



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
On June 28, 2004_____

Date of Meeting: January 5, 2004

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 3:16 p.m., on Monday, January 5, 2004, 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
Carol W. West
Kathleen Dunbar
Shirley C. Scott
Steve Leal
Fred Ronstadt
Robert E. Walkup
Kathleen S. Detrick

Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Vice Mayor Ward 6
Mayor
City Clerk

Absent/Excused:

None

Staff Members Present:

James Keene
Mike Letcher
Bob Martin

City Manager
Deputy City Manager
Parks & Recreation Interim Director

Michael House

City Attorney

Geoff Gonzales
Debby Counsellor
Ceci Sotomayor

City Clerk's Office
Recording Secretary
Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Kim Taylor, American Evangelical Lutheran Church, after which the pledge of allegiance was presented by the entire assembly.

Presentation

A. Outstanding Special Olympics Coach

Mayor Walkup presented a plaque to Shylah McNellis for "Most Outstanding Coach throughout the State of Arizona".

Bob Martin, interim director of Parks and Recreation, said that Shylah was one of their shining stars. She had been involved in the program for many years and they were very happy to see that she was "Coach of the Year" this year. He congratulated her.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 7, dated January 5, 2004, would be received into and made a part of the record. He also announced that this was the time for mayor and council members to report on current events and asked if there were any reports.

A. Ward 2 Open House

Council Member West wished everyone a "Happy New Year" and invited the public, city staff, and the other council offices to the ward two New Year's open house that would be held on Wednesday, January 7, 2004 at 7575 E. Speedway at Eastside City Hall from 3:00 to 6:00 p.m. The people who live in ward two would be asked to fill out a non-scientific survey about what they considered their needs to be in ward two. This would be an opportunity for people just from ward two, to let her know what some of their concerns and issues were.

B. Pima Association of Governments Meeting

Vice Mayor Ronstadt announced that on January 23, 2004 at the Tucson Convention Center at 6:30 p.m. there would be a meeting of the Pima Association of Governments Regional Assembly. All of the governing bodies of the various jurisdictions in this valley had been invited to participate. The meeting would be open to the public and they would be discussing issues of regional importance including land management and hopefully, transportation.

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

Mayor Walkup announced that city manager's communication number 8, dated January 5, 2004, would be received into and made a part of the record. He also announced that this was the time for the city manager to report on current events and asked for that report.

A. Award of Excellence in Procurement

James Keene, city manager, announced that for the eighth year in a row, Wayne Casper from the procurement department received an "Award of Excellence in Procurement" from the National Purchasing Institute. This award was given at the annual conference that took place in Austin, Texas this year. The award measured innovation, professionalism, productivity and leadership in public procurement and the city of Tucson was one of only six organizations to receive the award in each of the past eight years.

B. HUD Grant Awards

Mr. Keene announced that on December 19, 2003 HUD announced this year's homeless grant awards. The city of Tucson took the lead in developing applications for the Tucson area. It was an umbrella application for other entities and community groups. The city's application fared very well, receiving just over \$5 million, which was \$1 million more than was received last year. Ten community projects were funded; nine received renewal funding and one was a new program. City projects received approximately \$1.8 million. Mr. Keene offered his congratulations to all involved in those grants.

5. CALL TO THE AUDIENCE

Mayor Walkup announced that this was the time any member of the audience was allowed to address the mayor and council on any issue that was not on the agenda. He said that there would also be a call to the audience at the end of the meeting. He had received three-written requests to speak. He would limit this item to 20-minutes. He asked that the speakers come forward as he called their names, which he would do in the order he received the requests.

A. Family Arts Festival

Karen Falkenstrom, representing the Tucson Pima Arts Council, said she was there to thank the council for their support of the arts in the past. That support had allowed the Arts Council to win the 2003 Governor's Arts Award in Community Service. More recently they were the only organization in the state to receive the National Endowment for the Arts award for \$10,000. Their goal with this was to have a family arts festival which they began four years ago as an educational effort to demonstrate opportunities for art and education, to grow it into a festival in Tucson that would showcase all of the festivals and to celebrate the rich and diverse heritage of the Sonoran Desert and the communities therein. This year they would have six stages, youth focuses, sister cities, public libraries and edible art. The festival would be on Sunday, January 11, 2004 from 11 a.m. to 5 p.m. The festival would take place at the Tucson Convention Center and extend to El Presidio Park.

B. Handbills Polluting the City of Tucson

Yolanda Herrera, representing the Sunnyside Neighborhood Association and SNAPP (Southside Neighborhood Association Presidential Partnership), said there was a great concern about handbills greatly polluting the city of Tucson. From cosmetics to wedding photos to purchasing ugly homes. Along Oracle Road there were signs about safe sex, trusting of partners and condom use, which really surprised her because they were in bright fluorescent colors. They are all over the city now and she thought they were just a southside concern, but now she was seeing it in every ward.

She had conversations with the city manager and others regarding a program like one in San Diego where the law enforcement officers that actually pay for themselves with the fines of all these people putting up those illegal handbills. She thought it would be a win/win situation if somehow a program were created where a reward was offered if people took these handbills down, took them to the ward offices and they could be fined. It would quickly clean up the city if they knew that there were others besides sign code people fining them.

She offered to sit on a committee to research solutions to this problem to enhance Tucson.

6. CONSENT AGENDA – ITEMS A THROUGH F

Mayor Walkup announced that 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 by letter and title only.

A. FINAL PLAT: (S03-012) SIERRA MADRE CONDOMINIUMS

- (1) Report from City Manager JAN5-04-1 W3
- (2) The City Manager 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.

B. COMMUNITY SERVICES: APPROVING A COOPERATION AGREEMENT WITH THE PUBLIC HOUSING AUTHORITY FOR THE HOPE VI DEPOT PLAZA REVITALIZATION PLAN AND DECLARING CITY-OWNED PROPERTY SURPLUS

- (1) Report from City Manager JAN5-04-14 W1, W5, AND W6
- (2) Resolution No. 19754 relating to Public Housing Development in the City of Tucson; approving and authorizing execution of a Cooperation Agreement between the City of Tucson and the Public Housing Authority for submission to the United States Department of Housing and Urban Development (HUD) in connection with a Hope VI Grant for use in the MLK/Depot Plaza Project; and declaring an emergency.
- (3) Resolution No. 19755 relating to low income housing; vacating and declaring certain City-owned property to be surplus; authorizing the City Manager to negotiate and execute property acquisition agreements for use in the City's Homeownership Program; and authorizing the conveyance and disposition of that property to qualified low-income buyers; and declaring an emergency.

C. GRANT AWARD: ACCEPTANCE OF GRANT FOR THE JUVENILE FIRESTOPPER PROGRAM, FROM THE GOVERNOR'S DIVISION OF CHILDREN/JUVENILE JUSTICE

- (1) Report from City Manager JAN5-04-2 CITY-WIDE
 - (2) Resolution No. 19747 relating to fire; approving and authorizing the acceptance of the grant award for Juvenile Firestoppers Program; and declaring an emergency.
- D. MAYOR AND COUNCIL MEETING SCHEDULE: MEETING SCHEDULE FOR 2004
- (1) Report from City Manager JAN5-04-10 CITY-WIDE
 - (2) Ordinance No. 9924 relating to administration; canceling the Mayor and Council meetings of January 19, 2004, February 16, 2004, March 8, 2004, March 29, 2004, May 31, 2004, July 12, 2004, July 19, 2004, July 26, 2004, August 9, 2004, August 16, 2004, August 23, 2004, August 30, 2004, November 29, 2004, and December 27, 2004; and declaring an emergency.
- E. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO MASSAGE THERAPISTS AND ESTABLISHMENTS
- (1) Report from City Manager JAN5-04-11 CITY-WIDE
 - (2) Ordinance No. 9925 relating to business regulation; revising the provisions regulating massage therapists and establishments by amending Article VII, Chapter 7, Massage Therapists and Establishments, of the Tucson Code; providing a sunset date; and declaring an emergency.
- F. REAL PROPERTY: OPTION AGREEMENTS FOR THE ACQUISITION OF SURFACE PARKING LOTS FOR THE DEPOT PLAZA PROJECT
- (1) Report from City Manager JAN5-04-12 W6
 - (2) Resolution No. 19750 relating to real property; authorizing the City Manager to negotiate Option Agreements to purchase certain real property located in the vicinity of 345 E. Toole Avenue, Tucson, AZ; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member West, seconded by Council Member Leal, to pass and adopt the consent agenda items A through F and the proper action be taken.

Mayor Walkup asked if there was any discussion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, Leal; Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Absent/Excused: None

Consent agenda items A through F were declared passed and adopted by a roll call vote of 7 to 0.

7. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that the city manager's communication number 4 dated January 5, 2004, 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)

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| (1) | PUEBLO INN
350 S. Freeway
Applicant: Mark D. Knight
City #102-03, located in Ward 1
Series 11
Action must be taken by: January 11, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (2) | THE OLIVE GARDEN ITALIAN
RESTAURANT #1622
1213 W. Irvington Road
Applicant: Kevin J. Kelly
City #103-03, located in Ward 1
Series 12
Action must be taken by: January 18, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| * | (3) MEXICO LINDO FOOD MARKET
50 W. Valencia Road
Applicant: Gloria C. Barnett
City #105-03, located in Ward 1
Series 10
Action must be taken by: January 17, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |

Person Transfers

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| (4) | SANTA CRUZ LANES
3665 S. 16 th Avenue
Applicant: Wesley R. Becker
City #104-03, located in Ward 1
Series 6
Action must be taken by: January 17, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
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| (5) | VALENTINO'S
4696 S. 12 th Avenue
Applicant: Blanca E. Morales
City #106-03, located in Ward 1
Series 6
Action must be taken by: January 22, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
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Council Member Ibarra requested that Item 7(b)(3), Mexico Lindo Food Market and Item 7(b)(5), Valentino's be considered separately.

It was moved by Council Member Dunbar, seconded by Council Member West, that Items 7(b)(1) Pueblo Inn, 7(b)(2) Olive Garden, and 7(b)(4) Santa Cruz Lanes, be forwarded to the state department of liquor licenses with a recommendation for approval.

Council Member Ibarra offered his thanks and congratulations to the Olive Garden who would be opening up a restaurant on the south side of Tucson at 1213 W Irvington Road. He thought it was a great commitment that Olive Garden and its franchises would be moving into the south side and there was talk about bringing other national franchises into the south side. It was a great push economically for the south side and he appreciated it.

7. LIQUOR LICENSE APPLICATIONS – (b)(3)

(b) New License(s)

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| (3) | MEXICO LINDO FOOD MARKET
50 W. Valencia Road
Applicant: Gloria C. Barnett
City #105-03, located in Ward 1
Series #10
Action must be taken by: January 17, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
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Mayor Walkup called on Council Member Ibarra.

Council Member Ibarra called on Yolanda Herrera LaFond.

Yolanda Herrera LaFond, President of the Sunnyside Neighborhood Association and spokesperson for SNAPP (Southside Neighborhood Association Presidential Partnership) apologized for not getting a letter of protest out to the council in a timely fashion, but she was waiting for some late backup information, the holidays, and with everyone's busy schedule it was not possible and that was why she was in front of the council today.

She spoke to the applicant and expressed concern over another liquor license in their area. There was already an abundance of liquor licenses within the immediate area. A Circle K selling all spirituous liquors was next door to this current application and another one was not necessary. Also, there was concern with the ingress/egress. There

* See page 8

were currently about two to three food vendors at this little parking place. So, not only are they being hindered by lack of appropriate parking spots, but now it was even more so with food vendors in that same location. She told the applicant, because he asked if this item could have a continuance, that it would not matter if it was continued for a week, two weeks, a month, a year, or two years, their position was going to be the same. There was an overabundance of alcohol establishments and there was an overabundance of alcohol abuse in that area. There was a high drop out rate due to alcohol use with the youth. So, the applicant bore the burden that the public convenience required and that the best interests of the community would be substantially served by an issuance of a license. That was not going to happen. They would not be serving the neighborhoods needs and convenience. It was not necessary. On behalf of the southside community and the city of Tucson community, because that was going to put more alcohol use on the streets, Ms. LaFond asked the mayor and council to deny this application.

Gloria Barnett, Mexico Lindo Food Market, spoke in Spanish and Council Member Ibarra translated for her. He said that she said the reason they were asking for a liquor license was because they had opened up a meat store primarily and next door to them was a Circle K that sold beer and wine and what a lot of customers had said to them was that they would like to buy it all in one location instead of going from one location to the other location. They felt it would be convenient and appropriate, because of what their customers were asking.

Council Member Ibarra said that this was a new license and this was in a location that council had been working very hard on with the neighborhood association and he thought that the essence of it was that it was a saturated market. There were enough liquor facilities in the area and another one was not needed. When you looked at it and it showed a public convenience and they went through state law for new license applications this was not needed, it was not something that the public was demanding.

It was moved by Council Member Ibarra, seconded by Council Member Leal, and carried by a voice vote of 7 to 0, that liquor license city number 7 (b)(3), Mexico Lindo Food Market, be forwarded to the state liquor board with a recommendation for denial.

7. LIQUOR LICENSE APPLICATIONS – (b)(5)

Person Transfers

(5)	VALENTINO'S 4696 S. 12 th Avenue Applicant: Blanca E. Morales City #106-03, located in Ward 1 Series 6 Action must be taken by: January 22, 2004	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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Yolanda Herrera LaFond, President of the Sunnyside Neighborhood Association and spokesperson for SNAPP (Southside Neighborhood Association Presidential Partnership) said she was asking for another denial. This was a person transfer and they tend to be a little more difficult to oppose, but that was not to say they did not happen. They had opposed several and one at the state level. They were asking this again on behalf of the south side community. Currently she did not

believe that the Rose neighborhood was as active as they should be, but again as spokesperson for the Southside Neighborhood Presidential Partnership and reviewing the application she had noticed many discrepancies that lent itself to whether or not the applicant was capable, qualified or reliable to hold a number six license. With TPD's success in crime reduction in the area they would like to see that success continue. Putting in another bar was not going to help that success rate. They knew that was not a location issue. There were concerns with the actual ingress/egress. More importantly, that location actually has a cutout for a person to go up and purchase their to-go alcohol. There are issues that the applicant has not come before the neighborhoods to discuss. That lack of communication is a concern. We would ask that you consider this denied and that it becomes the burden of the neighborhood to fight our battle up at the Phoenix level.

Council Member Ibarra asked if the applicant or anyone representing Valentino's was present and wished to speak. There was no one.

Council Member Ibarra moved, seconded by Council Member Leal, for a denial of this transfer. He stated that several unsuccessful attempts had been made to get a hold of the applicant to determine their qualifications and reliability.

Vice Mayor Ronstadt pointed out that action did not need to be taken until January 22, 2004. He suggested the action be taken to substantiate the discrepancies that Ms. LaFond pointed out as that would make the neighborhood's case stronger. He recommended that they delay action for one week.

Council Member Ibarra withdrew his former motion. It was moved by Council Member Ibarra, seconded by Council Member Leal, and carried by a voice vote of 7 to 0, to grant a one-week continuance to liquor license 7(b)(5), Valentino's.

8. MAYOR AND COUNCIL: AMENDING (CHAPTER 2) OF THE TUCSON CODE AND THE RULES AND REGULATIONS OF THE GOVERNING BODY RELATING TO MAYOR AND COUNCIL MEETINGS

Mayor Walkup announced that city manager's communication number 5, dated January 5, 2004, would be received into and made a part of the record. He asked the city clerk to read ordinances 9922 and 9923 by number and title only.

Ordinance No. 9922

Relating to administration; amending the Tucson Code, Chapter 2, Administration, Article II, Mayor and Council, Sec. 2-26, time and date and place of meetings to be public, Sec. 2-26(1) and Sec. 2-26(2); and declaring an emergency.

Ordinance No. 9923

Relating to Rules and Regulations of the Governing Body; amending Section E, Agenda Rule 1, Order of Business; amending Section M, participation by employees and public; and declaring an emergency.

Kathleen S. Detrick, city clerk, noted that separate motions would be necessary to pass the ordinances presented.

It was moved by Council Member Dunbar, seconded by Council Member West, to pass and adopt ordinance 9922.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, Leal; Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Absent/Excused: None

Ordinance 9922 was declared passed and adopted by a roll call vote of 7 to 0.

It was moved by Council Member Dunbar, seconded by Council Member West, to pass and adopt ordinance 9923.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, Leal; Vice Mayor Ronstadt and Mayor Walkup.

Nay: None

Absent/Excused: None

Ordinance 9923 was declared passed and adopted by a roll call vote of 7 to 0.

Council Member West inquired how the public would receive this new information.

Kathleen S. Detrick, city clerk, informed the mayor and council that the ordinances would have a delayed effective date so that there would be time to properly release the information via press release and the city's internet site.

9. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced that city manager's communication number 3, dated January 5, 2004, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

Kathleen S. Detrick, city clerk, informed the mayor and council that separate motions would be needed for the city magistrate appointments, one from the democrats and one from the republicans.

It was moved by Council Member Scott, seconded by Council Member Leal, and carried by a voice vote of 4 to 0, (only democrats voting), to reappoint Hareld D. Craig, Sally Reynolds and Helen Mautner to the City Magistrates-Merit Selection Commission.

It was moved by Vice Mayor Ronstadt, seconded by Council Member Dunbar, and carried by a voice vote of 3 to 0, (only republicans voting),to reappoint James M. Oien and Richard Dunbar to the City Magistrates-Merit Selection Commission.

It was moved by Council Member Scott and seconded by Council Member Leal, and carried by a voice vote of 7 to 0, to reappoint Dr. Jonathan B. Mabry to the Tucson-Pima County Historical Commission and to appoint Jonathan Burleigh, John W. Satterfield and Donald I. Alff to the Veterans Affairs Committee and to reappoint Yvonne Meares to the Veterans Affairs Committee.

10. CALL TO THE AUDIENCE

Mayor Walkup announced that this was the time that had been scheduled to allow any member of the public to address the mayor and council on any issue. Speakers would be limited to three-minute presentations. He asked if anybody wished to address the council at this time. There were no speakers.

11. ADJOURNMENT: 3:45 p.m.

Mayor Walkup announced that the next regularly scheduled meeting of the mayor and council would be held on Monday, January 12, 2004, at 7:30 p.m. in the Graham/Greenlee Rooms, Tucson Convention Center, 260 S. Church, 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 5th day of January, 2004, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:GG:DD:cf
pr agnst tp:lp