



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 20, 2007

Date of Meeting: February 13, 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, Tucson, Arizona, at 5:36 p.m. on Tuesday, February 13, 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
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 Karen Dayton, City Clerk's Office, after which the pledge of allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup presented copper plaques to Judy Cottie, Frank Gonzales, Joe Pacheco, and Warren Federman, as the "SunTran Distinguished Employee Team of 2006."
- b. Mayor Walkup presented a copper plaque to Dr. Guy Stern and Susanna Piontek as Honorary Citizens of Tucson.

Kathleen S. Detrick, City Clerk, announced Susie Rogers, interpreter, 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 77, dated February 13, 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.

- a. Council Member Trasoff announced that the Ward 6 office was participating in a children's book drive to celebrate Love of Reading Week, and to expand the children's book collection of the new Martha Cooper Branch Library of the Pima County Public Library. She said a list of requested titles could be viewed on the Ward 6 web site. Donations would be collected through February 16 and could be dropped off at the Ward 6 office, Wright Elementary School or the Martha Cooper Library

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

Mayor Walkup announced City Manager's communication number 78, dated February 13, 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.

Mike Hein, City Manager, reported:

- a. Deputy City Manager Mike Letcher provided an update on the discovery of benzene underneath parts of downtown. The City had determined that it was not coming from City facilities, and was not affecting the City's water source. The City would be meeting with the surrounding neighborhoods to assure them of the

safety of the drinking water, and working with Arizona Department of Environmental Quality to determine the source of the benzene leak.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 79, dated February 13, 2007, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New License(s)

1. Shell, Ward 4
5502 E. 22nd St.
Applicant: Sajid Rana
Series 10, City 1-07
Action must be taken by: February 26, 2007
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event(s)

1. Kokopelli Winery, Ward 6
526 N. Fourth Ave.
Applicant: Dennis Michael Minchella
City T91-06
Date of Event: March 23, 2007 – March 25, 2007
(4th Avenue Street Fair)
Staff has indicated the applicant is in compliance with city requirements.
2. Kokopelli Winery, Ward 6
526 N. Fourth Ave.
Applicant: Dennis Michael Minchella
City T92-06
Date of Event: December 7, 2007 – December 9, 2007
(4th Avenue Street Fair)
Staff has indicated the applicant is in compliance with city requirements.
3. Arizona Historical Society-So. AZ Division-Docent Council, Ward 6
949 E. 2nd St.
Applicant: Armand Martin Ronstadt
City T2-07
Date of Event: March 20, 2007
(Raise funds for Docent Council Education Dept./Annual Reunion of Westerners)
Staff has indicated the applicant is in compliance with city requirements.

4. Tucson Urban League, Ward 6
1303 E. University Blvd.
Applicant: Michael William McGrath
City T6-07
Date of Event: March 2, 2007
(2007 Gala, The Annual Fundraiser Dinner for TUL)
Staff has indicated the applicant is in compliance with city requirements

d. Agent Change(s)

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

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 and 5c1 through 5c4 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. Michael Toney spoke about photo optics companies and technologies, and said the City should pursue those opportunities.
- b. Russ Dove spoke about the methamphetamine problem, the lack of education of young Americans, and also about the increase in illegal immigration.
- c. Erica Koerber spoke about glass etching chemicals used for graffiti, and said that they should be restricted from purchase to minors or banned entirely due to their damaging effects to both property and human health.

7. CONSENT AGENDA – ITEMS A THROUGH E

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. FINAL PLAT: (S06-020) BROADWAY STONER, LOTS 1 TO 3

1. Report from City Manager FEB13-07-81 WARD 2
2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits were subject to the availability of water/sewer capacity at the time of actual application.

- B. ASSURANCE AGREEMENT: (S06-172) EL RIO VISTAS CONDOMINIUMS, UNITS 1 TO 10, COMMON AREAS “A” AND “B”
1. Report from City Manager FEB13-07-82 WARD 1
 2. Resolution No. 20580 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. S06-172 of a final plat for the El Rio Vistas Condominiums, Units 1 to 10 and Common Areas “A” and “B”; and declaring an emergency.
- C. FINAL PLAT: (S06-172) EL RIO VISTAS CONDOMINIUMS, UNITS 1 TO 10, COMMON AREAS “A” AND “B”
1. Report from City Manager FEB13-07-83 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 were subject to the availability of water/sewer capacity at the time of actual application.
- D. APPROVAL OF MINUTES
1. Report from City Manager FEB13-07-76 CITY-WIDE
 2. Approval of minutes for the regular meeting of the Mayor and Council held on December 19, 2006.
- E. BOARDS, COMMITTEES AND COMMISSIONS: AMENDING THE CITIZEN TRANSPORTATION ADVISORY COMMITTEE TO ALLOW A MEMBER OF THE COMMISSION ON DISABILITY ISSUES TO SERVE ON THE COMMITTEE
1. Report from City Manager FEB13-07-85 CITY-WIDE
 2. Ordinance No. 10374 relating to Boards and Commissions; repealing Resolution No. 14705; amending the Tucson Code Chapter 10(A), Community Affairs, by adding a new Article XXIII, Citizen Transportation Advisory Committee; and declaring an emergency.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Items A through E, 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 E were declared passed and adopted by a roll call vote of 7 to 0.

8. PUBLIC HEARING: ZONING (C9-01-29) TMM FAMILY SERVICES – 22ND STREET, REQUEST FOR TIME EXTENSION

Mayor Walkup announced City Manager's communication number 84, dated February 13, 2007 would be received into and made a part of the record. He also announced this was a time and place legally advertised for a public hearing on a request for a five-year time extension for the completion of the rezoning conditions for property located on the north side of Twenty-third Street, approximately four hundred thirty feet west of Country Club Road. He asked if the applicant or representative was present and if they had any brief comments before they continued with the public hearing.

Don Strauch, representative of TMM Family Services, thanked Mayor and Council for their good work in serving the community in a variety of ways. He apologized for having to ask for the extension and requested that they consider it.

Mayor Walkup announced the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations. He said he had no cards and the public hearing was open to anyone who would like to speak on this issue. No one came forward.

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

It was moved by Vice Mayor Leal, duly seconded, to approve the request as presented by staff.

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, Uhlich, Leal, and Trasoff;
Vice Mayor Scott, Mayor Walkup

Nay: None

The motion to approve the time extension 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 80, dated February 13, 2007 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 Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to appoint Joan Shadwick to the Veterans' Affairs Committee representing the Arizona Department of Veterans Services and Gurumeet Khalsa to the Environmental Services Advisory Committee.

It was moved by Council Member Trasoff, duly seconded, to invite Schuyler Lininger to submit an application for a second term on the Civil Service Commission, but to also invite other members of the community interested in serving on this Commission to submit applications for Mayor and Council consideration. The time period for letters of inquiry should be two weeks, and then the item should be brought to a Mayor and Council Study Session for consideration.

Council Member Scott said she wanted to go on record as saying that Mr. Lininger had been one of the finest Chairs of this Commission from all reports that she knew about and she did not have any question about his being reinstated. She stated that Mr. Lininger should be re-appointed that evening. She said it was interesting to allow other people to come forward, but when they have a very good Chair, it was appropriate to continue his service, she said would vote no on this particular item.

Council Member Trasoff said she wanted to clarify that this was in no way negative against Mr. Lininger, she had the pleasure of knowing him for many years. She believed that this was a time when there were several issues relating to the Civil Service Commission that they may want to discuss in terms of their policies, not in any way reflecting on the gentleman in question.

Council Member Scott said there was a process for which he was victimized and she believed that had been the issue regarding his chairmanship.

Council Member Scott made a substitute motion, duly seconded, to reappoint Mr. Lininger to the Civil Service Commission.

Council Member Leal asked the City Clerk if the composition of the Commission changed when the party make up of the Council changes.

Kathleen S. Detrick, City Clerk, explained that the composition of the Civil Service Commission, as set forth in the Charter, had to be no more than three members of any single political party affiliation; it could change, but did not have to.

Mayor Walkup announced the substitute motion to reappoint Mr. Lininger to the Civil Service Commission was carried by voice vote 4 to 3.

Ms. Detrick requested a roll call vote because the vote was unclear.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott, and Vice Mayor West,

Nay: Council Member Uhlich, Leal, Trasoff, and Mayor Walkup

Substitute Motion failed 3 to 4.

Council Member Trasoff said this was not anyway related to the so-called buddy punching issue. She said the Council may want to revisit the issue of progressive discipline policy and appropriate exceptions, so that they would have greater flexibility for the members of the Civil Service Commission. This was completely separate from that and separate from Mr. Lininger, he was a terrific guy. She said she thought it was time to at least explore options.

Mayor Walkup asked for a roll call vote on the main motion.

Upon roll call, the results were:

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

Nay: Council Member Ibarra

The main motion was declared passed and adopted by a roll call vote of 6 to 1.

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

Council Member Leal announced his appointment of Robert Villamana to the Tucson Rodeo Committee.

Vice Mayor West announced her reappointment of Carmen Villa-Prezelski to serve as the Ward 2 representative to the Rio Nuevo Citizens Advisory Committee.

10. ADJOURNMENT: 6:18 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, February 21, 2007 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 February 13, 2007, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:rg/ss