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# Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on September 28, 2010.

Date of Meeting: April 20, 2010

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 5:38 p.m., on Tuesday, April 20, 2010, 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:

Regina Romero	Council Member Ward 1
Karin Uhlich	Council Member Ward 3
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Robert E. Walkup	Mayor

### Absent/Excused:

Shirley C. Scott	Vice Mayor, Council Member Ward 4
Vacant	Council Member Ward 2

### Staff Members Present:

Mike Letcher	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Yolanda Lozano, City Clerk's Office, after which the Pledge of Allegiance was led by the entire assembly.

### **PRESENTATIONS:**

- a. Mayor Walkup proclaimed April 21 to April 24, 2010, to be "National Tucson International Mariachi Conference Week." Tim Escobedo accepted the proclamation as President of the Tucson International Mariachi Conference.
- b. Certificates of Appreciation were presented to the University of Arizona Mortar Board Senior Honoraries for their remarkable work on "Mortar Board Cleanup Day."
- c. Certificates of Appreciation and Recognition were presented to employees from the Tucson Police Department; Annette Laughlin, 2009 Police Service Operator of the Year; Peter Reifsteck, 2009 Public Safety Dispatcher of the Year; and Michelle Bailey, 2009 Public Safety Communications Supervisor of the Year.
- d. Mayor Walkup proclaimed April 2010 to be "Month of the Young Child." Gloria Williams accepted the proclamation on behalf of the Southern Arizona Association for the Education of Young Children.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 156, dated April 20, 2010, was received into and made 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 Romero invited the community to the Sonoran Desert Biome four-year anniversary party on April 23, 2010, and invited the public to participate in "Volunteer Days" at Sentinel Peak Park to improve trails and pull bufflegrass on May 1, 2010. She also announced the opening of the Santa Cruz River Farmer's Market on Thursdays beginning in May 2010.
- b. Council Member Uhlich announced a public meeting held by the Arizona Department of Transportation to discuss the improvements at Ruthrauff and Prince Roads was on April 28, 2010, and the Historic Miracle Mile Tour and Festival was on April 24 2010.
- c. Council Member Fimbres announced the passing of Gilbert Quintanilla, a Veteran of World War II and one of the creators of a memorial to honor Tucsonans who gave their lives for our Nation's ideals.

- d. Council Member Kozachik announced “Global Youth Service Day” was on April 24, 2010; and the Cinema La Placita’s “Under The Stars” movies began on May 6, 2010; and the “Second Saturdays” on May 8, 2010.
- e. Mayor Walkup commented downtown was truly alive and well as thousands of bicycles took part in the Cyclovia event on April 18, 2010, as well as, in the Fourth Avenue Bicycle Swap Meet.

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

Mayor Walkup announced City Manager’s communication number 157, dated April 20, 2010, was received into and made 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 Rankin, City Attorney, announced the recent death of Keli McGregor, President of the Colorado Rockies baseball team. He added Keli was terrific to deal with, and was a man of great integrity, as well as, a good friend to the City of Tucson. He said he would be missed.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager’s communication number 158 dated April 20, 2010, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

- 1. Latino Vs Restaurant, Ward 3  
106 W. Drachman St.  
Applicant: Francisco Javier Celaya Villalobos  
Series 12, City 14-10  
Action must be taken by: May 3, 2010  
Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Person Transfer(s)

2. Sushi Ten Japanese Restaurant, Ward 6  
4500 E. Speedway Blvd.  
Applicant: Hyo Chul Hwang  
Series 6, City 13-10  
Action must be taken by: April 30, 2010

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

c. Special Event(s)

1. St. Melany Byzantine Catholic Church, Ward 6  
1212 N. Sahuara Ave.  
Applicant: Gina T. Berezny  
City T36-10  
Date of Event: October 1, 2010 - October 2, 2010  
(Fundraising for Church projects)

Staff has indicated the applicant is in compliance with city requirements.

2. Tucson's Young Professionals, Ward 1  
140 N. Main Ave.  
Applicant: Rachel Lynise Neil  
City T39-10  
Date of Event: May 7, 2010  
(Promote Community Event Downtown)

Staff has indicated the applicant is in compliance with city requirements.

3. Tucson Botanical Gardens, Ward 6  
2150 N. Alvernon Way  
Applicant: Colleen J. LaFleur-Yock  
City T40-10  
Date of Event: May 21, 2010  
(Fundraising Event-Porter Gallery Artist Reception)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control/Restructure

1. McNesby's East Coast Super Subs, Ward 6  
187 N. Park Ave.  
Applicant: Keith Michael McNesby  
Series 7, City AC1-10  
Action must be taken by: April 26, 2010

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 5 to 0 (Vice Mayor Scott absent/excused), to forward liquor license applications 5b1 and 5b2, 5c1 through 5c3, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

**6. 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 were limited to three-minute presentations.

- a. Ramses Stevens talked about the pending anti-immigration legislation and its repercussions for Arizona and the Hispanic community.
- b. Robert Shomenta addressed the issue of red light cameras and their current unfair installation and operation.
- c. Sean Feeney spoke on behalf of Bookman's regarding the upcoming pawnshop ordinance, which would result in a rise in pawn slips and the cost burden associated with this.
- d. Michael Swanson spoke on behalf of Swanson's Furniture in opposition to the proposed pawn shop ordinance. He said it needed further research.

Council Member Romero asked the City Manager to inform those speaking about the pawn shop ordinance that this issue was not on the evening's Mayor and Council Agenda. She added the Mayor and Council asked the Chief of Police, the City Manager, and the Finance Director to look at the proposed pawn shop ordinance and include stakeholders in the process.

- e. Tina Olson spoke in opposition to the pawn shop ordinance, and the costs involved for small business owners in Tucson and its affect on her and her husband's antique stores.
- f. Bob Kirlin, owner of Furniture Plus, spoke in opposition to a proposed thousand dollar licensing tax or fee associated with the pawn shop ordinance to pay police expenses for tracking stolen goods.
- g. Joe Sweeney talked about a boycott of Mexico and immigration issues
- h. Karen Grimm spoke in opposition to the pawnshop ordinance and said small business owners should have been notified of this ordinance and its tax provisions.
- i. Phillip Gaillard, Copper Country Antique storeowner, said Tucson was not business friendly and there should be more incentives for its small business owners.
- j. Mark Spear addressed the topic of red light cameras, tickets, and suggestions on how to improve the current system.

Mayor Walkup introduced the next speaker as a bona fide candidate for the vacant Ward 2 Council Member position. He explained she would not be able to attend the April 27, 2010 meeting for the interview process, and therefore could address the Mayor and Council during the Call to the Audience that evening.

- k. Judy Clinco made her presentation to the Mayor and Council regarding her application to fill the Ward 2 Council Member vacancy.

**7. CONSENT AGENDA – ITEMS A THROUGH E**

Roger W. Randolph, City Clerk, announced that Consent Agenda Items A through E would be continued to the meeting of April 27, 2010, as there were not enough Council Members present to adopt the items with the Emergency Clause.

**8. WATER: INITIATING THE PROCESS TO INCREASE WATER RATES**

Mayor Walkup announced City Manager's communication number 164 dated April 20, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution 21517 by number and title only.

Resolution No. 21517 relating to water; approving and authorizing the CWAC Rate Recommendations; approving the publication of a Notice of Intention to increase certain water rates and fees; scheduling a public hearing on the above referenced rates and fees.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution 21517.

Mayor Walkup asked if there was any discussion.

Council Member Kozachik said adopting this Resolution was simply to initiate the process by which the public would have their opportunity to provide input into the proposed water rates. He stated the Mayor and Council were not adopting new water rates at the evening's meeting, only that the process would be initiated as discussed, in length, during the Study Session.

Council Member Kozachik commented he expected the City to do a better job in the future of prioritizing and phasing road projects so there were not added costs for water line relocations. He said the Mayor and Council asked Tucson Water to return with what were called lift fees, noting that currently the City residents were subsidizing non-residents and it cost more to provide water outside City limits for reasons of distancing and lifting.

Council Member Kozachik stated Tucson Water was asked, for the next fiscal year, to return with rates that would be differentially applied based on residency within the City limits. He said they were also asked to continue the conversations with various jurisdictions, such as Oro Valley and the Town of Marana with regard to cost sharing concerns for moving water lines outside the City limits, and noted one already existed in the County.

Mayor Walkup commented to Council Member Kozachik that, in addition to his motion so far, the wording of setting the public hearing date to May 25, 2010, was needed. Council Member Kozachik was in agreement with the added verbiage.

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

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Fimbres, Kozachik, and Mayor Walkup

Nay: None

Absent/Excused Vice Mayor Scott

Resolution 21517 was declared passed and adopted without the Emergency Clause and setting May 25, 2010, as the public hearing date, by a roll call vote of 5 to 0.

**9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager’s communication number 159, dated April 20, 2010, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 5 to 0 (Vice Mayor Scott absent/excused), to approve the appointments of Jay S. Hoobler to the Electrical Code Committee; Richard L. Gonzalez to the Uniform Building Code Committee; and to reappoint Dennis Coon, Douglas C. Jones, Chuck Snell, and Ray D. Mason, Sr. to the Electrical Code Committee.

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

Council Member Uhlich announced her personal appointment of Karen Clifton to the Small Business Commission.

Council Member Fimbres announced his personal appointment of Jeff Farkas to the Tucson Greens Committee.

Council Member Kozachik thanked Council Member Uhlich for her appointment to the Small Business Commission. He said the Mayor’s Office had two members to appoint to the Small Business Commission and one to the Sign Code Advisory and Appeals Board and several of the other Ward Offices had Small Business Commission appointees yet to make.

**13. ADJOURNMENT: 6:48 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 27, 2010, 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 20th day of April 2010, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:tl:sac