



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
On April 10, 2007

Date of Meeting: March 6, 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 5:34 p.m. on Tuesday, March 6, 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 |
| Nina J. Trasoff | Council Member Ward 6 |
| Robert E. Walkup | Mayor |

Absent/Excused

| | |
|------------|-----------------------|
| Steve Leal | Council Member Ward 5 |
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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 Debra Counsellor, City Clerks Office, 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 119 dated March 6, 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 there would be an artist reception on March 7, 2007 at the Ward 6 Council office, honoring the South Western League of Fine Arts. Council Member Trasoff also announced that the Ward 6 Council office would be hosting a community wide forum regarding the West Nile Virus on March 28, 2007.
- b. Vice Mayor West announced she had requested a Study Session discussion on the West Nile Virus scheduled for March 27, 2007. She also would be having a public forum regarding the West Nile Virus at the Ward 2 Council office on April 12, 2007.

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

Mayor Walkup announced City Manager's communication number 120, dated March 6, 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.

No report given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 117, dated March 6, 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 Applications

New License

1. Joe's Crab Shack, Ward 2
410 N. Wilmot Rd.
Applicant: Lee Edward Esch
Series 12, City 10-07
Action must be taken by: April 2, 2007
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: None

Person Transfer

2. La Movida, Ward 5
4525 S. Park Ave.
Applicant: Richard Lee Forbes
Series 6, City 8-07
Action must be taken by: March 26, 2007
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: None
3. Wings Over Broadway, Ward 6
5004 E. Broadway
Applicant: Antoinette Parrish
Series 7, City 9-07
Action must be taken by: March 29, 2007
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: None

Location Transfer

4. The RumRunner, Ward 6
3131 E. First Street
Applicant: Jennifer Lea Elchuck
Series 9, City 5-07
Action must be taken by: March 25, 2007
Development Services has indicated the applicant is not in compliance with city requirements.
Public Opinion: Written Argument in Favor Filed

5. The RumRunner, Ward 6
3131 E. First Street
Applicant: Jennifer Lea Elchuck
Series 7, City 6-07
Action must be taken by: March 25, 2007
Development Services has indicated the applicant is not in compliance with city requirements.
Public Opinion: Written Argument in Favor Filed

c. Special Event

NOTE: There are no applications for special events scheduled for this meeting.

d. Agent Change/Acquisition of Control

1. Hooters, Ward 2
6335 E. Tanque Verde Rd.
Applicant: H. J. Lewkowitz
Series 12, City AC1-07
Action must be taken by: April 2, 2007
Staff has indicated the applicant is in compliance with city requirements.

Kathleen S. Detrick, City Clerk, announced that for Liquor License applications 5b2, 5b4 and 5b5 the applicants had requested a continuance until the meeting of March 20, 2007.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice of 6 to 0 (Council Member Leal absent/excused) to forward applications 5b1, 5b3 and 5d1 to the Arizona State Liquor Board with a recommendation of approval and to continue items 5b2, 5b4 and 5b5 to the meeting of March 20, 2007.

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. Roy Warden spoke about his plans to hold public meetings and demonstrations.
- b. Bill Crouse stated that he would like the City to consider passing incentives for infill development projects, provide assistance for new homeowners and to address problems that occur with out of state landlords.
- c. Michael Toney spoke about the proposed Rosemont mine, optical chips and the Sinclair property.

- d. Robert Blizzard thanked the City Clerk's office for coming to the Commission on Disability Issues meeting and working with them regarding accessible polling places.
- e. Ron Manzi spoke about a drunk driving case that the City lost in court.
- f. Russ Dove spoke about the Cox Cable license renewal negotiations, and also about his plans to sue San Diego and San Diego County over immigration issues.

7. CONSENT AGENDA – ITEMS A THROUGH G

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. MEMORIAL: URGING THE RATIFICATION OF THE EQUAL RIGHTS AMENDMENT

- 1. Report from City Manager MARCH6-07-118 CITY-WIDE
- 2. Memorial relating to the Equal Rights Amendment; urging the Congress of the United States to reactivate the Equal Rights Amendment; urging the Arizona Legislature to pass and adopt Senate Concurrent Resolution 1019 and House Concurrent Resolution 2046 to provide for ratification of the Equal Rights Amendment by the State of Arizona.

B. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR THE COMMUNITY HOUSING ASSISTANCE PLANNER PROJECT

- 1. Report from City Manager MARCH6-07-122 CITY-WIDE
- 2. Resolution No. 20593 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Board of Regents, University of Arizona for Drachman Institute's Community Housing Assistance Planner Project for Fiscal Year 2007; and declaring an emergency.

C. TUCSON CODE: AMENDING (CHAPTER 1), GENERAL PROVISIONS, ALLOWING COMMUNITY SERVICE IN LIEU OF FINES

- 1. Report from City Manager MARCH6-07-123 CITY-WIDE

2. Ordinance No. 10378 relating to penalty for violations of the Tucson Code; amending Tucson Code, Chapter 1, General Provisions, Section 1-8(4), relating to general penalties, misdemeanors, civil infractions and continuing violations to provide for community service in lieu of fines; and declaring an emergency.

Michael Rankin, City Attorney, announced an amendment to Ordinance 10378, as requested during Study Session. The second sentence of the proposed Ordinance under Section 1.8 was amended to read as follows: "Except where a different rate is expressly provided in the Code Section that has been violated, the rate at which community service shall be valued as a set off against the fine shall be ten dollars for each hour of community service work performed."

D. MAYOR AND COUNCIL: LETTER OF SUPPORT FOR THE UNIVERSITY OF ARIZONA'S STRATEGIC ALTERNATIVE LEARNING TECHNIQUES PROJECT

1. Report from City Manager MARCH6-07-116 CITY-WIDE
2. Resolution No. 20594 relating to education; authorizing the Mayor to execute a letter supporting the expansion of the University of Arizona's Strategic Alternative Learning Technique (SALT) Project; and declaring an emergency.

E. ELECTIONS: NOVEMBER 6, 2007 – REFERRAL OF A PROPOSED CHARTER AMENDMENT SUBMITTED BY THE CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

1. Report from City Manager MARCH6-07-124 CITY-WIDE
2. Resolution No. 20595 relating to elections: notice by the Mayor and the Council of the City of Tucson, Arizona, to the citizenry, declaring the Mayor and Council's intention to call a special election on November 6, 2007, to submit to the City's qualified electors a question relating to amending Sections 8 and 9 of Chapter V of the Charter of the City of Tucson to provide for an increase in the present salary of the Mayor from \$3,500 per month to \$4,000.00 per month and, an increase in the present salary of each of the members of the Council from \$2,000 per month to \$3,000.00 per month; and declaring an emergency.

F. INTERGOVERNMENTAL AGREEMENT AND DEED OF PRESERVATION EASEMENT: WITH PIMA COUNTY FOR THE PERFORMING ARTS CENTER REHABILITATION – PHASE I

1. Report from City Manager MARCH6-07-125 WARD 6

2. Resolution No. 20596 relating to Intergovernmental Agreements: authorizing and approving the execution of an Intergovernmental Agreement and Deed of Preservation Easement between the City of Tucson and Pima County for the Performing Arts Center Rehabilitation; and declaring an emergency.

G. RIO NUEVO: APPROVING AN EXPENDITURE OF FUNDS BY THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT REGARDING THE TUCSON CHILDREN'S MUSEUM

1. Report from City Manager MARCH6-07-127 CITY-WIDE
2. Resolution No. 20597 relating to Rio Nuevo; approving an expenditure of \$25,000 by the Rio Nuevo Multipurpose Facilities District for the Tucson Children's Museum to provide funds for a study to examine the feasibility of relocating to a larger facility at the Cultural Campus on the West Side; and declaring an emergency.

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

It was moved by Council Member Scott, duly seconded, that the Consent Agenda Items A through G, with the exception of Item G, which would be considered separately, and with the amendment to Item C, be passed and adopted and the proper action taken.

Upon roll call, the results were:

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

Nay: None

Absent/Excused Council Member Leal

Consent Agenda Items A through G, with the amendment to Item C and, with the exception of Item G, which would be considered separately, were declared passed and adopted by a roll call vote of 6 to 0.

7. CONSENT AGENDA – ITEM G

G. RIO NUEVO: APPROVING AN EXPENDITURE OF FUNDS BY THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT REGARDING THE TUCSON CHILDREN'S MUSEUM

1. Report from City Manager MARCH6-07-127 CITY-WIDE

2. Resolution No. 20597 relating to Rio Nuevo; approving an expenditure of \$25,000 by the Rio Nuevo Multipurpose Facilities District for the Tucson Children's Museum to provide funds for a study to examine the feasibility of relocating to a larger facility at the Cultural Campus on the West Side; and declaring an emergency.

Council Member Trasoff recognized that the Tucson Children's Museum Board and staff were present. She said she believed this was an excellent museum. It was outgrowing its beautiful facility and in order to provide services to the community the Museum needed more space. She also said the Children's Museum had matched the funds with an additional twenty-eight thousand eight hundred dollars to help conduct their study.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused Council Member Leal

Consent Agenda Item G was declared and adopted by a roll call vote of 6 to 0.

8. ZONING: (C9-02-31) US HOME – BENSON HIGHWAY, I-1 TO R-1, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF FEBRUARY 27, 2007)

Mayor Walkup announced City Manager's communication number 126, dated March 6, 2007 would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10377 by number and title only.

Ordinance No. 10377 relating to zoning: amending zoning district boundaries in the area located on the north side of Julian Wash approximately 300 feet north of Benson Highway and 300 feet east of Campbell Avenue in Case C9-02-31, US Home-Benson Highway, I-1 to R-1, and setting an affective date.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Ordinance 10377.

Mayor Walkup asked if there was any further discussion.

Council Member Uhlich said she appreciated the thorough background information the Council Members received and the support expressed by neighbors. She also thanked the developer for integrating the urban pathway piece along the Julian Wash and making sure it would connect to the park.

Upon roll call, the results were:

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

Nay: None

Absent/Excused Council Member Leal

Ordinance 10377 was declared passed and adopted by a roll call of 6 to 0.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 121, dated March 6, 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 of 6 to 0 (Council Member Leal absent/excused) to appoint Ana Martinez-Celaya to the Commission on Disability Issues.

Kathleen S. Detrick, City Clerk, announced that Council Member Uhlich had requested the appointment of Jim Ayres to the Sign Code Advisory and Appeals Board. The Ordinance which amended the requirements for service on that Board would go into effect on March 24, 2007.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice of 6 to 0 (Council Member Leal absent/excused) to appoint Jim Ayres to the Sign Code Advisory and Appeals Board, effective March 24, 2007.

Mayor Walkup asked if there were any personal appointments to be made. There were none.

10. ADJOURNMENT 6:05 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 20, 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 6th day of March 2007, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:ss:jr