 Scott reported on the success of the Ward 4, Pima County Supervisor Ray Carroll's Office, Davis Monthan Air Force Base, Pima College East, Santa Rita High School and KGUN 9 sponsored T.R.O.O.P.S. event, which raised over three thousand dollars to purchase phone cards for military personnel serving overseas. Donations were accepted by calling 791-3199 for details. Additionally, Council Member Scott announced that American Home Furnishings would occupy a vacant building at Golf Links and Harrison beginning in April 2005.
- b. Council Member Ronstadt congratulated the Tucson Police Officers Association for raising eleven thousand dollars with their “Shop With A Cop” program. Donations were accepted by calling 791-4601 for details. The new Ward 6 Office, located at 3202 East First Street, would be dedicated in conjunction with the annual Ward 6 Holiday Open House, on Thursday, December 17, 2004 from 3:00 p.m. to 6:00 p.m.
- c. Mayor Walkup reported on the past weekend’s holiday events including: Lighting of the Christmas Tree, the Holiday Parade, and the 4th Avenue Street Fair.

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

Mayor Walkup announced City Manager’s communication number 672, dated December 13, 2004, would be received into and made a part of the record. He asked for the City Manager’s report.

City Manager James Keene announced:

- a. Updated the Mayor and Council on the fire at the Tucson Convention Center and congratulated the Tucson Fire and Tucson Police responders for excellent service.
- b. Development Services added an Impact Fee Calculator to their web site. The calculator should be used to estimate the impact fees due for new development. Interested parties should go to www.tucsonaz.gov/impact for information.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 670, dated December 13, 2004, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

Kathleen S. Detrick, City Clerk, announced both of the requests on the Liquor License Agenda carried recommendations for approval and no protests had been filed.

b. New Licenses

1. Best Western Royal Sun & Suites
1015 N. Stone Avenue
Applicant: Jaiprakashkumar C. Patel
City #089-04, Ward 1
Series #11
Action must be taken by: December 26, 2004
Staff Recommendation
Police: In Compliance
DSD: In Compliance
Revenue: In Compliance
2. European Market
4500 E. Speedway Blvd. #36
Applicant: Olga I. Chausovskaya
City #091-04, Ward 6
Series #10
Action must be taken by: December 30, 2004
Public Opinion: Support Filed
Staff Recommendation
Police: In Compliance
DSD: In Compliance
Revenue: In Compliance

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, that liquor license applications 5b1 and 5b2 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA ITEMS A AND 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. ZONING: (C9-04-23) UMC NORTH PAD – CAMPBELL AVENUE R-2 TO PAD 11, WAIVER OF MINIMUM ACREAGE REQUIREMENT FOR PAD DISTRICT

1. Report from City Manager DEC13-04-674 W3

The City Manager recommended authorization of a Planned Area Development District for the former Tucson General Hospital site.

B. REAL PROPERTY: APPROVING LEASE AGREEMENTS WITH SAGUARO ARTISANS FOR PORTIONS OF THE HISTORIC DEPOT

1. Report from City Manager DEC13-04-669 W6
2. Ordinance 10094 relating to real property; authorizing and approving the lease of certain city-owned real property located at 400-410 North Toole Avenue within the Historic Train Depot Complex to Francis Lemer, Kristin D'Oca, Mike D'Oca, Jerry Harkins, and Ruth Denholtz doing business as Saguaro Artisans; and declaring an emergency.

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

Council Member Ibarra asked the City Attorney if a conflict of interest existed because his wife worked at University Medical Center and inquired if he would be allowed to vote on Item A.

Michael Rankin, City Attorney, stated that a conflict of interest did not exist and that Council Member Ibarra would be allowed to cast a vote.

Upon roll call, results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;
Vice Mayor Dunbar 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 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. Linda Bohlke opposed the process used to implement the proposed Utility Services Consolidation. She urged the governing body to delay taking action until the unions had the opportunity to review and comment on the consolidation.
- b. Michael Toney explained his model for “Space Oasis”.
- c. Sally Uthe opposed the process used to implement the proposed Utilities Services Consolidation. She urged the governing body to delay taking action until the citizens committees had the opportunity to review and comment on the consolidation.

8. PUBLIC HEARING: MICHIGAN – RANDOLPH ANNEXATION DISTRICT

Mayor Walkup announced City Manager’s communication number 675, dated December 13, 2004, would be received into and made a part of the record. He said this was the time and place legally advertised for a public hearing on the Michigan–Randolph Annexation District. He stated the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations.

Kathleen S. Detrick, City Clerk, stated that cards had not been submitted.

Mayor Walkup asked if anyone wished to speak on the issue at that time.

No one requested to speak.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0 to direct staff to proceed with the Michigan-Randolph Annexation District.

9. PUBLIC HEARING: PROPOSED AMENDMENT TO THE *NORTHSIDE AREA PLAN TO ALLOW REDEVELOPMENT OF THE TUCSON GENERAL HOSPITAL SITE AS UNIVERSITY MEDICAL CENTER NORTH MEDICAL PARK*

Mayor Walkup announced City Manager’s communication number 668, dated December 13, 2004, would be received into and made a part of the record. He stated this was the time and place legally advertised for a public hearing on an amendment to the Northside Area Plan to allow redevelopment of the Tucson General Hospital site.

Mayor Walkup asked if the applicant or a representative was present and if he would like to make any comments prior to the public hearing.

Steve Brigham, Director of Planning for the University Medical Center, stated he had no comments, but would answer any questions. He thanked the Ward 3 Office for helping with the public hearing and public meetings. He also thanked Urban Planning

and Design and indicated that everyone provided help with an unfamiliar and difficult process.

Mayor Walkup announced the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations. He asked if there were any cards.

Kathleen S. Detrick, City Clerk, stated that cards had not been submitted.

Mayor Walkup asked if anyone wished to speak on the issue at that time.

No one requested to speak.

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

Michael Rankin, City Attorney, stated with respect to Resolution 19979, the annotated map that was included with the material as part of Attachment G to the communication was not attached as an exhibit to the Resolution. He asked that if the motion was adopted and approved, that the map be added as Exhibit 1 to Resolution 19979.

Mayor Walkup asked that the City Clerk read Resolution 19979.

Resolution 19979 relating to planning and zoning; amending the *Northside Area Plan* by amending the Tucson Prince Section of the Subarea Goals and Policies section to add references to a new Area 1; and declaring an emergency.

It was moved by Vice Mayor Dunbar, duly seconded, to adopt Resolution 19979 with the Map added as Exhibit 1 to the Resolution.

Council Member Ibarra asked the City Attorney if he was allowed to vote on this motion because his wife worked at University Medical Center.

Mr. Rankin stated that Council Member Ibarra was allowed to vote.

Mayor Walkup asked for a roll call vote.

Upon roll call, results were:

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

Nay: None

Resolution 19979 was declared passed and adopted by a roll call vote of 7 to 0.

10. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced City Manager's communication number 673, dated December 13, 2004, would be received into and made a part of the record and asked for a motion to approve the recommendation.

It was moved by Council Member Ronstadt, duly seconded, and carried by a voice vote of 7 to 0 to appoint James R. Tripp to the Board of Appeals.

11. TUCSON CODE: AMENDING (CHAPTERS 11B, 15, AND 27) REGARDING CREATION OF UTILITY SERVICES DEPARTMENT

Mayor Walkup announced City Manager's communication number 676, dated December 13, 2004, would be received into and made part of the record. He asked the City Clerk to read Ordinance 10099 by number and title only.

Ordinance 10099 relating to the Utility Services Department; creating the Utility Services Department; providing for consolidation of the functions of the Water and Environmental Service Departments into the Utility Services Department; providing that the Director of the Utility Service Department shall be the charter appointive position known as the "Superintendent of the Water Department"; amending portions of Chapters 15, 27, and related Tucson Code sections to conform to the effects of consolidation the Water and Environmental Services Departments into the Utility Services Department; amending the Tucson Code Chapter 11B and related sections; and declaring an emergency.

It was moved by Council Member West, duly seconded, to pass and adopt Ordinance 10099 relating to the Utility Services Department without the emergency clause to give staff thirty days to meet with the Environmental Services Advisory Committee, the Citizens Water Advisory Committee, the unions and other pertinent parties prior to this action becoming effective.

Council Member Ronstadt expressed concern regarding significant changes he read in the Ordinance. He understood that the Ordinance would codify the changes that had taken place during the past few months. He asked if that was a fair statement.

James Keene, City Manager, stated, in a general sense, that it was a fair statement.

Council Member Ronstadt said the Council wanted David Modeer, Director of Water, to oversee the Utilities and start coordinating efforts to merge departments when the Council passed and adopted the budget. He asked if that was also correct.

Mr. Keene commented that the Council expressed that the transition be as seamless as possible when the Environmental Fees were adopted. Mr. Keene stated that when the Council adopted the environmental fee there was concern regarding the ability to effectively manage through the transition and they wanted to pull expertise from staff

that had worked in an intensive customer service environmental enterprise operation. They thought it was critical to be able to draw assistance and support from the Water Department rather than hiring new staff. He indicated that it was fair to say that the two departments had evolved into one during the past several months.

Council Member Ronstadt said, aside from the administrative services and customer support activities that have migrated together the past few months, that there had been real benefits: cost savings for taxpayers and efficiencies in the economy scale. He asked staff what other services for the two enterprises would be effected by this action.

Mr. Keene stated the City merged the Environmental Management function with the Solid Waste Department and created the Environmental Service Department about a year ago. He said staff wanted to be able to allocate the services that the Environmental Management function did on investigating environmental contamination and those kind of issues to the appropriate areas. Reorganization in that fashion allowed staff to assign those responsibilities in costs more clearly. He said that they have all been functioning together in the department, but get the basic point, in an ad hoc way they had been doing all of this. This was management reorganization. There were no service changes and no program changes. What we were doing had not been changed. They were only restructuring staff in order to do that, which was a management reorganization and that was what was taking place with this formal action.

Council Member Ronstadt said the employees who were represented by the American Federation of State, County and Municipal Employees (AFSCME): the people who picked up the trash; picked up the recyclable, their job was not changing. The people who checked the meters; the people who drove the pickup trucks and the solid waste trucks, none of that was changed. Only management had changed in the last few months.

Mr. Keene responded that if the motion passed, staff had thirty days to meet with AFSME and go over the plan in detail. Union employee jobs were not being effected by this reorganization; job duties were not changing; pay classification; numbers; or any other things were not being effected by this action--they were just cleaning up. He thought that when the Environmental Services Advisory Committee, the Citizens Water Advisory Committee, and AFSCME reviewed the organizational change, they would see that the new structure was a result of common sense.

Council Member Ronstadt stated that the reason he supported this action was when the budget was passed, Council directed staff to start doing things to make sure taxpayers were getting the most of every dollar that they entrusted to the City. He said that this was right in line with that direction. We were seeing major costs savings with the integration of customer service and administration. It does not affect blue-collar employees. It was not a major change; it was what staff had been doing for a couple of months based on the budget that was passed.

Council Member Ibarra asked the City Manager how specific the plan was for reorganization. It had been mentioned in the Study Session that Mr. Keene had wanted to present the change to the Council before the details of the plan were finalized. Council Member Ibarra wondered how specific the plan was to merge the departments.

Mr. Keene stated that if the plan were adopted, additional changes would be made before staff goes through the thirty-day period. Administration staff would formalize the organizational chart so staff or anyone could see how the merger would work. This would clarify the confusion that ensued when Mr. Modeer and staff from the Water Department started to work with Environmental Services. It was unclear to people what the relationship was between the Water Department and Environmental Services. The organization chart would also clarify to the Finance staff how to correctly allocate cost and accountability. Mr. Keene stated that staff had been working together and evolving toward a merger that is very much in place. He said that this was before the Council for reasons they discussed in the Study Session. Mr. Keene believed it was important for staff to communicate the organizational changes and did not believe it would be a big deal once the reorganization plan was explained to everyone involved.

Council Member Ibarra stated, first of all, he did not believe that moving eight hundred employees was minor or not a big deal. He said all the hard-working employees in the City of Tucson needed to be treated with more respect instead of calling them “minor” or “not a big deal.” Second of all, he stated that no one on the Council was refuting the need for efficiency: they all wanted to be more efficient and they wanted the City to be more efficient - they would applaud efficiency. He said he wanted to make sure that this was effective efficiency. He expressed concern and fear about merging the two different departments without a real plan. He believed that solid plans for the merger needed to be put together and then implemented, not implemented as you go. It had been proven that not having a plan before something was moved as significant as this was the wrong way to go. Council Member Ibarra suggested that a solid, efficient, effective plan be created before taking action and requested that the Council wait until the first of the year before making a decision. He applauded Council Member West; he thought that it was a good compromise that she had put forward, but staff should have a more specific plan before eight hundred employees are moved. He stated that he would not be supporting the motion but did think that it was a good compromise.

Mayor Walkup recognized Council Member West.

Council Member West stated that she fully agreed with everything that Council Member Ibarra said, except that she had followed this issue for several months and knew that a plan was in place and had been since July 1, 2004. What was being done here was formalizing it. She asked who had said that there was a letter sent to the unions, because maybe that is something she had missed.

Mr. Keene stated that he did not say a letter had been sent. He said that he thought it was clear in the Study Session, but that he would restate that it had always been staff's intention to sit down with the unions and all of the staff to go over the management reorganization.

Council Member West stated that was important. She did not want any employees to have any apprehensions, but somehow she did not believe they would. She overheard a conversation between an Environmental Services employee and another person. They discussed how well the billing had gone since they began working with Tucson Water in August. Obviously those two departments were working together and she had not thought it would hold up "pay as you throw". She stated she was particularly in favor of giving enhanced responsibilities to the Environmental Services Advisory Committee so that they would be like the Citizens Water Advisory Committee and it would give them more work. She did not know if they wanted to hear that or not. She thought that was what staff needed to do over the next months. Since this was more of a personnel issue more than anything else, she believed the motion could be passed that evening. But she did think that it was important that staff go out to the Environmental Services Advisory Committee and the other groups to talk to them and increase their comfort level.

Mayor Walkup recognized Council Member Leal

Council Member Leal stated he was not sure, but, when the City voted to move forward in July 2004 on the trash fee issue, he remembered sending Mr. Modeer, Director of Tucson Water, down to help Environmental Services learn how to develop an enterprise system, not for him to package it and drag it back to the Water Department. He did not consider sending Mr. Modeer to do that as giving him license or justification to do what was before them that evening. He said that the Council could tell Mr. Keene that they liked sugar in their coffee, but that should not give him the ability to go buy a Caribbean island that had sugar cane on it and say "look what a good deal I got, oh what do you mean I thought you wanted sugar for your coffee." It seemed that Council had to be circumspect as to what words they used because staff could take those words and use them as card blanc to do what they wanted. They could then come back and say they had followed the Council's direction. Corporations pursue efficiency by laying off employees who have not reached twenty years so they cannot get their retirement. Corporations pursue efficiency by buying life insurance on employees so that they could collect money when the employee dies. There were many ways to think about efficiency, some were good and others were pretty dubious. Staff should have involved the Council in an explicit way, clearly out front saying what was to be done. He thought that to tell citizen's committees, the unions, and the other stakeholders that the item would be passed this evening and they will talk to them later, was a kind of trivialization and tokenism that people would find offensive. He thought that the lessening of the integrity of the democratic process was something that was happening far too much here and in other places in our country lately. He said that he thought they needed to be circumspect about the ends justifying the means arguments that were used. This should not have come forward this way. This was not what he thought the Council voted on in July 2004. It may be used to legitimize what was happening now by a little revisionist history reinterpreting things, but that was not what he thought they voted on.

Council Member West asked the City Attorney, for the sake of clarification for the audience, to explain that the Council was not going to pass the emergency clause with Ordinance 10099 and what effect it had on the motion.

Michael Rankin, City Attorney, stated that if the motion was approved and the Ordinance adopted without the emergency clause, it means that the Ordinance would go into effect in thirty days.

Council Member West asked that if for some reason the Ordinance were to come back to Council and decided not to allow the emergency clause, would it not be in effect then or would Council need to go through reconsideration.

Mr. Rankin stated the Council's action to adopt and approve Ordinance 10099 would adopt the ordinance. If there was a motion to reconsider that motion could be brought by any Council Member that voted for the prevailing side, which ever way that was, to reconsider that item.

Council Member Leal asked for a point of clarification that the Council Aides would be able to participate in the meetings with the citizen's committees and the unions and staff.

Mayor Walkup said yes and then asked for a roll call vote.

Council Member Ibarra stated that he had one more question. He asked if Mr. Rankin had stated that only people who could reconsider the Ordinance would be people who voted for it.

Mr. Rankin clarified that only someone who voted on the prevailing side could bring forth a motion for reconsideration. If the motion passed, then the prevailing side would be the "yes" votes.

Kathleen S. Detrick, City Clerk clarified that the motion was to pass and adopt Ordinance 10099 with an amendment to delete Section 9 of the ordinance that included the emergency clause so that it would become effective in thirty days if the motion passed.

Council Member Scott said she would be voting against the motion because she believed the public process had been corrupted or interrupted. She believed the public was being served by getting cost savings and efficiencies, but because of the artificial deadline and the lack of public scrutiny, which she stressed was very important, she would vote no.

Mayor Walkup said he would be voting aye because he thought it was consistent with the City Manager's responsibilities as Chief Operations Officer to take those kind of actions and protect the City of Tucson by seeking consolidations and efficiencies as he saw fit.

Upon roll call, results were:

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

Nay: Council Members Ibarra, Scott, and West

Ordinance 10099 was declared passed and adopted by a roll call vote of 4 to 3.

12. ADJOURNMENT 6:29 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled to be held on Monday, December 20, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West 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 13th day of December, 2004, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:kav/cf