



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 24, 2005

Date of Meeting: April 26, 2005

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 Tuesday, April 26, 2005, 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:

Mike Hein	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 Carol Chandler, United Methodist Church, after which the pledge of allegiance was led by Council Member Scott.

Presentations

- a. Council Member Scott presented the “Ward IV Outstanding Citizen Civic Service Awards” and “Ward IV Outstanding Constituent Service Awards.”
- b. Mayor Walkup presented an award from Sister Cities International to Sulaimani, Kurdistan Region, Iraq, "in recognition of their contribution to international understanding demonstrated by their community affiliation with Tucson."
- c. Mayor Walkup presented an award to the Department of Transportation, Streets Division personnel for the Phoenix Heavy Equipment Rodeo.
- d. Mayor Walkup proclaimed April 28, 2005 to be Take Our Daughters and Sons to Work Day.
- e. Mayor Walkup proclaimed April 26, 2005 to be Outstanding Teen Citizen Day.
- f. Mayor Walkup presented the “Outstanding Teen Citizen Awards.”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 217, dated April 26, 2005, 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 she would be hosting a townhall on May 2, 2005, at 7:00 p.m., at 7575 E. Speedway, the topic of discussion would be the Houghton Area Master Plan (HAMP).
- b. Council Member Ronstadt announced he and the Mayor would be attending a reception that evening, in honor of Qubad Jalal Talabany, our visitor from Kurdistan, Iraq.
- c. Council Member Scott thanked all the participants and supporters of the Southeast Regional townhall that was held.

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

Mayor Walkup announced City Manager’s communication number 218, dated April 26, 2005, would be received into and made a part of the record. He asked for the City Manager’s report.

Mike Hein, City Manager, reported:

- a. Van Tran was named the Arizona Transit Association Outstanding Transit Organization for 2004.
- b. Broadway in Tucson is growing. In 2004, the series ran two and a half weeks, with twenty shows serving approximately twenty-four thousand visitors. Last year it ran four weeks, with thirty-two shows serving fifty-four thousand visitors. This year it was expected to run eleven and a half weeks, with ninety-two shows and expected attendance of one hundred fifty-six thousand.
- c. The City of Tucson Human Resources Department was selected as the winner of the Agency Award for Excellence given annually by the Western Region of the International Public Management Association for Human Resources.
- d. The April 2005 issue of Fire Engineering magazine featured an article about the Tucson Fire Department's pre-planning process for all fire department functions. The title of the article is "The Cobra System: Two-Dimensional, Realistic Pre-Planning." The COBRA system was created by TFD Fire Prevention inspectors Steven Reutz and Shawn Ryan.
- e. The April 26, 2005, 5:30 p.m. edition of NBC Nightly News with Brian Williams would be including a feature on the new CPR method being pioneered by the Sarver Heart Center at the University of Arizona together with the Tucson Fire Department. Joe Gulotta from Tucson Fire and physicians from University Medical Center would be featured on this report.
- f. Mike Letcher, Deputy City Manager, announced that Jim Cameron was named Budget Director for the City of Tucson.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 215, dated April 26, 2005, 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 under Item 5b there was one request for a new license and under 5c there were three special event requests. Application 5b1, The Spot Billards, was a person/location transfer, Development Services staff indicated they were not in compliance and had protests filed. That license would be considered separately. Application 5c2, SS Peter and Paul Catholic School Parents Club, was a special event license and had protests filed. That license would be considered separately.

b. Liquor License Applications

Person/Location Transfer

1. The Spot Billards, Ward 3
2502 N. 1st Avenue
Applicant: Christopher Bradford
Series 06, City 21-05
Action must be taken by: May 1, 2005
Development Services Department has indicated the applicant is **not** in compliance with city requirements.
Protest Filed
Considered separately.

c. Special Event

1. CODAC Behavioral Health Services, Inc., Ward 2
4644 E. Ft. Lowell Road
Applicant: Kristine Welter
City T18-05
Date of Event: May 7, 2005
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.
2. Ss. Peter & Paul Catholic School Parents Club, Ward 6
1946 E. Adams
Applicant: Maureen Batik
City T41-05
Date of Event: May 7, 2005
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.
Protest Filed
Considered separately.
3. Casas Adobes Rotary Club, Ward 3
4502 N. 1st Avenue
Applicant: Thomas Firth
City T43-05
Date of Event: April 30, 2005
Charitable Fundraiser
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Vice Mayor Dunbar, duly seconded, and carried by a voice vote of 7 to 0, that liquor license applications 5c1 and 5c3 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

Person/Location Transfer

1. The Spot Billards, Ward 3
2502 N. 1st Avenue
Applicant: Christopher Bradford
Series 06, City 21-05
Action must be taken by: May 1, 2005
Development Services Department has indicated the applicant is **not** in compliance with city requirements.
Protest Filed

Kathleen S. Detrick, City Clerk, announced liquor license application 5b1, The Spot Billards, is located in Ward 3 and the applicant was present.

Vice Mayor Dunbar asked if the applicant wanted to come forward and say anything. The applicant declined to speak at that time.

Vice Mayor Dunbar stated that there was forty-three letters of protest. She asked Judy Stern to come forward and read a letter from her neighborhood association.

Judy Stern, co-chair of Mountain-First Neighborhood Association, read a letter to Mayor and Council to formally state Mountain-First Neighborhood Associations opposition to granting a liquor license to The Spot Billards.

Vice Mayor Dunbar asked if there was anyone else in the audience who wanted to speak.

Rosemary Shelly, member of Mountain-First Neighborhood Association, read a letter opposing the liquor license.

Jamie Schremmer stated she lives in the Keeling Neighborhood and at the neighborhood meeting they discussed the item and also opposed the liquor license.

Vice Mayor Dunbar said she met with the applicant, Mr. Bradford, a couple of weeks ago. She stated that Mr. Bradford had a dream and a vision and he wanted to live his dream, but unfortunately he did not come to the council office before he started his process. Vice Mayor Dunbar said that this was an area where the Council had denied every license that came forward in the last couple of years. This was an area that averages about thirty thousand police calls within a one square mile radius. They did not need another liquor establishment in this area and certainly did not need a billiard hall. The onus was on the applicant to prove that public convenience was being served and they could see there was absolutely no public convenience by granting this establishment a license.

It was moved by Vice Mayor Dunbar, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b1, The Spot Billards, be forwarded to the Arizona State Liquor Board with a recommendation for denial.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event

2. Ss. Peter & Paul Catholic School Parents Club, Ward 6
1946 E. Adams
Applicant: Maureen Batik
City T41-05
Date of Event: May 7, 2005
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.

Kathleen S. Detrick, City Clerk, announced liquor license application 5c2, Ss. Peter and Paul Catholic School Parents Club is located in Ward 6.

Council Member Ronstadt asked if the protestor was present. There was no response. He mentioned that this came up every year. Ss. Peter and Paul did a fundraiser where they sell beer and wine and the same person protested every time. The issue was a philosophical issue, that a school should not use alcohol as part of their fundraiser. Council Member Ronstadt said he understood and appreciated her position, however, this event had gone on for years. There had not been any issues related to crime or disturbance or the quality of life nuisance issues the Council normally discussed.

It was moved by Council Member Ronstadt, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5c2, Ss. Peter & Paul Catholic School Parents Club, be forwarded to the Arizona State Liquor Board with a recommendation for approval

6. CONSENT AGENDA ITEMS A THROUGH C

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. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR IMPROVEMENTS TO FREEDOM PARK CENTER

1. Report from City Manager APRIL26-05-216 WARD 5

2. Resolution No. 20062 relating to Intergovernmental Agreements; approving and authorizing the execution of the Second Amendment to the Intergovernmental Agreement with Pima County for Improvements to Freedom Park Center; and declaring an emergency.
- B. PARKS AND RECREATION: AMENDMENT TO CHAPTER 21 OF THE TUCSON CODE AND APPROVAL OF A FACILITY USE AGREEMENT WITH THE PATRONS OF THE ADAPTIVE RECREATION CENTER (PARC), A NON-PROFIT CORPORATION
1. Report from City Manager APRIL26-05-213 WARD 6
 2. Ordinance No. 10148 relating to Parks and Recreation; amending Chapter 21 of the Tucson Code by amending Section 21-17; and declaring an emergency.
 3. Resolution No. 20063 relating to Parks and Recreation; approving and authorizing execution of a Facility Use Agreement between the City of Tucson and Patrons of the Adaptive Recreation Center (PARC); and declaring an emergency
- C. INTERGOVERNMENTAL AGREEMENT: WITH THE PIMA COUNTY FREE LIBRARY DISTRICT FOR FISCAL YEAR 2004 - 2005
1. Report from City Manager APRIL26-05-214 CITY-WIDE and OUTSIDE CITY
 2. Resolution No. 20064 relating to Library Services; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Pima County Free Library District for Library Services for FY 2004-05; and declaring an emergency.

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

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

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

Nay: None

Consent Agenda Items A through C 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 items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Michael Toney spoke on the tree pruning performed by “Groundskeeper Tree Service” and issues relating to the State Land Trust.
- b. Jim Lockier offered suggestions that could improve the community including the use of photovoltaic cells, desalinators and options for implementing a recent HUD grant. Mr. Lockler submitted materials.
- c. Servant Bishop Chicago noted a concern with noise from airplanes flying over educational institutions and the enforcement of loitering laws.
- d. John Garwood noted a concern with the enforcement of loitering laws.
- e. Jamie Schremmer spoke on a concern regarding residential infill. Ms. Schremmer went on to list several suggestions that could mitigate impacts on existing neighborhoods.

8. ZONING: (C9-05-02) CIVANO MASTER PAD – HOUGHTON ROAD, SR, R-1, R-2, OCR-2, C-2, I-1 AND PAD-6 TO PAD-12, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager’s communication number 220, dated April 26, 2005, would be received into and made a part of the record. He also announced this was a request to rezone property located at the northeast corner of Houghton and Bilby Roads. The request was for a mixed-use development consisting of regional and neighborhood commercial uses, and a maximum of two thousand, five hundred and seventy-eight residential units. The Zoning Examiner and City Manager recommended approval subject to certain conditions.

Mayor Walkup asked if the applicant or a representative was present and if they were agreeable to the requirements.

Mary Beth Savel, with Lewis and Rocca representing Pulte Home Corporation, gave a brief statement on the Civano project. She thanked the members of the audience who were from the different organizations that have worked on the Civano project. She answered Council Member West’s question that Civano does have porches.

Mayor Walkup asked the City Clerk to read Ordinance 10147 by number and title only.

Ordinance No. 10147 relating to zoning: amending zoning district boundaries in the area located at the northeast corner of Houghton and Bilby Roads in Case C9-05-02, Civano Master PAD – Houghton Road, SR, R-1, R-2, OCR-2, C-2, I-1, and PAD-6 to PAD-12; repealing Ordinances 7697 and 8971; amending Ordinances 8970, 9143 and 9919; and setting an effective date.

Kathleen S. Detrick, City Clerk, announced updates to the attachment to the Ordinance. She stated the changes to Exhibit A were an updated page fifty-one, which was figure thirteen, and page eighty-five, which was figure twenty-one.

Council Member Scott saluted all the participants in the long process. She said this exemplified what may be coming out of Ward 4 in the future. Council Member Scott stated that Ward 4 has almost one hundred square miles within its perimeter. She said there were many tracks of land and the magnitude and quality of what this exemplified, and the cooperation of the entities involved, was merely the tip of the iceberg of the wonderful, good things still to come.

It was moved by Council Member Scott, duly seconded, to approve the request for rezoning as recommended by the Zoning Examiner and pass and adopt the corrected Ordinance 10147.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

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

Nay: None

Ordinance 10147 was declared passed and adopted by a roll call vote of 7 to 0.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 219, dated April 26, 2005, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

Kathleen S. Detrick, City Clerk, announced a correction to the names under the Metropolitan Housing Commission. Barbara Becker and Danny Need should be in the category of Community Partners and not Neighborhood Consumer Advocates.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0, to appoint Ned France to the Citizens Transportation Advisory Committee and to appoint Barbara Becker and Danny Need, as Community Partners to the Metropolitan Housing Commission.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Dunbar announced her personal appointment of Britton Dornquist to the Small Business Commission.

10. ADJOURNMENT 6:50 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, May 3, 2005, 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 26th day of April 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:dc/jk