



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 10, 2008

Date of Meeting: January 23, 2008

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 5:32 p.m., on Tuesday, January 23, 2008, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Pro Tempore Trasoff and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Rodney Glassman	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Mayor Pro Tempore, Council Member Ward 6

Absent/Excused:

Robert E. Walkup	Mayor
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Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Deborah Rainone	Assistant City Clerk
Mike Letcher	Deputy City Manager

Deborah Rainone, Assistant City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Dayton Durley, Northwest Community Friends Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Pro Tempore Trasoff announced Jay Trip would be presenting awards in recognition of support to the Construction Craft Training Ordinance to Council Members Leal, Scott, Uhlich, Vice Mayor Trasoff, and Mark Neihart, Director of Procurement. Mr. Trip stated Mayor Walkup had already received his award.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro Tempore Trasoff announced City Manager's communication number 36, dated January 23, 2008, was received into and made a part of the record. She 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.

No report was given.

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

Mayor Pro Tempore Trasoff announced City Manager's communication number 37, dated January 23, 2008, was received into and made a part of the record. She 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 Third Annual Heavy Equipment Roadeo would take place on January 26. He said the City of Tucson Transportation Department would be competing against Pima County Transportation Department steering dump trucks, graders and backhoes through obstacle courses.
- b. Liz Miller, Assistant City Manager would be retiring at the end of March after thirty-eight years of service. He said she would be missed and her years of service were greatly appreciated.

5. LIQUOR LICENSE APPLICATIONS

Mayor Pro Tempore Trasoff announced City Manager's communication number 44, dated January 23, 2008, was received into and made a part of the record. She asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

1. Sheraton Tucson Hotel & Suites, Ward 2
5151 E. Grant Rd.
Applicant: H. J. Lewkowitz
Series 11, City 92-07
Action must be taken by: February 4, 2008
Staff has indicated the applicant is in compliance with city requirements.

Location Transfer(s)

2. Residence Inn by Marriott, Ward 5
2660 E. Medina Rd.
Applicant: Michael Ronald Scaffidi
Series 07, City 94-07
Action must be taken by: February 2, 2008
Staff has indicated the applicant is in compliance with city requirements.

Person/Location Transfer(s)

3. Circle K Store #1798, Ward 6
4702 E. Speedway Blvd.
Applicant: Kim Kenneth Kwiatkowski
Series 9, City 90-07
Action must be taken by: January 27, 2008
Staff has indicated the applicant is in compliance with city requirements.

This item was considered separately.

c. Special Event(s)

1. Saving Animals from Euthanasia (SAFE), Ward 6
900 S. Randolph Way
Applicant: Roxanne Johnson Dingman
City T102-07
Date of Event: February 16, 2008
(Raise awareness about animal welfare issues; educate & entertain the public)
Staff has indicated the applicant is in compliance with city requirements.

2. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Katherine A. Wesolowski
City T103-07
Date of Event: February 8, 2008
(Exhibition opening reception)
Staff has indicated the applicant is in compliance with city requirements.
3. Tucson's Young Professionals, Inc., Ward 1
140 N. Main Ave.
Applicant: Kelly Burke Perks
City T104-07
Date of Event: February 1, 2008
(To promote community event in downtown Tucson)
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

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

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Mayor Walkup absent/excused), to forward liquor license applications 5b1, 5b2, and 5c1 through 5c3 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

Person/Location Transfer(s)

3. Circle K Store #1798, Ward 6
4702 E. Speedway Blvd.
Applicant: Kim Kenneth Kwiatkowski
Series 9, City 90-07
Action must be taken by: January 27, 2008
Staff has indicated the applicant is in compliance with city requirements.

Deborah Rainone, Assistant City Clerk, announced the application to be considered separately was item 5b3, Circle K Store #1798, located in Ward 6. Staff indicated the applicant was in compliance with City requirements.

Council Member Romero said the item was being considered separately at the request of Vice Mayor Trasoff, who was fulfilling the duties of the Mayor. She said she wanted to give everyone the opportunity to speak regarding this item.

Mayor Pro-Tempore Trasoff asked if the applicant or representative was present. She asked that they state their name and address for the record.

David Morgan, representing Circle K, stated he was not aware the application was being pulled from the agenda. He stated they had met all the requirements and the notice had been posted in the store for ninety days. He said he was unaware of any letters against the application and was confused as to why the item was pulled.

Mayor Pro Tempore Trasoff stated, serving as Chair, she had certain restrictions she had to follow and that was why she asked Council Member Romero to address the item in her place. She said a letter had been received after the legal time frame but was one that raised serious questions, not about the integrity of Circle K or the particular ownership group, which she understood owned sixty-one licenses throughout the community. She said it was a question about a Series 9 application and given the discussion at the Study Session, it was a question about a Series 9 request in an area that was already saturated with Series 9 licenses including one that was about a half mile away at another Circle K on Rosemont.

Mayor Pro Tempore Trasoff said the concern was the existing problems behind the Circle K and with the behavior of people who are inebriated, impacting the residents who lived south of the area. She said she wanted to make it clear that in no way was this to impugn the operators, Circle K had an excellent reputation for truly taking care of screening its employees and responding if there were any problems. She said she also applauded the fact that they were taking away a license from the Miracle Mile Strip, but it was putting it into another area where there was saturation.

Mayor Pro Tempore Trasoff asked the City Attorney, if the letter could be considered in the motion since it was received after the deadline.

Michael Rankin, City Attorney, stated the Members of the Council could use the letter to solicit if anyone was present to provide testimony in favor of the letter. He said the statutory limitation did not prevent people, who were filing a protest or concern from offering their testimony at the date of the hearing. He said he thought it appropriate to ask if anyone was present to support the concerns raised in the letter.

Mayor Pro Tempore Trasoff asked if there was anyone present who would like to speak in support of the letter. She stated the concerns raised were basically from the residents and property owners who were directly south of the area. She said they state they have already been forced to contend with drug dealers, alcoholics, homeless people, beggars at the Circle K and on the properties with hypodermic needles, beer cans, general trash in the alleys and people found drunk on some of the doorsteps in the morning. There was a very serious concern about adding to the problem by allowing a Series 9 liquor license.

Mr. Morgan stated, from Circle K standpoint, they strive very hard to be a responsible retailer. They send their employees through numerous classes, they attend a program called TAM (Techniques of Alcohol Management) which helps deal with situations, if they have inebriated people trying to buy beer, it teaches them how to deal with them and how to refuse the sale. He said they have their own mystery shop programs to make sure employees are asking for identification (ID's) and following company policy and laws regarding alcohol sales. He said it also helps them compete with people who were in the neighborhood who sell liquor that they do not capture at this particular store.

Mr. Morgan said the store located on Rosemont and Speedway had its own set of customers. The customers in this type of business are creatures of habit and would not necessarily drive out of their way to get to another Circle K to meet or pick up a particular package. He said he felt he had the right, as long as their obligations are met, to sell liquor at Circle K #1798.

Council Member Leal said he was glad to see that Circle K did the extra training. But, at the same time, he was concerned about the list of issues found in the letter. He said he wondered if there was a disconnect between the training and the reality of what was brought about in spite of it. He said he was curious about Mr. Morgan's thoughts regarding the letter and how they would be addressed and simply not say you do these things so it should be okay. These are fairly serious issues.

Mr. Morgan stated he was not aware of the letter or he would have been prepared to speak to those items. He said he probably needed to see the letter to be able to speak to them.

Council Member Leal stated he would be happy to meet with Mr. Morgan at a later time once he has had a chance to review the letter.

Mayor Pro Tempore Trasoff asked the City Clerk to give Mr. Morgan a copy of the letter. She also asked if there was a deadline date for the Council to take action on the item. She felt it was difficult because she believed Circle K was a responsible corporation, but there was still the issue of saturation in the area and the problems that come with saturation. She stated she had to defer to her colleague to make the motion.

Mr. Morgan said he had one final statement to make. He said Circle K has about a thousand customers a day. The notice had been posted for ninety days and it was a big sign. He said, out of one thousand customers a day, there was only one written complaint. He said they were not perfect and did have occasional issues, but they made every effort to address issues when they had them. He said they had security at some of their stores. If an issue arose and got beyond what store personnel could handle, they would add security. It could be temporary, but sometimes it was permanent. At this particular site, they did not feel, from their point of view, that security measures needed to be taken. If it was, or brought to their attention, they would do so to meet their obligations, but to have one complaint out of a thousand customers a day was small.

Mayor Pro Tempore Trasoff thanked him and appreciated his comments. She said he represented himself very well and the only question in her mind was the issue of saturation. She said she hoped Mr. Morgan looked at the letter and would respond accordingly.

Council Member Romero said she had one concern based on the letter received and that was the management at the Circle K did not see what was happening around the area.

Mr. Morgan said, in the past six months, they had changed management at the store and also had a different district manager. He said Circle K, within the last nine months, had invested an excess of three hundred fifty thousand dollars to that store to make it a better facility. He said they remodeled the inside of the store to make it more appropriate.

Council Member Romero said she hoped the new management could talk about the concerns with the neighborhood that was directly next door.

Mr. Morgan stated they would reach out to them.

It was moved by Council Member Romero, duly seconded, and passed by a voice vote of 6 to 0 (Mayor Walkup absent/excused) to forward Item 5b3 to the Arizona State Liquor Board with a no recommendation.

Council Member Uhlich stated she wanted to disclose she had a family member who worked for the Circle K Corporation and asked the City Attorney if she had to recuse herself from the vote.

Michael Rankin, City Attorney, thanked her for making him aware of the relationship. He said he did not see a direct pecuniary proprietary interest that would rise to the level of creating a conflict, so she could vote on the item.

Motion passed by a voice vote of 6 to 0 (Mayor Walkup absent/excused) to forward Item 5b3 to the Arizona state Liquor Board with a no recommendation.

6. CALL TO THE AUDIENCE

Mayor Pro Tempore Trasoff 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. Michael Toney spoke about the State Land Department growing smarter, Lake Mead and water crisis, and the Attorney General's extension of unconstitutional extension of Rio Nuevo TIF.

- b. Dale Roose spoke about enforcing the American Disabilities Act requirements regarding parking spaces.
- c. Zali Zalkind spoke about the letter published in the newspaper regarding a safe and prosperous city and federal immigration law.
- d. Katie O'Connor spoke about the letter published in the newspaper and thanked the Council for signing the recent letter to the editor and encouraged those who did not to do so.
- e. Reverend Bishop Chicago spoke about giving to the community and drugs in the community.
- f. Demion Clinco spoke against the proposed skate park within Santa Rita Park.
- g. Shipherd Reed spoke about the revitalization of Santa Rita Park, but against the proposed skate park within the Santa Rita Park.
- h. Manuel Armando Rodriquez spoke against the proposed skate park within Santa Rita Park.
- i. David Lee Beebe, Jr. stated he was the secretary of the Santa Rita Park Neighborhood Association, and was also concerned and against the proposed skate park.
- j. Viki Rambo spoke regarding the overburdening of the regional responsibilities of Santa Rita Park.

Council Member Leal asked the City Manager to gather the comments the public spoke about regarding the skate park. He was having a meeting with constituents to discuss the concerns raised.

7. CONSENT AGENDA – ITEMS A THROUGH H

Mayor Pro Tempore Trasoff announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made a part of the record. She asked the City Clerk to read the Consent Agenda.

- A. ASSURANCE AGREEMENT: (S06-144) OASIS – GOLF LINKS SUBDIVISION (RCP), LOTS 1 TO 46 AND COMMON AREAS “A”, “B-1” TO “B-3”, “C-1” TO “C-3” AND “D-1” TO “D-2”

- 1. Report from City Manager JAN23-08-39 WARD 4

2. Resolution No. 20870 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S06-144 of a Final Plat for the Oasis-Golf Links, an RCP Subdivision, Lots 1 through 46 & Common Areas “A” and “B-1” thru “B-3” & “C-1” thru “C-3” and “D-1” thru “D-2” and declaring an emergency.
- B. FINAL PLAT: (S06-144) OASIS – GOLF LINKS SUBDIVISION (RCP), LOTS 1 TO 46 AND COMMON AREAS “A”, “B-1” TO “B-3”, “C-1” TO “C-3” AND “D-1” TO “D-2”
1. Report from City Manager JAN23-08-40 WARD 4
 2. Staff recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- C. ASSURANCE AGREEMENT: (S05-030) CANTERA SUBDIVISION (RCP), LOTS 1 TO 143 AND COMMON AREAS “A”, “B” AND “C” AND BLOCKS A AND B
1. Report from City Manager JAN23-08-46 WARD 5
 2. Resolution No. 20874 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-030 of a Final Plat for the Cantera Subdivision, Lots 1 through 143, Common Areas “A”, “B”, and “C” and Blocks A and B; and declaring an emergency.
- D. FINAL PLAT: (S05-030) CANTERA SUBDIVISION (RCP), LOTS 1 TO 143 AND COMMON AREAS “A”, “B” AND “C” AND BLOCKS A AND B
1. Report from City Manager JAN23-08-45 WARD 5
 2. Staff recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

E. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT FOR THE COLUMBUS WASH DRAINAGE RELIEF PHASE 2 PROJECT

1. Report from City Manager JAN23-08-41 WARDS 2 AND 6
2. Resolution No. 20872 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County Regional Flood Control District for the Columbus Wash Drainage Relief Phase 2 Project; and declaring an emergency.

F. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE AMERICANS WITH DISABILITY ACT (ADA) SIDEWALK ACCESSIBILITY IMPROVEMENT PROJECTS

1. Report from City Manager JAN23-08-42 CITY-WIDE
2. Resolution No. 20873 relating to Transportation; authorizing and approving the Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority (RTA) of Pima County and the City of Tucson for the Americans with Disabilities Act (ADA) Accessibility Improvement Projects; and declaring an emergency.

Deborah Rainone, Assistant City Clerk, announced the contract number listed in the materials was incorrect and the correct contract number was #0140-08.

G. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR HOUSEHOLD HAZARDOUS WASTE PROGRAM FUNDING

1. Report from City Manager JAN23-08-43 CITY-WIDE
2. Resolution No. 20875 relating to Intergovernmental Agreements; authorizing and approving an amendment to the Intergovernmental Agreement between the City of Tucson and Pima County for the Household Hazardous Waste Program Funding; and declaring an emergency.

H. MEMORIAL: URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO TERMINATE THE WAR IN IRAQ IMMEDIATELY

1. Report from City Manager JAN23-08-48 CITY-WIDE

2. A Memorial relating to the war in Iraq; joining with the Pima Monthly Meeting of the Religious Society of Friends (Quakers) calling for the immediate termination of the war in Iraq.

Deborah Rainone, Assistant City Clerk, announced this item was being continued at the request of Council Member Leal.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Items A through G with Item H being continued, be passed and adopted and the proper action taken.

Mayor Pro Tempore Trasoff asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Mayor Pro Tempore Trasoff

Nay: None

Absent/Excused: Mayor Walkup

Consent Agenda Items A through G with Item H being continued, were declared passed and adopted by a roll call vote of 6 to 0.

8. ZONING: (C9-07-28) RINCON PLAZA – HOUGHTON ROAD, I-2 TO C-2, DIRECT ORDINANCE ADOPTION

Mayor Pro Tempore Trasoff announced City Manager's communication number 47, dated January 23, 2008, was received into and made a part of the record.

She also announced this was a request to rezone property located on the southeast corner of Meadow Willow Trail and South Houghton Road. The Zoning Examiner and staff recommend authorization of the rezoning subject to certain conditions. She asked if the applicant or representative was present. She asked that they state their name and address for the record and if they were agreeable to the proposed requirements.

Bill Carroll, Engineering and Environmental Consultants, Inc., stated they were in agreement with the proposed requirements. He stated they have worked hard with staff and were comfortable with the Zoning Examiner's recommendations.

Mayor Pro Tempore Trasoff asked the City Clerk to read the Ordinance 10497 by number and title only.

Ordinance No. 10497 relating to zoning: amending zoning district boundaries in the area located at the southeast corner of Meadow Willow Trail and South Houghton Road in Case C9-07-28, Rincon Plaza – Houghton Road, I-2 to C-2; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to authorize the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10497.

Mayor Pro Tempore Trasoff asked if there was further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Mayor Pro Tempore Trasoff

Nay: None

Absent/Excused: Mayor Walkup

Ordinance 10497 was declared passed and adopted by a roll call for of 6 to 0.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Pro Tempore Trasoff announced City Manager's communication number 38, dated January 23, 2008, was received into and made a part of the record.

It was moved by Council Member Romero, duly seconded, and passed by a voice vote of 6 to 0 (Mayor Walkup absent/excused) to appoint George Bowens to the Veterans' Affairs Committee.

Mayor Pro Tempore Trasoff asked if there was further discussion. Hearing none, she asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Mayor Pro Tempore Trasoff

Nay: None

Absent/Excused: Mayor Walkup

Motion to approve the appointments was passed by a roll call vote of 6 to 0.

Mayor Pro Tempore Trasoff asked if there were any personal appointments to be made.

Council Member Scott appointed Leo J. Barthelmess, Jr. to the Public Art and Community Design Committee.

Council Member Glassman appointed Grace Evans to the Tucson-Pima County Metropolitan Energy Commission, Suzanne Elefante to the Citizen Police Advisory Review Board and Richard Hodges to the Sign Code Advisory and Appeals Board.

10. ADJOURNMENT: 6:33 p.m.

Mayor Pro Tempore Trasoff announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 5, 2008, 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 23rd day of January 2008, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:ypl:kad