

MAYOR AND COUNCIL, APPOINTED OFFICIALS AND DEPARTMENT HEADS
FROM: CITY MANAGER _____

ADMINISTRATIVE ACTION REPORT AND SUMMARY
MAYOR AND COUNCIL STUDY SESSION OF MARCH 15, 1999

Mayor George Miller called the Study Session to order at 12:08 P.M. in the Mayor and Council Chambers, City Hall Tower, Tucson, Arizona.

COUNCIL MEMBERS PRESENT: Mayor George Miller
Vice-Mayor Shirley C. Scott, (Ward 4)
Counc. Jose J. Ibarra, (Ward 1)
Counc. Janet Marcus, (Ward 2)
Counc. Jerry Anderson (Ward 3)
Counc. Steve Leal, (Ward 5)
Counc. Fred Ronstadt (Ward 6)

STAFF: Luis G. Gutierrez, City Manager
John Nachbar, Deputy City Manager
Thomas J. Berning, City Attorney
Kathleen S. Detrick, City Clerk

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
1. Executive Session - United States v. Tucson Airport Authority and City of Tucson (City-Wide) SS/MARCH15-99-116	
3. Executive Session - Consideration of Contract Options with the Western Professional Hockey League (City-Wide) SS/MARCH15-99-125	
Vice Mayor Scott MOVED, SECONDED by Council Member Leal that Mayor and Council go into Executive Session for the discussion or consultation for legal advice with the attorneys for the City of Tucson pursuant to A.R.S. 38-431.03(A)(3) and discussion or consultation with the attorneys for the City of Tucson in order to consider its position and instruct its attorneys regarding the City of Tucson's position in pending or contemplated litigation pursuant to A.R.S. 38-431.03(A)(4) regarding United States v. Tucson Airport Authority and City of Tucson and go into Executive Session for the discussion or consultation for legal advice with the attorneys for the City of Tucson pursuant to A.R.S. 38-431.03(A)(3) and for the discussion or consultation for legal advice with the attorneys for the City of Tucson in order to consider its position and instruct its representatives regarding negotiations for the purchase or lease of real property pursuant to A.R.S. 38-431.03(A)(7) regarding Consideration of Contract Options with the Western Professional Hockey League.	<u>CITY ATTORNEY</u> is informed
Motion <u>PASSED</u> by a vote of 7 to 0.	

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
RECESS: 12:09 P.M. RECONVENE: 12:10 P.M. (MAYOR & COUNCIL CONFERENCE ROOM) MAYOR AND COUNCIL: ALL PRESENT STAFF: ALL PRESENT	
1. Executive Session - United States v. Tucson Airport Authority and City of Tucson (City-Wide) SS/MARCH15-99-116 3. Executive Session - Consideration of Contract Options with the Western Professional Hockey League (City-Wide) SS/MARCH15-99-125 Executive Session was held from 12:10 p.m.to 1:24 p.m.	<u>CITY ATTORNEY</u> is informed
RECESS: 1:24 P.M. RECONVENE: 1:25 P.M. (MAYOR & COUNCIL CHAMBERS) MAYOR AND COUNCIL: ALL PRESENT STAFF: ALL PRESENT	
Vice Mayor Scott MOVED, SECONDED by Council Member Leal, that Mayor and Council return to Open Session. Motion <u>PASSED</u> by a vote of 7 to 0.	
2. Mayor and Council Direction Regarding Executive Session - United States v. Tucson Airport Authority and City of Tucson (City-Wide) SS/MARCH15-19-117 Council Member Marcus MOVED, SECONDED by Vice Mayor Scott the Manager be authorized to sign the following documents on behalf of the City upon successful completion of negotiations: 1. Master Settlement Agreement 2. Master Trust Agreement 3. Modified TARP Consent Decree 4. Modified TARO Participation Agreement 5. Modified TARP Trust Agreement 6. Soil/Shallow Groundwater Zone Consent Decree 7. Soil/SGZ Participation Agreement 8. Soil/SGZ Trust Agreement 9. General Dynamics Settlement Agreement 10. Remedial Investigation/Feasibility Study Participation Agreement 11. RI/FS Trust Agreement Motion <u>PASSED</u> by a vote of 7 to 0.	<u>CITY ATTORNEY</u> is responsible

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>4. Mayor and Council Direction Regarding Executive Session - Consideration of Contract Options with the Western Professional Hockey League (City-Wide) SS/MARCH15-99-125</p> <p>Council Member Ibarra MOVED, SECONDED by Council Member Leal, that staff be directed to proceed as discussed in Executive Session regarding consideration of contract options with the Western Professional Hockey League.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	<p><u>CITY MANAGER</u> is responsible</p>
<p>The Mayor thanked Council and staff for their participation in coordinating the Tucson Clean Sweep efforts.</p>	
<p>5. Salsabration (City-Wide) SS/MARCH15-99-128</p> <p>Council Member Anderson MOVED, SECONDED by Council Member Ronstadt that the City Manager and staff be directed to continue coordinating with all groups planning New Year's events without any financial consideration or commitment of resources to anyone until the whole picture of what is going to happen is brought back to the Mayor and Council.</p> <p>A substitute motion was made by Council Member Ibarra, SECONDED by Council Member Leal, that at this time the City of Tucson should not get involved in Salsabration.</p> <p>The substitute motion <u>PASSED</u> by a vote of 4 to 3 (Vice-Mayor Scott, Council Member Anderson and Council Member Ronstadt dissenting).</p>	<p><u>CITY MANAGER</u> is informed</p>
<p>RECESS: 2:10 P.M. RECONVENE: 2:40 P.M. MAYOR AND COUNCIL: ALL PRESENT STAFF: ALL PRESENT</p>	

AGENDA ITEM/MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>6. Sonoran Cohousing (City-Wide) SS/MARCH15-99-128</p> <p>Council Member Anderson MOVED, (there was no second) that Mayor and Council grant a fee waiver of \$54,000 with funding to come from the Development Service Fee Waiver fund and direct Tucson Water staff to continue discussions with the Sonoran Cohousing group in order to negotiate a 10 year financing plan for the Water connection fees.</p> <p>Council Member Marcus requested the motion be split and offered a SECOND on the first part of the motion only, which is to grant a fee waiver of \$54,000 with funding to come from the Development Service Fee Waiver fund, Council Member Anderson agreed.</p> <p>Council Member Leal amended the motion to direct staff to work with the Attorney's Office and return in three weeks with revised Ordinance.</p> <p>Amended Motion, <u>PASSED</u> by a vote of 7 to 0.</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u> is responsible</p> <p><u>CITY ATTORNEY</u> is responsible <u>AGENDA COMMITTEE</u> is informed</p>
<p>20. El Con Mall Development New Proposal for Street Closure (Ward VI) SS/MARCH 15-99-133</p> <p>Council Member Marcus MOVED, SECONDED by Council Member Leal that Mayor and Council direct staff to meet with all parties at regular intervals and</p> <ol style="list-style-type: none">1. in order to provide adequate time for El Con staff and the affected neighborhoods to continue review of the proposals and the findings of the traffic study, allow up to sixty (60) days for staff to determine if these proposals can be made to work; (hard numbers on the traffic issue are necessary so that staff has a good picture of all that is involved and what can work.)2. if the conceptual proposals are agreed upon and can be framed as a condition of rezoning document in a manner acceptable to the city, a modification to total closure of the streets may be revisited; and3. the implementation of these conditions would be worked out in a public CDRC process. El Con must request a "Change of Conditions" on the existing rezoning and those "Changes of Conditions" would have to be adopted by Mayor and Council. That would make the conditions part of the zoning and enforceable by the City. A final development plan would then be prepared for approval. <p>Motion <u>PASSED</u> by a vote of 6 to 1 (Council Member Anderson dissenting).</p>	<p><u>DIR. OF TRANS.</u> is responsible</p> <p><u>CITY MANAGER</u> is informed</p>

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
RECESS: 3:26 P.M. RECONVENE: 3:30 P.M. MAYOR AND COUNCIL: ALL PRESENT STAFF: ALL PRESENT	
7. State Legislative Matters (City-Wide) SS/MARCH 15-99-120 Vice Mayor Scott MOVED, SECONDED by Council Member Marcus that Mayor and Council oppose HB 2615 (Firearms Regulation). Motion <u>PASSED</u> by a vote of 7 to 0.	<u>OFFICE OF INTGVL AFFAIRS</u> is responsible
8. Federal Legislative Matters (City-Wide) SS/MARCH15-99-121 None.	<u>OFFICE OF INTGVL AFFAIRS</u> is informed
9. Lease of Real Estate: Downtown Commerce Park, Lots 10 & 12 (RP 2256/2258) to Brickyard Investments, L.L.L.P. (Ward 1) SS/MARCH15-99-127 This item was continued at the request of staff.	<u>OFFICE OF ECONOMIC DEVELOPMENT</u> is responsible <u>AGENDA COMMITTEE</u> is informed
10. Boards, Committees and Commissions SS/MARCH15-99-122 Item was not discussed. Formal Action was taken at the Regular Session.	<u>CITY CLERK</u> is informed See AAR&S of the Regular Meeting, 3/15/99, Item #6
11. Mayor and Council Discussion of Regular Agendas SS/MARCH15-99-114 There was no discussion.	

AGENDA ITEM/MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>12. Status of Groundwater Investigations and Remediations at City Landfills (City-Wide) SS/MARCH15-99-124</p> <p>Council Member Leal requested that</p> <ol style="list-style-type: none">1. the literature from the presentation on a modification of pump and treat that the EPA has been using for Superfund sites be distributed to Mayor and Council, and2. a copy of the video from Discovery channel be distributed to Mayor and Council to view.	<p><u>DIR. OF ENVIRONMENTAL MANAGEMENT</u> is responsible</p>
<p>13. Update on Landfill Methane Monitoring and Compliance (City-Wide) SS/MARCH15-99-123</p> <p>Staff provided information on Landfill Methane Monitoring and Compliance.</p> <p>(Council Member Ronstadt departed at 4:10 and returned at 4:17)</p>	<p><u>DIR. OF SOLID WASTE MANAGEMENT</u> is informed</p>
<p>19. Purchasing Coalition for the Procurement of Health Care Benefits (City-Wide) SS/MARCH15-99-132</p> <p>Council Member Leal MOVED, SECONDED by Council Member Anderson that staff be directed to continue exploration of forming a purchasing coalition for health care benefits with Pima County and Pima County Community College District.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p> <p>(Council Member Ibarra departed at 4:15 and returned at 4:17) (Mayor Miller departed at 4:20 and returned at 4:22)</p>	<p><u>DIR. OF HUMAN RESOURCES</u> is responsible</p>
<p>14. Year 2000 Independent Risk Assessment Presentation (City-Wide) SS/MARCH15-99-129</p> <p>No action taken on this item.</p> <p>(Council Member Ronstadt departed at 4:30 and returned at 4:34 (Mayor Miller departed at 4:50 and returned at 4:57)</p>	<p><u>DIR. OF INFORMATION TECHNOLOGY</u> is informed</p>

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>15. Update on Condition of Starr Pass Water Main (City-Wide) SS/MARCH15-99-130</p> <p>This item was continued.</p>	<p><u>DIRECTOR OF WATER</u> is responsible <u>AGENDA COMMITTEE</u> is informed</p>
<p>18. Mayor and Council Discussion of Future Agendas</p> <p>A. <u>Liquor License Reconsideration</u> Council Member Leal requested a reconsideration of a liquor license for Asadero de las Palmas. (protests were removed)</p> <p>B. <u>Fee Waivers</u> Council Member Marcus requested the Fiscal and Human Resource Subcommittee look at fee waivers in terms of policy issues.</p> <p>C. <u>Water Infill Fee Waivers</u> Council Member Anderson requested an update on the Water Infill Fee Waiver.</p> <p>D. <u>Park Rangers</u> Council Member Ronstadt requested the concept of Park Ranger within Tucson Police Department be reviewed.</p>	<p><u>CITY CLERK</u> is informed <u>AGENDA COMMITTEE</u> is informed</p> <p><u>DIR. OF DEVELOPMENT SERVICES</u> is responsible</p> <p><u>WATER DIRECTOR</u> is responsible</p> <p><u>CHIEF OF POLICE</u> is responsible <u>ASST. CITY MANAGER MILLER</u> is informed</p>
<p>16. Accounting of Pima Animal Control (City-Wide) SS/MARCH15-99-131</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member Anderson that a memorial be sent to the Board of Supervisors requesting a financial and personnel audit of Pima Animal Control.</p> <p>The City Manager reported the City has the ability to request an audit as part of a committee that reviews animal control programs and policies and the Mayor and Council can request an audit through the committee.</p>	<p><u>CITY MANAGER</u> is responsible</p>

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>16. Accounting of Pima Animal Control (City-Wide) SS/MARCH15-99-131 (CONTINUED)</p> <p>Council Member Ronstadt amended his motion to include the aforementioned, Council Member Anderson agreed.</p> <p>Motion PASSED 5 to 0 (Mayor and Leal excused).</p> <p>Council Member Leal departed at 5:01 and returned at 5:05 Mayor Miller departed at 5:03 and returned at 5:05</p>	
<p>17. Mayor and Council Subcommittees Status Reports (City-Wide) SS/MARCH15-99-119</p> <p>This item was discussed.</p>	
<p>ADJOURNMENT: 5:06 P.M.</p> <p><i>VERBATIM TAPE RECORD AVAILABLE UPON REQUEST FROM THE CITY CLERK'S OFFICE</i></p>	