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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on November 16, 2010.

Date of Meeting: June 8, 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 6:12 p.m., on Tuesday, June 8, 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
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Vice Mayor, Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

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

- \* **City Clerk Note:** The minutes of June 8, 2010, as approved by the Mayor and Council, contained a clerical error on page 4. Within the text of the document, new text is **bold**.  
RWR:DR:y1 12/29/10

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

The invocation was given by Pastor Roy Tullgren, Gospel Rescue Mission, 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 267, dated June 8, 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 spoke about the "Artists in Residence" concept that she was promoting to call attention to the arts and civil dialogue in Tucson.
- b. Council Member Cunningham announced the Ott Family YMCA had a grand reopening and open house and the Lighthouse YMCA had a carnival with the proceeds going to sending a youth to camp. He spoke about his visit with employees at the Fred Enke Golf Course and urged the community not to disturb any sprinkler systems, in the City's parks or golf courses, as they were very sensitive and expensive to replace.

Council Member Cunningham also announced that Camp Udall had openings in their next session for youths; a Budget Town Hall was held in Ward 2 and as a result of his meeting with Clean and Beautiful, reminded everyone not to litter and encouraged all neighborhood associations to adopt a wash or park to clean-up litter.

- c. Council Member Uhlich announced a celebration was held for the completion of north Mountain Avenue featuring the public artists involved, Simon Donovan and Ofelia Zepeda.
- d. Council Member Fimbres applauded the City's Housing and Community Development Department for being awarded a grant to assist homeless veterans with housing. He announced the passing of Homer J. "Chick" DeChaine, a long time Tucsonan and veteran. He also announced that an educational workshop on heart disease in women was given by Dr. Lorraine Mackstaller.
- e. Council Member Kozachik announced and invited everyone to attend the second "Second Saturdays".
- f. Mayor Walkup echoed Council Member Kozachik's announcement and stated if the first "Second Saturday" was missed, everyone needed to be sure they attended the second "Second Saturday," as downtown was alive again.

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

Mayor Walkup announced City Manager’s communication number 268, dated June 8, 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 the report.

No report was given.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager’s communication number 269, dated June 8, 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)

Person/Location Transfer(s)

- 1. Chihuahua Market, Ward 1  
4870 S. 12th Ave.  
Applicant: Thomas Robert Aguilera  
Series 9, City 30-10  
Action must be taken by: June 19, 2010

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

Public Opinion: Written Arguments In Favor Filed

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant’s capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

- 1. Tucson Pima Arts Council, Ward 1  
100 S. Avenida Del Convento  
Applicant: Roberto Bedoya  
City T45-10  
Date of Event: June 19, 2010  
(25th Anniversary Celebration)

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

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) scheduled for this meeting.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 and 5c1 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. Karen Falkenstrom thanked the Mayor and Council for their foresight and wisdom in keeping the Tucson/Pima Arts Council within the City's budget and introduced Will Clipman, musician and educator, who performed for them.
- b. Shannon Cain, Ward 1 Artist in Residence and fiction writer, spoke about "*Tucson, the Novel*" which she wrote.
- c. Rafael Otto, writer/poet and musician, spoke about how poetry and music intersect and read a few poems.
- d. Robert Reus thanked the Mayor and Council for their reconsideration of the Painted Hills issue and spoke in support of Access Tucson.
- e. Joe Sweeney spoke regarding illegal immigrants, 287(g) funding, SB 1070, Access Tucson and Don Bourn Properties.
- f. Andy Marshall spoke about his concerns regarding the City's transit system, Regional Transportation Authority (RTA) and possible budget cuts.

**7. CONSENT AGENDA – ITEMS A AND B**

**\* 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. REAL PROPERTY: ACQUISITION OF A PEDESTRIAN EASEMENT FOR THE MOUNTAIN VIEW PEACE PARK PROJECT**

- 1. Report from City Manager JUN8-10-271 WARD 1
- 2. Resolution No. 21563 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn, if necessary, a pedestrian easement for construction of the Mountain View Peace Park Project located on Los Reales Road between Santa Clara Avenue and 12th Avenue, and declaring an emergency.

**B. REAL PROPERTY: APPROVING A GROUND LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC FOR A WIRELESS CELLULAR ANTENNAE AT 9800 EAST RITA ROAD**

1. Report from City Manager JUN8-10-274 WARD 4
2. Ordinance No. 10797 relating to real property; authorizing and approving the Ground Lease Agreement between the City of Tucson and New Cingular Wireless PCS, LLC, for a wireless cellular antennae located at 9800 East Rita Road in the Purple Heart Park, Tucson, Arizona; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Consent Agenda Items A and B and the proper action taken.

Roger W. Randolph, City Clerk, announced before moving on to the next agenda item, the Mayor and Council needed to address Item #15 which was necessitated by the language in the resolution that coincided with Item #9.

**15. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2011 BUDGET**

Roger W. Randolph, City Clerk, announced this item was being taken out of order and that there was an administrative correction, a scrivener's error, to page 3 of Schedule C of the Resolution. He said under the Estimated Revenues 2011 column, the total Development Fee Funds for Transportation, should read five million, seven hundred fifty-three thousand, four hundred dollars (\$5,753,400.00) and the total Development Fee Funds for Parks was eight hundred ninety two thousand, three hundred dollars (\$892,300.00) for a total in the Development Fee Fund, which remained the same, of six million, six hundred forty-five thousand, seven hundred dollars (\$6,645,700.00).

Mayor Walkup announced City Manager's communication number 281, dated June 8, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution 21547 by number and title only.

Resolution No. 21547 relating to finance; adopting a tentative budget for the 2011 Fiscal Year and fixing times and places, confirming time and place to conduct a truth in taxation public hearing and to conduct a public hearing on said budget, to adopt the final budget in a special meeting, to fix time and place to determine the primary and secondary tax levies for said Fiscal Year

It was moved by Vice Mayor Scott, duly seconded, and passed by a roll call vote of 7 to 0, to approve Resolution 21547 with the correction to Schedule C under the Development Fee Funds.

**8. PUBLIC HEARING: POTENTIAL AMENDMENTS TO THE TUCSON CHARTER**

Mayor Walkup announced City Manager's communication number 282, dated June 8, 2010, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing to provide the public with an opportunity to present recommendations and comments to the Mayor and Council

regarding amendments to the Tucson Charter. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Tom Sander, Pima Association of Taxpayers Board Member, spoke regarding the City Charter, specifically Ordinance No. 9712, and asked the Mayor and Council to review the ordinance

Dick Basye, Pima Association of Taxpayers, requested the Mayor and Council to incorporate gift and swapping of land clauses into the City Charter that conformed to State constitution.

Curtis Dutiel acknowledged that changes to the City Charter were long overdue. However, he urged the Mayor and Council to question the motives of the group proposing changes to the Charter stating that the group members were not City residents and would not be affected by the changes.

John Kromko, Pima Association of Taxpayers, suggested Charter amendments to limit the term of the office for the Mayor and Council Members and to prohibit the personal use of City vehicles.

Jan Leshar, Tucson Charter Change Coalition, described the Coalition's process as inclusive, transparent and open to the public and urged the Mayor and Council to refer the four Charter amendments proposed by the Coalition to the ballot.

Lisa Lovallo, Tucson Charter Change Coalition, highlighted the Coalition's first recommendation for proposed changes to the Charter; 1) the elimination of the Civil Service protection for Department Heads and Deputies and 2) better clarification for hiring and discharging responsibilities of the City Manager.

Michael Coiro, American Federation of State and County Municipal Employees (AFSCME) Executive Director, in cooperation with the Coalition highlight the second recommendation for changes to the Charter; indexing the Mayor and Council's salaries to the Pima County Board of Supervisors to be effective as of the date of the seeding of the new council members after the next City council election; the Mayor would receive one hundred percent of said salary of a Board of Supervisors member and the Council would receive eight percent, but salary increases must be budget neutral.

Laura Penny, Non-Profit Executives Together, highlighted the Coalition's third recommendation of mayoral parity; granting the Mayor the same voting rights as the Council Members, be deemed as a member of the Council and count towards quorum requirements.

Ron Shoopman on behalf of the Coalition, highlighted the final recommendation; to change the election cycle date from odd years to even years, but stagger the election of positions, for two reasons; 1) it would save approximately \$1 million every two years because it would be combined with a gubernatorial or presidential election or both, and 2)

it would significantly increase voter turnout by approximately twenty-five to thirty-six percent.

Si Schorr, Attorney for Lewis and Rocha, spoke in support and the importance of the work done by the Coalition on the proposed Charter revisions. He urged the Mayor and Council to move forward with the recommendations of the Coalition.

Jeff Rogers, Democratic Party Chairperson, shared his personal views and involvement with the proposed Charter amendments and stated that the most common issue brought up by various groups was accountability to the voters within the Council and the City. He also expressed his thoughts on each of the four recommendations presented by the Coalition.

Laura Hogan, Pima Area Labor Federation Field Director, spoke in support of the proposed Charter amendment to eliminate Civil Service protection for department heads and deputies and the requirement, in the City Manager's contract, to consult with the Mayor and Council prior to making significant personnel changes.

Robert Reus spoke about his production, "New City Government for Tucson" which promoted mayoral government and commented on the proposed Charter changes.

Richard Underwood spoke in support of the proposed Charter changes and asked the Mayor and Council to move forward with the recommendations.

Dick Bayse, speaking on his own behalf, asked the Mayor and Council for to consider to makint the Internal Audit Department independent of the Finance Department, reporting directly to the City Manager or the Mayor and Council.

John "Jack" Camper, Tucson Metropolitan Chamber of Commerce President/CEO, spoke in support of non-partisan ward elections and the proposed Charter amendments.

Rick Grinnell spoke in support of the proposed Charter amendments stating the changes were not for the present, but for the future.

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

Council Member Uhlich noted that there would be continuing deliberations at a future public hearing to examine which elements of the proposed changes would be referred to the November ballot. The meeting would be noticed so that the public was aware when that would take place.

Comments were made by Vice Mayor Scott and Mayor Walkup on whether or not to bundle the proposed changes, if referred to the November ballot, and the deadline for the Mayor and Council to take action.

**9. PUBLIC HEARING: TRUTH IN TAXATION HEARING FOR THE PRIMARY PROPERTY TAX; NOTICE OF PRIMARY PROPERTY TAX INCREASE**

Mayor Walkup announced City Manager's communication number 273, dated June 8, 2010, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the Primary Property Tax increase. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Mayor Walkup asked if he had any speaker cards, which there were none. He then asked if there was anyone wishing to be heard on the item.

Robert Reus stated he was not opposed to the proposed property tax increase. He said his concern was with the inequity of the sales tax in Pima County; having a two percent sales tax within the City and nothing in the County.

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

Mayor Walkup announced that the adoption of the ordinance on the Primary Property Tax Increase was scheduled for June 22, 2010.

**10. PUBLIC HEARING: BINGO LICENSE – COLONIA VERDE HOMEOWNERS ASSOCIATION, 2700 NORTH CAMINO VALLE VERDE, CITY NUMBER 200**

Mayor Walkup announced City Manager's communication number 272, dated June 8, 2010, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for a bingo license at Colonia Verde Homeowners Association. He said the public hearing was scheduled to last for no more than one hour.

Mayor Walkup asked if the applicant, Lue Skaggs, was present and if there were anyone wishing to speak on the item. There was no one.

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

It was moved by Council Member Cunningham, duly seconded, and passed by a voice vote of 7 to 0, to forward the bingo license application to the State Tax Commission for approval.

**11. PUBLIC HEARING: ZONING (C9-03-12) DIBRO DEVELOPMENT – THORNYDALE ROAD, O-3, MU AND I-2 TO C-1 AND C-2, TIME EXTENSION CHANGE OF CONDITIONS, AND CHANGE OF PRELIMINARY DEVELOPMENT PLAN**

Mayor Walkup announced City Manager's communication number 276, dated June 8, 2010, was received into and made part of the record. He also announced this was



the time and place legally advertised for a public hearing on a request for a time extension, change of preliminary development plan and change of conditions for property located on the northeast side of River Road south of Orange Grove Road. He said the public hearing was scheduled to last for no more than one hour.

Mayor Walkup asked if the applicant was present and wanted to make any comments before continuing with the public hearing.

Dan Castro, Rick Engineering Company, representing the property owners, Marana Marketplace, LLC, said he would answer any questions or concerns had by the Mayor and Council.

William Govert stated he had no problems with the zoning request. He said he had concerns and requested information about the location of the block wall and drainage.

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

Council Member Romero asked Mr. Castro to provide Mr. Govert with the information he requested and to include the Mayor and Council.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to authorize the request as recommended by staff.

**12. ZONING: (SE-10-02) CLEARWIRE – PIMA STREET, C-1, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT, DIRECT ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 279, dated June 8, 2010, was received into and made part of the record. He also announced this was a Special Exception Land Use request for property located on the north side of Pima Street, west of Alvernon Way. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

Mayor Walkup asked if the applicant was present and agreeable to the proposed requirements, which they were. He asked the City Clerk to read Ordinance 10799 by number and title only.

Ordinance No. 10799 relating to zoning; a special exception land use – wireless communications facility use – Clearwire – Pima Street – located on the north side of Pima Street approximately 165 feet west of Alvernon Way; approving with conditions the construction of a wireless communication monopole and antennas, concealed within an artificial palm tree in the C-1 zone – Case SE-10-02; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10799.

**13. ZONING: (SE-09-60) AT&T – GRANT ROAD, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT, DIRECT ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 277, dated June 8, 2010, was received into and made part of the record. He also announced this was a Special Exception Land Use request for property located on the north side of Grant Road, west of Swan Road. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

Mayor Walkup asked if the applicant was present and agreeable to the proposed requirements, which they were. He asked the City Clerk to read Ordinance 10798 by number and title only.

Ordinance No. 10798 relating to zoning; a special exception land use – wireless communications use – SE-09-60 AT&T Grant Road – on the north side of Grant Road, approximately 700 feet west of Swan Road; approving with conditions the construction of 75 foot tall cell tower concealed in an artificial palm tree in the R-3 zone – Case SE-09-60; and setting an effective date.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10798.

**14. ZONING: (SE-09-56) AT&T – GRANT ROAD, C-3 ZONE, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT, DIRECT ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 280, dated June 8, 2010, was received into and made part of the record. He also announced this was a Special Exception Land Use request for property located on the parking lot of a shopping center, east of First Avenue and north of Grant Road. He said the Zoning Examiner and staff recommend approval subject to certain conditions.

Mayor Walkup asked if the applicant was present and agreeable to the proposed requirements, which they were. He asked the City Clerk to read Ordinance 10801 by number and title only.

Ordinance No. 10801 relating to zoning; a special exception land use – wireless communications use – AT&T Grant Road - approximately 250 feet east of First Avenue and 300 feet north of Grant Road; approving with conditions the construction of wireless communication tower and antennas concealed within an artificial palm tree, 55 feet in height and associated equipment, in the C-3 zone – Case SE-09-56; and setting an effective date.

Council Member Uhlich asked to hear from Peter Gavin, Zoning Examiner, regarding the letters of protest, concerns about health impacts, property values and how he thought those were addressed in his deliberations.

Peter Gavin, Zoning Examiner, said that, at the hearing, no one testified from the adjacent neighborhoods, but he knew there were some concerns about the monopalm. He said the applicant agreed to add three more live palm trees, on the site, so that the monopalm blended in to the surrounding landscape better.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10801.

**15. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2011 BUDGET**

(Note: This item was taken out of order and discussed after Item #7)

**16. WATER: ACQUISITION OF RINCON RANCH ESTATES WATER COMPANY**

Mayor Walkup announced City Manager's communication number 283, dated June 8, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution 21564 by number and title only.

Resolution No. 21564 relating to water; authorizing and approving an agreement between the Rincon Ranch Estates Water Company, Inc. and the City of Tucson for the purchase and sale of business assets of Rincon Ranch Estates Water Company; and declaring an emergency.

It was moved by Vice Mayor Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21564.

**17. TUCSON CODE: AMENDING (CHAPTER 15) REGARDING ARTICLE VIII LITTER FEE**

Mayor Walkup announced City Manager's communication number 284, dated June 8, 2010, was received into and made part of the record. He asked the City Clerk to read Ordinance 10800 by number and title only.

Ordinance No. 10800 relating to environmental services; amending Chapter 15 of the Tucson City Code; amending Article VIII. Section 15-70; and setting an effective date.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10800.

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

Mayor Walkup announced City Manager's communication number 270, dated June 8, 2010, was received into and made part of the record. He asked for a motion to approve the appointment in the report.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Teresa B. Vasquez to the Downtown Links Citizen Advisory Committee (DLCAC).

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

Council Member Fimbres announced his personal appointment of Bob Hourscht to the Tucson Rodeo Grounds/Parade Citizens' Oversight Committee (RODEO).

**19. ADJOURNMENT: 7:50 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, June 15, 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 8th day of June 2010, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:yl