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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on January 19, 2011.

Date of Meeting: September 28, 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 5:50 p.m., on Tuesday, September 28, 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 (arrived at 5:52 p.m.)
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

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

The invocation was given by Chaplain Jason English, Davis Monthan Air Force Base, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed September 27 to October 3 to be “American Indian Awareness Days.” Jacob Bernal, representing the Tucson Indian Center, accepted the Proclamation.

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

Mayor Walkup announced City Manager’s communication number 435, dated September 28, 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 a Community Forum on Propositions 400 and 401, the launching of the “Local First Shift Arizona Campaign”; and the Border Action Network event. She also invited the public and businesses to invest a minimum of ten percent of all of their spending in the local economy.
- b. Council Member Cunningham announced the following events: the Ward 2 Business Roundtable on Propositions 400 and 401, the Third Annual Case Garden Day for Play, the Positive Aging for Women’s Conference, and the Tucson Boys and Girls Clubs fundraiser entitled “The Party”. He also reported on the Citivan Club’s Thirty Year Anniversary.
- c. Council Member Uhlich thanked outgoing Council Aide Holly Lachowicz for her service to the Ward 3 Council Office.
- d. Vice Mayor Scott invited the public to attend a Core Tax Townhall sponsored by the Ward 4 Council Office.
- e. Council Member Fimbres reminded the public about the deadline to register to vote for the November 2nd General Election. He also invited the public to attend the Ward 5 Townhall on Proposition 400 and gave an update on the site development work for Costco in the Tucson Marketplace at the Bridges.
- f. Council Member Kozachik invited the public to a fundraiser for Reid Park. He also urged the public, if they were not already, to register to vote.

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

Mayor Walkup announced City Manager’s communication number 436, dated September 28, 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 Letcher, City Manager, thanked the Mayor and Council for the Townhalls held, stating that they provided a great opportunity for staff to present to the community, facts regarding Proposition 400.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager’s communication number 437, dated September 28, 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. Restaurant Sinaloa, Ward 3  
1020 W. Prince Rd.  
Applicant: Ernesto Rascon  
Series 12, City 59-10  
Action must be taken by: October 11, 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)

NOTE: There are no person transfer(s) scheduled for this meeting.

c. Special Event(s)

1. Tucson Metropolitan Community Chorus dba Desert Voices, Ward 6  
6245 E. Bellevue St.  
Applicant: Rebecca H. Cohen  
City T80-10  
Date of Event: October 23, 2010  
(Fundraiser)

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

2. The University of Arizona, Arizona Athletics Department, Ward 6  
1721 E. Enke  
Applicant: Roberta Angelica Quiroz  
City T84-10  
Date of Event: October 23, 2010  
(To support and enhance donor & alumni relations with the Arizona Athletics Department)

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

3. The University of Arizona, Arizona Athletics Department, Ward 6  
530 N. Vine Ave.  
Applicant: Roberta Angelica Quiroz  
City T85-10  
Date of Event: October 23, 2010  
(To support and enhance donor & alumni relations with the Arizona Athletics Department)

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

4. St. Cyril of Alexandria Parish, Ward 6  
4725 E. Pima St.  
Applicant: Daren W. Lowry  
City T87-10  
Date of Event: October 14, 2010 - October 17, 2010  
(Fundraiser for Parish & School)

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

5. Southern Arizona Blues Heritage Foundation, Ward 6  
900 S. Randolph Way  
Applicant: Patrick J. Desmond  
City T88-10  
Date of Event: October 17, 2010  
(Fundraiser while having a Music Festival)

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

6. Sonoran Glass Art Academy, Ward 5  
633 W. 18th St.  
Applicant: Jason Jacob Marstall  
City T89-10  
Date of Event: October 23, 2010  
(Fundraiser)

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

7. Sun Sounds of Arizona, Ward 6  
3400 E. Camino Campestre  
Applicant: Mitzi M. Tharin  
City T90-10  
Date of Event: October 16, 2010  
(Fundraiser)

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

8. Arizona Media Arts Center (AzMAC), Ward 6  
127 E. Congress St.  
Applicant: Claudia Jespersen  
City T92-10  
Date of Event: October 16, 2010  
(Fundraiser/Club Crawl)

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

9. Rialto Theatre Foundation, Ward 6  
318 E. Congress St.  
Applicant: Douglas William Biggers  
City T93-10  
Date of Event: October 8, 2010  
(Fundraiser for Rialto Theatre & Tucson Historic Preservation Foundation)

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

d. Agent Change/Acquisition of Control

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

It was moved by Council Member Cunningham, duly seconded, to forward liquor license applications 5b1, and 5c1 through 5c9 to the Arizona State Liquor Board with a recommendation for approval.

Council Member Kozachik asked the City Attorney if he should recuse himself from voting on the liquor license applications, as two of the requests for special events were for the Athletic Department at the University of Arizona.

Mike Rankin, City Attorney, thanked Council Member Kozachik for raising the issue, and suggested that he recuse himself from voting.

The motion to forward liquor license applications 5b1, and 5c1 through 5c9 to the Arizona State Liquor Board with a recommendation for approval, passed by a roll call vote of 6 to 0 (Council Member Kozachik recused).

**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. Robert Reus spoke in opposition to Proposition 400.
- b. Mikki Niemi spoke about his concerns regarding the City building a new hotel downtown.
- c. Diane Lopes spoke in opposition to raising Sun Tran bus fares.
- d. James Hannley, representing Protect Local Control: No on Prop 401, spoke in opposition to the proposed Charter changes.
- e. Joseph Sweeney spoke about funding spent on illegal aliens, and his opposition to the City cutting funding for Access Tucson.
- f. Michael Coiro, American Federation of State, County and Municipal Employees (AFSCME) Local 449 Executive Director, spoke in support of Proposition 400. He also spoke about his concerns over the City’s disregard of the negotiated agreement between the City of Tucson and the AFSCME employees.
- g. Shannon Cain gave the sixth installment of her performance piece entitled, *“Tucson, the Novel: An Experiment in Literature and Civil Discourse.”*
- h. John Kromko spoke about the need for an ordinance stating that everything had to go to public bid, referring to Cable 12 equipment being given to the University of Arizona.
- i. Mark Spear spoke about requirements dealing with photo enforcement as listed under *Arizona Revised Statutes* § 28.12.04, which states there should be at least two signs placed in a location before photo enforcement systems.

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

Mayor Walkup announced the reports and recommendations from the City Manager on the consent agenda were received into and made part of the record. He asked the City Clerk to read the consent agenda.

- a. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR UNDERGROUND STORAGE TANK INSPECTIONS
  - 1. Report from City Manager SEP28-10-441 CITY WIDE

2. Resolution No. 21627 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment one to an Intergovernmental Agreement between the City of Tucson and the Arizona Department of Environmental Quality (ADEQ) extending Delegation Agreement number 06-0016 for underground storage tank delegation; and declaring an emergency.
- b. REAL PROPERTY: SITE ACQUISITION FOR DREXEL ROAD WATER RESERVOIR AND BOOSTER STATION AT DREXEL AND COUNTRY CLUB ROADS
1. Report from City Manager SEP28-10-446 WARD 5
  2. Resolution No. 21631 relating to Real Estate; authorizing the City Manager to acquire by negotiation, and the city Attorney to condemn if necessary, certain real property located southwest of the intersection of Drexel Road and Country Club Road for a water reservoir and booster station; and declaring an emergency.
- c. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL FOR TOBACCO RETAIL COMPLIANCE INSPECTIONS
1. Report from City Manager SEP28-10-440 CITY WIDE
  2. Resolution No. 21629 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Attorney General's Office, the Department of Law, State of Arizona for Tobacco Retail Compliance Inspections; and declaring an emergency.
- d. WATER: AUTHORIZING THE PASCUA YAQUI TRIBE TO PURCHASE WATER CREDITS FROM THE CITY OF TUCSON
1. Report from City Manager SEP28-10-445 CITY WIDE
  2. Resolution No. 21632 relating to Tucson Water; approving and authorizing Tucson Water to develop and enter into an Agreement with the Pascua Yaqui Tribe to purchase water credits from the City of Tucson; and declaring an emergency.
- e. APPROVAL OF MINUTES OF MAYOR AND COUNCIL MEETING
1. Report from City Manager SEP28-10-444 CITY WIDE
  2. Mayor and Council Regular Meeting Minutes of April 13, 2010 and April 20, 2010.

f. **TUCSON CONVENTION CENTER: APPROVAL OF A USE AGREEMENT WITH THE SOUTHERN ARIZONA HOME BUILDERS ASSOCIATION (SAHBA) FOR HOME SHOWS**

1. Report from City Manager SEP28-10-447 CITY WIDE
2. Resolution No. 21635 relating to the Tucson Convention Center; authorizing the Tucson Convention Center Director to Execute on behalf of the City of Tucson an Agreement with the Southern Arizona Home Builders Association (SAHBA) for the use of the Tucson Convention Center for home shows for five years; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – f be passed and adopted and the proper action taken.

8. **PUBLIC HEARING: BINGO LICENSE - SACRED HEART CHURCH, 601 EAST FORT LOWELL ROAD, CITY NUMBER 201**

Mayor Walkup announced City Manager's communication number 443, dated September 28, 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 Sacred Heart Church located at 601 East Fort Lowell Road. He asked if the applicant was present and if they had any comments to make before beginning the public hearing.

Leland S. Campbell, the Applicant, said he did not have comments to make.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on this item. Hearing no one, he asked for a motion to close the public hearing.

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

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward the bingo license application for Sacred Heart Church to the Arizona Department of Revenue with a recommendation for approval.

9. **PUBLIC HEARING: EXTENSION OF THE PANTANO RIVER PARK PROJECT FROM MICHAEL PERRY PARK TO SELLAROLE ROAD AND USE OF SURPLUS PHASE I FUNDING FOR THIS PURPOSE.**

Mayor Walkup announced City Manager's communication number 439, dated September 28, 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 extension of the



Pantano River Park Project from Michael Perry Park to Sellarole Road and use of surplus Phase I funding for this purpose. He announced the public was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Mayor Walkup asked if there was anyone in the audience wishing to be heard on this item. Hearing no one, he asked for a motion to close the public hearing.

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

Mayor Walkup asked the City Clerk to read Resolution 21630 by number and title only.

Resolution No. 21630 relating to parks; requesting an extension of the Pantano River Park Project from Michael Perry Park to Sellarole Road and use of surplus Phase I funding for this purpose; and declaring an emergency.

Council Member Cunningham recognized Vice Mayor Scott for her leadership in making this extension happen which connected all the rivers for bicycle riders from Cienega Creek to Tanque Verde Creek to the Santa Cruz River and Julian Wash.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21630.

**10. PROFESSIONAL SERVICES CONTRACT AMENDMENT: WITH DOWNTOWN TUCSON PARTNERSHIP FOR CONSULTING SERVICES (CONTINUED FROM THE MEETING OF SEPTEMBER 21, 2010)**

Mayor Walkup announced City Manager's communication number 442, dated September 28, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution 21628 by number and title only.

Resolution No. 21628 relating to Consultant Services; authorizing and approving Amendment One of the contract for consultant services between the City of Tucson and Downtown Tucson Partnership, an Arizona Non-Profit Corporation; and declaring an emergency.

Council Member Fimbres asked staff if the Rio Nuevo District Board had any financial obligations for the Downtown Tucson Partnership.

Michael Rankin, City Attorney, replied he was not aware of any.

It was moved by Council Member Fimbres, duly seconded, to pass and adopt Resolution 21628.

Council Member Kozachik made a few comments in support of the amendment and commended the leadership of Michael Keith, Downtown Tucson Partnership (DTP) Executive Director. He said he had a question in reference to the Housing and Urban Development (HUD) Section 108 financing. He asked the Assistant City Manager how the amendment furthered the relationship involving the DTP and the Industrial Development Authority (IDA).

Sean McBride, Assistant City Manager, replied that Albert Elias, Housing and Community Development Director, was developing the Section 108 application for review by HUD's regional office. He stated that Mr. Elias, while putting the amendment together, was in consultation with the IDA and his next step was to work in partnership with both the IDA and the DTP to tie up any loose ends. Mr. McBride added that the parameters and details of the relationship were not yet finalized, but hoped they would be within the next few weeks.

Council Member Kozachik said he wanted to be assured that the IDA was not left out of the equation once finalized. He commented there was nothing in the proposed amendment that specifically related to expanding participants in the bid, and should be as the City struggled through the budgetary process. He also expressed his feelings about the Mayor and Council being asked to adopt a contract that had been in effect for two months, stating that they should be allowed to vote on items before they became effective.

Comments were made by Council Member Uhlich and Mayor Walkup regarding the value of the contract with the DTP.

Resolution 21628 was passed and adopted by a roll call vote of 7 to 0.

## **11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 438, dated September 28, 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 Vice Mayor Scott, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointments of Christopher Domin to the El Presidio Historic Zone Advisory Board (EPHZAB) in the Special Qualifications category, and Emma Juan and Cecilia Vindiola to the Pima County/Tucson Women's Commission (PCTWC).

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

**12. ADJOURNMENT:** 6:52 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, October 5, 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 28th day of September 2010, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:sac:tl