

MAYOR AND COUNCIL, APPOINTED OFFICIALS AND DEPARTMENT HEADS

FROM: CITY MANAGER \_\_\_\_\_  
ADMINISTRATIVE ACTION REPORT AND SUMMARY  
MAYOR AND COUNCIL STUDY SESSION OF AUGUST 7, 2000

Mayor Robert E. Walkup called the Study Session to order at 10:07 A.M. in the Mayor and Council Chambers, City Hall Tower, Tucson, Arizona.

COUNCIL MEMBERS PRESENT: Mayor Robert E. Walkup  
Vice-Mayor Steve Leal, (Ward 5)  
Counc. Jose J. Ibarra, (Ward 1)  
Counc. Carol West, (Ward 2)  
Counc. Jerry Anderson, (Ward 3)  
Counc. Shirley C. Scott, (Ward 4)  
Counc. Fred Ronstadt, (Ward 6)

STAFF: Benny Young, Assistant City Manager  
Liz R. Miller, Assistant City Manager  
Brad Detrick, Deputy City Attorney  
Kathleen S. Detrick, City Clerk

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
1. Executive Session – Legal Issues Regarding the Release of Ward IV Investigative Reports (City-Wide) SS/AUG7-00-369	
3. Executive Session – Davidson v. City of Tucson (City-Wide) SS/AUG7-00-365	
5. Executive Session – Status of Billboard Enforcement (City-Wide) SS/AUG7-00-376	
7. Executive Session – Discussion of City Attorney Recruitment Process (City-Wide) SS/AUG7-00-367  Council Member West MOVED, SECONDED by Council Member Ronstadt to go into Executive Session as noticed in the agenda pursuant to A.R.S. 38-431.03 (A)(1), A.R.S. 38-431.03 (A)(3), and A.R.S. Section 38-431.03 (A)(4).  Vice-Mayor Leal expressed a concern with the title of Executive Session #1.  Motion PASSED by a vote of 7 to 0.	
RECESS: 10:09 A.M. RECONVENE: 1:04 P.M. MAYOR & COUNCIL: ALL PRESENT STAFF: ALL PRESENT	
Executive Sessions were held from 10:10 A.M. to 12:54 P.M.	

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>Council Member Ibarra MOVED, SECONDED by Council Member Ronstadt to return to Open Session.</p> <p>Motion PASSED by a vote of 7 to 0.</p>	
<p>2. Mayor and Council Direction Regarding Executive Session – Legal Issues Regarding the Release of Ward IV Investigative Reports (City-Wide) SS/AUG7-00-370</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member Scott that the EOO investigative report be withheld and not released to any Council Member under any scheme, either Executive Session or Open Session, for evaluation in light of legal advice provided during today’s Executive Session.</p> <p>Motion PASSED by a vote of 5 to 2, (Vice-Mayor Leal and Council Member Anderson dissenting).</p> <p>Council Member West MOVED, SECONDED by Council Member Ronstadt to direct the City Manager to request the Attorney General investigate whether confidential and/or privileged information from Executive Session and/or confidential personnel information has been improperly disclosed.</p> <p>Motion PASSED by a vote of 5 to 2, (Council Members Ibarra and Anderson dissenting).</p> <p>Vice-Mayor Leal MOVED, SECONDED by Council Member Anderson to request the Attorney General review the City’s investigation around the issues that were the purpose of the investigation, and other things found that were not the primary purpose, but are still significant issues that the City may need to be aware of because of their potential nature, some of them may include civil rights violations. The Attorney General’s office should keep the same level of confidentiality that is to be employed in these types of cases and issues.</p> <p>Motion PASSED by a vote of 4 to 3, (Mayor Walkup and Council Members Ronstadt and Scott dissenting).</p>	<p><u>CITY ATTORNEY</u> <u>And EOO</u> Are informed</p> <p><u>CITY MANAGER</u> Is responsible</p> <p><u>CITY MANAGER</u> Is responsible</p>
<p>4. Mayor and Council Direction Regarding Executive Session – Davidson v. City of Tucson (City-Wide) SS/AUG7-00-366</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member Anderson to direct the City Attorney to proceed as discussed in Executive Session regarding the City of Tucson vs. Davidson.</p> <p>Motion PASSED by a vote of 7 to 0.</p>	<p><u>CITY ATTORNEY</u> Is responsible</p>

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<p>6. Mayor and Council Direction Regarding Executive Session – Status of Billboard Enforcement (City-Wide) SS/AUG7-00-377</p> <p>Council Member Anderson MOVED, SECONDED by Council Member West direct staff to ensure Eller Media Company complies with what they have communicated to the City and to continue with legal actions in this case.</p> <p>Motion PASSED by a vote of 6 to 1, (Council Member Ronstadt Absent/Excused).</p> <p>(Counc. Ronstadt departed at 1:21 P.M. and returned at 1:23 P.M.)</p>	<p><u>CITY ATTORNEY</u> Is responsible <u>DIR. OF DVLPMNT.</u> <u>SRVS.</u> Is informed</p>
<p>8. Mayor and Council Direction Regarding Executive Session – Discussion of City Attorney Recruitment Process (City-Wide) SS/AUG7-00-368</p> <p>Vice-Mayor Leal MOVED, SECONDED by Council Member West to direct staff to invite the following individuals to the City Attorney interviews on August 10, 2000.</p> <p style="text-align: center;">Michael House Frances Lynch John Moffitt</p> <p>Motion PASSED by a vote of 7 to 0.</p>	<p><u>DIR. OF HUMAN RESOURCES</u> Is responsible</p>
<p>9. Boards, Committees and Commission (City-Wide) SS/AUG7-00-359</p> <p>Nothing at this time.</p>	
<p>10. Mayor and Council Discussion of Regular Agenda SS/AUG7-00-371</p> <p>Council Member West requested Liquor License 3-JJ-12 be considered separately.</p> <p>Kathleen Detrick, City Clerk, advised this application has been withdrawn.</p> <p>Council Member Anderson requested consent item 3-T and 3-II be considered separately, and item #5, the Slumlord Task Force, be continued.</p> <p>City Clerk, Kathleen Detrick advised Liquor Licenses 2, 3, 11 and 19 would be considered separately due to protests.</p> <p>Council Member Ibarra requested item LL be considered separately.</p>	<p><u>CITY CLERK</u> Is responsible</p>

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<p>11. Representation For Police and Fire Command Staff and Compensation Update (City-Wide) SS/AUG7-00-362</p> <p>Council Member Ibarra MOVED, SECONDED by Council Member Anderson to approve the City Manager's recommendation with the following amendments:</p> <ul style="list-style-type: none"> <li>1) return in 60 days, and</li> <li>2) include the issue of retroactivity to the beginning of fiscal year.</li> </ul> <p>Motion PASSED by a vote of 7 to 0.</p>	<p><u>DIR. OF FINANCE</u> Is responsible <u>DIR. OF HUMAN RESOURCES</u> is informed</p>
<p>14. Pima Street, Swan Road to Craycroft Road District Protest Petition (Ward 6) SS/AUG7-00-363</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member Scott to approve the City Manager's recommendation and deny the protest petition and advance to form the Pima: Swan to Craycroft improvement district.</p> <p>Council Member Anderson MOVED, SECONDED by Council Member Ibarra to substitute the motion to accept the protest petition and cancel the project.</p> <p>Substitute Motion FAILED by a vote of 3 to 4, (Mayor Walkup, Council Members West, Ronstadt and Scott dissenting).</p> <p>Main Motion PASSED by a vote of 4 to 3, (Vice-Mayor Leal and Council Members Ibarra and Anderson dissenting).</p> <p>Council Member Ibarra requested follow-up information on the specific ballot language regarding this project and the details of the precinct voting.</p>	<p><u>DIR. OF TRANS.</u> Is responsible</p> <p><u>BENNY YOUNG,</u> <u>ASST. CITY MANAGER</u> Is responsible</p>
<p>RECESS: 2:09 P.M. RECONVENE: 3:51 P.M. MAYOR &amp; COUNCIL: ALL PRESENT (EXCEPT COUNCIL MEMBER IBARRA, ARRIVED AT 3:56 P.M.) STAFF: ALL PRESENT</p>	
<p>12. Update on Toole Avenue Homeless Program (City-Wide) SS/AUG7-00-361</p>	

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<p>Council Member Anderson MOVED, SECONDED by Council Member Ibarra to accept the City Manager's recommendation and direct the City Manager to fund the clean up in the amount of \$70,200.</p> <p>Council Member Ronstadt offered an amendment to discontinue feeding at the Toole Site and use the \$40,000 to fund the clean up.</p> <p>Amendment not accepted.</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member West to substitute the motion to accept the City Manager's recommendation and to discontinue the feeding at the Toole site and transfer the \$40,000 to fund the clean up, and identify a citizens advisory group to provide quarterly reports.</p> <p>Substitute Motion PASSED by a vote of 4 to 3, (Vice-Mayor Leal and Council Members Ibarra and Anderson dissenting).</p> <p>Vice-Mayor Leal requested the first quarterly report due in three months include details on COPE and what they considered important.</p> <p>(Counc. Ibarra departed at 4:22 P.M. and returned at 4:25 P.M.) (Counc. Ronstadt departed at 4:34 P.M. and returned at 4:38 P.M.)</p>	<p><u>DIR. OF COMMUNITY SERVICES</u> Is responsible</p> <p><u>DIR. OF COMMUNITY SERVICES</u> Is responsible</p>
<p>13. Metropolitan Education Commission (Ward 5) SS/AUG7-00-360</p> <p>Vice-Mayor Leal MOVED, SECONDED by Council Member Ibarra to direct staff to explore, together with the Metropolitan Education Commission, a plan to expand the Academy Without Walls from 27 students to 50 students. This should be in conjunction with the youth needs analysis that staff has already been directed to undertake. The Metropolitan Education Commission is further directed to approach all funders and seek additional resources to complement City resources.</p> <p>(Counc. Anderson departed at 4:34 P.M. and returned at 4:38 P.M.) (Counc. Ibarra departed at 4:42 P.M. and returned at 4:46 P.M.)</p>	<p><u>LIZ MILLER, ASST. CITY MANAGER</u> Is responsible <u>METROPOLITAN EDUCATION COMMISSION</u> Is informed</p>
<p>20. Metropolitan Energy Commission (City-Wide) SS/AUG7-00-375</p> <p>Council Member Scott MOVED, SECONDED by Council Member Anderson to support the report from the Metropolitan Energy Commission including the separate comments made by Mr. Al Nichols.</p> <p>Motion PASSED by a vote of 6 to 0, (Council Member Ibarra Absent/Excused).</p> <p>(Counc. Ibarra departed at 5:01 P.M. and returned at 5:12 P.M.)</p>	<p><u>DIR. OF OPERATIONS &amp; SPECIAL PROJECTS</u> Are informed</p>
<p>18. Downtown Area District Heating and Cooling Project (City-Wide)</p>	

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<p>SS/AUG7-00-356</p> <p>Vice-Mayor Leal MOVED, SECONDED by Council Member West to direct staff to move forward with the Downtown Area District Heating and Cooling Project and return on September 5, 2000 with answers to the questions posed by Tucson Electric Power. The proposed contract should also be brought back at that time.</p> <p>Motion PASSED by a vote of 4 to 1, (Council Member Ronstadt dissenting, Council Members Ibarra and Anderson Absent/Excused).</p> <p>(Council Member Ibarra departed at 5:30 p.m.) (Council Member Anderson departed at 5:35 p.m.)</p>	<p><u>DIR. OF OPERATIONS</u> Is responsible <u>AGENDA COMMITTEE</u> Is informed</p>
<p>15. Request To Accept A Plan Amendment Application During The Two-year Moratorium Period For The <i>Grant-Alvernon Area Plan</i> (Ward 6) SS/AUG7-00-364</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member West to allow the proposed plan amendment application for the Grant/Alvernon Area Plan.</p> <p>Motion PASSED by a vote of 5 to 0, (Council Members Anderson and Ibarra Absent/Excused).</p>	<p><u>DIR. OF PLANNING</u> Is responsible</p>
<p>16. Request For Funds – Educational Enrichment Foundation (City-Wide) SS/AUG7-00-357</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member West to direct staff to transfer \$9,600 from the contingency fund to cover bus passes for the Educational Enrichment Foundation.</p> <p>Motion PASSED by a vote of 5 to 0, (Council Members Anderson and Ibarra Absent/Excused).</p>	<p><u>DIR. OF BUDGET &amp; RESEARCH</u> Is responsible</p>
<p>17. Mayor and Council Discussion of Future Agendas SS/AUG7-00-372</p> <p><u>Vietnam Veteran</u> Council Member Ronstadt requested the “Addition of Serviceman Benjamin Ruben Montano’s Name to the Vietnam Veteran’s Memorial in El Presidio Park” be added to the August 10, 2000 special meeting.</p> <p><u>GTEC</u> Council Member Ronstadt requested staff take the resignation of the GTEC director as an opportunity to evaluate similar endeavors for possible consolidation.</p>	<p><u>AGENDA COMMITTEE</u> Is responsible</p> <p><u>DIR. OF ECON. DEVELOPMENT</u> Is responsible <u>CITY MANAGER’S OFFICE</u> Is informed</p>
<p>20. Historic Marker – Creed Taylor (Ward 5) SS/AUG7-00-358</p>	

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>Council Member Leal MOVED, SECONDED by Council Member West to direct the Office of Historic Preservation to work with the Historic Commission to create a plaque, and</p> <ol style="list-style-type: none"><li>1) substantiate the information regarding Creed Taylor, and</li><li>2) research the establishment of other significant organizations for recognition, creating a “history of civiness.”</li></ol> <p>Motion PASSED by a vote of 5 to 0, (Council Members Anderson and Ibarra Absent/Excused).</p>	<p><u>OFFICE OF HISTORIC PRESERVATION</u> Is responsible</p>
<p>ADJOURNMENT: 6:34 P.M.</p> <p><i>VERBATIM TAPE RECORD AVAILABLE UPON REQUEST FROM THE CITY CLERK’S OFFICE</i></p>	