



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 7, 2005

Date of Meeting: May 3, 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 5:39 p.m. on Tuesday, May 3, 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:

Mike Hein
Michael Rankin
Kathleen S. Detrick
Michael D. Letcher

City Manager
City Attorney
City Clerk
Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Jeff May, Drexel Heights Baptist Church, after which the pledge of allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed April 28, 2005 to be Worker's Memorial Day.
- b. Mayor Walkup proclaimed May 2, 2005 to May 9, 2005 to be National Police Week.
- c. Mayor Walkup proclaimed May 1, 2005 to May 7, 2005 to be Municipal Clerks Week.
- d. Mayor Walkup proclaimed May 1, 2005 to May 8, 2005 to be Days of Remembrance.
- e. Mayor Walkup proclaimed May 8, 2005 to May 14, 2005 to be Building Safety Week.
- f. Mayor Walkup presented the Government Finance Officers Association's Distinguished Budget Presentation Award to the City of Tucson for the Biennium beginning July 1, 2004.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 222, dated May 3, 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 Council to report on current events and asked if there were any reports.

- a. Council Member West announced she would be hosting the last Ward 2 Town Hall of the fiscal year on May 12, 2005, at the Ward 2 Council Office. The citizen roundtable would feature City Manager, Mike Hein.

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

Mayor Walkup announced City Manager's communication number 223, dated May 3, 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.

Mike Hein, City Manager, reported:

- a. The Arizona Chapter of the American Public Works Association (APWA) awarded Tucson Water as the APWA organization of the year for Outstanding Overall Performance for the Tucson Water Plan 2000 to 2050.
- b. Voter information pamphlets explaining the May 2005 Water Bond Special Election had been mailed to one hundred and fifty thousand households, or two hundred forty-nine thousand and nine hundred registered voters.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 231, dated May 3, 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 License

- 1. Sakura Teppan Steak & Seafood Restaurant, Ward 2
6534 E. Tanque Verde Road
Applicant: Kwang Chun An
Series 12, City 23-05
Action must be taken by: May 9, 2005
Staff has indicated the applicant is in compliance with city requirements.
- 2. Bonsai, Ward 2
3305 N. Swan Road #111
Applicant: Joy K. Seo
Series 12, City 25-05
Action must be taken by: May 13, 2005
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

- 1. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon
Applicant: Nancy R. Laney
City T27-05
Date of Event: May 11, 2005
Art al Fresco closing reception-fundraising event
Staff has indicated the applicant is in compliance with city requirements.

2. Carondelet Foundation Inc. (dba The Centurions), Ward 5
2500 E. Ajo Way
Applicant: John J. Harris
City T35-05
Date of Event: May 14, 2005
Fundraising event to benefit Carondelet St. Mary's Hospital
Staff has indicated the applicant is in compliance with city requirements.
3. Tucson Museum of Art, Ward 1
140 N. Main Avenue
Applicant: Charlie E. Bodden
City T38-05
Date of Event: May 13, 2005
Exhibition Opening and Concert
Staff has indicated the applicant is in compliance with city requirements.
4. Tucson Museum of Art, Ward 1
140 N. Main Avenue
Applicant: Charlie E. Bodden
City T39-05
Date of Event: June 4, 2005
Fundraising for Museum
Staff has indicated the applicant is in compliance with city requirements.
5. Tucson Museum of Art, Ward 1
140 N. Main Avenue
Applicant: Charlie E. Bodden
City T40-05
Date of Event: June 25, 2005
Concert/Fundraising for Museum
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Ronstadt absent/excused), to forward liquor license applications 5b1 and 5b2; and 5c1 through 5c5, to the Arizona State Liquor Board with a recommendation for approval.

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. TRANSPORTATION: SUBMISSION OF A GRANT APPLICATION WITH THE FEDERAL HIGHWAY ADMINISTRATION FOR THE REGIONAL TRANSPORTATION DATA NETWORK
 - 1. Report from City Manager MAY3-05-226 CITY-WIDE
- B. AGREEMENT: WITH UNITED STATES GEOLOGICAL SURVEY TO MONITOR SUBSIDENCE AND CHANGE IN AQUIFER STORAGE
 - 1. Report from City Manager MAY3-05-224 CITY-WIDE and OUTSIDE CITY
 - 2. Resolution No. 20065 relating to water; authorizing the continuation of the agreement with the United States Geological Survey to monitor subsidence and change in aquifer storage; and declaring an emergency.
- C. AGREEMENTS: WITH THE UNIVERSITY OF ARIZONA AND THE AMERICAN INDIAN ASSOCIATION OF TUCSON FOR NATIVE AMERICAN SERVICES
 - 1. Report from City Manager MAY3-05-225 CITY-WIDE
 - 2. Resolution No. 20066 relating to agreements; authorizing and approving the agreements between the City of Tucson and the Arizona Board of Regents for the University of Arizona for the Native American Educational Retention and Early Outreach Programs and with the American Indian Association of Tucson, Tucson Indian Center for educational, training, health and nutritional services to Native Americans; and declaring an emergency.
- D. MEMORANDUM OF UNDERSTANDING: WITH IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) FOR REIMBURSEMENT OF JOINT OPERATIONS EXPENSES FROM THE TREASURY FORFEITURE FUND
 - 1. Report from City Manager MAY3-05-232 CITY-WIDE
 - 2. Resolution No. 20067 relating to law enforcement; approving and authorizing the Memorandum of Understanding between the City of Tucson, Tucson Police Department and Immigration and Customs Enforcement (ICE) for reimbursement of joint operations expenses from the Treasury Forfeiture Fund; and declaring an emergency.

E. MEMORANDUM OF UNDERSTANDING: WITH PIMA COUNTY FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

1. Report from City Manager MAY3-05-221 CITY-WIDE
2. Resolution No. 20068 relating to law enforcement; approving and authorizing the Memorandum of Understanding between the City of Tucson, and Pima County for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award; and declaring an emergency.

F. APPROVAL OF MINUTES

1. Report from City Manager MAY3-05-235 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on June 28, 2004.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Items A through F be passed and adopted and the proper action taken.

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

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 F were 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 items scheduled for a public hearing. He also announced the Call to the Audience was scheduled to last for fifteen minutes. Speakers would be limited to three-minute presentations. He asked if there was anyone in the audience wishing to address the Council.

- a. Sylvia Aguirre spoke about her concerns with the Peddler's Ordinance.
- b. Michael Toney spoke regarding the State Land Trust, development, and open space.

- c. Patricia Coit spoke in opposition to the annexation of property east of Hacienda Del Sol on River Road. Many surrounding neighbors were not aware a hearing had been held. She requested in the near future, another hearing be held for them to participate and voice their concerns.
- d. Louise Kligman spoke in opposition to the annexation of the area east of Hacienda Del Sol on River Road. She commented that no one in the area was aware of any public hearings held. She requested notification of any annexation or public hearing, which may affect the area. She also requested a response to their petition, which they submitted to Mayor and Council.
- e. Bob Cook spoke in opposition of the existing community subsidizing growth. He wanted clarification of the “real costs” of growth to the existing community.

8. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED BUDGET FOR FISCAL YEAR 2006

(Note: This item was taken out of order and discussed after Item 12.)

9. ZONING: (C9-04-25) DECONCINI – MISSION ROAD, R-2 TO C-1, CITY MANAGER’S REPORT

Mayor Walkup announced City Manager’s communication number 227, dated May 3, 2005, would be received into and made a part of the record. This was a request to rezone property located on the east side of Mission Road north of Drexel Road. The Preliminary Development Plan was for a commercial building for food service use. The Zoning Examiner and the City Manager recommended approval subject to certain conditions. He asked if the applicant or a representative was present and if they were aware of and agreeable to the proposed requirements.

Mike Steele, Tierra Right of Way Services, the agent for the applicant, replied they were in concurrence with the proposed requirements.

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 approve the request for rezoning in Case C9-04-25 as recommended by the Zoning Examiner.

10. ZONING: (C9-05-01) AGM CONTAINER – PRESIDIO ROAD, R-2 TO P, CITY MANAGER’S REPORT

Mayor Walkup announced City Manager’s communication number 229, dated May 3, 2005 would be received into and made a part of the record. This was a request to rezone property located on the north side of Presidio Road, between Palo Verde Road and Richey Boulevard. The applicant proposed to construct parking spaces for the existing adjacent manufacturing use. The Zoning Examiner and the City Manager recommended approval subject to certain conditions. He asked if the applicant or a representative was present and if they were aware of and agreeable to the proposed requirements.

David Tannous, Saylor-Brown Bolduc Lara (SBBL) Architects, representing the architects involved in the project, said they were agreeable to all the conditions of the rezoning.

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 approve the request for rezoning in Case C9-05-01, as recommended by the Zoning Examiner.

11. ZONING: (C15-04-03) ESTABLISHING ORIGINAL CITY ZONING FOR THE MICHIGAN – RANDOLPH ANNEXATION DISTRICT, CI-2 TO I-2, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager’s communication number 234, dated May 3, 2005, would be received into and made a part of the record. This was a request to establish original City zoning for property located on the southeast corner of Randolph Avenue and Michigan Street. The Zoning Examiner and the City Manager recommended approval. He asked the City Clerk to read Ordinance 10149 by number and title only.

Ordinance No. 10149 relating to zoning; establishing original City zoning for approximately 4.9 acres generally located on the southeast corner of Randolph Avenue and Michigan Street, which was annexed to the City of Tucson by Ordinance No. 10089, adopted on December 20, 2004; and setting an effective date.

Council Member Leal said in some of the discussions in the past, which led up to the zoning, there were concerns about berms and landscaping. He asked if any of those concerns were noted in the ordinance.

Peter Gavin, Zoning Administrator, asked Council Member Leal if he was speaking about Item 11 or Item 12.

Council Member Leal said he was told there was a connection between the two; but he agreed they could do them separately.

It was moved by Council Member Leal, duly seconded, to pass and adopt Ordinance 10149.

Mayor Walkup asked if there were any further discussions. Hearing none, he asked 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

Ordinance 10149 was declared passed and adopted by a roll call vote of 6 to 0.

12. ZONING: (C15-04-04) ESTABLISHING ORIGINAL CITY ZONING FOR THE LOS REALES NUMBER TWO ANNEXATION DISTRICT, CR-3 TO R-1, CITY MANAGER'S REPORT AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 233, dated May 3, 2005, would be received into and made a part of the record. This was a request to establish original City zoning for property located on the northwest corner of Los Reales Road and Craycroft Road. The Zoning Examiner and the City Manager recommended approval subject to certain conditions. He asked the City Clerk to read Ordinance 10150 by number and title only.

Ordinance No. 10150, relating to zoning; establishing original City zoning for approximately 84 acres generally located on the northwest corner of Los Reales Road and Craycroft Road, which was annexed to the City of Tucson by Ordinance No. 10096, adopted on December 20, 2004; and setting an effective date.

Council Member Leal said that before making the motion, he wanted to bring up the question about the berming and landscaping, which had been discussed.

Ernie Duarte, Development Services Director, replied that the item before the Council was the establishment of the original City zoning, translating to R-1. The subsequent development would have to come before the Mayor and Council. He said it was his understanding that the Environmental Services Department was undergoing a design process, which would incorporate those elements. The parcel was acquired by the Mayor and Council in 2003 and annexed in 2004. That design was ongoing, so the Mayor and Council would have an opportunity to see those design elements at a later date when the property had been rezoned through the planned area development.

Council Member Leal replied he just wanted to make sure those issues were not lost over time and that landscaping and berming had not shrunk to doing berming without significant landscaping and aesthetic buffering. He was relieved to hear that had not happened and that it was part of the design criteria that was forthcoming.

It was moved by Council Member Leal, duly seconded, to pass and adopt Ordinance 10150.

Council Member West commented that a nearby property owner contacted her, as well as Council Member Leal. She said it was important they make sure there was good landscaped screening, something substantial to mitigate this from nearby property owners. She asked that the message be sent to Environmental Services as they proceed on the design.

Mayor Walkup 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

Ordinance 10150 was declared passed and adopted by a roll call vote of 6 to 0.

8. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED BUDGET FOR FISCAL YEAR 2006

(Note: Item 8 was taken out of order.)

Mayor Walkup announced City Manager's communication number 228, dated May 3, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the City's Recommended Budget for Fiscal Year 2006. This was the first of two public hearings. The second public hearing was scheduled for June 14, 2005.

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

Michael Toney commented on changes that had happened over a period of time in Tucson and said the Council needed to take a long view to get a good idea of what was really going on. As in Ward 2, in the Tanque Verde area, there were problems with recession of the water table. It was very hard to bring the water table back up to where it would support some of the riparian corridor. He said his comments were geared towards development in relation to what the Council would be budgeting. He urged the Council to give priority to natural open green space, natural vegetation and re-vegetation. Mr. Toney also commented on the importance of concentrating on the City's parks and creating a more natural open space.

Mary Canty, TUSD-TV Education Manager for Tucson Unified School District, was there to speak about the request their Superintendent, Roger Pfeuffer, had before the Council for equitable distribution of the cable license revenues. They were in a group in

Tucson of the public education and government channels, representing the K-12 channel service. She had been in contact with almost all the Council Members individually or in a group, with the University of Arizona and Pima Community College. She also had been in contact with many staff members. She wanted to thank everyone for listening. They had some good discussions.

Ms. Canty said their station had been in jeopardy about twenty four months ago and a great group of people in town came together to see that they survived and thrived. She added that their station represented the best of efforts on behalf of Sunnyside, Cox Communications, University of Arizona, Pima Community College, and ACCESS Tucson, and they were in part why she was at the meeting. She commented the Council could watch their station on Channel 20 on Cox Communications, or Channel 71 on Comcast. She understood that the next part of their discussion, which was part of their request, would be to address the Good Government Subcommittee on May 9, 2005. She said she would take that discussion and was prepared to make a bang up presentation at that time. Superintendent Pfeuffer would be there, as would all the interested representatives from the University of Arizona and Pima Community College. She thanked the Council for their time and said she understood their request might represent a difficult one in a difficult financial time, but trusted they would sincerely carry forward with the discussion.

Mayor Walkup asked if there was anyone else who wished to address the Council on this item.

Council Member Ibarra reminded everyone in the audience there would be another public hearing on June 14, 2005.

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 Manager to summarize the budget item.

Mike Hein, City Manager, said he appreciated the fine work that Jim Cameron, the new Budget and Research Director, had done, along with his staff and Mike Letcher, Deputy City Manager, in putting together the City Manager's recommended budget for the fiscal year.

Mr. Hein said back in 1990, the City Council directed Staff to hold two public hearings during the course of the budget adoption. Along with that, they set out certain requirements for publicity and advertising of public hearings. Since it was the City's own choosing to advertise, he had heard in the community already through the budget staff that perhaps they could get more creative, more descriptive, in how they announced the public hearings. He distributed a handout on the Fiscal Year 2006 Recommended Budget and said he hoped the handout was a start and indication of how the City could provide more outreach on the budget process. The document was a good two-page summary that discussed where the City had been and where they were going on the

budget. As was previously reported, the overall budget was about nine hundred ninety-nine million dollars, which represented a decrease of about thirty-three million from the previous year's adopted budget.

Mr. Hein added the general fund, the general revenue for the community, was up from what they anticipated. This was displayed fairly well on the handout. He referred to the first pie chart on the handout, it showed where all the funding would come from; forty percent came to the general fund, forty percent for basically special revenue; and twenty percent for the enterprise. Roughly, that was what it equated to.

Furthermore, Mr. Hein said, the handout showed where that general purpose fund revenue came from. From that four hundred and twenty-two million, which represented the general fund revenue, general purpose revenue, it showed how that was broken out. That represented a twenty-seven million-dollar increase from 2005. Mr. Hein told the Council the question was where would they spend the increase in the general revenue.

Mr. Hein referred to the next page where it showed where the increase came from. The City had experienced some growth, some healthy rewards from the overall State economy and shared revenues, and the City had a slight carry-forward of a couple million. That represented where the twenty-seven million dollars came from.

Mr. Hein asked the Council how it would be expended. He commented the handout showed the increase would go into new public safety, police, fire and libraries. He had followed up to find out where the elections staffing for elections came from, but found that was seasonal during elections. The City Clerk's Office gets temporary employees. He told the Council they could see from the handout where the expenses went to in regard to the general purposes funding. There were an additional one hundred forty-three positions, and he knew the Council and Staff would get questions about how that would be broken down. That information was in there, as far as thirty-eight positions for police, thirty-three for fire, twenty-seven with parks, twenty-six in the libraries. People should not be alarmed. He added that should not come as a surprise to Pima County as that represented the opening of the new facilities, which had been discussed for a couple of years. Finally, it included twenty temporary workers in the Elections Division.

Mr. Hein commended the budget staff. He thought it was a good start at making it transparent to the public exactly where the fuel comes to fund government, how it was broken down between general fund money, special revenue and enterprise fund money, and then where the growth came from and how that growth was being spent. Mr. Hein concluded by saying they looked forward to engaging the community and the Council. The Council had a few Study Sessions tentatively scheduled based on the budget schedule the Council adopted, and there was a second hearing planned for June 14, 2005. Mr. Hein said they stood ready to answer any questions the Council might have and looked forward to that dialogue in the future.

Mayor Walkup thanked Mr. Hein for the handout. He told him that represented about eighty percent of the questions he gets. This was the type of thing the Council needed to commit to memory, because people want to know exactly that information. Mayor Walkup said he appreciated what the City Manager and his staff had done to make it quick and meaningful.

Council Member West also thanked Mr. Hein. She said one of the concerns she had was the notice of the public hearing. In looking at the balance sheet, it was not as exciting and was not a good way to get people to come to a public hearing. As it was, there were not that many people in attendance. She asked Mr. Hein to make the handout available to each Council Office to have available in their lobby. She thought it was important and said they received many questions about the budget. The handout was something they could use.

Council Member West also commented she heard someone misrepresenting enterprise funds on the radio. She asked Mr. Cameron to explain what an enterprise fund was. She referred to Environmental Services as an example, and asked if they could use that fourteen dollars for Police, when it came in.

Jim Cameron, Budget and Research Director, said no, that enterprise funds were self sufficient. The revenues that they brought in stayed with that department and would be used for the purpose of providing services by that department.

Council Member West referred to a pie chart that showed how those revenues in Environmental Services were broken down and said she would like that publicized more than it had been. She also thought that the average water bill might be a way to publicize that as well. She knew there was a service charge and so much per hundred cubic feet (ccf), so the average homeowner would know what the percentage of their bill was for the service charge. People had a better idea of what the Water Utility did. She commented the public was not as sure about Environmental Services. Showing people the money would stay in the department and would be used to fund required services was important.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 230, dated May 3, 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 approve the appointments of Henry Tom to the Design Review Board; Dr. Ken Karrels to the Pima County/City of Tucson Commission on Addition, Prevention and Treatment; and Erich VanGlan to the Veterans' Affairs Committee.

Mayor Walkup asked if there were any personal appointments to be made. There were none.

14. ADJOURNMENT 6:38 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, May 10, 2005, 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 3^d day of May 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:sac:rm