



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 6, 2006

Date of Meeting: May 2, 2006

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 5:33 p.m. on Tuesday, May 2, 2006 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
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Vice Mayor, Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent

None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

Kathleen S. Detrick, City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given in Spanish by Pastor Gustavo Arce, Central Christiano Nueva Creación, after which the pledge of allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed April 24 to April 30 to be “Steppin’ Out” Medical Fitness Week

Kathleen S. Detrick, City Clerk, announced Item 10 would be continued for one week, as discussed during Study Session.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 215, dated May 2, 2006 would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member West extended her sympathy to the family of Amanda Phillips, who passed away on April 29, 2006. Ms. Phillips was one of two originators of the Make-a-Difference Award, which honored those in the community who were champions of positive human relations. Services were scheduled for May 5, 2006 at St. Mark’s Presbyterian Church.
- b. Council Member Ibarra expressed appreciation for the hard work performed by the City’s Department of Transportation and Tucson Water in response to the sinkhole at Grant Road and Silverbell Road. He said they did a fantastic job, and he thanked the affected residents who were patient and understanding throughout the seven-day process.

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

Mayor Walkup announced City Manager’s communication number 216, dated May 2, 2006, 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.

Mike Hein, City Manager, reported:

- a. Tucson was recognized as a Tree City USA Award Recipient for the fourteenth year. The award was presented on April 28, 2006 at the State of Arizona Arbor Day ceremony held at the State Capitol.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 209, dated May 2, 2006, 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

1. Catalina Mart, Ward 3
15 W. Grant Rd.
Applicant: Steven Gorton Spiece
Series 10, City 25-06
Action must be taken by: May 20, 2006
Staff has indicated the applicant is in compliance with city requirements.

Person/Location Transfer

2. Circle K Store #1957, Ward 2
6700 E. Tanque Verde Rd.
Applicant: Kim Kenneth Kwiatkowski
Series 09, City 23-06
Action must be taken by: May 12, 2006
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protest Filed

Considered Separately

c. Special Events

1. Tucson Children's Museum, Ward 6
200 S. Sixth Ave.
Applicant: Nansi Naranjo
City T22-06
Date of Event: May 19, 2006
Raise Funds for Museum
Staff has indicated the applicant is in compliance with city requirements.

2. One-On-One Partners, Inc., Ward 6
300 E. University
Applicant: Margarita "Margie" Dominguez
City T26-06
Date of Event: May 13, 2006
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Changes

NOTE: There were no agent changes scheduled for this meeting.

Council Member Uhlich requested Item 5b1 be considered separately.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5c1 and 5c2 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. New License

1. Catalina Mart, Ward 3
15 W. Grant Rd.
Applicant: Steven Gorton Spiece
Series 10, City 25-06
Action must be taken by: May 20, 2006
Staff has indicated the applicant is in compliance with city requirements.

Council Member Uhlich asked if the applicant or a representative was present. She said that new liquor license applications were taken very seriously by the Ward 3 Council Office. Taken into consideration was an area's degree of saturation with existing liquor licenses. She complimented the applicant because she had contacted two neighborhoods immediately adjacent to the business location. Both neighborhoods believed the applicant to be trustworthy and deserving of the new license which was for beer and wine only. Council Member Uhlich said she knew he had developed a relationship of trust with the neighborhood, which was based on the understanding that the business would be sure to check for proper identification of patrons and secure the liquor to minimize theft. She asked if the applicant held such conversations with the neighborhoods.

Steven Spiece, applicant, said a meeting was held with the homeowner associations, where he explained a fence was placed around the property and coolers were locked to prevent theft. Customers were required to present identification, which was returned by the cashier after the liquor was purchased.

Council Member Uhlich thanked Mr. Spiese for his efforts in working with the neighborhoods.

Council Member Trasoff said it was a wonderful system Mr. Spiese had, and she hoped to see this approach used more widely in the future.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Person/Location Transfer

2. Circle K Store #1957, Ward 2
6700 E. Tanque Verde Rd.
Applicant: Kim Kenneth Kwiatkowski
Series 09, City 23-06
Action must be taken by: May 12, 2006
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protest Filed

Council Member West asked if the protestor was present. There was no one.

Council Member West asked if the representative of the applicant was aware of the protest and its contents.

Lisa Petry, a representative of the applicant, answered affirmatively.

Council Member West asked Ms. Petry to respond to the last sentences of the protest, which stated there would be a negative effect on the east Tucson community if liquor was allowed to be sold from this location. The protest letter also mentioned the property's proximity to the intersection of Tanque Verde Road and Kolb Road where children and adults frequented Udall Park.

Ms. Petry said they were a responsible retailer trying to add more products to those allowed by the existing license. She said the existing Series 10 liquor license would be surrendered upon issuance of the requested Series 9 license. This business did not lock their coolers because of the associated expense, but the alcohol would be located behind the counters and behind the employees. Customers would not be able to pick up the liquor like they did with beer.

Council Member West asked about any training provided to employees regarding the sale of liquor.

Ms. Petry said all employees received alcohol and tobacco management training, with a refresher course every two years. She said she personally called each of her ten stores every night, and her managers each called their own stores as well. Employees were required to sign that they would work safely and check customer identification. Their registers would not allow a sale of restricted products without proper identification being presented, either by swiping the magnetic strip or manually entering the customer's birthdate.

Council Member West said she appreciated Ms. Petry's diligence in this matter, because this Mayor and Council took their recommendations to the Arizona State Liquor Board very seriously. She said this area was very saturated with liquor licenses. She said she believed there was merit to this protest letter, and she did not see how the public convenience would be served by issuance of a Series 9 liquor license.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b2 to the Arizona State Liquor Board with a recommendation for denial.

6. CONSENT AGENDA – ITEMS A THROUGH F

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. MAYOR AND COUNCIL: AMENDMENT TO RULES AND REGULATIONS ESTABLISHING PROCEDURES FOR ELECTRONIC ATTENDANCE

1. Report from City Manager MAY2-06-212 CITY-WIDE
2. Resolution No. 20332 relating to Rules and Regulations of the Governing Body; amending to provide procedures for Members' Electronic Presence at a meeting; and declaring an emergency.

B. PUBLIC IMPROVEMENT: PIMA STREET, SWAN ROAD TO CRAYCROFT ROAD DISTRICT PAVING IMPROVEMENT

1. Report from City Manager MAY2-06-217 WARD 6
2. Resolution No. 20329 Resolution fixing the time when Mayor and Council of the City of Tucson will hear and pass upon the assessments and proceedings theretofore had and taken for the improvement known as the "Pima Street, Swan to Craycroft Road District Paving Improvement" in the City of Tucson, Arizona.

C. MAYOR AND COUNCIL: CHANGING THE MAYOR AND COUNCIL MEETING SCHEDULED FOR JULY 5, 2006 TO JULY 6, 2006

1. Report from City Manager MAY2-06-219 CITY-WIDE
2. Ordinance No. 10272 relating to administration; changing the Mayor and Council's currently scheduled July 5, 2006 meeting date to July 6, 2006. Amending Exhibit A to Section 2 of Ordinance 10232; and declaring an emergency.

D. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH THE HERTZ CORPORATION FOR PROPERTY LOCATED WITHIN THE HISTORIC TRAIN DEPOT

1. Report from City Manager MAY2-06-218 WARD 6
2. Ordinance No. 10274 relating to real property; authorizing and approving the lease of certain City-owned real property located at 400 North Toole Avenue within the Historic Train Depot Complex to the Hertz Corporation; and declaring an emergency.

E. URBAN PLANNING AND DESIGN: APPROVING THE FANTASY ISLAND MASTER PLAN AND URGING THE ARIZONA STATE LAND DEPARTMENT TO IMPLEMENT THE MASTER PLAN AS PART OF THEIR URBAN LANDS ACT

1. Report from City Manager MAY2-06-221 WARD 4
2. Resolution No. 20333 relating to urban planning and design; approving the Fantasy Island Task Force recommendation to preserve Fantasy Island as depicted in the Fantasy Island Master Plan; and declaring an emergency.

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

F. APPROVAL OF MINUTES

1. Report from City Manager MAY2-06-222 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on April 4, 2006.

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

Council Member Trasoff said she wished to comment on Item D, commending City staff and Hertz Corporation for reaching an agreement that would result in a sign more consistent with the historic nature of the building and the building's established style of signage.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

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

6. CONSENT AGENDA – ITEMS A THROUGH F

E. URBAN PLANNING AND DESIGN: APPROVING THE FANTASY ISLAND MASTER PLAN AND URGING THE ARIZONA STATE LAND DEPARTMENT TO IMPLEMENT THE MASTER PLAN AS PART OF THEIR URBAN LANDS ACT

1. Report from City Manager MAY2-06-221 WARD 4
2. Resolution No. 20333 relating to urban planning and design; approving the Fantasy Island Task Force recommendation to preserve Fantasy Island as depicted in the Fantasy Island Master Plan; and declaring an emergency.

Council Member Scott thanked her colleagues for their comments on this item during Study Session.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 20333, and to pass and adopt the Fantasy Island Master Plan as the official guiding standard for the development of Section 2 of Township 15 South, Range 15 East, in the HAMP area, consistent with the City Manager's proposed Resolution for adoption. In addition, Council Member Scott wished to stipulate that the bike trails as shown in the Plan would not be impacted by any change of the design. Lastly, that the following citizen stakeholders be appointed to the conceptual plan development team for the State Trust Lands in the HAMP: Sue Clark, Linda Anderson-McKee, John Shouse, Don McGann, and Steve Anderson.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Consent agenda Item E, with the additional stipulations provided by Council Member Scott was declared passed and adopted by a roll call vote of 7 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 any items scheduled for a public hearing. Speakers would be limited to three-minute presentations. The call to the audience was scheduled to last for ten minutes.

- a. Michael Toney spoke in favor of the City's handling of the lawsuit against Council Member Ibarra. He also commented on Rio Nuevo financing, the electronic permitting process for building permits, and the Reid Park Zoo elephants.

8. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED BIENNIAL BUDGET FOR FISCAL YEARS 2007 AND 2008

Mayor Walkup announced City Manager's communication number 213, dated May 2, 2006 would be received into and made a part of the record. He stated this was the time and place legally advertised for a public hearing on the City budget. It was the first of two public hearings. The second public hearing was scheduled for June 13, 2006.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations. He called on the first speaker.

Kathleen Skinner, Tucson Metropolitan Chamber of Commerce, said the Chamber was appreciative of the City's forward-looking approach in forming the financial sustainability plan so there would be appropriate funds to meet future needs for City services such as police, fire and street maintenance. She said a vital component of this budget and the financial sustainability plan, that was good for both businesses and residents, was the recommendation of no new or additional taxes that were necessary to sustain the financial well-being of the City. She was optimistic that this plan would successfully implement new models for City services such as road maintenance and reconstruction, which would abide by a much-needed ten-year improvement cycle.

Ms. Skinner said this plan addressed various needs for City services, but she strongly encouraged Mayor and Council to consider appropriating funds for small business assistance in this and future budgets. She said businesses often suffered inconveniences and financial hardships caused by City projects. Ms. Skinner said it would be beneficial for the City to create an ombudsman or centralized area for small business needs with regulatory issues and other problems that may arise when attempting to start or maintain a business. The success of businesses in Tucson was vital to sustaining the growing economy upon which this and future budgets were based, and assistance to facilitate this success needed to be a priority of the City. She said the Chamber was very pleased with the current Council, and they looked forward to their continued success and attention to the needs of the business community.

Michael Toney said he looked at parts of the budget and realized what Mike Hein, City Manager, and Scott Douthitt, Finance Director, had been spending time on. He said street maintenance was not prioritized, until it was reported that citizens were paying four hundred dollars each year for vehicle repairs related to the poor condition of the roads. He said he thought residential streets with slow traffic were not as high a priority to keep in good repair as those streets with higher volumes of traffic.

Mr. Toney said the Tucson Fire Department could purchase smaller fire trucks for rural areas. The Fire Department helped determine the strategic plan for an area in terms of types of buildings based on prior comprehensive plans by the County, when suburban ranches were rezoned for higher density development within City limits.

Mr. Toney said the Tucson Police Department should not receive as much funding because they had not enforced laws prohibiting loud music coming from vehicles. He suggested a fine of one hundred dollars for each offense, and calculated that ten thousand such fines would generate one million dollars. He wondered how much crime was related to the attitudes of those who listened to loud rap music.

Daniel Benitez, an employee of the Environmental Services Department, said it was apparent there was much focus on the ten-year plan to hire new police officers and firefighters. He said the upcoming County election was also very important. However, Mr. Benitez said, he was concerned about the future of the Environmental Services Department. Every day, they provided the best service they could to the community. He said he thought they were doing a very good job, but were left out in many instances when people thought of working men and women. He said their input should be sought when looking for ways to provide better services, because they were who provided the services. Mr. Benitez said they were willing to engage in a dialogue and explain their perspective. They were very concerned about job security and their ability to provide for their families.

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

Council Member West asked about a handout submitted. She said page one indicated the 2008 Fiscal Year total budget was one, twelve million, which was a decrease of sixty-one million. She hoped the budget was more than one million, and thought the correct amount was one billion.

Jim Cameron, Budget and Research Director, said the correct amount was one billion, twelve million dollars.

Council Member West said it was confusing, and recommended rewording the amount.

Kathleen S. Detrick, City Clerk, announced the second public hearing regarding the budget would be held June 13, 2006.

9. PERSONNEL MATTERS: REAPPOINTMENT OF THE CITY ATTORNEY

Mayor Walkup announced City Manager's communication number 214, dated May 2, 2006 would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10271 by number and title only.

Ordinance No. 10271 relating to the City Attorney; appointing the City Attorney; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, to congratulate the City Attorney and pass and adopt Ordinance 10271.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Kathleen S. Detrick, City Clerk, announced that Section 1 of Ordinance 10271 identified the City Attorney as Michael Rankin.

Upon roll call, the results were:

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

Nay: None

Ordinance 10271 was declared passed and adopted by a roll call vote of 7 to 0.

10. CITY MAGISTRATES: APPOINTING A CITY MAGISTRATE

Kathleen S. Detrick, City Clerk, announced Item 10 had been continued for one week, as discussed during Study Session.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 210, dated May 2, 2006 would be received into and made a part of the record.

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

Vice Mayor Leal announced his personal appointment of Dale Keyes to the Tucson-Pima County Metropolitan Energy Commission.

Council Member Scott announced her personal appointment of Robert Logan to the Citizens' Water Advisory Committee.

Council Member Uhlich announced her personal appointment of Tanya Alvarez to the Public Art and Community Design Committee, and the reappointment of Larry Pagel to the Tucson Greens Committee.

Council Member Trasoff announced her personal appointments of Maiola Coleman to the Community Development Advisory Committee, Earl Cross, Jr. to the Tucson Parks and Recreation Commission, Don Houghton to the Citizen Sign Code Committee, and Steve Schwartz to the Small Business Commission.

Council Member West reminded the Mayor and Council that the City Magistrates-Merit Selection Commission still needed a Republican and a Democrat appointee, as it was difficult for them to make a quorum with these vacancies. She said she had heard from the Commission's acting Chair about this concern.

12. RECONSIDERATION OF ORDINANCE 10270 AND RESOLUTIONS 20320, 20327, 20328, 20330 AND 20331, ADOPTED APRIL 25, 2006, TO ENABLE AN EARLIER EFFECTIVE DATE

Mayor Walkup announced City Manager's communication number 220, dated May 2, 2006 would be received into and made a part of the record.

Kathleen S. Detrick, City Clerk, said two motions would be needed: a motion to reconsider the ordinance and resolutions, and if that motion passed then a motion would be needed to pass and adopt the ordinance and resolutions.

It was moved by Council Member Trasoff, duly seconded, and passed by a voice vote of 7 to 0, to reconsider Ordinance 10270 and Resolutions 20320, 20327, 20328, 20330, and 20331, adopted on April 25, 2006, to enable an earlier effective date.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10270 and Resolutions 20320, 20327, 20328, 20330, and 20331.

Upon roll call, the results were:

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

Nay: None

Ordinance 10270 and Resolutions 20320, 20327, 20328, 20330, and 20331 were declared passed and adopted by a roll call vote of 7 to 0.

13. ADJOURNMENT: 6:14 p.m.

Mayor Walkup announced the Mayor and Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, May 9, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West 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 2nd day of May 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:sl/jr