



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 12, 2007

Date of Meeting: May 1, 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 5:32 p.m. on Tuesday, May 1, 2007 all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Pro Tempore Scott and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Shirley C. Scott	Mayor Pro Tempore, Vice Mayor, Ward 4

Absent/Excused

Robert E. Walkup	Mayor
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Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	Chief Deputy City Clerk
Mike Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Mark Harris, The Oasis Church, after which the Pledge of Allegiance was presented by the entire assembly.

Mayor Pro Tempore Scott read from a press release, stating Mayor Walkup was resting comfortably at University Medical Center, after a medical procedure was performed earlier in the morning. She said the Mayor was in good condition and would be kept at University Medical Center overnight for observation; and he should be back to work the following day.

Roger W. Randolph, Chief Deputy City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

Presentations:

- a. Mayor Pro Tempore Scott proclaimed May to be "Motorcycle Safety and Awareness Month." Roger Phillips accepted the proclamation.
- b. Mayor Pro Tempore Scott proclaimed April 30, 2007 to May 6, 2007 to be "Folk Music Week." Larry Kraus accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro Tempore Scott announced City Manager's communication number 253, dated May 1, 2007, would be received into and made a part of the record. She 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 she would hold a Town Hall on May 3, 2007 at Eastside City Hall, on the topic of "Water Management in Time of Drought." She announced she had a notebook for people to write messages of condolences to send to Virginia Tech, and invited anyone from the public to sign the book. Council Member West also announced that on May 17, 2007 there would be a workshop on Liquor License Application Processes for Neighborhood Leaders and Community Members at the Randolph Club House.

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

Mayor Pro Tempore Scott announced City Manager's communication number 254, dated May 1, 2007, would be received into and made a part of the record. She 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, stated he did not have anything to report, but said Michael Rankin, City Attorney, did have an announcement to make.

- a. Michael Rankin, City Attorney, announced he recently attended the Lumies Award Ceremony for outstanding contributions to the arts community and congratulated his mother, Mary Lou Rankin, who was nominated as an Outstanding Arts Volunteer.

5. LIQUOR LICENSE APPLICATIONS

Mayor Pro Tempore Scott announced City Manager's communication number 251, dated May 1, 2007, would be received into and made a part of the record. She asked the City Clerk to read the Liquor License Agenda.

b. New License(s)

1. Oishi Sushi & Teriyaki, Ward 4
7002 E. Golf Links Rd.
Applicant: Rae Sul Pak
Series 12, City 22-07
Action must be taken by: May 21, 2007
Staff has indicated the applicant is in compliance with city requirements.

2. Bum Steer, Ward 3
1910 N. Stone Ave.
Applicant: Heiko Henning Willhelm Langrehr
Series 12, City 23-07
Action must be taken by: May 21, 2007
Review in process.
Public Opinion: Written Arguments Opposed Filed

This item was continued to the meeting of May 15, 2007, at the request of the Tucson Police Department.

3. Wing Factory, Ward 4
6330 E. Golf Links Rd. #132
Applicant: Sunny Misook Jang
Series 12, City 24-07
Action must be taken by: May 25, 2007
Staff has indicated the applicant is in compliance with city requirements.

Person Transfer(s)

4. Sapphire Lounge, Ward 6
61 E. Congress St.
Applicant: Thomas Robert Aguilera
Series 6, City 21-07
Action must be taken by: May 19, 2007
Staff has indicated the applicant is in compliance with city requirements.

- c. Special Event(s)

NOTE: There were no applications for Special Events scheduled for this meeting.

- d. Agent Change/Acquisition of Control

NOTE: There were no applications for Agent Changes scheduled for this meeting.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0, (Mayor Walkup absent/excused), to forward liquor license applications 5b1, 5b3, and 5b4, to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Pro Tempore Scott 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. Bishop Chicago, Church Without Walls, spoke about drug abuse and said he felt there was a need for more education and activities in the community.
- b. Thelema Hughes spoke about the need for more housing and shelters in the community.
- c. Ronald Manzi spoke about the Fort Lowell Park pool fees and the restroom facilities.
- d. Sharon Boose spoke about the need for a left turn signal with an arrow at Speedway and Mountain.
- e. Joseph Sweeney spoke about illegal immigration and the march that had occurred earlier in the day.
- f. Michael Toney spoke about the University of Arizona Science Center and the monies used on the project.
- g. Russ Dove spoke about illegal immigration and the march that occurred earlier in the day.

7. CONSENT AGENDA – ITEMS A THROUGH M

Mayor Pro Tempore Scott 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. She asked the City Clerk to read the Consent Agenda.

A. TUCSON CODE: AMENDING (CHAPTER 11) ADOPTING A SOCIAL HOST ORDINANCE PROHIBITING PERSONS FROM KNOWINGLY PERMITTING CONSUMPTION OF ALCOHOL BY UNDERAGE PERSONS

1. Report from City Manager MAY1-07-250 CITY-WIDE
2. Ordinance No. 10396 relating to underage drinking; amending Tucson Code, Chapter 11, Article 1, *In General* by adding a new Sec. 11-39; and declaring an emergency.

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

B. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE DRAWING STUDIO

1. Report from City Manager MAY1-07-245 WARD 3
2. Resolution No. 20652 relating to Finance; approving and authorizing the allocation of one hundred dollars (\$100) from the Community Support Fund, Account No. 001-183-1898-268, to the Drawing Studio to assist in efforts to raise money for a new location; and declaring an emergency.

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

C. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR RITA RANCH NEIGHBORHOOD ASSOCIATION'S ANNUAL FAMILY FUN DAY

1. Report from City Manager MAY1-07-241 WARD 4
2. Resolution No. 20653 relating to Finance; approving and authorizing the allocation of seven hundred fifty dollars (\$750) from the Community Support Fund, Account No. 001-183-1898-268, to Rita Ranch Neighborhood Association for the Rita Ranch Neighborhood Association's Annual Family Fun Day; and declaring an emergency.

This was a request by Vice Mayor Scott. Allocation of funds was as follows: Vice Mayor Scott - \$750.00

D. ELECTION: CALLING A PRIMARY ELECTION ON SEPTEMBER 11, 2007 AND A GENERAL ELECTION ON NOVEMBER 6, 2007

1. Report from City Manager MAY1-07-242 CITY-WIDE
2. Ordinance No. 10397 relating to elections; pursuant to the provisions of Chapter IV, Section 1(20) and Chapter XVI, Section 6, of the Tucson Charter, and of Arizona Revised Statutes, Section 16-204, calling the September 11, 2007 City primary election and the November 6, 2007 City general election.

- E. FINAL PLAT: (S06-164) GEORGETOWN CONDOMINIUMS SUBDIVISION, UNITS 1 TO 96, COMMON ELEMENT "A", LIMITED COMMON ELEMENTS "B-1" TO "B-112", "C-1" TO "C-8", AND COMMON ELEMENT "D"
1. Report from City Manager MAY1-07-243 WARD 3
 2. Staff 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.
- F. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO HOUGHTON ROAD FROM SPEEDWAY BOULEVARD TO OLD SPANISH TRAIL, OLD SPANISH TRAIL TO VALENCIA, VALENCIA TO I-10
1. Report from City Manager MAY1-07-246 WARDS 2 AND 4
 2. Resolution No. 20655 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 Houghton Road: segments from Speedway to Old Spanish Trail; Old Spanish Trail to Valencia; Valencia to I-10; and declaring an emergency.
- G. GRANT APPLICATION: TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE LEAD-BASED PAINT HAZARD CONTROL PROGRAM
1. Report from City Manager MAY1-07-255 CITY-WIDE
 2. Resolution No. 20656 relating to community services; approving and authorizing the submission of an application for funding to the United States Department of Housing and Urban Development (HUD) for the Lead-Based Paint Hazard Control Program; and declaring an emergency
- H. PARKS AND RECREATION: NAMING THE GAME ROOM IN THE FRED ARCHER NEIGHBORHOOD CENTER THE "CARRIE JOE AND LAKISHA BRYANT ACTIVITY ROOM"
1. Report from City Manager MAY1-07-256 WARD 1
 2. Resolution No. 20657 relating to Parks and Recreation; naming the game room in the Fred Archer Neighborhood Center to the Carrie Joe and Lakisha Bryant Activity Room; and declaring an emergency.

Item H was considered separately at the request of Council Member West.

- I. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR BUS SERVICE EXPANSION AND PARATRANSIT SERVICE
 - 1. Report from City Manager MAY1-07-247 CITY-WIDE
 - 2. Resolution No. 20658 relating to Intergovernmental Agreements; approving and authorizing execution of Intergovernmental Agreements (IGAs) between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for implementation of approved RTA projects in the transit element; and declaring an emergency.

- J. REAL PROPERTY: LEASE AGREEMENT WITH THE TUCSON-SOUTHERN ARIZONA BLACK CHAMBER OF COMMERCE FOR PROPERTY AT 1443 EAST BROADWAY BOULEVARD
 - 1. Report from City Manager MAY1-07-244 WARD 6
 - 2. Ordinance No. 10398 relating to real estate; authorizing and approving the lease of certain city-owned real property located at 1443 East Broadway Boulevard to the Tucson-Southern Arizona Black Chamber of Commerce; and declaring an emergency.

- K. APPROVAL OF MINUTES
 - 1. Report from City Manager MAY1-07-259 CITY-WIDE
 - 2. Approval of minutes for the regular meeting of the Mayor and Council held on March 27, 2007.

- L. ASSURANCE AGREEMENT: (S05-138) ARTISAN RANCH SUBDIVISION (RCP), LOTS 1 TO 18, COMMON AREAS "A", "B", AND "C" (CONTINUED FROM THE MEETING OF APRIL 24, 2007)
 - 1. Report from City Manager MAY1-07-257 WARD 3
 - 2. Resolution No. 20642 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. S05-138 of a final plat for the Artisan Ranch Subdivision, Lots 1 to 18 and Common Areas "A" – "C"; and declaring an emergency.

- M. FINAL PLAT: (S05-138) ARTISAN RANCH SUBDIVISION (RCP), LOTS 1 TO 18, COMMON AREAS "A", "B", AND "C" (CONTINUED FROM THE MEETING OF APRIL 24, 2007)
 - 1. Report from City Manager MAY1-07-258 WARD 3

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.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Items A through M, with the exception of Items A and H, which would be considered separately, be passed and adopted and the proper action taken.

Mayor Pro Tempore Scott asked if there was further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;
and Mayor Pro Tempore Scott

Nay: None

Absent/Excused: Mayor Walkup

Consent Agenda Items A through M, with the exception of Items A and H, which were considered separately, were declared passed and adopted by a roll call vote of 6 to 0.

7. **CONSENT AGENDA – ITEM A**

A. TUCSON CODE: AMENDING (CHAPTER 11) ADOPTING A SOCIAL HOST ORDINANCE PROHIBITING PERSONS FROM KNOWINGLY PERMITTING CONSUMPTION OF ALCOHOL BY UNDERAGE PERSONS

1. Report from City Manager MAY1-07-250 CITY-WIDE
2. Ordinance No. 10396 relating to underage drinking; amending Tucson Code, Chapter 11, Article 1, *In General* by adding a new Sec. 11-39; and declaring an emergency.

Council Member West said she wanted to call attention to the fact that they were passing this ordinance.

It was moved by Council Member West, duly seconded, to pass and adopt Consent Agenda Item A.

Mayor Pro Tempore Scott invited Lieutenant Pryor to come forward and comment on this item, and said she understood there were some people in the audience who also wished to make a statement.

Lieutenant Mike Pryor, Tucson Police Department, said he currently commanded the Traffic Section, which included the alcohol enforcement for the City. He wanted to comment on the ordinance, which was being considered.

Lieutenant Pryor stated that every day Tucson Police officers responded to incidents involving underage drinking. Some were just quality of life issues; they were loud parties, loud noise, garbage in the streets, litter, etc. Some were violent crime issues. Lieutenant Pryor said they saw underage drinking involved in assaults, in sexual assaults, and certainly driving under the influence (DUI) cases and car crashes. He stated underage drinking had a very negative affect in the community.

Lieutenant Pryor said when they respond to these incidents, officers did their best to try to find out who provided the alcohol to the underage person. What they did know was that most of the time the alcohol was provided by some adult provider, whether it was a relative, whether it was a friend, or whether it was a peer enabler. Under the current law, he stated it was difficult to prove who provided the alcohol to the minor. He said sometimes they know it was done on purpose, and sometimes it was done through acts of just negligence, where the adult has not put proper controls to keep it away from the underage person.

Lieutenant Pryor stated the Social Host Ordinance would give law enforcement an extremely valuable tool in dealing with underage drinking. With the Social Host Ordinance, the probability of finding the right person and holding them accountable for providing or allowing the alcohol to that minor would be increased.

Lieutenant Pryor said the ordinance would send a very clear message to the adults in our community that providing alcohol to underage persons was not acceptable and would not be tolerated. This type of ordinance had been successful in reducing underage drinking in jurisdictions across the country. He said he had spoken with many of his peers, and it was a successful deterrent and a successful law when used properly. He thanked the Council for considering this ordinance, and said he appreciated the Council's willingness to address this important problem. He introduced Holly Robles, who sat with him on the Underage Drinking Task Force and was a victim advocate.

Holly Robles stated she was a certified victim advocate and was a volunteer for the Task Force for Underage Drinking. Ms. Robles said this evening, she was a voice for victims of underage drinking. She stated Alex Calvaries, nineteen, was killed by an underage drunk driver who's blood alcohol content was .144. Asad Bsenji (sp), a father of three adult children, was injured and was now paralyzed from the neck down. The underage teenage driver's blood alcohol content was .402. Shelly Smith, thirty-two, was killed by an underage drinker. The blood alcohol content of that driver was .166. Last, but not least, she stated her son, Scott Karl Hogue, was killed by a drunk driver. It was the driver's third offense and his first DUI was when he was nineteen. His blood alcohol content was .302. Ms. Robles told the Council this was very important, and she was very proud to speak in support of the ordinance. She thanked the Council for their support.

Mary Robertson stated she was there as a voice for her son. She said she spoke for him, as he could not. Her son, David, was killed by an underage drinker. The drinker's blood alcohol content was .31. She said it had been ten years, or yesterday, but the time did not seem to matter. She thanked the Council for considering this ordinance. She thanked the Council for all the people who may have been injured by underage drinkers.

Ms. Robertson said she was also speaking as the voice of grieving mothers, who had undergone the same thing countless of mothers have gone through. She hoped this step forward would prevent others from suffering through the loss she and others had gone through.

Mayor Pro Tempore Scott added her thanks to all who sat on the Task Force, including her aide, Renee Sowards, for all their hard work. She stated what they had before them was a wonderful step forward in perhaps healing some of the wounds that had been inflicted on people as a result of underage drinking.

Mayor Pro Tempore Scott asked for a roll call vote on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;
Mayor Pro Tempore Scott

Nay: None

Absent/Excused: Mayor Walkup

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

7. CONSENT AGENDA – ITEM H

H. PARKS AND RECREATION: NAMING THE GAME ROOM IN THE FRED ARCHER NEIGHBORHOOD CENTER THE “CARRIE JOE AND LAKISHA BRYANT ACTIVITY ROOM”

1. Report from City Manager MAY1-07-256 WARD 1
2. Resolution No. 20657 relating to Parks and Recreation; naming the game room in the Fred Archer Neighborhood Center to the Carrie Joe and Lakisha Bryant Activity Room; and declaring an emergency.

Council Member West said she requested that this item be considered separately because she wanted to pay special tribute to the two Parks and Recreation employees. They were sisters who grew up in the A-Mountain area; and as young girls, they frequented this recreation center. Later, they came to work for the City of Tucson Parks and Recreation Department.

Council Member West said she wanted to note some of their accomplishments. Some of Lakisha’s accomplishments included helping to open the Freedom Park Recreation Center in 2004; working with the little ones in the Kid Creation Program; taking senior participants on trips; establishing a girls club, along with running soccer practice for the boys team. She even assisted with basic park maintenance at Freedom and Golf Links Parks.

Carrie Joe was known for her ability to keep children learning and laughing. She was especially skilled at working with the pre-school children. She taught them finger-play, songs, art projects, and had special parties the children and the parents loved. Carrie, too, started a girls club for ages 12 to 15, and was instrumental with the Urban League's Youth Employment Program, where she would mentor teens placed at the center to help with summer programs.

Council Member West stated that tragically, both Carrie Jo and Lakisha lost their lives in separate incidents in the summer of 2006.

It was moved by Council Member West, duly seconded, that they approve Resolution 20657.

Mayor Pro Tempore Scott asked if there was any further discussion.

Council Member Leal asked if aside from the naming of the game room, there would be photographs of them hanging in the room with an explanation of the history and character of their service. That would be meaningful for people in the future who might not have known them, to see why that was done by the community.

Mayor Pro Tempore Scott confirmed that staff had indicated this would be done.

Council Member Trasoff thanked family members, friends, and the girls mother, for their attendance, stating she was glad they had the opportunity to honor their daughter in this way.

Council Member West asked if there were family members who wished to speak.

Carrie Joe's husband spoke on behalf of the family. He said the family had gone through a tough time the past ten months, but stated they were very thankful and honored for what the Council were doing.

Mayor Pro Tempore Scott asked if there was any further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;
Mayor Pro Tempore Scott

Nay: None

Absent/Excused: Mayor Walkup

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

8. PUBLIC HEARING: RENEWAL OF CABLE TELEVISION LICENSE WITH COX COMMUNICATIONS

Mayor Pro Tempore Scott announced City Manager's communication number 248, dated May 1, 2007, would be received into and made a part of the record. She also announced this was the time and place legally advertised for a public hearing on a proposed renewal of cable television license with Cox Communications. She said the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations.

Mary Chanti, Tucson Unified School District Communications and Media Relations, thanked the Council, City staff and City representatives who walked through the arduous process with such care, determination, and grace. She said she was leaving the process much wiser and tougher, as she was sure the Council was also. Ms. Chanti stated education was well represented in the process. Their needs were surveyed, assessed, and considered. Their K-12 PEG Station, TED TV (Tucson's Education Station) was being well used by four school districts now (TUSD, Sunnyside, Catalina Foothills and Amphitheater). They looked forward to JTED coming on this year and they hoped to use some of the services listed in the new agreement, which they anticipated would be passed, which included some of the virtual and video on demand services. They could see that would definitely serve the education community.

Ms. Chanti stated Tucson Unified School District was a responsible partner in the process, participating locally and defending the District regionally, as the State Legislature took aim at Tucson. She stated this public education and civic partnership would have to continue both in telecommunications and on other issues of vital importance to the community. She took special note on Ann Strine's, Director of the City's Information Technology Department, efforts and again thanked the Council and staff.

Ann Doris, Cox Communications' Vice President for Southern Arizona, thanked the Mayor and Council and acknowledged the City's hard work in finalizing the important partnership. She stated everyone at Cox Communications was very pleased with the license agreement. She stated the agreement would allow them to give their customers what they want, while meeting the unique needs of the community. Again, she thanked the Council for their efforts.

J. Lisa Jones, representing the Access Tucson Board of Directors, said she was there to give the Council a huge thank you. She acknowledged the enormous amount of work from a whole lot of people. She said they did not get everything they wanted, but they felt the agreement was fair and reasonable. She also thanked the Council for their dedication to making sure the cable needs of the community of Tucson had been met, and by being principled and strong in their fight for public access, and the opportunity for a whole range of diversity of people to be able to have their voice locally. She also thanked Cox Communications for returning to the negotiations table, so that a fair and reasonable agreement could come to be.

Ms. Jones also thanked all the City staff who worked so hard and their tremendous efforts; Mike Hein, City Manager; Mike Letcher, Deputy City Manager; Michael Rankin, City Attorney; and associates Brad Detrick and Tobin Rosin. She thanked the Information Technology Director, Ann Strine, who had been to so many of their meetings and had done an enormous job compiling information. She thanked Mary O'Koye and Jason Baran, Intergovernmental Relations; plus the Southern Arizona Legislative Delegation; the Arizona Senate President, Tim Bee; and House Leader Phil Lopes.

Ms. Jones also thanked Access Tucson members, Access Tucson viewers in the community, to their producers, supporters, to the Board and staff; especially their director Sam Behrends. She thanked all who helped bring the cable negotiations to a successful conclusion and to a most exciting beginning. In closing, she thanked the Council for recognizing the value of public access in the community.

Ronald Manzi said he arrived in Tucson, December 27, 2002, and the fantastic opportunity was offered to him regarding Access Tucson, and the ability to put his own programs into production. He said his brother asked him why he got involved in spending thousands of dollars in tapes to put his hip hop show on, giving a voice to people that did not have a voice, to showcase their talents. Mr. Manzi stated he was elected to the Board. He said it was unbelievable the atrocious behavior of giant companies like Cox, with billions of dollars. He said they had the audacity to say they did not have to show their profits in Tucson, because this part of their business was privately held. He stated they have gone on a rampage across the country, not worrying about lowering cable rates, but going on a buying binge. Today, he said they had seven people that controlled eighty percent of the media in this country. He said it was absolutely atrocious, the propaganda from Fox and all these people.

Mr. Manzi stated this was one of the reasons he would be running for State Representative next year; because he had to work on those other towns like Carefree, Chandler, Flagstaff, Glendale, Kingman, who have devastated the public access in those communities, the brainwashing by companies such as Cox and Comcast. He said they have to put an end to it. When he gets to the State House, he will put an end to it with that ludicrous law that was passed last year, curtailing cities and towns from negotiations. Cox Cable, Comcast, these networks, were horrible groups of people and they had to put an end to it. He hoped that with the new Congress, they would bring the fairness doctrine back that was repealed in 1986, which was the worst thing that ever happened to this country.

Michael Toney said he read through some of the Cox information, dated from last year and some of the responses. He did not think there were that many people interested in public access, but said he tended to side more with the big companies. He said premium shows were what people wanted to see, and said there was a bit of change going from seven hundred fifty megacycles to eight hundred sixty megacycle amps, which was not compared to the one hundred gigabit chips on the market.

Mr. Toney stated some people had mentioned they would like to see more football. He commented that the good movies were on pay per view, and stated a lot of the wrangling that was going on in terms of the economics of the situation were the people who were selling the shows. That was why he hoped to see the University of Arizona budget pre-empted, so that if there was government subsidy of good programming, he thought that would be good. He stated that, after all, the subsidy came from the taxpayers.

Mayor Pro Tempore Scott asked if there was anyone else wishing to be heard on this item. Hearing none, she asked for a motion to close the public hearing.

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

Mayor Pro Tempore Scott asked the City Clerk to read Resolution 20650 by number and title only.

Resolution No. 20650 relating to cable communications; approving and authorizing execution of a nonexclusive cable license between the City of Tucson and Coxcom, Inc., doing business as Cox Communications Tucson; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Resolution 20650.

Mayor Pro Tempore Scott asked if there was any discussion.

Council Member Uhlich echoed the gratitude for the staff team. She said they had excellent service from staff, in particular, Ann Strine, Mary O’Koye, Brad Detrick, and most particularly, Mike Rankin. She felt they did a very good job in leading the system in the process, and they were very pleased with their service. She also recognized the stakeholders who were involved throughout the process. They experienced vigorous negotiations and thought they had come to an outcome they could all be pleased with.

Upon roll call, the results were:

Aye: Council Members West, Uhlich, and Trasoff; and Mayor Pro Tempore Scott

Nay: Council Members Ibarra and Leal

Absent/Excused: Mayor Walkup

Resolution 20650 was declared passed and adopted by a roll call vote of 4 to 2.

Roger W. Randolph, Chief Deputy City Clerk, asked for a second roll call vote for the sole purpose of the emergency clause.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;
and Mayor Pro Tempore Scott

Nay: None

Absent/Excused: Mayor Walkup

Resolution 20650, with the emergency clause, was declared passed and adopted by a roll call vote of 6 to 0.

9. WATER: NOTICE OF INTENTION TO INCREASE CERTAIN TUCSON WATER RATE COMPONENTS AND FEES, AND SCHEDULING A PUBLIC HEARING FOR JUNE 5, 2007

(Note: the Council returned to Item 9 following Item 11.)

Mayor Pro Tempore Scott announced City Manager's communication number 252, dated May 1, 2007, would be received into and made a part of the record. She asked the City Clerk to read Resolution 20651 by number and title only.

Resolution No. 20651 relating to water; authorizing the CWAC Rate Recommendations; approving the publication of a Notice of Intention to increase certain water rates and fees; scheduling a public hearing on the above referenced rates and fees; and declaring an emergency.

It was moved by Council Member West, duly seconded, to pass and adopt Resolution 20651, directing staff to file a proposed fee schedule with the City Clerk's Office, and set June 5, 2007, for the public hearing regarding the proposed fee.

Mayor Pro Tempore Scott asked if there was any further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members West, Uhlich, Leal, Trasoff; and Mayor Pro Tempore Scott

Nay: Council Member Ibarra

Absent/excused: Mayor Walkup

Resolution 20651 was declared passed and adopted by a roll call vote of 5 to 1.

10. ZONING: (C9-06-19) PROSPERITY LOOP, LLC - 22ND STREET, SR TO R-1, ORDINANCE ADOPTION

Mayor Pro Tempore Scott announced City Manager's communication number 249, dated May 1, 2007, would be received into and made a part of the record. She asked if the applicant or a representative were present and if they were agreeable to the proposed conditions.

Perry Withhorn, Prosperity Loop, LLC, said they were aware of and agreeable to the proposed conditions.

Mayor Pro Tempore Scott asked the City Clerk to read Ordinance 10399 by number and title only.

Ordinance No. 10399 relating to zoning: amending zoning district boundaries in the area located at the northeast corner of 22nd Street and Bonanza Avenue in Case C9-06-19, Prosperity Loop, LLC – 22nd Street, SR to R-1, and setting an effective date.

It was moved by Council Member West, duly seconded, to pass and adopt Ordinance 10399.

Mayor Pro Tempore Scott asked if there was any further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;
Mayor Pro Tempore Scott

Nay: None

Absent/excused: Mayor Walkup

Ordinance 10399 was declared passed and adopted by a roll call vote of 6 to 0.

11. ZONING: (SE-07-01) TARGET – ORACLE ROAD, C-2 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT AND ORDINANCE ADOPTION

Mayor Pro Tempore Scott announced City Manager's communication number 240, dated May 1, 2007, would be received into and made a part of the record. This was a special exception land use request for property located at the northeast corner of Oracle Road and Roger Road. She asked if the applicant were present and if they were agreeable to the proposed conditions.

Jim Portner, Projects International, stated they were aware of and agreeable to the proposed conditions.

Mayor Pro Tempore Scott asked the City Clerk to read Ordinance 10400 by number and title only.

Ordinance No. 10400 relating to zoning; a special exception land use – large retail establishment – SE-07-01 Target – Oracle Road, northeast corner of Oracle Road and Roger Road; approving with conditions development of a large retail establishment in the C-2 Zone – Case SE-07-01; and setting an effective date.

It was moved by Council Member Uhlich, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10400.

Mayor Pro Tempore Scott asked if there was any further discussion.

Council Member Uhlich extended her gratitude to the development team, represented by Mr. Saylor-Brown, and Portner & Oden. She acknowledged all the work they did to enable the establishment to meet the high bar that had been set throughout the process. She appreciated it and said she wanted to highlight a couple of features that were particularly exciting to her in the project.

Council Member Uhlich said this was the redevelopment of an existing high intensity commercial area that was dominated by asphalt and concrete. The proposed plan would integrate water-harvesting techniques and some beautiful landscaped canopies. It also included a full service, although not full size, grocery component. She said the design features set good standards for the community. She also thanked the Limberlost and Amphi Neighborhood Associations, which were very active in the conversations and others who registered their statements regarding the development, and enthusiastic support of the project.

Council Member Leal said he was not completely surprised, because he had some sense of Mr. Portner and Mr. Saylor-Brown's abilities. He had worked with them on different projects around the community, most recently on other big box issues. One was on Alvernon, by Twenty-ninth Street, and the other one was at Sinclair. He thanked them for continuing to keep their own skills up and putting up with being at the disposal of the entire community. Those were hard challenges to figure out how to square the collection of rights and desires against each other; and it took people who did not shy away from the last ten percent.

Council Member Leal also added that he was currently working and would be continuing to work at the Sinclair Project, around some tenant mix and spatial issues. He invited Council Member Uhlich to work with him on that project, stating he knew she had expressed a commitment to participate and help bring positive things to fruition.

Council Member Trasoff stated she was delighted by Council Member Leal's comments and Council Member Uhlich's leadership on this issue.

Mayor Pro Tempore Scott asked if there were any further comments. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;
Mayor Pro Tempore Scott

Nay: None

Absent/Excused: Mayor Walkup

Ordinance 10400 was declared passed and adopted by a roll call vote of 6 to 0.

9. WATER: NOTICE OF INTENTION TO INCREASE CERTAIN TUCSON WATER RATE COMPONENTS AND FEES, AND SCHEDULING A PUBLIC HEARING FOR JUNE 5, 2007

Roger W. Randolph, Chief Deputy City Clerk, asked to return to Item 9 on the Regular Agenda, which was passed by a roll call vote of 5 to 1. He asked for a second vote for the sole purpose of the emergency clause.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Leal, and Trasoff;
and Mayor Pro Tempore Scott

Nay: None

Absent/Excused: Mayor Walkup

Resolution 20651, with the emergency clause, was declared passed and adopted by a roll call vote of 6 to 0.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Pro Tempore Scott announced City Manager's communication number 239, dated May 1, 2007, would be received into and made a part of the record. She asked if there were any personal appointments to be made.

There were none.

13. ADJOURNMENT 6:42 p.m.

Mayor Pro Tempore Scott announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 15, 2007, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona. She also announced the meeting of May 8, 2007 had been cancelled.

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 1st of May, 2007, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:sac:kad