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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on April 5, 2005

Date of Meeting: March 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 5:37 p.m. on Tuesday, March 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  
Carol W. West  
Kathleen Dunbar  
Shirley C. Scott  
Steve Leal  
Robert E. Walkup

Council Member Ward 1  
Council Member Ward 2  
Vice Mayor, Council Member Ward 3  
Council Member Ward 4  
Council Member Ward 5  
Mayor

Absent/Excused:

Fred Ronstadt

Council Member Ward 6

Staff Members Present:

Michael D. Letcher  
Michael Rankin  
Kathleen S. Detrick  
Liz Rodriguez Miller

City Manager  
City Attorney  
City Clerk  
Assistant City Manager

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Father Charlie Knapp, Our Mother of Sorrows 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 88, dated March 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. Council Member West reminded the public that tax forms were available at the Ward 2 Council Office, and there were also tax preparers who were available Wednesdays and Fridays on a first come first served basis.

Council Member West said during March Ward 2 would be working with neighborhoods to schedule several cleanups throughout the Ward. She said if people wanted to volunteer they should call the Ward 2 office. If people were unable to volunteer in March there would be other months available.

Council Member West also announced that she was elected Chair of the Arizona Municipal Tax Code Commission.

- b. Mayor Walkup recognized members of a University of Arizona journalism class, who were in attendance.

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

Mayor Walkup announced City Manager's communication number 89, dated March 1, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Michael D. Letcher, City Manager, reported:

- a. The City of Tucson Transportation Department and its bus shelter program were awarded the American Public Works Association State of Arizona Chapter Project of the Year Award. The shelter program, which featured the purple saguaro design and solar powered technology, won the "Structures, \$2 million to \$10 million" category.
- b. The City of Tucson's Foundations for Leadership 2004 Class along with the Arizona State School for the Deaf and Blind held a ribbon cutting ceremony to celebrate a new Sensory Garden and Bedding Project for the Arizona State School for the Deaf and Blind students on Friday, February 25, 2005.

- c. Slides on the progress of the current budget initiatives will soon be sent to each member of the governing body as well as placed on the City's web site to inform those interested of the status of work being done in the City.

## **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 86, dated March 1, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

- a. Report from City Manager MARCH1-05-86 CITY-WIDE
- b. Liquor License Applications

### **New License**

- 1. La Placita Café, Ward 2  
2950 N. Swan Road #131  
Applicant: Yongsöo Seo  
Series 12, City 05-05  
Action must be taken by: March 10, 2005  
Staff has indicated the applicant is in compliance with city requirements.

- c. Special Events

- 1. Arizona Historical Council, Ward 6  
Southern Arizona Division - Docent Council  
949 E. 2nd Street  
Applicant: Armand M. Ronstadt  
City T02-05  
Date of Event: March 15, 2005  
Raise funds for Docent Council – Education Department  
Staff has indicated the applicant is in compliance with city requirements.
- 2. Chicanos Por La Causa Tucson, Ward 1  
3700 S. La Cholla Blvd.  
Applicant: Otilia Arvizu  
City T03-05  
Date of Event: April 2, 2005  
Fundraising Event  
Staff has indicated the applicant is in compliance with city requirements.

3. North Fourth Avenue Merchants Assoc., Ward 6  
329 E. 7th Street  
Applicant: Daniel G. Matlick  
City T04-05  
Date of Event: March 18 through March 20, 2005  
Fundraising Civic Event  
Staff has indicated the applicant is in compliance with city requirements.
4. Arizona Sonora Desert Museum, Ward 1  
140 N. Main Avenue  
Applicant: Amy Hartmann  
City T07-05  
Date of Event: March 3, 2005  
Art Opening  
Staff has indicated the applicant is in compliance with city requirements.
5. Greater Tucson Leadership, Ward 1  
288 N. Church Avenue  
Applicant: Dave Chandler  
City T10-05  
Date of Event: March 12, 2005  
Fundraise for Youth Leadership  
Staff has indicated the applicant is in compliance with city requirements.

Kathleen S. Detrick, City Clerk, announced there was one request for a new license and five requests for special event licenses. She stated that staff reported that all were in compliance with city requirements and no protests had been filed.

Mayor Walkup called on Vice Mayor Dunbar.

It was moved by Vice Mayor Dunbar, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Ronstadt absent/excused) to forward liquor license applications 5b1 and 5c1 through 5c5, to the Arizona State Liquor Board with a recommendation for approval.

## **6. CONSENT AGENDA ITEMS A THROUGH R**

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: CONTINGENCY FUND TRANSFER TO THE KEELING NEIGHBORHOOD ASSOCIATION FOR GRAFFITI REMOVAL
1. Report from City Manager MARCH1-05-91 WARD 3
  2. Resolution No. 20013 relating to finance; approving and authorizing the transfer of one hundred fifty dollars (\$150.00) from the Contingency Fund to the Keeling Neighborhood Association, to help support the neighborhood's effort to remove graffiti from two murals; and declaring an emergency.
- B. MEMORIAL: URGING THE UNITED STATES CONGRESS TO REJECT THOSE PORTIONS OF THE FISCAL YEAR 2006 FEDERAL BUDGET THAT WOULD ELIMINATE THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
1. Report from City Manager MARCH1-05-100 CITY-WIDE
  2. A Memorial relating to the Community Development Block Grant Program; urging the Congress of the United States to reject those portions of the fiscal year 2006 federal budget that would eliminate the Community Development Block Grant Program.
- C. MEMORIAL: URGING THE UNITED STATES CONGRESS TO REJECT THOSE PORTIONS OF THE PROPOSED FISCAL YEAR 2006 FEDERAL BUDGET THAT WOULD IMPACT FUNDING FOR POLICE AND VETERANS
1. Report from City Manager MARCH1-05-99 CITY-WIDE
  2. A Memorial relating to federal funding for police and veterans; urging the United States Congress to reject those portions of the proposed fiscal year 2006 federal budget that would impact funding for police and veterans.
- D. REAL PROPERTY: CONVEYANCE OF PROPERTY IN THE A - MOUNTAIN NEIGHBORHOOD TO CHICANOS POR LA CAUSA
1. Report from City Manager MARCH1-05-92 WARD 1
  2. Ordinance No. 10122 relating to real property; vacating and declaring certain City-owned real property at 1703 South San Antonio Drive in the A Mountain Neighborhood, Tucson, Arizona, to be surplus, and authorizing the conveyance thereof to Chicanos Por La Causa; and declaring an emergency.

E. ASSURANCE AGREEMENT: (S03-011) LAGUNA TERRACE  
SUBDIVISION (RCP), LOTS 1 TO 8

1. Report from City Manager MARCH1-05-93 WARD 3
2. Resolution No. 20014 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. S03-011 of a final plat for the Laguna Terrace Subdivision, Lots 1 to 8; and declaring an emergency.

F. FINAL PLAT: (S03-011) LAGUNA TERRACE SUBDIVISION (RCP), LOTS  
1 TO 8

1. Report from City Manager MARCH1-05-94 WARD 3
2. The City Manager recommends that, after the 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.

G. FINANCE: SALE OF JUNIOR LIEN STREET AND HIGHWAY USER  
REVENUE REFUNDING BONDS, SERIES 2005

1. Report from City Manager MARCH1-05-101 CITY-WIDE
2. Ordinance No. 10112 an ordinance relating to finance; authorizing the issuance and sale of not to exceed \$45,000,000 City of Tucson, Arizona, Junior Lien Street and Highway User Revenue Refunding Bonds, Series 2005; providing certain terms, covenants and conditions relating to the Series 2005 Refunding Bonds; providing for the application of the proceeds thereof to the redemption of the Bonds to be Refunded; authorizing the execution and delivery of a Bond Purchase Contract and a Continuing Disclosure Undertaking with regard to the Series 2005 Refunding Bonds and a Depository Trust Agreement with respect to the Bonds to be Refunded; appointing a Bond Registrar, Transfer Agent and Paying Agent; authorizing the preparation and delivery of an Official Statement in connection with the sale of the Series 2005 Refunding Bonds; authorizing the purchase of and payment for Bond Insurance; ratifying certain acts heretofore taken by City officials; and declaring an emergency.

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

H. FINANCE: DIRECTION TO STAFF REGARDING PROPOSED SALE OF BONDS AND OTHER LONG-TERM FINANCINGS AND CONSULTANT CONTRACTING

1. Report from City Manager MARCH1-05-104 CITY-WIDE
2. The City Manager recommends the Mayor and Council authorize staff to work with the consultants in order to prepare the documents and official statements necessary to market bonds and other debt instruments.

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

I. FINANCE: REALLOCATING BY MATURITY OUTSTANDING GENERAL OBLIGATION BONDS

1. Report from City Manager MARCH1-05-102 CITY-WIDE
2. Ordinance No. 10113 an Ordinance relating to certain City of Tucson General Obligation Bonds; correcting and reallocating the purposes for which the maturing principal amounts of such Bonds were issued; supplementing and amending various prior Ordinances; and declaring an emergency.

J. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH OLD PUEBLO TROLLEY, INC., dba: SOUTHERN ARIZONA TRANSPORTATION MUSEUM FOR PORTIONS OF THE HISTORIC TRAIN DEPOT COMPLEX

1. Report from City Manager MARCH1-05-97 WARD 6
2. Ordinance No. 10123 relating to real property; authorizing and approving the lease of certain City-owned real property located at 414 North Toole Avenue within the Historic Train Depot Complex to the Old Pueblo Trolley, Inc., dba Southern Arizona Transportation Museum, an Arizona non-profit corporation; and declaring an emergency.

K. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH NORRIS DULLEA COMPANY FOR PORTIONS OF THE HISTORIC TRAIN DEPOT COMPLEX

1. Report from City Manager MARCH1-05-95 WARD 6
2. Ordinance No. 10124 relating to real property; authorizing and approving the lease of certain City-owned real property located at 418 North Toole Avenue within the Historic Train Depot Complex to Norris Dullea Company; and declaring an emergency.

- L. INTERGOVERNMENTAL AGREEMENT: WITH SOUTH TUCSON AND THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR SIDEWALK MAINTENANCE ON SIXTH AVENUE SOUTH OF THE I-10 BRIDGE
1. Report from City Manager MARCH1-05-96 WARD 5
  2. Resolution No. 20015 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson, and South Tucson and the Arizona Department of Transportation for maintenance of the approach sidewalks on Sixth Avenue south of the I-10 bridge following completion of state-funded improvements; and declaring an emergency.
- M. GRANT: ACCEPTANCE OF GRANT FUNDS FROM THE STATE HISTORIC PRESERVATION OFFICE FOR COMPLETION OF AN EXPANSION OF THE NATIONAL REGISTER HISTORIC DISTRICT IN THE FELDMAN'S NEIGHBORHOOD
1. Report from City Manager MARCH1-05-103 WARDS 3 AND 6
  2. Resolution No. 20016 relating to Historic Preservation; authorizing and approving the acceptance of federal Historic Preservation Fund grant for completion of an expansion of the National Register historic district in the Feldman's neighborhood; and declaring an emergency.
- N. CITY VEHICLES: ANNUAL APPROVAL OF EXEMPTION OF CERTAIN CITY VEHICLES FROM IDENTIFICATION MARKINGS
1. Report from City Manager MARCH1-05-105 CITY-WIDE
  2. Resolution No. 20018 relating to city vehicles; pursuant to A.R.S. Section 38-538.03(B), exempting certain city motor vehicles from the requirement that they bear the designation of the City of Tucson; making this exemption effective from February 27, 2005 through and including February 26, 2006; and declaring an emergency.
- O. GRANT: ACCEPTANCE OF GRANT FUNDS FROM THE STATE HISTORIC PRESERVATION OFFICE TO OFFSET TRAVEL EXPENSES FOR THE ARIZONA HISTORIC PRESERVATION PARTNERSHIP CONFERENCE
1. Report from City Manager MARCH1-05-106 CITY-WIDE

2. Resolution No. 20019 relating to Historic Preservation; authorizing and approving the acceptance of federal Historic Preservation Fund grant to offset a portion of travel expenses for City staff and Tucson Pima County Historical Commission members to attend the Arizona Historic Preservation Partnership Conference; and declaring an emergency.
- P. AGREEMENT: WITH SRSA LLC REGARDING WATER SERVICE TO CORONA DE TUCSON DEVELOPMENTS
1. Report from City Manager MARCH1-05-109 CITY-WIDE  
Item P was continued to the Mayor and Council Meeting of March 8, 2005 to allow additional time for developer negotiations.
- Q. APPROVAL OF MINUTES
1. Report from City Manager MARCH1-05-110 CITY-WIDE
  2. Approval of minutes for the regular meetings of the Mayor and Council held on September 7, 2004, January 25, 2005, and February 1, 2005.
- R. CONTRACT: WITH THE STATE OF ARIZONA, COMMERCE AND ECONOMIC DEVELOPMENT COMMISSION, FOR A LOCAL COMMUNITIES FUND GRANT
1. Report from City Manager MARCH1-05-111 CITY-WIDE
  2. Resolution No. 20021 relating to economic development; approving and authorizing a contract between the Arizona Department of Commerce, Commerce and Economic Development Commission (CEDC) and the City of Tucson to provide funding for book purchase for the Library, fire safety equipment and child car seats for the Fire Department, as well as funding for the Tucson Indian Center, University of Arizona Native American Program, and Vista del Rio Neighborhood Association; and declaring an emergency.

Mayor Walkup recognized Council Member Scott.

It was moved Council Member Scott, duly seconded, that Consent Agenda Items A through R, with the exception of Items G and H which would be considered separately, and Item P which would be continued, 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 R, with the exception of Items G, H, and P were declared passed and adopted by a roll call vote of 6 to 0.

G. FINANCE: SALE OF JUNIOR LIEN STREET AND HIGHWAY USER REVENUE REFUNDING BONDS, SERIES 2005

1. Report from City Manager MARCH1-05-101 CITY-WIDE
2. Ordinance No. 10112 an ordinance relating to finance; authorizing the issuance and sale of not to exceed \$45,000,000 City of Tucson, Arizona, Junior Lien Street and Highway User Revenue Refunding Bonds, Series 2005; providing certain terms, covenants and conditions relating to the Series 2005 Refunding Bonds; providing for the application of the proceeds thereof to the redemption of the Bonds to be Refunded; authorizing the execution and delivery of a Bond Purchase Contract and a Continuing Disclosure Undertaking with regard to the Series 2005 Refunding Bonds and a Depository Trust Agreement with respect to the Bonds to be Refunded; appointing a Bond Registrar, Transfer Agent and Paying Agent; authorizing the preparation and delivery of an Official Statement in connection with the sale of the Series 2005 Refunding Bonds; authorizing the purchase of and payment for Bond Insurance; ratifying certain acts heretofore taken by City officials; and declaring an emergency.

Kathleen S. Detrick, City Clerk, stated that Consent Agenda Items G and H were removed at the request of Council Member West.

Council Member West asked Scott Douthitt, Finance Director, to speak on Items G and H, as it would be good news for the taxpayers.

Mr. Douthitt stated there would be a savings of four million dollars for the taxpayers. He said within the last sixty days there were four refundings and he gave a sense of how things have worked out. There were two general obligation refundings which saved taxpayers two and a half million dollars and one water transaction saved taxpayers 2.4 million dollars. Mr. Douthitt anticipated street and highway transactions would save taxpayers about 1 million dollars.

It was moved by Council Member West, duly seconded, that Consent Agenda Item G 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 Item G was declared passed and adopted by a roll call vote of 6 to 0.

**H. FINANCE: DIRECTION TO STAFF REGARDING PROPOSED SALE OF BONDS AND OTHER LONG-TERM FINANCINGS AND CONSULTANT CONTRACTING**

1. Report from City Manager MARCH1-05-104 CITY-WIDE
2. The City Manager recommends the Mayor and Council authorize staff to work with the consultants in order to prepare the documents and official statements necessary to market bonds and other debt instruments.

It was moved by Council Member West, duly seconded, that Consent Agenda Item H 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 Item H was declared passed and adopted by a roll call vote of 6 to 0.

**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 and asked if there was anyone in the audience wishing to address the Council.

- a. Leslie Haight spoke in opposition to selling Tucson Water Well “W” to the Marana Domestic Water Improvement District.
- b. Luis Casteneda spoke in opposition to selling Tucson Water Well “W” to the Marana Domestic Water Improvement District.
- c. Michael Toney addressed the Mayor and Council on cosmology and Colorado River Water.
- d. Pedro Gonzales, along with Carlos Mariscal related their concerns regarding the Historic Code Zoning Amendments including the processes, lack of Spanish translator, and access to the loan program for low-income citizens.

**8. PUBLIC HEARING: ZONING C9-95-06 SERO DEVELOPMENT – 22ND STREET RX-1 TO C-2 ZONING, CHANGE OF CONDITIONS**

Mayor Walkup announced City Manager’s communication number 98, dated March 1, 2005, would be received into and made a part of the record. He said this was the time and place legally advertised for a public hearing on a request for a change of conditions and preliminary development plan for property located on the north side of Twenty Second Street, east of Prudence Road.

Mayor Walkup asked if the applicant or representative was present.

Linda Morales, Planning Center, on behalf of the prospective property owner, KB Home, stated she had received notice from City staff and the Ward 2 office today regarding concerns from a neighbor east of the property. Richard Janosko had faxed a letter. Her office contacted the Janosko family that afternoon and were told the neighbors were not opposed to the development plan but had concerns with conditions numbered twenty-five through twenty-seven.

Regarding condition twenty-five, the Janosko family was concerned about the delivery, access, and placing the twenty thousand cubic yards of earth described in 8.b.25.2. They believed Condition twenty-six would impact their property rights including grandfathered Pantano River access and mining rights. They were also concerned with Condition twenty-seven and water drainage into their estate’s properties and construction of underground drainage structures in or near their property.

Ms. Morales stated Mr. Janosko had passed away a few weeks ago and the family was asking for a continuance of the hearing. The Planning Center and KB Homes were willing to work with them on the continuance.

Mayor Walkup recognized Council Member West.

Council Member West stated it was advertised as a public hearing and asked Mayor Walkup to ask if anyone would like to speak.

Mayor Walkup announced the public hearing and stated there were no speaker cards filled out. He then asked if anyone from the audience wished to speak.

Michael Toney asked about quite a few petitions he saw, but did not see the people that had them. He asked the Council what had happened.

Mayor Walkup stated the Council could not answer his questions.

Michael Toney stated a drop in the density of the area and single lane traffic along with natural vegetation and there was a lot going on in the area with the landfill.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Ronstadt absent/excused) to continue the public hearing to the meeting of March 8, 2005 at 5:30 p.m. in the Mayor and Council Chambers, 255 West Alameda Street.

**9. PUBLIC HEARING: AMENDING THE NEIGHBORHOOD PRESERVATION ORDINANCE**

Mayor Walkup announced City Manager's communication number 109, dated March 1, 2005, would be received into and made a part of the record. He said this was the time and place legally advertised for a public hearing on proposed amendments to the Neighborhood Preservation Ordinance. He stated the public hearing was scheduled to last no more than one hour and speakers would be limited to five minute presentations. He asked if there were any cards.

Kathleen S. Detrick, City Clerk, stated there were no cards filled out, but staff had a brief presentation.

Paul Swift, Department of Neighborhood Resources Director, stated on February 8, 2005, Mayor and Council directed staff to prepare an ordinance and make certain amendments to the Neighborhood Preservation Ordinance. The changes in the ordinance reflect input from staff of various departments as well as input that was gathered during public hearings and public meetings that were held in November and December 2004. There were also comments that came in through the Mayor and Council Comment Line and the City's web site. Additionally, incorporated in the ordinance were changes or suggestions from the Mayor and Council at the February 8, 2005 Study Session, as well as comments received from representatives of the Manufactured Housing Association Communities of Arizona. Mr. Swift stated the City Attorney would provide a summary of proposals to the Neighborhood Preservation Ordinance.

Michael Rankin, City Attorney, stated the changes were summarized in the City Manager's Communication and would highlight the changes that occurred from the time

of the Study Session of February 8, 2005. The changes made were from the direction of Mayor and Council and comments staff received as additional public comments that the Council had asked staff to seek out.

The first change would be with respect to junk motor vehicles. As requested by Vice Mayor Dunbar, the reference to unused vehicles would be taken out of the definition and would not apply to the regulations. The second change that would have eliminated existing references to the registration status of vehicles was no longer included in these proposed amendments. It was also in reaction to direction from Council and concerns how changes could effect car collectors, classic cars, etc. Therefore, the registration issues will not be changing from how they currently exist in the regulations.

Mr. Rankin continued with property address display, which were amendments to Section 16-12 (F). The Council directed staff to solicit comments from Manufactured Housing Communities of Arizona. They had made a request for the language to be changed to not include a reference to require a designation of rows within their parks. They indicated that was not how they were addressed. He checked with the Fire Department and they were amenable to the change.

Finally, with respect to excavations, a proposed amendment would include hazardous excavations under the types of attractive nuisances that would be prohibited under the code. The amendment had been modified to clarify excavations that are performed and maintained under permit would not be included within the regulation because they are already being regulated under the permit requirements. Mr. Rankin stated he was available to answer any questions.

Mayor Walkup recognized Council Member West.

Council Member West asked how the amended ordinance would be enforced and how the Tucson Police Department, staff and the public would be notified of the changes.

Mr. Rankin stated the amendments were coming forward after an extensive review process by the departments that were responsible for the code enforcement. The departments were aware the changes were on the way. Notices would be sent out to the affected departments and special training would be conducted for groups of inspectors so they would become familiar with the changes and could immediately go into the alternate mode.

As far as notice to the community, along with this public hearing and in addition to individual meetings held at the various libraries, these changes and proposed changes were sent out to all the participants in the previously constituted citizen's task force that the Council asked to be put together. No one had objections or comments to incorporate in the changes. He had several communications with Suzanne Gilstrap, Citizens Advisory Commission Chair, she and the groups she represented had no objection to the changes.

Mr. Rankin added enforcement was the key and he had failed to mention in his remarks during the Study Session, there had been a request of feedback regarding unruly gatherings. The Red tags and some type of enforcement changes that had resulted from the adoption of the ordinance two years ago, showed in the calendar year 2004 statistics that for first offence of unruly gatherings there were more than five hundred citations with the Criminal Division, City Attorney's Office. Of the five hundred citations issued, greater than four hundred were found responsible. Forty citations were still pending. There was a very high rate of convictions. The fines for the first offense were a minimum of one hundred dollars, so far forty thousand dollars in fines had been collected. For the second offence for unruly gatherings, statistics showed fifty citations with forty of them being held responsible. The second offense fines were five hundred dollars and up for each of the reoccurring violations. That was the type of enforcement that had resulted from the changes Council had made in the ordinance.

Council Member West stated that further training was needed and they would be counting on the Attorney's office and the Department of Neighborhood Resources to make sure it was done. She noticed that the amendments would be referred to the Board of Appeals and asked if it was the Housing Board of Appeals.

Mr. Rankin stated when the Neighborhood Preservation Ordinance was originally adopted, staff was able to consolidate two quasi-judicial boards of appeals which were the Housing Board of Appeals and the Board of Appeals that heard technical changes. So it was the same, Housing Board of Appeals, as established in Chapter Six of the Tucson Code.

Council Member West stated she had been walking in a neighborhood and had noticed grass growing in the street and it was a public street. She felt the City should respond to streets in poor condition and the department should take a look at it. She also requested handbills attached to utility poles be addressed. There should be cooperation from utilities in enforcing the ordinance. She was under the impression that the City had done something about the issue.

Mr. Rankin stated she was correct. There was a continuing effort to get everybody with common interests to work together to try and deal with the problem. It is a large problem throughout the community seeing handbills posted everywhere.

Vice Mayor Dunbar asked Mr. Rankin if a vehicle was parked the wrong way on a street if the citation fine was one hundred and fifty dollars.

Mr. Rankin stated she was correct.

Vice Mayor Dunbar informed the public it was illegal to park the opposite of the way traffic flows. The point she was making was a citation for parking the wrong way on the street had a fine of one hundred and fifty dollars and a citation for a "red tag" for an unruly gathering was one hundred dollars, point being a car parked the wrong way on a

street did not cause the havoc as much as an unruly gathering. She asked the City Attorney if the fine for parking on the wrong side of the street was a state statute.

Mr. Rankin stated the City did not regulate the parking fine. The one hundred-dollar fine for the first offense of unruly gatherings was instituted when the changes were adopted two years ago. Prior to that the first offense was not a citable offense, it was just the posting of the red tag. In making it a chargeable offense on the first occurrence, the Council set the fine at one hundred dollars, which was consistent with other first offense civil infraction violations. The ordinance could be amended to raise the mandatory minimum fine for the first occurrence offense. It would not be appropriate to amend the fine at this time because the item was not advertised that way. It could be brought back at another time if Council preferred.

Mayor Walkup recognized Council Member Leal.

Council Member Leal asked what efforts the City would be pursuing in communicating in the Spanish language to the community the changes being made.

Mr. Swift stated the web site would be modified, handouts would be available in City offices and neighborhood meeting would be conducted in English and Spanish.

Council Member Leal stated it would not be adequate due to the huge digital divide. A lot of the folks who need to know do not have computers at home. Providing handouts when people come to the office was usually an after-the-fact thing after someone had already gotten into trouble. He would like to see notices in the newspapers.

Liz Miller, Assistant City Manager, suggested using Conexión Doce Cable Twelve program, which was mentioned a few weeks ago and also use other Spanish language programs like Telemundo.

Vice Mayor Dunbar pointed out areas in Ward 3 are sensitive and stated the police had been excellent at not fining but going in and explaining, giving handouts and being aware of tradition. The Pascua Yaqui was one example where the police had done an incredible job and they were now getting compliance because they did not go in with a heavy stick, but instead did a lot of door to door knocking and talking. She reiterated that the police had done an incredible job.

Ms. Miller stated the Council had met with her to talk about bringing together departments focusing on the communities. That would be a good model for staff to use to train, to talk about things that have worked, and share information across departments.

Mayor Walkup announced the opening of the public hearing. He stated he did not have any cards and it would be an open call to the audience. He also stated if anyone had a question, it would be recorded and answered at a later date.

Joe Barrasa stated he was concerned about junk vehicles on private property. He has a neighbor who has a number of cars on the property. He is a dealer and collects parts and the neighbor bought the home next to him, which is a vacant home and uses it for storage. Not only does the neighbor store cars but also parts. Two months ago, Lucy Valdez from Neighborhood Preservation, worked hard to make him remove some of the junk from both of the homes. Mr. Barrasa was told if the owner had a five-foot fence hiding the vehicles then the neighbor was in compliance and the City could not do anything.

Mr. Barrasa had a petition signed but was told the City was working on it and did not need it. He stated the neighborhood was very concerned about the situation and the neighbor should be limited as to how many vehicles and parts he could have in the yard.

Mayor Walkup asked the City Attorney if he had any comments.

Mr. Rankin stated the ordinance as it currently exists or as it would be amended if adopted, addresses junk motor vehicles in terms of numbers. The question was if it was junk and not properly registered then it was a junk vehicle and subject to a notice of violation or removal, but only if not behind a five foot opaque barrier. It is true an individual could have, otherwise known as junk vehicles in the back yard if properly screened from view. However, if they were storing other vehicles and other parts, it could be a zoning violation. Staff would need to get specific addresses and facts and deal with the case on an individual basis. Some jurisdictions have included a number limitation in addition to the visibility limitation within the junk motor vehicle ordinance.

Staff had discussed limitations a couple of years ago when coming forth with current amendments and it raised a lot of concerns among hobby car/classic car clubs.

Mayor Walkup asked if anyone else wanted to address the public hearing. Hearing no one, he asked for a motion to close the public hearing.

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

Mayor Walkup asked the City Clerk to read Ordinance 10126 by number and title only.

Ordinance 10126 relating to Neighborhood Preservation; amending Chapter 16 of the Tucson Code, the "Neighborhood Preservation Ordinance"; adding and amending definitions; correcting references to Solid Waste Management; amending minimum requirements for heating and cooling of dwellings; amending provisions related to accessory structures; adding requirements for display of property address; amending prohibition of accumulated vegetation; adding prohibition of exterior hazards and attractive nuisances; amending duties related to vacant and unsecured structures; amending requirements for permitted storage of junked or inoperable vehicles; amending

penalties for graffiti violations; amending regulation of excessive noise and unruly gatherings; adding prohibition of street and sidewalk obstructions; adding prohibition of posting handbills; providing for administrative appeal by lawful tenants; providing for abatement of hazardous excavations; and amending procedures related to appeals from the Board of Appeals; by amending Chapter 16, Articles I, II, IV, V, VI, and VII, Sections 16-3, 16-11(B), 16-12, 16-13, 16-14(B), 16-15(B), 16-30(B), 16-31(B), 16-32, 16-45, 16-60(A), 16-61, 16-62, 16-73, and 16-74(A) and adding a new section 16-35 and 16-36 of the Tucson Code; repealing Section 11-57 of the Tucson Code; and declaring an emergency.

Mayor Walkup recognized Council Member Ibarra.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Ordinance 10126.

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

Ordinance 10126 was declared passed and adopted by a roll call vote of 6 to 0.

**10. REAL PROPERTY: LEASE AGREEMENTS FOR PROPERTIES RELATING TO THE MARTIN LUTHER KING REVITALIZATION PLAN LOCATED AT SILVERBELL ROAD NEAR GORET ROAD AND AT CONGRESS STREET AND FIFTH AVENUE**

Mayor Walkup announced City Manager's communication number 87, dated March 1, 2005, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20017 by number and title only.

Resolution No. 20017 relating to real property; authorizing the City Manager to enter into lease agreements related to the Martin Luther King (MLK) Revitalization Plan and located at Silverbell Road near Goret Road and at Depot Plaza at Congress Street and Fifth Avenue; establishing the Silverbell and Depot Plaza sites as housing priority areas; and declaring an emergency.

Mayor Walkup recognized Council Member Ibarra.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Resolution 20017.

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

Resolution 20017 was declared passed and adopted by roll call vote 6 to 0.

**11. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR TRANSFER OF HOUSEHOLD HAZARDOUS WASTE PROGRAM FROM PIMA COUNTY TO THE CITY OF TUCSON**

Mayor Walkup announced City Manager's communication number 108, dated March 1, 2005, would be received into and made a part of the record. He asked the City Clerk to read Resolution 20020 and Ordinance 10125 by number and title only.

Resolution No. 20020 relating to the Fire Department; authorizing and approving an Intergovernmental Agreement between the City of Tucson and Pima County to transfer management of the City of Tucson/Pima County Household Hazardous Waste Program (HHW) from Pima County to the City of Tucson; and declaring an emergency.

Ordinance No. 10125 relating to benefits; amending the City of Tucson Leave Benefit Plan to codify that portion of Section 13 of the Intergovernmental Agreement with Pima County approved by Mayor and Council Resolution on March 1, 2005 that relates to transfer of accrued sick and vacation leave balances, and accrual of future sick and vacation leave, for City of Tucson/Pima County Household Hazardous Waste Program employees who are leaving Pima County employment and becoming City employees; amending Tucson Code Chapter 22, Article V by adding a new Section 22-96; and declaring an emergency.

Mayor Walkup recognized Vice Mayor Dunbar.

It was moved by Vice Mayor Dunbar, duly seconded, to pass and adopt Resolution 20020.

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

Resolution 20020. was declared passed and adopted by a roll call vote of 6 to 0,

Mayor Walkup recognized Vice Mayor Dunbar.

It was moved by Vice Mayor Dunbar, duly seconded, to pass and adopt Ordinance 10125.

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

Ordinance 10125 was declared passed and adopted by a roll call vote of 6 to 0.

## **12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

Mayor Walkup announced City Manager's communication number 90, dated March 1, 2005, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Ronstadt absent/excused) to appoint Mike Hall, Alice Hazard, and Adam Ussishkin to the Armory Park Historic Advisory Board; Chuck Snell to the Electric Code Committee; reappoint to the Metropolitan Education Commission, Ronald K. Smith and Margie Hildebrand; to the Gay Lesbian Bisexual and Transgender Commission, Al Whitehurst; and to reappoint to the Tucson-Pima Historic Commission, Joshua Protas.

Mayor Walkup asked if there were any personal appointments to be made.

Vice Mayor Dunbar announced her personal appointment of Anna Marie Wolf to the Environmental Services Advisory Committee.

Council Member West asked staff to return next week with an appropriate ordinance appointing Marion Pickens to the Civil Service Commission.

Council Member Leal announced his personal appointment of Lydia Otero to the Public Art and Community Design Committee.

**13. ADJOURNMENT**

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, March 8, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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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 1<sup>st</sup> day of March 2005, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:kav/sj