



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 1, 2005

Date of Meeting: February 1, 2005

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, February 1, 2005, 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	Council Member Ward 2
Kathleen Dunbar	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Robert E. Walkup	Mayor

Absent/Excused:

Fred Ronstadt	Council Member Ward 6
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Staff Members Present:

Michael D. Letcher	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Liz Rodriguez Miller	Assistant City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Glen Foster, Pantano Baptist Church, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 51, dated February 1, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Vice Mayor Dunbar invited citizens to a landfill and recycling center tour on February 19, 2005 leaving the Ward 3 office at 8:30 a.m. to return at 12:30 p.m.
- b. Council Member West reminded the audience of the Channel 74, Ward 2 Access Tucson program discussing the City of Tucson Brownfields Program on Wednesday, February 2, 2005. A lot of work had been done renewing some of the Rio Nuevo areas and that would be on the agenda. She also announced a landfill tour starting at 8:30 a.m. Saturday, February 5, 2005 from 7575 East Speedway Boulevard.

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

Mayor Walkup announced City Manager's communication number 52, dated February 1, 2005, would be received into and made a part of the record. He asked for the City Manager's report.

Michael D. Letcher, City Manager, reported:

- a. Beginning February 1, 2005 the City Clerk's Office website would include copies of Mayor and Council minutes back to January 2003 and would be updated as minutes are approved. The site would also include information on Boards, Committees, and Commissions such as descriptions of each board, qualifications to serve on the board, and the current membership roster. This information would be updated in real-time as changes were made.

Kathleen S. Detrick, City Clerk, clarified that the minutes of the Boards were not included at this time, but it was something being worked on to incorporate into the website as it grows.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 50, dated February 1, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New Licenses

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| 1. | Catalina Mart 26, Ward 3 | Staff Recommendation |
| | 1850 E. Prince Road | |
| | Applicant: Robert D. Mahlstedt | Police: In Compliance |
| | Series 10, City 104-04 | DSD: In Compliance |
| | Action must be taken by: February 13, 2005 | Revenue: In Compliance |

c. Special Events

- | | | |
|----|---|-----------------------|
| 1. | Southern Arizona Home Builders Association, Ward 2 | Staff Recommendation |
| | 3800 E. River Road | |
| | Applicant: Tony Mellor | Police: In Compliance |
| | City T106-04 | DSD: In Compliance |
| | Date of Event: April 14, 2005 | |
| | Raise funds to benefit the Arizona Arthritis Center | |
| 2. | Kokopelli Winery, Ward 6 | Staff Recommendation |
| | 536 N. 4th Avenue | |
| | Applicant: Dennis M. Minchella | Police: In Compliance |
| | City T107-04 | DSD: In Compliance |
| | Date of Event: March 18 through March 20, 2005 | |
| | 4th Avenue Street Fair | |
| 3. | Tucson Museum of Art, Ward 1 | Staff Recommendation |
| | 140 N. Main Avenue | |
| | Applicant: Charlie E. Bodden | Police: In Compliance |
| | City T109-04 | DSD: In Compliance |
| | Date of Event: February 18, 2005 | |
| | Exhibition Opening Reception | |

Kathleen S. Detrick, City Clerk, announced under Item 5b there was one request for a new license which carried a staff recommendation for approval. Under Item 5c there were three requests for special events which all carried staff recommendations for approval and no protests.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Ronstadt absent/excused), that liquor license applications 5b1, 5c1 through 5c3 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA ITEMS A THROUGH E

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. FINANCE: SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005-B

1. Report from City Manager FEB1-05-49 CITY-WIDE
2. Ordinance No. 10107 an ordinance relating to finance; authorizing the issuance and sale of City of Tucson, Arizona, General Obligation Refunding Bonds, Series 2005-B, in a principal amount not to exceed \$25,000,000; providing for the levy and collection of *ad valorem* taxes for the payment of the principal of and interest on the Series 2005-B Refunding Bonds; providing for the sale thereof and the application of the proceeds therefrom to the refunding of the Bonds to be Refunded and for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2005-B Refunding Bonds; authorizing the execution and delivery of a Depository Trust Agreement and appointing a Depository Trustee with respect to the Bonds to be Refunded; authorizing the execution and delivery of a Bond Purchase Agreement and a continuing disclosure undertaking with regard to the Series 2005-B Refunding Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent for the Series 2005-B Refunding Bonds; authorizing the preparation and delivery of an official statement with respect to the Series 2005-B Refunding Bonds; and declaring an emergency.

B. REAL PROPERTY: DESIGNATING AS "OPEN SPACE" CITY-OWNED PROPERTY LOCATED WEST OF SILVERBELL ROAD, BETWEEN IRONWOOD HILL DRIVE AND EL CAMINO DEL CERRO

1. Report from City Manager FEB1-05-54 WARD 1
2. Ordinance No. 10110 relating to real property; designating certain portions of city-owned real property along the west side of Silverbell Road between Ironwood Hill Drive and El Camino del Cerro as open space; and declaring an emergency.

Item B was considered separately at the request of Council Member Ibarra.

C. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR A NONPROFIT REGIONAL ECONOMIC DEVELOPMENT CORPORATION

1. Report from City Manager FEB1-05-55 CITY-WIDE
2. Resolution No. 20004 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County to create a nonprofit corporation to conduct economic development activities in Pima County; and declaring an emergency.

D. APPROVAL OF MINUTES:

1. Report from City Manager FEB1-05-57 CITY-WIDE

E. BOARDS, COMMITTEES AND COMMISSIONS: SUNSETTING THE METROPOLITAN TUCSON COMMISSION ON URBAN NATIVE AMERICAN AFFAIRS

1. Report from City Manager FEB1-05-56 CITY-WIDE
2. Resolution No. 20005 relating to Boards and Commissions; repealing Resolution No. 14793; terminating the City's membership on the Metropolitan Tucson Commission on Urban Native American Affairs; and declaring an emergency.

Item E was considered separately at the request of Council Member Scott.

Mayor Walkup recognized Council Member Ibarra.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ronstadt

Consent Agenda Items A through E, with the exception of Items B and E, were declared passed and adopted by a roll call vote of 6 to 0.

B. REAL PROPERTY: DESIGNATING AS “OPEN SPACE” CITY-OWNED PROPERTY LOCATED WEST OF SILVERBELL ROAD, BETWEEN IRONWOOD HILL DRIVE AND EL CAMINO DEL CERRO

1. Report from City Manager FEB1-05-54 WARD 1
2. Ordinance No. 10110 relating to real property; designating certain portions of city-owned real property along the west side of Silverbell Road between Ironwood Hill Drive and El Camino del Cerro as open space; and declaring an emergency.

Mayor Walkup recognized Council Member Ibarra.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Consent Agenda Item B as-is with the recommendation and understanding that everything on the east side of Silverbell be held until a plan is put together and also commence the process of rezoning the parcels identified in Item B for open space.

Mayor Walkup asked if there was any discussion. Hearing none he called for a roll call vote on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, and Leal;
Mayor Walkup

Nay: Vice Mayor Dunbar

Absent/Excused: Council Member Ronstadt

Vice Mayor Dunbar requested the opportunity to explain her vote. This item was discussed during Study Session and she had issues with it. What was being done with the stroke of a pen was giving away about nine million dollars of City assets without a public hearing and about thirty minutes of conversation at the table. She said she understands the problems on Silverbell. The City already owned the land, they did not have to do any development, they could turn down anything, they did not have to sell it to anyone but needed to hold on to the land. They could wait for ten years and have a plan for the corridor to evolve. It was not like there was anyone banging on the door asking for this asset. By designating this as open space the Council was letting anyone who buys anything around that area be told that it is open space. Although this Mayor and Council said it could be changed anytime because it was City land then it was being really disingenuous to those who made purchases or lived there now because they had the perception it was open space. She thought it was disingenuous by changing that zoning, with the strike of the pen, giving away nine million dollars and the Council did not have an actual valuation and she voted no.

Consent Agenda Item B was declared passed and adopted by a roll call vote of 5 to 1.

For the purpose of the emergency clause and that purpose only, Mayor Walkup called for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ronstadt

Consent Agenda Item B was declared passed and adopted by a roll call vote of 6 to 0, with the emergency clause.

E. BOARDS, COMMITTEES AND COMMISSIONS: SUNSETTING THE METROPOLITAN TUCSON COMMISSION ON URBAN NATIVE AMERICAN AFFAIRS

1. Report from City Manager FEB1-05-56 CITY-WIDE
2. Resolution No. 20005 relating to Boards and Commissions; repealing Resolution No. 14793; terminating the City's membership on the Metropolitan Tucson Commission on Urban Native American Affairs; and declaring an emergency.

Kathleen S. Detrick, City Clerk, said the final item to be considered separately was Item E and it was removed by Council Member Scott.

Mayor Walkup recognized Council Member Scott.

Council Member Scott deferred to Vice Mayor Dunbar, who was Chair of the Good Government Subcommittee, to give an explanation of why the Metropolitan Tucson Commission of Urban Native American Affairs was being sunsetted.

Vice Mayor Dunbar explained in the Mayor and Council Study Session of December 13, 2004, a motion was passed 7 to 0 to take the necessary action to dissolve this committee. Over the last year, the Good Government Subcommittee went back through the Boards and Commissions and there were some that needed to be sunsetted. A good example was Telecommunications Policy and Advisory Committee, which was having problems meeting quorums and had wanted to change their direction. They asked to dissolve the commission so they could come up with what they wanted for their own commission.

She stated Ms. Detrick had tried to contact the members of the Metropolitan Tucson Commission of Urban Native American Affairs. Vice Mayor Dunbar said they had come forward about a year ago and asked for time to meet and decide what the commission looked like. There had not been one meeting. They had tried to contact the members, and could not find anyone who was currently sitting on the board and commission. They had discussed with the County, who was in agreement, and apparently simultaneously moving forward to disband this commission.

They asked for members of the Native American community to come forward and tell them what kind of board they would like. She stated one of the biggest problems they had with this committee was that it was so large. She believed there were twenty-four members and it was unmanageable. They wanted feedback and information of what the community would like as far as this committee. She knew that it needed fewer members because they had a difficult time making quorums. This was about a committee that was too big, had not met for at least two years, and starting over again.

Ms. Detrick added they had discussed this with Pima County. The Clerk of the Board who also worked the Boards and Committees as the City does was scheduling this for the Board of Supervisors. They also recognized the committee was too large for it to conduct the business it wanted to do. The idea of sunseting at this time was to regroup and attempt to reconfigure this committee so it could do the work it needed to do.

Council Member Scott thought removing a committee, no matter who they were, should be reserved as the last resort a government in the United States of America would want to do. She said she was initially concerned that the Council would want to do this. Although the committee had not met, she spoke with her representative on the committee. She believed there were some issues based on a couple of people on the Council who had not appointed people to sit on the committee, which exacerbated the problem. She would support this particular agenda item, but vigorously hoped they would pursue, in concert with the City of South Tucson and Pima County Board of Supervisors, a reinvigoration of the same committee because the people, their voices, were needed at the table.

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

Mayor Walkup asked if there was any discussion. Hearing none he called for a roll call vote on the motion.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ronstadt

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

Council Member Scott thanked Vice Mayor Dunbar for presenting comments. She thought the community at large was best served when they knew the facts.

7. 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 items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said there were a few speakers.

- a. Mary Putnam expressed concerns regarding the impact of the Environmental Services Fee on winter visitors.

Mayor Walkup requested staff contact Ms. Putnam and explain the Council's plans.

Vice Mayor Dunbar explained to Ms. Putnam that the Council cannot comment during public hearings.

- b. Michael Toney presented his thoughts on annexation to the Mayor and Council.
- c. Mary Anne Ingenthron thanked the Mayor and Council for their support of the Family Arts Festival. Plaques of appreciation and summary of the highlights of the event were presented on behalf of the Tucson-Pima Arts Council and the entire arts community to the Mayor and Council.

Mayor Walkup thanked Ms. Ingenthron.

- d. Erl Kimmich urged the Mayor and Council to oppose Senate Bill 1229 regarding cable television services.

8. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced City Manager's communication number 53, dated February 1, 2005, would be received into and made a part of the record. He asked if there were any personal appointments to be made.

There were none.

9. ADJOURNMENT 5:55 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, February 8, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. 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 1st day of February, 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:rm/dc