



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 20, 2007

Date of Meeting: September 25, 2007

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 5:30 p.m. on Tuesday, September 25, 2007, 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	Vice Mayor, Council Member Ward 4
Steve Leal	Council Member Ward 5
Robert E. Walkup	Mayor

Absent/Excused:

Nina J. Trasoff	Council Member Ward 6
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Staff Members Present:

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Grace Hartman, Tamara Spiritual Center, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed September 24 to 29, 2007, to be “Dollar Wi\$e Week 2007”.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 518, dated September 25, 2007, 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 that the Tucson Regional Town Hall would be held at 7:00 p.m. on September 26, 2007 at the Ward 2 council office. She also stated the Ward 2 office would be sponsoring a landfill tour on October 13, 2007. Anyone interested was invited to call the Ward 2 office for details.
- b. Mayor Walkup announced he had been invited to participate in a conference in the United Kingdom, regarding green house gas emissions and strategies to address them. He said Tucson was ranked fourth in City Innovation and he would be attending along with the mayors of other highly ranked cities in the United States, and around the world.

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.

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

Mayor Walkup announced City Manager’s communication number 519, dated September 25, 2007, 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.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 520, dated September 25, 2007, 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. Lindy's Diner, Ward 6
431 N. 4th Ave.
Applicant: Lindon Reilly
Series 12, City 67-07
Action must be taken by: October 8, 2007
Tucson Police Department indicated the applicant was not in compliance with city requirements.
Development Services and Revenue have indicated the applicant was in compliance with city requirements.
Public Opinion: Written Argument Opposed Filed
Considered Separately.
2. 7-Eleven 17403E, Ward 6
1080 N. Columbus Blvd.
Applicant: Verna Asutosh Patel
Series 10, City 68-07
Action must be taken by: October 4, 2007
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event(s)

1. Artsake Foundation, Ward 6
8th St. Between 4th Ave. & 5th Ave., O'Malley's & The Hut
Applicant: Jeb Bley Schoonover
City T56-07
Date of Event: October 6, 2007
(Fundraiser)
Staff has indicated the applicant is in compliance with city requirements.
2. Tucson Lesbian & Gay Alliance Inc., DBA Tucson Pride Inc., Ward 6
900 S. Randolph Way
Applicant: Carol Lynn Sayler
City T58-07
Date of Event: October 13, 2007
(Annual LBGT Pride Festival)
Staff has indicated the applicant is in compliance with city requirements.

3. Escaramuza Flor de Primavera, Ward 5
4823 S. 6th Ave.
Applicant: Pedro Balderrama
City T60-07
Date of Event: October 20, 2007 - October 21, 2007
(Entertainment, Educate Mexican Culture, Equestrian Exhibition)
Staff has indicated the applicant is in compliance with city requirements.
4. St. Margaret Mary's Parish Church, Ward 1
801 N. Grande Ave.
Applicant: Oscar White
City T64-07
Date of Event: October 6, 2007 - October 7, 2007
(Fundraiser)
Staff has indicated the applicant is in compliance with city requirements.
5. St. Melany Byzantine Catholic Church, Ward 3
1212 N. Sahuara Ave.
Applicant: Clifford A. Franzen
City T66-07
Date of Event: October 5, 2007 - October 6, 2007
(Fundraiser)
Staff has indicated the applicant is in compliance with city requirements.
6. Artsake Foundation, Ward 6
Congress and 5th Ave.
Applicant: Paul Bear
City T67-07
Date of Event: October 6, 2007
(Fundraiser)
Staff has indicated the applicant is in compliance with city requirements.
7. Old Pueblo Trolley, Inc., Ward 6
400 N. Toole Ave.
Applicant: Laura Ann Caywood Barker
City T69-07
Date of Event: October 6, 2007
(Fundraiser - Train Station Auction)
Staff has indicated the applicant is in compliance with city requirements.
8. St. Joseph Church Fiesta, Ward 6
215 S. Craycroft
Applicant: Barbara A. Stewart
City T70-07
Date of Event: October 12, 2007 - October 13, 2007
(Annual Fundraising Carnival)
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change

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

Kathleen S. Detrick, City Clerk, announced that the Mayor and Council had received ten requests for liquor license applications. Item 5b1, Lindy's Diner, would be considered separately. Tucson Police Department indicated the applicant was not in compliance with city requirements and a written argument was filed.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Trasoff absent/excused), to forward liquor license applications 5b2 and 5c1 through 5c8 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. New License

1. Lindy's Diner, Ward 6
431 N. 4th Ave.
Applicant: Lindon Reilly
Series 12, City 67-07
Action must be taken by: October 8, 2007

Kathleen S. Detrick, City Clerk, announced the item to be considered separately was Item 5b1. This was a request for a new license - Lindy's Diner. Ms. Detrick stated the Tucson Police Department had indicated the applicant was not in compliance with city requirements. She said there was a representative from the Tucson Police Department present, and they had also received one written argument. Lindy's Diner is located in Ward 6.

Mayor Walkup called on Council Member Uhlich.

Council Member Uhlich said that Council Member Trasoff asked her to preside over this deliberation. She said Council Member Trasoff had some concerns based on the written documentation that was received. She invited the applicant to comment on the application.

Lindon Reilly, the applicant, presented letters of support of his application to the Council. He commented on the discrepancies on his application, stating he did not mean to hide anything. He simply made the mistake of not pulling his record prior to answering the questions. Mr. Reilly said though he had been liquor certified for years, he had not actually been a business owner up until two years ago. Since then, they have quickly become a very popular spot. He said his customers' number one request was for beer, so he wanted to add it to the mix.

Mr. Reilly said he did not deny what came up on the police report, it had just been an oversight on his part. He said six years have passed since that problem, and there have been no mistakes. Those years included almost thirteen Club Crawls.

Council Member Uhlich thanked Mr. Reilly for coming forward. She then asked the representative from the police department to offer comments.

Sergeant Stoutmeyer, Tucson Police Department Vice-Unit, said one of his duties was to look at liquor applications. He said there was one particular question on the application referring to criminal record, as to whether the applicant had been arrested or contacted etc. and whether the disposition on it was dismissed or not.

Sergeant Stoutmeyer said Mr. Reilly failed to report two incidents, one for criminal trespassing and one for sales to a minor while he was employed with a local bar on Fourth Avenue. He said Mr. Reilly plead guilty to that charge, but upon questioning him, Sergeant Stoutmeyer said he did not recall going to court or actually pleading guilty to the charge. Sergeant Stoutmeyer also found four incidents of driving on a suspended license for Mr. Reilly, and one resulted in a warrant for failure to appear. Therefore, he did not believe Mr. Reilly displayed he was capable, qualified, and reliable as the law required.

Sergeant Stoutmeyer said there was also an issue with the location on Fourth Avenue. He said that within a one-mile radius there were ninety-seven liquor licenses in the area, including twenty-four Series 6 bar licenses, eighteen beer and wine bars, six liquor stores, seven beer and wine stores, three hotel-motel licenses and thirty-five restaurant licenses all serving alcohol. He said with the over-saturation in the area he did not think the addition of one more liquor establishment would substantially serve the best interest of the community, therefore the Police Department was recommending a denial.

Council Member Uhlich said that in light of the information provided, she would offer a recommendation for denial of the request. She assured Mr. Reilly that copies of the letters, which were generous, supportive and commented on the good relationship he had established along Fourth Avenue and with other colleagues, would be noted in all of the Mayor and Council offices. She told Mr. Reilly the Council simply followed a process to evaluate according to State Statute whether or not to recommend an approval or denial.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 5 to 1 (Mayor Walkup dissenting, Council Member Trasoff Absent/excused), to forward liquor license application to the Arizona State Liquor Board with a recommendation for denial.

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 any items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Jim Lockier spoke about curbing teenage drinking and driving. He suggested that wrecked cars from fatal accidents be placed in high school parking lots as a visual deterrent.
- b. Michael Toney spoke about different types of lasers and their components.
- c. Robert Shatz thanked the Mayor and Council for their continued support of “Tucson Meet Yourself”.

7. CONSENT AGENDA – ITEMS A THROUGH L

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. PUBLIC IMPROVEMENT: PANTANO WASH, NORTH OF BROADWAY BOULEVARD DISTRICT BANK PROTECTION IMPROVEMENT

- 1. Report from City Manager SEPT25-07-517 WARD 2
- 2. Resolution No. 20753 Resolution providing for the issuance of City of Tucson Improvement Bond, Series No. 822, for the “Pantano Wash, North of Broadway Boulevard District Bank Protection Improvement.”

B. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE SOUTHERN ARIZONA AIDS FOUNDATION

- 1. Report from City Manager SEPT25-07-516 MAYOR
- 2. Resolution No. 20777 relating to Finance; approving and authorizing the allocation of Two Hundred Fifty Dollars (\$250) from the Mayor’s Office Community Support Fund, Account No. 001-183-1898-268, to the Southern Arizona AIDS Foundation for the 5th Annual National Latino AIDS Awareness Day on October 15, 2007; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced that Ward 3 would also be contributing \$250 to the original \$250 provided by Mayor Walkup. She stated the new total for this item was \$500.00.

- C. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR REYNOLDS ELEMENTARY SCHOOL
1. Report from City Manager SEPT25-07-523 WARD 4
 2. Resolution No. 20778 relating to Finance; approving and authorizing the allocation of Two Hundred Dollars (\$200) from Ward IV Community Support Fund, Account No. 001-183-1898-268, to Reynolds Elementary School PTA for the Fall Festival to be held on October 26, 2007; and declaring an emergency.
- D. GRANTS: ACCEPTANCE OF A FEDERAL HISTORIC PRESERVATION FUND GRANT FOR THE RINCON HEIGHTS NEIGHBORHOOD
1. Report from City Manager SEPT25-07-522 WARD 6
 2. Resolution No. 20779 relating to historic preservation; authorizing and approving the acceptance of a federal Historic Preservation Fund grant from the State Historic Preservation Office (SHPO) for a National Register Nomination Project for the Rincon Heights neighborhood; and declaring an emergency.
- E. AGREEMENT: WITH PIMA ASSOCIATION OF GOVERNMENTS FOR TRANSPORTATION PLANNING AND PROFESSIONAL SERVICES DURING FISCAL YEAR 2008
1. Report from City Manager SEPT25-07-524 CITY-WIDE
 2. Resolution No. 20780 relating to transportation; approving and authorizing the Agreement for Services between the City of Tucson Department of Transportation (TDOT) and Pima Association of Governments (PAG) for Transportation Planning and Professional Services during FY 2008; and declaring an emergency.
- F. CITY MAGISTRATES: APPOINTING T. JAY CRANSHAW, MITCHELL S. EISENBERG AND ANTONIO F. RIOJAS AS CITY MAGISTRATES AND FIXING COMPENSATION
1. Report from City Manager SEPT25-07-525 CITY-WIDE
 2. Ordinance No. 10455 relating to City Magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.

3. Ordinance No. 10456 relating to City Magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.
 4. Ordinance No. 10457 relating to City Magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.
- G. TUCSON CODE: AMENDING (CHAPTER 8) RELATING TO THE COMPENSATION OF THE PRESIDING MAGISTRATE OF CITY COURT
1. Report from City Manager SEPT25-07-526 CITY-WIDE
 2. Ordinance No. 10454 relating to City Court; amending the Tucson Code, Chapter VIII, City Court, Article I, In General, Section 8-4.1, Authorizing assignment of an associate presiding magistrate, term, compensation, duties; and declaring an emergency.
- H. AWARD AGREEMENT: ACCEPTANCE OF THE EDWARD BRYNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD
1. Report from City Manager SEPT25-07-527 CITY-WIDE
 2. Resolution No. 20781 relating to law enforcement; approving and authorizing the execution of the award agreement for the 2007 Edward Bryne Justice Assistance Grant (JAG) Program; and declaring an emergency.
- I. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR LA PILITA MUSEUM EVENTS
1. Report from City Manager SEPT25-07-528 WARD 3
 2. Resolution No. 20782 relating to Finance; approving and authorizing the allocation of two hundred fifty dollars (\$250) from the Ward 3 Community Support Fund, Account No. 001-183-1898-268, to La Pilita Museum Events for the Music and Movies – 1903 Style event to be held on September 23, 2007; and declaring an emergency.
- J. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE TUCSON CACTUS SENIOR SOFTBALL TEAM
1. Report from City Manager SEPT25-07-529 WARD 1

2. Resolution No. 20783 relating to Finance; approving and authorizing the allocation of One Thousand Two Hundred Eighty Dollars (\$1,280) from Ward 1 Office Community Support Fund, Account No. 001-183-1898-268, to the Tucson Cactus Senior Softball Team to cover costs incurred by the League for park rental, lights, and field maintenance; and declaring an emergency.
- K. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE ARIZONA AMATEUR BASEBALL CONGRESS
1. Report from City Manager SEPT25-07-530 WARD 1
 2. Resolution No. 20784 relating to Finance; approving and authorizing the allocation of Three Thousand Two Hundred Forty Dollars (\$3,240) from Ward 1 Office Community Support Fund, Account No. 001-183-1898-268, to the Arizona Amateur Baseball Congress to assist in the cost of maintenance to the baseball fields; and declaring an emergency.
- L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR REFORMA (NATIONAL ASSOCIATION TO PROMOTE LIBRARY AND INFORMATION SERVICES TO LATINOS AND SPANISH SPEAKERS)
1. Report from City Manager SEPT25-07-531 WARD 1
 2. Resolution No. 20785 relating to Finance; approving and authorizing the allocation of Two Hundred Dollars (\$200) from Ward 1 Office Community Support Fund, Account No. 001-183-1898-268, to REFORMA to cover the cost of a postcard publicity campaign; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, that Consent Agenda Items A through L, with the additional contribution to Item B, be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Trasoff

Consent Agenda Items A through L, with the amendment to Item B, were declared passed and adopted by a roll call vote of 6 to 0.

8. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 521, dated September 25, 2007, would be received into and made a part of the record.

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

There were no personal appointments.

9. ADJOURNMENT: 5:59 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, October 2, 2007, 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 25th day of September 2007, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:jr:sac