



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on August 2, 2004

Date of Meeting: March 15, 2004

The Mayor and Council of the city of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 W. Alameda, Tucson, Arizona at 5:03 p.m., on Monday, March 15, 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	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3 (arrived at 5:05 p.m.)
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

James Keene	City Manager
Mike Letcher	Deputy City Manager
Michael House	City Attorney
Roger Randolph	Deputy City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Major William L. Hodge, The Salvation Army, after which the pledge of allegiance was presented by the entire assembly.

Mayor Walkup proclaimed March 21, 2004 as Tucson Muslim/Jewish Peace Walk Day. Rabbi Thomas Louchheim accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 104, dated March 15, 2004, would be received into and made a part of the record. He also announced that this was the time for members of the Mayor and Council to report on current events and asked if there were any reports.

- (a) Council Member Dunbar announced that Ward 3 would hold a town hall with the Finance and Service Review Committee on Wednesday, March 24, 2004, 6:00 p.m. at the Ward 3 Council Office.
- (b) Council Member Leal announced that his ward had sponsored a free jazz concert at the El Pueblo Neighborhood Center and at the Jewish Community Center on Sunday, March 14, 2004.

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

Mayor Walkup announced that city manager's communication number 105, dated March 15, 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.

James Keene, City Manager, announced:

- (a) A Property and Housing Guide, produced by the Department of Neighborhood Resources was now available. This guide explained the SABER process and provided information on who to call for all types of complaints.
- (b) On Saturday, March 20, 2004, at 10:00 a.m., the Transportation Department and the Rio Nuevo Office would be celebrating the restoration of the Historic Depot on Toole Avenue.
- (c) The kick-off for the Clean Air Fair would be on Friday, March 19, 2004. The city has partnered with Pima County, the city of Marana and the University of Arizona to promote and encourage the use of alternative modes of transportation.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that the city manager's communication number 107, dated March 15, 2004, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

(b) Person Transfer

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| (1) VALENTINO'S
4696 S. 12 th Avenue
Applicant: Blanca E. Morales
City 008-04, Ward 1
Series 6
Action must be taken by: March 20, 2004
Public Opinion: Protest Filed | <u>Staff Recommendation</u>

Police: In Compliance
DSD: Denied
Bus. License: In Compliance |
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(c) Special Event(s)

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| (1) COMITE DE FESTIVIDADES MEXICANAS
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City T004-04, Ward 1
Date of Event: May 1, 2004
May 2, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks: In Compliance |
| (2) BORDERLANDS THEATER
Ina Gittings Building, University Mall
Applicant: Charles B. Goldsmith
City T011-04, Ward 6
Date of Event: March 20, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (3) TUCSON INTERNATIONAL
MARIACHI CONFERENCE
221 S. 6 th Avenue, Armory Park
Applicant: Carlos Dejud
City T013-04, Ward 6
Date of Event: April 24, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks: In Compliance |
| (4) TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City T016-04, Ward 1
Date of Event: March 25, 2004
Public Opinion: Support Filed | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (5) KOKOPELLI WINERY
546 N. 4 th Avenue
Applicant: Dennis Minchella
City T023-04, Ward 6
Date of Event: March 19, 20, & 21, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

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| (6) HANDMAKER JEWISH SERVICES
FOR THE AGING
2221 N. Rosemont
Applicant: Lee H. Olitzky
City T033-04, Ward 6
Date of Event: March 20, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
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Roger Randolph, Deputy City Clerk, announced that the application for 5(b)(1), Valentino's, had been withdrawn by the applicant.

It was moved by Council Member West, seconded by Vice Mayor Ronstadt, and carried by a voice vote of 7 to 0, that liquor licenses 5(c)(1) through 5 (c)(6) be forwarded to the State Liquor Board with a recommendation for approval.

6. **CONSENT AGENDA ITEMS A THROUGH O**

Mayor Walkup announced that 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. REAL PROPERTY: APPROVING A SUBLEASE BY THE TUCSON MUSEUM OF ART OF A PORTION OF THE OLD CITY COURTS BUILDING TO DOWL ENGINEERS, LLC
 - (1) Report from City Manager MARCH15-04-110 W1
 - (2) Ordinance No. 9940 relating to real property; authorizing and approving the sublease by the Tucson Museum of Art of a portion of City-owned real property located at 166 W. Alameda, Tucson, Arizona, to Dowl Engineers LLC; and declaring an emergency.

- B. REAL PROPERTY: AUTHORIZATION TO ACQUIRE EASEMENTS ALONG FIRST AVENUE FROM RIVER ROAD TO PRINCE ROAD FOR DISTRICT LIGHTING AND SIDEWALK IMPROVEMENTS
 - (1) Report from City Manager MARCH15-04-109 W3
 - (2) Resolution No. 19787 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain easements over, on, and under real property located on First Avenue between River Road and Prince Road, Tucson, Arizona, for District Lighting and Sidewalk Improvements; and declaring an emergency.

- C. SURPLUS PROPERTY: DONATION OF OFFICE EQUIPMENT TO VOICES, INC. TO SUPPORT TRAINING OF COMMUNITY YOUTH IN DOCUMENTARY ARTS
 - (1) Report from City Manager MARCH15-04-112 CITY-WIDE

- D. ASSURANCE AGREEMENT: (S03-039) ICE HOUSE LOFTS CONDOMINIUMS, UNITS 1 TO 51 AND COMMON AREAS “A” AND “B”
- (1) Report from City Manager MARCH15-04-117 W5
 - (2) Resolution No. 19788 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. S03-039 of a final plat for the Ice House Lofts Condominiums Subdivision, Lots 1 to 51 and Common Areas “A” and “B”; and declaring an emergency.
- E. FINAL PLAT: (S03-039) ICE HOUSE LOFTS CONDOMINIUMS, UNITS 1 TO 51 AND COMMON AREAS “A” AND “B”
- (1) Report from City Manager MARCH15-04-113 W5
 - (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.
- F. ASSURANCE AGREEMENT: (S03-017) EARLY BIRD SUBDIVISION, LOTS 1 TO 6 AND COMMON AREAS “A” AND “B”
- (1) Report from City Manager MARCH15-04-116 W3
 - (2) Resolution No. 19789 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. S03-017 of a final plat for the Early Bird Subdivision, Lots 1 to 6 and Common Areas “A” and “B”; and declaring an emergency.
- G. FINAL PLAT: (S03-017) EARLY BIRD SUBDIVISION, LOTS 1 TO 6 AND COMMON AREAS “A” AND “B”
- (1) Report from City Manager MARCH15-04-115 W3
 - (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.
- H. ASSURANCE AGREEMENT: (S03-020) AMHERST SOUTH II, LOTS 1 TO 19 AND COMMON AREAS “A”, “B” AND “C”
- (1) Report from City Manager MARCH15-04-118 W5
 - (2) Resolution No. 19790 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. S03-020 of a final plat for the Amherst South II Subdivision, Lots 1 to 19 and Common Areas “A” - “C”; and declaring an emergency.

- I. FINAL PLAT: (S03-020) AMHERST SOUTH II, LOTS 1 TO 19 AND COMMON AREAS "A", "B" AND "C"
- (1) Report from City Manager MARCH15-04-114 W5
 - (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.
- J. FINANCIAL PARTICIPATION AGREEMENT: WITH PIMA COMMUNITY COLLEGE FOR AEROSPACE TRAINING FUNDED BY THE ARIZONA COMMERCE AND ECONOMIC DEVELOPMENT COMMISSION
- (1) Report from City Manager MARCH15-04-120 CITY-WIDE
 - (2) Resolution No. 19791 relating to economic development; authorizing and approving the agreement between the City of Tucson and Pima Community College (PCC); ratifying the acceptance of a grant from the Arizona Commerce and Economic Development Commission (CEDC) for aerospace training; and declaring an emergency.
- K. PUBLIC IMPROVEMENTS: ELIMINATION OF THE IMPROVEMENT DISTRICT REQUIREMENTS FOR IMPROVEMENTS TO WETMORE ROAD - FAIRVIEW AVENUE TO ORACLE ROAD
- (1) Report from City Manager MARCH15-04-119 W3
- L. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR ACQUISITION OF PROPERTY FOR THE JULIAN WASH CULTURAL RESOURCE PARK (CONTINUED FROM THE MEETING OF MARCH 1, 2004)
- (1) Report from City Manager MARCH15-04-121 W1
 - (2) Resolution No. 19758 relating to transportation; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the State of Arizona for the Julian Wash Project; and declaring an emergency.

Continued to the meeting of March 22, 2004.

- M. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR FISCAL YEAR 2004 YOUTH ENRICHMENT AND EMPLOYMENT PROGRAMS
- (1) Report from City Manager MARCH15-04-122 CITY-WIDE
 - (2) Resolution No. 19792 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with Pima County for School Year and Summer Enrichment and Employment Programs FY04; and declaring an emergency.

N. INTERGOVERNMENTAL AGREEMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR THE PRESERVATION AND RESTORATION OF VISTA DEL RIO ARCHEOLOGY PARK

- (1) Report from City Manager MARCH15-04-123 W2
- (2) Resolution No. 19793 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with the Tucson Unified School District for the preservation, restoration and transfer of ownership of the Vista del Rio Archeology park; and declaring an emergency.

O. INTERGOVERNMENTAL AGREEMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR THE TEEN EMPLOYMENT AND DEVELOPMENT PROGRAM

- (1) Report from City Manager MARCH15-04-126 CITY-WIDE
- (2) Resolution No. 19794 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement with Tucson Unified School District No. 1 (TUSD) for development and operation of a teen employment and development program; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Dunbar, seconded by Council Member Scott, that consent agenda items A through O, with the exception of item L, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Consent agenda items A through O, with the exception of item L, were declared passed and adopted by a roll call vote of 7 to 0.

Recess: 5:18 p.m.

Mayor Walkup announced that the council would stand in recess until 6:00 p.m.

Reconvene: 6:03 p.m.

Mayor Walkup called the meeting to order 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	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal,	Council Member Ward 5
Fred Ronstadt,	Vice Mayor Ward 6
Robert E. Walkup	Mayor

7. CALL TO THE AUDIENCE

Mayor Walkup announced that this was the time any member of the public was allowed to address the mayor and council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said there were a number of speakers.

- a. Michael Toney, addressed the council regarding his interaction with the Rio Nuevo Board.
- b. Bill Katzel, addressed the mayor and council and urged their support for the expansion of Christopher Columbus Park.
- c. Dennis Stuart, thanked the mayor and council for their support of the arts.
- d. Allison Ackamis, a dancer and trapeze artist, also thanked the mayor and council for their support of the arts.
- e. Jamie Schremmer, addressed the mayor and council regarding the Greyhound Depot and commented that the design for the 4th Avenue underpass was too wide.
- f. C. J. Karamargin, urged the mayor and council to increase police patrol in the SAMOS neighborhood.
- g. Jerry D’Paco, addressed the mayor and council and commended the Tucson Police Department and Michelle Phillips of the Graffiti Abatement Program for swift action in his neighborhood.
- h. Robert Rues, addressed the mayor and council in opposition to any increase in garbage fees.

8. PUBLIC HEARING: TUCSON CODE (AMENDING CHAPTER 4) RELATING TO THE LICENSE FEE FOR UNALTERED DOGS)

Mayor Walkup announced that city manager's communication number 124, dated March 15, 2004, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a hearing on license fees for unaltered dogs. This was the second of two public hearings on this topic and that the first hearing was held on October 27, 2003.

Mayor Walkup announced that the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations. He had no speaker cards, so he opened the floor to anyone who wished to speak on this issue. He reminded the audience that this was the second public hearing and that those who had spoken at the first hearing should remain seated and let others make the official input. Comments made at the previous public hearing were recorded for the record. He asked that speakers give their name and address for the record.

Jamie Schremmer, said she was the owner of four dogs. The last one she picked up on the road a few weeks ago. She stated that people who license their dogs, license their dogs and people who don't, don't. She believed that \$75 was an outrageous amount to charge and it should be reduced. In addition, she believed that the recent charge for dropping off an animal at the pound had caused a lot of problems. There were dogs everywhere: dogs were being left in the parks and being left in the river and dogs were being left in the roadway and now there were dead dogs that the dog catchers would have to work more hours to clean up. She really had a problem with that fee. People should be able to just drop their dogs and cats off at the pound for free again.

She also said that dogs and cats that had periodontal disease were often unadoptable at the pound, because they were considered to have a medical illness. She had a problem with that because there have been dogs that she would have adopted until she found them homes, but couldn't because they needed dental care. She was shocked. Those animals would be put to death because they needed dental care. It was shocking. She thought that the pound does a good job and the humane society does a good job and FAIR and all the other groups that save animals do a good job.

It was moved by Council Member Dunbar, seconded by Council Member West, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup up asked the city clerk to read ordinance 9942 by number and title only.

Ordinance No. 9942

Relating to Animals and Fowl; providing for a reduction in the license fee for unaltered dogs; amending the Tucson Code by amending Section 4-82; and declaring an emergency.

Mayor Walkup recognized Council Member Dunbar.

Council Member Dunbar said that it was in 1998 that they started working on this issue. The group worked with Council Member Anderson to find out what other communities were doing to stop the senseless killing of animals. Back in 1998, there were 11,518 dogs euthanatized in this community because there were not enough homes. The group realized that one thing that was working in other communities was to have a licensing differential. She understood that some people might think that the \$75 fee would be high, but they have had a 21 percent decrease in the number of dogs euthanatized in the last few years. They have also had a 35 percent increase in spays and neuters according to the Humane Society. She thought the numbers could have been better if the city and the county were on the same page.

Council Member Dunbar said that people have asked her why the public hearing was continued. It was because certain members of the Board of Supervisors had agreed that if the city would lower their fee, then the county would raise theirs. She respectfully asked that everyone vote for this item. She said it would be imperative that the county join the city and that they enforce licensing, because that would be the money that supported animal control. If you love your animals and you care about animals, then it would be imperative that animals are licensed, because that would be the revenue that would be funding animal control. She believed that they would have seen a lot higher number of spays and neuters and lower numbers in euthanatized animals had the city and the county been on the same page, had the county enforced licensing and had the county had the funding to do so. Part of the problem was that the city and the county budgets faced so many deficits so they did not have animal control officers to do the job.

It was moved by Council Member Dunbar, seconded by Council Member Leal, that ordinance 9942 be passed and adopted.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Ordinance 9942 was declared passed and adopted by a roll call vote of 7 to 0.

9. ZONING: (C9-02-17) BROWN – CAMINO SECO, SR TO R-1, ORDINANCE ADOPTION

Mayor Walkup announced that city manager's communication number 111, dated March 15, 2004, would be received into and made a part of the record. He asked the city clerk to read ordinance 9941 by number and title only.

Ordinance No. 9941

Relating to zoning: amending zoning district boundaries in the area located south of Golf Links Road between Camino Seco and the Pantano Wash in Case C9-02-17, Brown – Camino Seco Road, SR to R-1; and setting an effective date.

It was moved by Council Member Scott, seconded by Council Member West, that ordinance 9941 be passed and adopted.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Ordinance 9941 was declared passed and adopted by a roll call vote of 7 to 0.

10. PUBLIC IMPROVEMENTS: NOGALES HIGHWAY, IRVINGTON ROAD TO DREXEL ROAD DISTRICT STREET LIGHTING IMPROVEMENT

Mayor Walkup announced that city manager's communication number 108, dated March 15, 2004, was received into and made a part of the record. He asked that the city clerk read the bids received and announce the recommendation by the superintendent of streets.

Roger Randolph, Deputy City Clerk, announced the following bids:

Utility Construction Company	\$233,704.00
Contractors West Inc.	262,637.00
PACE Electrical Construction Inc.	232,879.00
Mountain Power Electrical Contracts Inc.	215,497.50
Pavex Corporation	250,507.00
Hanmar Energy Inc.	260,727.50

Mr. Randolph also announced that the Transportation Engineering Administrator recommended that the contract be awarded to Mountain Power in the amount of \$215,497.50.

It was moved by Council Member Leal, seconded by Vice Mayor Ronstadt, that the contract be awarded to Mountain Power in the amount of \$215,497.50.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Motion carried by a roll call vote of 7 to 0, to award the construction contract to Mountain Power in the amount of \$215,497.50.

11. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced that city manager's communication number 106 dated March 15, 2004, 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, seconded by Vice Mayor Ronstadt, and carried by a voice vote of 7 to 0, to appoint Hyman Kaplan and reappoint Jim Singleton and Norm Feingold to the Building Code Committee; to appoint John S. Anderson and reappoint Dave L. Burns, Steven P. Herzog and Eric M. Scharf to the Development Review Board; to appoint Michael Hutchins to the Gay, Lesbian, Bisexual, Transgender Commission; to reappoint Hyman Kaplan and Earl Zoeller to the Outdoor Lighting Code Committee.

Council Member Scott announced her personal appointment of Michael Hackstadt to the Rio Nuevo Citizen's Advisory Committee.

Council Member Dunbar announced her personal appointment of Benny White to the City Attorney Selection Committee.

Council Member West announced her personal appointment of Joy Lyndes to the Tucson-Pima County Metropolitan Energy Commission.

12. ADJOURNMENT: 6:36 p.m.

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held on Monday, March 22, 2004, at 5:00 p.m. in the Mayor and Council Chambers in 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 15th day of March, 2004, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:DD:NB:cf
Prf agnst tp:bp