



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on February 27, 2007

Date of Meeting: January 23, 2007

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, January 23, 2007 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	Vice Mayor, Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Staff Members Present:

Mike Hein	City Manager (arrived at 6:12 p.m.)
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 Valerina Quintana, Baha'i Community of Southern Arizona, after which the pledge of allegiance was presented by the entire assembly.

Kathleen S. Detrick, City Clerk, announced Susie Rogers would be assisting 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 39, dated January 23, 2007 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.

There were no reports.

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

Mayor Walkup announced City Manager's communication number 40, dated January 23, 2007, 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.

There was no report.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 41, dated January 23, 2007, 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 Application(s)

NOTE: There were no applications for licenses scheduled for this meeting.

c. Special Event(s)

1. Tucson Metropolitan Community Chorus dba Desert Voices, Ward 6
735 N. 5th Ave.
Applicant: Rebecca H. Cohen
City T88-06
Date of Event: February 17, 2007
(Fund Raising – Silent auction / Cabaret)
Staff has indicated the applicant is in compliance with city requirements.

2. Philoptochos Society of Tucson, Ward 3
1145 E. Ft. Lowell Rd.
Applicant: Vasiliki J. Kyriakakis
City T93-06
Date of Event: February 10, 2007
(Fundraising for Philanthropic Efforts)
Staff has indicated the applicant is in compliance with city requirements.
3. Saving Animals from Euthanasia, Ward 6
900 S. Randolph Way
Applicant: Reagen A. Kulseth
City T94-06
Date of Event: February 17, 2007
(Raise Awareness, Educate and Entertain the Public about Wide Array of Animal Welfare Issues)
Staff has indicated the applicant is in compliance with city requirements.
4. SAAF Southern Arizona AIDS Foundation, Ward 6
1303 E. University Blvd.
Applicant: Jessica L. Celentano
City T1-07
Date of Event: February 11, 2007
(Fundraiser – MODA Provocateur)
Staff has indicated the applicant is in compliance with city requirements.
5. Cong. Anshei Israel, Ward 6
5550 E. 5th St.
Applicant: Barbara A. Neuman
City T4-07
Date of Event: February 10, 2007
(50th Celebration)
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change

NOTE: There were no agent changes scheduled for this meeting.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5c1 through 5c5 to the Arizona State Liquor Board with a recommendation for approval.

6. 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 any items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. John C. Dale spoke about gaining access to the OTT YMCA for BMX riders and the need for a BMX friendly park in Tucson.
- b. Russ Dove spoke about lawlessness and difficulties he had experienced getting and using some voter information from Pima County.
- c. Michael Toney spoke about solar energy and about funding for the proposed new arena.

7. CONSENT AGENDA – ITEMS A THROUGH O

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. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO MIDTOWN, THE GARDEN DISTRICT NEIGHBORHOOD ASSOCIATION FOR THE BUTTERFLY MAGIC EXHIBIT

- 1. Report from City Manager JAN23-07-47 WARD 2 AND WARD 6
- 2. Resolution No. 20563 relating to Finance; approving and authorizing the allocation of two hundred fifty dollars (\$250) from Ward 2 and two hundred fifty dollars (\$250) from Ward 6 for a total of five hundred dollars (\$500) from the Community Support Fund, Account No. 001-183-1898-268, to Midtown, the Garden District Neighborhood Association for taking students from the John B. Wright Elementary School to the Tucson Botanical Gardens; and declaring an emergency.

This is a request by Vice Mayor West and Council Member Trasoff. Allocations of funds are as follows:

Vice Mayor West -	\$250.00
Council Member Trasoff -	\$250.00

Item A was considered separately at the request of Council Member Trasoff.

B. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE BARRIO ANITA’S NEIGHBORHOOD REINVESTMENT PROJECT

- 1. Report from City Manager JAN23-07-44 WARD 1

2. Resolution No. 20564 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between Pima County and the City of Tucson for the Barrio Anita's Neighborhood Reinvestment Project; and declaring an emergency.

C. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE RILLITO NEIGHBORHOOD REINVESTMENT PROJECT

1. Report from City Manager JAN23-07-45 WARD 2
2. Resolution No. 20565 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between Pima County and the City of Tucson for the Rillito Neighborhood Reinvestment Project; and declaring an emergency.

Item C was considered separately at the request of Vice Mayor West.

D. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE HIGHLAND VISTA/CINCO VIA'S NEIGHBORHOOD REINVESTMENT PROJECT

1. Report from City Manager JAN23-07-46 WARD 6
2. Resolution No. 20566 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between Pima County and the City of Tucson for the Highland Vista/Cinco Via's Neighborhood Reinvestment Project; and declaring an emergency.

E. FINANCE: APPROVING THE APPOINTMENT OF JAMES CAMERON AS THE FINANCE DIRECTOR FOR THE CITY OF TUCSON

1. Report from City Manager JAN23-07-48 CITY-WIDE
2. Ordinance No. 10371 relating to the Department of Finance; approving the appointment of James A. Cameron as the Director of Finance and fixing compensation; and declaring an emergency.

F. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO GRANT ROAD FROM ORACLE ROAD TO SWAN ROAD

1. Report from City Manager JAN23-07-51 WARDS 2, 3, AND 6

2. Resolution No. 20567 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for improvements to Grant Road: Oracle Road to Swan Road; and declaring an emergency.
- G. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO 22ND STREET FROM I-10 TO TUCSON BOULEVARD
1. Report from City Manager JAN23-07-50 WARDS 1 AND 5
 2. Resolution No. 20568 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for improvements to 22nd Street: I-10 to Tucson Boulevard; and declaring an emergency.
- H. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO BROADWAY BOULEVARD FROM EUCLID AVENUE TO COUNTRY CLUB ROAD
1. Report from City Manager JAN23-07-49 WARDS 5 AND 6
 2. Resolution No. 20569 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for improvements to Broadway Boulevard: Euclid Avenue to Country Club Road; and declaring an emergency.
- I. FINAL PLAT: (S06-112) PASTIME ROAD CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, BUILDING 1, UNITS 1, 2, 3, AND 4, BUILDING 2, UNITS 1, 2, 3, AND 4, BUILDING 3, UNITS 1, 2, 3, AND 4, LIMITED COMMON ELEMENTS AND COMMON ELEMENTS "A" AND "B"
1. Report from City Manager JAN23-07-52 WARD 3
 2. The City Manager recommends that 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. ASSURANCE AGREEMENT: (S03-038) LA CHOLLA LANDING SUBDIVISION (RCP), LOTS 1 TO 61 AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JAN23-07-37 WARD 1
 2. Resolution No. 20570 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. S03-038 of a final plat for the La Cholla Landing Subdivision, Lots 1 to 61 and Common Areas “A,” “B,” and “C”; and declaring an emergency.
- K. FINAL PLAT: (S03-038) LA CHOLLA LANDING SUBDIVISION (RCP), LOTS 1 TO 61 AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JAN23-07-38 WARD 1
 2. Staff 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.
- L. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE RINCON HEIGHTS NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager JAN23-07-43 WARD 6
 2. Resolution No. 20571 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between Pima County and the City of Tucson for the Rincon Heights Neighborhood Reinvestment Project; and declaring an emergency.
- M. REAL PROPERTY: RESOLUTION OF INTENTION REGARDING A LEASE AGREEMENT WITH THE MUSEUM OF CONTEMPORARY ART
1. Report from City Manager JAN23-07-54 WARD 6
 2. Resolution No. 20572 relating to Museum of Contemporary Art; declaring the intention of the City of Tucson to secure the properties at 191 and 197 East Toole Avenue from the Arizona Department of Transportation and enter into a long term conveyance of these properties to the Museum of Contemporary Art; and declaring an emergency.

N. REAL PROPERTY: EXTENDED OCCUPANCY AGREEMENT AMENDMENT WITH THE MUSEUM OF CONTEMPORARY ART

1. Report from City Manager JAN23-07-55 WARD 6
2. Resolution No. 20573 relating to the Museum of Contemporary Art; authorizing and approving an amendment to the extended occupancy agreement between the City of Tucson and the Museum of Contemporary Art to occupy two warehouse properties located at 174 East Toole Avenue and 191 East Toole Avenue; and declaring an emergency.

O. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE “ADKINS STEEL” PARCEL AT HISTORIC FORT LOWELL

1. Report from City Manager JAN23-07-53 WARD 2
2. Resolution No. 20574 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between Pima County and the City of Tucson for the Rehabilitation, Restoration and Management of the “Adkins Steel” Parcel at Historic Fort Lowell; and declaring an emergency.

Item O was considered separately at the request of Vice Mayor West.

It was moved by Vice Mayor West, duly seconded, that Consent Agenda Items A through O, with the exception of Items A, C and O which would be considered separately, be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Items A through O, with the exception of Items A, C and O, which would be considered separately, were declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM A

A. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO MIDTOWN, THE GARDEN DISTRICT NEIGHBORHOOD ASSOCIATION FOR THE BUTTERFLY MAGIC EXHIBIT

1. Report from City Manager JAN23-07-47 WARD 2 AND WARD 6
2. Resolution No. 20563 relating to Finance; approving and authorizing the allocation of two hundred fifty dollars (\$250) from Ward 2 and two hundred fifty dollars (\$250) from Ward 6 for a total of five hundred dollars (\$500) from the Community Support Fund, Account No. 001-183-1898-268, to Midtown, the Garden District Neighborhood Association for taking students from the John B. Wright Elementary School to the Tucson Botanical Gardens; and declaring an emergency.

This is a request by Vice Mayor West and Council Member Trasoff. Allocations of funds are as follows:

Vice Mayor West -	\$250.00
Council Member Trasoff -	\$250.00

Kathleen S. Detrick, City Clerk, stated that Consent Agenda Item A had been removed for separate consideration by Council Member Trasoff.

Council Member Trasoff said she asked for this item to be considered separately so she could recognize and give due credit to the Garden District Neighborhood Association’s initiative to raise funds to buy tickets to the Botanical Gardens’ Butterfly Magic Exhibit for underprivileged children of that neighborhood.

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

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Item A was declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM C

C. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE RILLITO NEIGHBORHOOD REINVESTMENT PROJECT

1. Report from City Manager JAN23-07-45 WARD 2
2. Resolution No. 20565 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between Pima County and the City of Tucson for the Rillito Neighborhood Reinvestment Project; and declaring an emergency.

Kathleen S. Detrick, City Clerk stated that Consent Agenda Item C had been removed for separate consideration by Vice Mayor West.

Vice Mayor West said she asked for this item to be considered separately so she could recognize the Mayor, Bennett Bernal from Pima County, Roger Anyon, President of the Rillito Neighborhood Association, Lorraine Hernández of the Ward 2 Office, Art DeFilippo, Principal of Davidson School and others who helped put together this positive Intergovernmental Agreement.

It was moved by Vice Mayor West, duly seconded, that Consent Agenda Item C be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Item C was declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM O

O. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE “ADKINS STEEL” PARCEL AT HISTORIC FORT LOWELL

1. Report from City Manager JAN23-07-53 WARD 2

2. Resolution No. 20574 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between Pima County and the City of Tucson for the Rehabilitation, Restoration and Management of the “Adkins Steel” Parcel at Historic Fort Lowell; and declaring an emergency.

Kathleen S. Detrick, City Clerk stated that Consent Agenda Item O had been removed for separate consideration by Vice Mayor West.

Vice Mayor West said she asked for this item to be considered separately so she could highlight the significance of Pima County awarding bond funds to purchase this last portion of the Ft. Lowell Historic District. She noted that the neighborhood would be involved in developing the master plan for the district over the next year. She also wanted to thank her colleagues, the Parks and Recreation Department and the Pima County Board of Supervisors for making this Intergovernmental Agreement possible.

It was moved by Vice Mayor West, duly seconded, that Consent Agenda Item O be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Item O was declared passed and adopted by a roll call vote of 7 to 0.

8. PUBLIC HEARING: IMPLEMENTATION OF PHOTO ENFORCEMENT PROGRAM FOR TRAFFIC VIOLATIONS

Mayor Walkup announced City Manager’s communication number 56, dated January 23, 2007 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 a proposal to conduct a one-year photo enforcement pilot project. The public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations.

Russ Dove asked who would be watching the cameras, what type of training would they have, how would the citations be served and if the citations would be mailed. He also asked about the laws that say a duly authorized agent must personally serve a citation. He wondered if the laws would just be changed in order to have the cameras to

catch the criminals. He noted that during the time of Nazi Germany that this was what Hitler did. He said that Hitler sneaked away taking things and when it was against the law, he just changed the laws. He said he hoped for everyone's sake that the Council would follow the laws and not change the rules. He wondered what the government would do when everyone worked for it, when it had succeeded in making criminals of us all and the only employer was the government. He asked when police officers would be replaced with robots.

Mr. Dove said the camera idea was a bad idea. He said there were already so many laws that everyone was already a criminal from the time they got out of bed until they went to sleep and if a person was not careful, they would break one of the laws in their dreams. He said we needed to back up, slow down, evaluate what things were important and control was not one of them.

Rich McKnight said there were three major problems with the red light camera proposal. He said the first was that Tucson already had an extremely high crime rate, which had not fallen dramatically in several years. He said he thought there were better things we could do with the money than rent a very expensive van to monitor intersections, speeders and red light runners. Mr. McKnight said his second major concern was there were several privacy issues with the proposal. He said the way these things typically work was a private company rents out a camera to a city, then officers review the records from whatever intersection it was at. He said therefore there was no reduction to the number of officers needed. He said whatever information the officer felt was viable for a citation would then be sent to a private company that would decide where it would be mailed.

Mr. McKnight said there was a 1992 Arizona Appeals Court ruling which stated mailing was not a legal way to give tickets to people. He said that people could legally ignore any mailing they receive until they actually have a copy of the ticket delivered to them. Mr. McKnight said his third and probably best opposition to the red light camera was that no less than five separate studies have shown that red light cameras were ineffective at best, but were actually harmful at worst under those conditions. He said a 2005 study by the Washington Post actually showed accidents had doubled at intersections where red light cameras were posted. He said studies in Virginia, North Carolina and Canada had similar results. He said he wanted to stress his opposition to the proposal.

Michael Toney said there had been an interesting presentation about this at Vice Mayor West's Office. He said it looked like Scottsdale had some of the primary information that showed a significant reduction in accidents. He said one concern he had was there was a question about the posted speed limit on Speedway, which was lower than the actual speed limit of the traffic. He said there was a desire not to raise the posted speed limit because people would just go faster than that. Mr. Toney said the cameras were adjusted to only take a photo of a car if it was going ten miles per hour over the posted speed limit. He said he also had a question about what happens with the red light

cameras in a situation when the posted speed limit was lower than the actual speed limit. He asked if the camera was set for the posted speed limit or the actual speed limit.

Mayor Walkup asked if anyone else wished to speak on this item. Hearing none, he asked for a motion to close the public hearing.

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

Council Member Scott said one person had called her office with a question and she wondered if it could be answered. She asked if a vehicle was cited more than a few times, would the owner of the vehicle possibly lose his license without his personal knowledge as a result of this.

City Magistrate Anthony Riojas said that typically the way Arizona traffic tickets work, the owner was not liable, it was the driver, so the driver had to get the ticket. He said the only situation where the owner of the vehicle was responsible was a parking ticket, this did not exist for any kind of traffic offence. He said it had to be shown that it was the person driving who was cited, not the owner of the vehicle.

Council Member Scott asked if the driver was the same driver and repeatedly gets these citations over time and hits a certain limit, was it possible for them to lose their driver's license and not know about it and therefore be victimized by this.

Judge Riojas said one could lose their license for traffic offenses in various ways. He said one way was if a person got a number of tickets and a number of points. He said they would know that because they would have to appear in court and be convicted. He said another way was if a person failed to appear after getting a civil traffic citation, They could be defaulted and then their license would be suspended until they satisfied the default. He guessed the issue became, in this circumstance, could someone be defaulted without ever knowing they got the citation. He said in the system that was being proposed there were two levels. He said first, once a ticket was determined to be valid by whatever mechanism, by the contractor or TPD, a person would be mailed a notification. He said if they did not respond to the notification, then it would be incumbent upon the City, the Court or someone to actually serve them. He said that was where the issues have come in other jurisdictions. He said it had been discussed based on an email received earlier and it was decided adequate steps should be taken to make sure the right person was served. He said that was when a person loses their license, when they were served and do not appear. He said it was at that point in time their license was suspended, and in fact their registration was suspended pursuant to what was called the "TTEAP" program in Arizona.

It was moved by Council Member Scott, duly seconded, to approve the staff recommendation.

Mayor Walkup asked if there was any discussion.

Council Member Trasoff said she had some questions because she knew there had been problems in other jurisdictions. She said she wanted to make sure in the process of the six-month test period that specific issues were looked at to make sure the City did not have the same problems. She said one of the issues was what Council Member Scott had brought up, regarding how people were notified. She said that Mr. McKnight had brought up the point that a person could say they did not get it in the mail. She said she was not sure she was more confident with process servers, if they only have to deliver it to the address. She said they actually have incentive to say they delivered it and anyone could sign for it. She asked if a system could be established to assure that anyone, who received a ticket, actually gets the citation. She said she did not know if that meant certified mail, which may be less expensive than a process server. She asked how it would be assured that the person who was cited gets the citation, so there were not any surprises for some citizens.

Judge Riojas said they needed to make sure the person was personally served, as opposed to just leaving it at the doorstep. He said these concerns were being raised and addressed now as part of the process. He said any request for proposals (RFP), that go to the process servers say we want to make sure there would be adequate service. He said a person could always contest the service saying this was not them. He said one could check the Motor Vehicle Division (MVD) site records to see if their license had been suspended. He said that steps could be taken to ensure adequate service. He said their license could not be suspended or any adverse action taken against someone if they ignore the mail. He said that if someone takes the citation and does not respond to the mail, until it was shown they were served, that was where personal service becomes important.

Council Member Trasoff asked if it would be established within the protocols that personal service meant personal service, not handing it to the gardener, to a kid or sticking it under a door.

Judge Riojas said if that was the wish of the Mayor and Council, those steps would be taken.

Council Member Trasoff said it was important to protect our citizens. She said it was possible for someone not to get this, not to know and get into serious trouble. She said there was an article, that stated the possibility that a person could have a ticket without even knowing and could end up being pulled over and being arrested when they did not know. She asked if that process also would not happen, within the protocols, unless there was proof of service.

Judge Riojas said that was correct. He said those subsequent steps would not happen until there was actual service. He said until there was service and it could be shown they did not respond after being served, then their license would be suspended. He gave a scenario where someone receives one of the tickets, ignores the mailing then service was attempted and their license would be suspended. He said the next time they

were pulled over by the police officer, they would be would given a citation for driving with a suspended license. A person would not be arrested for driving with a suspended license, unless there were other behaviors involved. He said purely driving with a suspended license did not result in someone going to jail. He said however if you got a driving with a suspended license ticket and you did not appear in court, then a warrant would be issued. It did not happen automatically, there were several steps that happen. He said that even before a license could be suspended by MVD pursuant to failure to appear on civil traffic, they would receive a notice from MVD, saying their license had been suspended and it would go to the last known address MVD had for them.

Council Member Trasoff said MVD was not something they had control over. She said our own protocols were what they had control over. She said Judge Riojas had said that it was possible for someone to have their license suspended never having received a certified notice.

Judge Riojas said he had used that as an example of how someone could get arrested.

Council Member Trasoff said we could avoid that situation by assuring, before any action was taken that a certification existed that this person had been served.

Judge Riojas said that was correct and there was additional protection pursuant to the "TTEAP" program. He said that was a program where if someone's license was suspended their registration also would be suspended. He said the problem was the license was good for fourteen or twenty years, but a registration had to be renewed every year. If a person's license was suspended and they did not know, the next time they tried to renew their car registration they would be notified they could not because they had a ticket that had not been taken care of. He said that would be a shock, but it worked as a protection because they could not renew their registration if they had suspensions on their license. He said someone could not go very long without knowing their license had been suspended.

Council Member Trasoff asked, within the protocols of the court, if a person got a citation and clearly the photo on the citation did not match the human being standing before one of the judges, were protocols such that if the photo from the citation and the photo of the person whose name it was did not match, if it would be dismissed.

Judge Riojas said that was correct and that it had to be so. He said that Tucson was a hotbed for identity theft. He said they got those issues in terms of a person saying it was not them who got the ticket. They compared the description of the person in court with the description on the citation and it was two different things. A five foot seven inch male versus a six foot three inch guy in front of you was obviously not the same person. He said they did dismiss tickets where it was clearly not the person cited.

Council Member Trasoff said she had a final question, but was not sure if it was for the Judge or one of the officers from the Police Department. She asked if the

technology being used was such that they would get good enough photos. She said that the samples given looked like excellent photos and the passenger was blocked out, so people were saved the aggravation if it was not the same person. She asked if they were confident the technology was adequate.

Lieutenant Michael Prior, Tucson Police Department, said that the technology was adequate. He said the digital technology and the abilities it had made the picture very readable. He said if they were not readable, then the citation would not be issued.

Council Member Trasoff asked if it was known who the contractor would be or whether that was part of the RFP.

Lieutenant Prior said it was part of the RFP.

Council Member Trasoff asked if the RFP would include having the contractor appear in court in order to argue their side of the case or would they just provide the technology and get everything to us and then it would be up to the City's prosecutors.

Lieutenant Prior said initially it may be necessary for the vendor to testify in court so the court understood the technology and its limitations. He said ultimately it would be the officer who approved the citation who would appear in court to testify.

Council Member Trasoff stated that the vendor would not be there advocating, but merely as an expert witness for the technology.

Lieutenant Prior said that was correct and they would establish the initial foundation, but it was not anticipated they would be testifying in every case.

Council Member Trasoff asked if it was anticipated the vendor would be paid per citation or what kind of arrangement would there be.

Lieutenant Prior said there were two typical arrangements, one a flat fee and one by citation. He said proposals from the vendors would be solicited covering both options and they would choose the one most advantageous to the City.

(Note: City Manager Mike Hein arrived at the Chambers at 6:12 p.m.)

Vice Mayor West said she needed to ask some other questions. She said there was a staff write-up with a notation on the first page of the memo from November 7, 2006. She said it talked about the violations that passed the inspection, which was a very cumbersome but necessary process where the violation was captured, the vendor performed an initial check to ensure the photos were legible, the vehicle matched the registration, gender matched the driver and so on. She said it went on to say violations that pass this inspection were electronically sent to the police agency where, under Arizona law an officer must review and authorize each notice of violation. She said at that point the memo referred to the bottom of the page, which said it should be noticed

these were not traffic citations, as Arizona law did not allow for mail service. She asked for an explanation of that.

Lieutenant Prior said it was basically the same thing Judge Riojas had referred to where he mentioned that mail was not an appropriate service of a citation. He said the notice mailed actually would be a notice of violation, not a citation one would receive from a police officer. He said if the citation was issued they would have to have that personal service.

Vice Mayor West said that the other point she wanted to emphasize that had been made at her town hall was after this cumbersome process had gone on, only about forty percent of the people who were actually cited fit all these categories. She asked if she understood that correctly.

Lieutenant Prior said it was about forty percent of the citations that actually result in someone either admitting responsibility, paying a fine, going to traffic school or having a hearing.

Vice Mayor West asked if someone goes to traffic school if that would negate the violation.

Lieutenant Prior said it would, the citation would be dismissed and hopefully they would have a safer driver at the end of the day.

Vice Mayor West said one of the other things was that some cities had been pressured to add speed enforcements simply because of the cost factors. In some jurisdictions, the red light camera systems did not offer sufficient revenue to the vendors. She asked if anything was known about this and if this was a precaution the City would take in the RFP.

Lieutenant Prior said that in the RFP the approach was not about costs, it was about public safety and saving lives through a reduction in traffic crashes. He said the speed along with a red light program had proven to be more effective than either one of those alone. The approach was to look at the effectiveness, not the costs.

Vice Mayor West said she felt that was a precautionary warning. She said as stated the program did not pay for itself, there were some expenditures. She said safety outweighed the costs and the Police Department planned to include this in their budget.

Vice Mayor West said one last point should be added to the motion, if it was decided to proceed. It was recommend that a joint committee of Police, Traffic Engineering and City Court be directed to determine the operational processes and staffing that would need to be in place prior to startup of the program. She asked this be amended to the motion and that the City Manager and the Chief of Police be directed to see that this portion be added.

Council Member Scott said, as the maker of the motion, she was amenable if the rest of the Council was open to it and it was duly seconded.

Council Member Uhlich said a final town hall was held at Ward 3 and fifteen people attended. She said it was clear there was some interest and concern in this. She applauded the Police Department and Transportation staff for doing a good job sorting through it. She said there seemed to be a couple of misconceptions that needed to be clarified. She said it was her understanding that either in the vans or at the lights themselves the cameras only activate upon a violation, they were not constantly on.

Lieutenant Prior said that was absolutely true. He said what triggered the system for an actual photo to be taken was a violation whether it was a speeding or red light violation.

Council Member Uhlich confirmed there was not ongoing surveillance of certain locations, rather strictly photographs of violations as they occurred.

Lieutenant Prior said that was correct.

Council Member Uhlich asked if there were any passengers in the vehicle were those persons obscured from the photographs prior to the release of any photo.

Lieutenant Prior said that was correct and that the only person of any interest in the case was the actual driver, so that would be the only legible photo that would be released.

Council Member Uhlich said that since this was a one-year pilot that would be evaluated at the end of that period, she asked that the results of the vans and the stationary cameras at the intersections be broken out separately to be evaluated. She said she knew there would be different staffing, cost considerations and maybe even impact in terms of safety. She said she would appreciate that as a part of the analysis.

Lieutenant Prior said it would be included.

Council Member Trasoff asked if the one-year pilot had any provisions for an update at six months.

Lieutenant Prior said the proposal provided for a six month report on the status of the program to see what was being done right or could be done better and recommendations to see whether to take it to another level or not.

Council Member Trasoff said she presumed that if anything were to arise in the first few months, the Council would be notified so they could address that and not wait for the six months.

Lieutenant Prior said they would.

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

The motion to implement the one-year photo enforcement pilot program with the amendment proposed by Vice Mayor West was carried by a voice vote of 7 to 0.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 42, dated January 23, 2007 would be received into and made a part of the record. He asked if there were any personal appointments to be made.

Council Member Scott announced her personal appointment of James Watson to the Planning Commission.

Vice Mayor West announced her personal appointment of Fred Ronstadt to the Tucson-Pima County Metropolitan Energy Commission.

10. ADJOURNMENT: 6:24 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 6, 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 23rd day of January 2007, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:rwp:jmg