



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on December 13, 2005

Date of Meeting: November 22, 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 5:35 p.m. on Tuesday, November 22, 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
Robert E. Walkup	Mayor

Absent/Excused: Fred Ronstadt, Council Member Ward 6

Staff Members Present:

Mike Hein	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 led by Cub Scout Pack 261.

Kathleen S. Detrick, City Clerk, announced Susie Rogers would be assisting the Mayor and Council with anyone in the audience needing Spanish language translation for items listed on the agenda.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 622, dated November 22, 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 Council to report on current events and asked if there were any reports.

- a. Council Member West announced a Public Safety Town Hall meeting on November 29, 2005 at the Ward 2 office. It would be hosted by Mayor Walkup and focus on the question: "How well prepared are we for disasters such as Hurricane Katrina?" Council Member West also announced Captain David Neri, Tucson Police Department, would be giving a presentation on methamphetamine use in the community at the December 7, 2005 Eastside Neighborhood Association meeting.

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

Mayor Walkup announced City Manager's communication number 623, dated November 22, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Hein, City Manager, reported:

- a. Tucson was selected as one of the top ten digital cities in a survey sponsored by the Center for Digital Government. Tucson tied for fourth place in the category for population over two hundred and fifty thousand. The survey examined and assessed how city governments utilized information technology to operate and deliver quality service to the citizens and customers in their area. Tucson has been in the top ten all five years the survey has been conducted.
- b. On November 18, 2005, the Arizona State Transportation Board met and approved the Transportation Enhancement Review Committee recommendations for funding of the thirteenth round of Transportation Enhancement funds. The City of Tucson was awarded four hundred and ninety three thousand dollars for the Campbell Avenue Main Street Project. The funds would be complemented with three hundred and thirty thousand dollars issued by the federal government in the 2005 Omnibus Appropriations Bill.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 625, dated November 22, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License

1. Cafe Bama, Ward 2
9431 E. 22nd Street Ste. 137
Applicant: Mika C. Abera
Series 12, City 98-05
Action must be taken by: December 4, 2005
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

1. Promociones Artistca Internancional Vazquez, Ward 5
4801 S. Sixth Avenue
Applicant: Hector A. Vazquez
City T109-05
Date of Event: December 3, 2005
Cultural Event
Staff has indicated the applicant is in compliance with city requirements.
2. Southern AZ Institute of Advanced Training, Ward 5
3000 E. Valencia Road #190
Applicant: Matthew J. Foraker
City T110-05
Date of Event: December 9, 2005
Holiday and Five Year Anniversary Celebration
Staff has indicated the applicant is in compliance with city requirements.
3. Southern Arizona Association for the Visually Impaired, Ward 5
2805 E. Ajo Way
Applicant: Michael O. Gordon
City T113-05
Date of Event: December 3, 2005
Fundraising
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change

1. Long Wongs, Ward 6
2500 E. Sixth Street
Applicant: Jeffrey Samuel Obedin
City AC11-05
Action must be taken by: December 2, 2005
Staff has indicated the applicant is in compliance with city requirements.
2. Wok N Sushi, Ward 5
4802 S. 6th Avenue
Applicant: Rudolfo Valenzuela
City AC17-05
Action must be taken by: December 4, 2005
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Ronstadt absent/excused), to forward liquor license applications 5b1, 5c1 through 5c3, 5d1 and 5d2, to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA – ITEMS A THROUGH M

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. PARKS AND RECREATION: NAMING THE PARK AT SOUTH SANTA RITA AVENUE AND EAST 14TH STREET, SAN ANTONIO PARK “PARQUE DE LA GENTE”
 1. Report from City Manager NOV22-05-618 WARD 5
 2. Resolution No. 20224 relating to Parks and Recreation; authorizing and approving naming the park located at the corner of South Santa Rita Avenue and East 14th Street, San Antonio Park ‘Parque de la Gente’; and declaring an emergency.
- B. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA FOR THE TOOLE AVENUE/EUCLID AVENUE/16TH STREET RAILROAD CROSSING PROJECT
 1. Report from City Manager NOV22-05-619 WARD 5

2. Resolution No. 20225 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the State of Arizona through its Department of Transportation (ADOT) for the installation of a new concrete surface at the existing Union Pacific Railroad (UPRR) crossing at Toole Avenue/Euclid Avenue/16th Street; and declaring an emergency.

C. REAL PROPERTY: AUTHORIZING A LEASE AGREEMENT WITH TUCSON UNIFIED SCHOOL DISTRICT FOR PROPERTY LOCATED AT 35 EAST TOOLE AVENUE

1. Report from City Manager NOV22-05-628 WARD 6
2. Ordinance No. 10219 relating to Real Estate; authorizing and approving the lease of certain City-owned real property located at 35 East Toole Avenue to Tucson Unified School District; and declaring an emergency.

D. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR REID PARK DOG PARK

1. Report from City Manager NOV22-05-629 WARD 6
2. Resolution No. 20226 relating to Finance; approving and authorizing the allocation of one hundred dollars (\$100) from the Community Support Fund to Organization 001-183-1898-268, Reid Park Dog Park, to assist in covering associated costs for iron-on transfers; and declaring an emergency.

This was a request by Council Member Ronstadt. Allocation of funds was as follows: Council Member Ronstadt - \$100.00

E. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR TUNES FOR TOTS

1. Report from City Manager NOV22-05-630 WARD 6
2. Resolution No. 20227 relating to Finance; approving and authorizing the allocation of six hundred dollars (\$600) from the Community Support Fund to Organization 001-183-1898-268, Tunes for Tots, to assist in covering associated costs for a music concert to benefit the Marine Corps Reserve Toys for Tots (of Tucson) campaign; and declaring an emergency.

This is was request by Council Member Ronstadt. Allocation of funds was as follows: Council Member Ronstadt - \$600.00

- F. LIBRARIES: ACCEPTANCE OF THE BILL AND MELINDA GATES FOUNDATION GRANT FOR THE PURCHASE OF PUBLIC ACCESS COMPUTERS FOR LIBRARIES
1. Report from City Manager NOV22-05-620 CITY-WIDE AND OUTSIDE CITY
 2. Resolution No. 20228 relating to Library; approving and authorizing acceptance of the Bill and Melinda Gates Foundation Grant in the amount of \$94,500 for the purchase of public access computers for libraries; and declaring an emergency.
- G. FINANCE: SALE OF CERTIFICATES OF PARTICIPATION FOR CAPITAL IMPROVEMENTS, SERIES 2005-A
1. Report from City Manager NOV22-05-617 CITY-WIDE
 2. Resolution No. 20215 relating to real and personal property; authorizing the execution and delivery of a Ground Lease, an Equipment Lease, a Lease-Purchase Agreement, a Certificate Purchase Agreement and a Continuing Disclosure Undertaking; acknowledging and approving the execution of an Amendment and Supplement to a Declaration of Irrevocable Trust and the sale and delivery of one or more Series of Certificates of Participation in the Lease-Purchase Agreement pursuant thereto; and declaring an emergency.
- H. ASSURANCE AGREEMENT: (S04-152) DESERT STONE SUBDIVISION (RCP), LOTS 1 TO 260 AND COMMON AREAS "A" AND "B"
1. Report from City Manager NOV22-05-631 WARD 4
 2. Resolution No. 20229 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-152 of a final plat for the Desert Stone Subdivision, Lots 1 to 260 and Common Areas "A" and "B"; and declaring an emergency.
- I. FINAL PLAT: (S04-152) DESERT STONE SUBDIVISION (RCP), LOTS 1 TO 260 AND COMMON AREAS "A" AND "B"
1. Report from City Manager NOV22-05-633 WARD 4
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- J. REAL PROPERTY: VACATION AND SALE OF PROPERTY LOCATED AT 797 EAST AJO WAY TO GOLDEN EAGLE DISTRIBUTORS
1. Report from City Manager NOV22-05-634 WARD 5
 2. Ordinance No. 10221 relating to real property; vacating and declaring a portion of City property located at 797 East Ajo Way, Tucson, Arizona, to be surplus property, and authorizing the sale thereof to Golden Eagle Distributors, Inc.; and declaring an emergency.
- K. HUMAN RESOURCES: APPROVING THE APPOINTMENT OF THE HUMAN RESOURCES DIRECTOR FOR THE CITY OF TUCSON
1. Report from City Manager NOV22-05-627 CITY-WIDE
 2. Ordinance No. 10220 relating to the Department of Human Resources; approving the appointment of Cindy Bezaury as the Director of Human Resources and fixing compensation.
- L. ASSURANCE AGREEMENT: (S04-072) MIRAMONTE AT THE RIVER SUBDIVISION (RCP), LOTS 1 TO 163, BLOCK “A,” AND COMMON AREAS “A” TO “M”
1. Report from City Manager NOV22-05-635 WARD 3
 2. Resolution No. 20230 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-072 of a final plat for the Miramonte at the River Subdivision, Lots 1 to 163, Block “A” and Common Areas “A” – “M”; and declaring an emergency.
- M. FINAL PLAT: (S04-072) MIRAMONTE AT THE RIVER SUBDIVISION (RCP), LOTS 1 TO 163, BLOCK “A,” AND COMMON AREAS “A” TO “M”
1. Report from City Manager NOV22-05-636 WARD 3
 2. The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

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

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

Upon roll call, the results were:

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

Nay: None

Absent: Council Member Ronstadt

Consent Agenda Items A through M 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 items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for fifteen minutes. He asked if there was anyone in the audience who wished to address the Council.

- a. Michael Toney spoke about the University of Arizona and the Rio Nuevo Citizen's Advisory Committee. He also mentioned the use and development of optical computers for the City of Tucson.
- b. Robert Reus talked about the riots that occurred in 2001 and the need for a new police chief. He also spoke about a reorganization of the Tucson Police Department and fighting crime in the City.

8. PUBLIC HEARING: ARROYO CHICO AREA PLAN AMENDMENT, ALVERNON/25TH STREET – COMMERCIAL (PARKING) (CONTINUED FROM THE MEETING OF NOVEMBER 15, 2005)

Mayor Walkup announced City Manager's communication number 632, dated November 22, 2005, 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 proposed *Arroyo Chico Area Plan* Amendment to allow an area designated for residential uses only to be used for parking for the adjacent businesses. The properties were located southwest of Alvernon and Twenty Second Street.

Mayor Walkup asked if the applicant or representative was present, and if they had any brief comments.

Don Laidlaw spoke on behalf of the property owner, Goldman Trust. He clarified the parking would be screened, landscaped, any lighting would be directed inward and would be a good edge for the neighborhood. The Planning Commission thought highly enough of the proposal to extend the area affected by the plan amendment to several parcels north of the current parcel. A similar treatment could be afforded to those properties when they decided to redevelop. Mr. Laidlaw stated the new development would protect the neighborhood, and would not be an intrusion.

Mayor Walkup stated there were no speaker cards and asked if there was anyone in the audience who wanted to speak. There was no one.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Ronstadt absent/excused), to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 20217 by number and title only.

Resolution No. 20217 relating to planning and zoning; amending the *Arroyo Chico Area Plan* by amending Subarea 4: JULIA KEEN NEIGHBORHOOD, Policy 1.A.; and declaring an emergency.

Council Member Leal stated this would appear to call into question a number of principles that people cared about. He thought that as folks actually reviewed their proposal and the unique particularities at the site in the area, they realized the project was a good idea and something the community should accomplish. Council Member Leal said he valued the work that Mr. Laidlaw and his clients and had put into the plan to get this far.

It was moved by Council Member Leal, duly seconded, to pass and adopt Resolution 20217.

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

Upon roll call, the results were:

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

Nay: None

Absent/excused: Council Member Ronstadt

Resolution No. 20217 was declared passed and adopted by a roll call vote of 6 to 0.

9. ZONING: (C9-02-10) TETRA CORPORATION – GLENN STREET, O-3 TO C-2, CHANGE OF CONDITION AND PRELIMINARY DEVELOPMENT PLAN

Mayor Walkup announced City Manager's communication number 621, dated November 22, 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 southwest corner of Laguna Street and Balboa Avenue. The City Manager recommends approval subject to certain conditions. He asked if the applicant or representative was present and if they were agreeable to the proposed conditions.

Steven King of the Beacon Group, on behalf of the property owner, Tetra Corporation, said they were agreeable to the conditions as presented.

It was moved by Vice Mayor Dunbar, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Ronstadt absent/excused), to approve the requested change of condition and preliminary development plan subject to the revised conditions.

10. ZONING: (C9-04-12) 3MD LAND & BUILDING – GRANT ROAD, R-2/C-1 TO C-1, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's Communication number 626, dated November 22, 2005, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10218, by number and title only.

Ordinance No. 10218 relating to zoning: amending zoning district boundaries in the area located on the southeast corner of Grant Road and Margaret Avenue in Case C9-04-12, 3MD Land & Building – Grant Road, R-2 and C-1 to C-1 with conditions; and setting an effective date.

Council Member West stated before she moved to pass the ordinance, she wanted to note to the architect that the neighbors wanted to observe the design of the project as it progressed. She stated the traffic appeared to work out and requested that the design features be available for review for the neighbors. The neighbors were satisfied with the project for the medical office building.

It was moved by Council Member West, duly seconded, to pass and adopt Ordinance 10218.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ronstadt

Ordinance 10218 was declared passed and adopted by a roll call vote of 6 to 0.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 624, dated November 22, 2005, 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 Council Member West, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Ronstadt absent/excused), that Ashley Bidegain be appointed to the Environmental Services Advisory Committee.

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

Council Member West announced her personal appointment of Kieran S. Fasse to serve as the Ward 2 representative to the Stormwater Advisory Committee, replacing Betty Trimm.

12. ADJOURNMENT 6:00 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Monday, December 5, 2005, at 10:00 a.m. in the Graham-Greenlee Rooms at the Tucson Convention Center, 260 S. Church Avenue, Tucson, Arizona, and reconvene 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 22nd day of November 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:ao/lp