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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on June 17, 2008

Date of Meeting: April 22, 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 5:33 p.m., on Tuesday, April 22, 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, Ward 6

Absent/Excused:

Robert E. Walkup	Mayor
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Staff Members Present:

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

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

The invocation was given by Father Charlie Knapp, Catholic Diocese of Tucson, after which the Pledge of Allegiance was led by Council Member Shirley Scott.

Presentations:

- a. Mayor Pro Tempore Trasoff presented certificates to International Students as Honorary Citizens of Tucson.
- b. Mayor Pro Tempore Trasoff proclaimed April 24, 2008 to be "Take our Daughters and Sons to Work Day". Levonne Gaddy, Department of Neighborhood Resources, accepted the proclamation.
- c. Mayor Pro Tempore Trasoff proclaimed April 27, 2008 to May 4, 2008 as "Days of Remembrance". Stacy Semas from the City Clerk's Office accepted the proclamation on behalf of the Human Relations Commission.
- d. Mayor Pro Tempore Trasoff presented the SMART Community Award to the City of Tucson Transportation Department, Fire Department and Information Services Department. Jim Glock, Director of Transportation; Ann Strine, Director of Information Technology; Dan Newburn, Fire Chief; Richard Nassi, Transportation Administrator; Francisco Leyva, Systems Engineer; Michael Hicks, Network Systems Engineer; Carl Drescher, Information Technology Administrator; and Chief Dave Ridings accepted the award.

Roger W. Randolph, City Clerk, announced Delfina Kerdels would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

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

Mayor Pro Tempore Trasoff announced City Manager's communication number 182, dated April 22, 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.

- a. Council Member Romero announced she had the honor of speaking to the parents, teachers and students of the first graduating class of San Miguel High School at their kick off event. San Miguel High School, which serves students from families with low to moderate income, graduated one hundred percent of their seniors, all of whom were going to college. Council Member Romero also announced there would be a Social Justice Education Project Film Festival event at the University of Arizona, in the College of Education Kiva Auditorium, April 30, 2008.

- b. Council Member Glassman announced Mothers Against Drunk Driving (MADD) would be holding their Annual Candlelight Vigil on May 3, 2008 at Himmel Park.

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

Mayor Pro Tempore Trasoff announced City Manager's communication number 183, dated April 22, 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 that the City Clerk had an announcement.

Roger W. Randolph, City Clerk, announced it was his 25<sup>th</sup> Wedding Anniversary.

#### **5. LIQUOR LICENSE APPLICATIONS**

Mayor Pro Tempore Trasoff announced City Manager's communication number 185, dated April 22, 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. Radisson Suites Hotel Tucson Airport, Ward 5  
7051 S. Tucson Blvd.  
Applicant: Margarita Aguirre Zepeda  
Series 11, City 24-08  
Action must be taken by: May 5, 2008  
Staff has indicated the applicant is in compliance with city requirements.

- c. Special Event(s)

- 1. Satori, Inc., Ward 3  
3727 N. 1st Ave.  
Applicant: Phyllis L. Gold  
City T28-08  
Date of Event: May 10, 2008  
(Annual fundraiser, silent & live auction)  
Staff has indicated the applicant is in compliance with city requirements.

2. Tucson Kitchen Musicians Assoc., Ward 1  
140 N. Main  
Applicant: Susan Marie Liechti  
City T30-08  
Date of Event: May 3 & May 4, 2008  
(Tucson Folk Festival)  
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 T31-08  
Date of Event: May 2, 2008  
(To promote community event in downtown Tucson)  
Staff has indicated the applicant is in compliance with city requirements.
4. It's Happening Downtown, Inc. - Toole/5th Avenue, Ward 6  
400 N. Toole Avenue/1 N. 5th, Congress between 6th Ave. & 5th Ave.  
Applicant: Brandi Renee Haga  
City T32-08  
Date of Event: May 2 & May 3, 2008  
(To create a festive spirit of community in our downtown)  
Staff has indicated the applicant is in compliance with city requirements.
5. Borderlands Theater, Ward 6  
33 N. Sixth Avenue  
Applicant: Charles Barclay Goldsmith  
City T35-08  
Date of Event: May 10, 2008  
(Annual Fundraiser)  
Staff has indicated the applicant is in compliance with city requirements.
6. CODAC Behavioral Health Services, Inc., Ward 1  
17 W. Congress  
Applicant: Ayla Rose Gilbert  
City T36-08  
Date of Event: May 3, 2008  
(Fundraiser for CODAC Behavioral Health Services, Inc.)  
Staff has indicated the applicant is in compliance with city requirements.

7. Our Mother of Sorrows, Ward 4  
1800 S. Kolb Rd.  
Applicant: Brenda Carrillo  
City T37-08  
Date of Event: May 10, 2008  
(Golden Jubilee Anniversary)  
Staff has indicated the applicant is in compliance with city requirements.
8. University Medical Center Foundation, Ward 3  
3838 N. Campbell Ave.  
Applicant: Kent D. Rollins  
City T38-08  
Date of Event: May 3, 2008  
(Fundraiser)  
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

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

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 6 to 0, (Mayor Walkup absent/excused), to forward liquor license applications 5b1, and 5c1 through 5c8 to the Arizona State Liquor Board with a recommendation for approval.

**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 expressed his concerns regarding Rio Nuevo, the Science Center and the Tourism Sports Authority (TSA) revenue bonds.
- b. Mike Gurr, Grievance Chair for the Tucson Police Officers Association, spoke about Council Member Glassman's comments at a recent Mayor and Council Neighborhood Public Safety, Emergency Preparedness Subcommittee meeting.

Mayor Pro Tempore Trasoff asked the City Attorney to explain to the public that the Mayor and Council were not allowed to respond directly.

Michael Rankin, City Attorney, said that was correct. He explained under the Call to Audience, because it was not listed separately for the agenda, they could not engage in a dialog or discussion on issues that were raised at the table.

- c. Larry L. Lopez, President of Tucson Police Officers Association, spoke about contract negotiations with the City Manager's Office, errors in the recommended budget, and how the budget crisis would impact the Tucson Police Department.
- d. John Strader, Tucson Police Officers Association member representative, addressed the Mayor and Council about the issue of accountability in the recommended budget.
- e. Robert L. Melvin spoke about a domestic violence situation and graffiti in his neighborhood and the lack of police enforcement. He also spoke about the City of Tucson going to a 4-10 work schedule to save energy.

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

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. APPROVAL OF MINUTES**

- 1. Report from City Manager APRIL22-08-186 CITY-WIDE
- 2. Approval of minutes for the regular meetings of the Mayor and Council held on December 3, 2007 and December 18, 2007.

**B. INTERGOVERNMENTAL AGREEMENT: WITH NORTHWEST FIRE DISTRICT FOR THE TRANSFER OF AN OXYGEN GENERATION SYSTEM**

- 1. Report from City Manager APRIL22-08-187 CITY-WIDE AND OUTSIDE CITY
- 2. Resolution No. 20929 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Northwest Fire District regarding the transfer of an Oxygen Generation System as part of the Metropolitan Medical Response System; and declaring an emergency.

**C. INTERGOVERNMENTAL AGREEMENT: WITH NORTHWEST FIRE DISTRICT FOR THE TRANSFER OF ONE VEHICLE AND TWO MASS MEDICAL MODULES**

- 1. Report from City Manager APRIL22-08-188 CITY-WIDE AND OUTSIDE CITY

2. Resolution No. 20930 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with the Northwest Fire District for the transfer of vehicle and two mass medical modules as part of the Metropolitan Medical Response System; and declaring an emergency.

D. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE RITA RANCH NEIGHBORHOOD ASSOCIATION'S ANNUAL FAMILY FUN DAY

1. Report from City Manager APRIL22-08-193 WARD 4
2. Resolution No. 20932 relating to Finance; approving and authorizing the allocation of Five Hundred Dollars (\$500.00) from the Ward 4 Office Community Support Fund, Account No. 001-183-1898-268, to the Rita Ranch Neighborhood Association Park Committee for their Annual Family Fun Day Celebration at Purple Heart Park on May 24, 2008; and declaring an emergency.

This was a request by Council Member Scott. Allocation of funds was as follows:  
Council Member Scott - \$500.00

Roger W. Randolph, City Clerk, announced that as discussed in the study session, Council Member Uhlich would be adding \$100.00, making the total \$600.00.

E. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE COMMUNITY FOUNDATION FOR SOUTHERN ARIZONA FOR THE ROSA PARKS SCHOLARSHIP FUND

1. Report from City Manager APRIL22-08-192 WARD 3
2. Resolution No. 20931 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100.00) from the Ward 3 Office Community Support Fund, Account No. 001-183-1898-268, to the Community Foundation for Southern Arizona to support the Rosa Parks Scholarship Fund; and declaring an emergency.

This was a request by Council Member Uhlich. Allocation of funds was as follows: Council Member Uhlich - \$100.00

F. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE RONALD MCDONALD HOUSE CHARITIES, INC. TO SUPPORT SERIOUSLY ILL CHILDREN AND FAMILIES

1. Report from City Manager APRIL22-08-191 WARD 3

2. Resolution No. 20933 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100.00) from the Ward 3 Office Community Support Fund, Account No. 001-183-1898-268, to the Ronald McDonald House Charities, Inc. to assist in supporting seriously ill children and families; and declaring an emergency.

This was a request by Council Member Uhlich. Allocation of funds was as follows: Council Member Uhlich - \$100.00

**G. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SAHUARO HIGH SCHOOL CLASS OF 2008**

1. Report from City Manager APRIL 22-08-195 WARD 2
2. Resolution No. 20934 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100.00) from the Ward 2 Office Community Support Fund, Account No. 001-183-1898-268, to the Sahuaro High School Class of 2008 to support their fundraising efforts for their school student council; and declaring an emergency.

This was a request by Council Member Glassman. Allocation of funds was as follows: Council Member Glassman - \$100.00.

It was moved by Council Member Glassman, duly seconded, that Consent Agenda Items A through G, with Item D as amended, be passed and adopted and the proper action taken.

Mayor Pro Tempore Trasoff asked if there was any 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; and Mayor Pro Tempore Trasoff

Nay: None

Absent/Excused Mayor Walkup

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

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

Mayor Pro Tempore Trasoff announced City Manager's communication number 189, dated April 22, 2008, was received into and made a part of the record. She also announced this was the time and place legally advertised for a public hearing on a request to allow a five-year time extension, and change of conditions for a property located on the east side of Thornydale Road, South of Orange Grove Road.

Mayor Pro Tempore Trasoff asked the City Clerk if there were any cards.

Roger W. Randolph, City Clerk, said no speaker cards had been submitted.

Mayor Pro Tempore Trasoff asked if anyone wished to speak on this matter.

William Govert said he was not against the rezoning. Mr. Govert expressed concerns about the drainage problem on his street, West Apricot, every time it rains heavily. Mr. Govert said he and his neighbors have tried talking to the City, the County, and the owners. He suggested that the City clean up the area.

Mr. Govert's neighbor joined him at the podium. He said originally the design was for the water to go from east to west and the property was sold. He said the new owner blocked it up completely, and there was garbage and homeless people on the property, creating a fire hazard.

Mr. Govert asked that they just have the pavement cleaned, heading west. He said he had been in the construction business for forty years and said it would not take that much to clean the pavement. He said he had tried to get in touch with the owner and he could not get any help from anyone. All it needed was a day's work to clean the area and clear the drainage. Mr. Govert reemphasized he was not against the rezoning, that was part of America; but he said they should take care of their property a little bit better than they had. He hoped the Mayor and Council could do something for him.

Mayor Pro Tempore Trasoff asked Mr. Govert's neighbor for his name and address for the record.

Leon Szabunia stated that he had a problem with hearing because he lost his hearing sixty-four years ago in Iraq. He stated that Americans did not know anything about Iraq. Sixty-four years ago there were a hundred and fifty thousand Polish army troops in Iraq. He thanked God that he was in America. He was not in the American army but was a veteran. The Congress of America in 1948 passed a law, which gave him veteran's rights. He had someone with him because of his hearing problem.

Mr. Szabunia said he was surprised by the lack of drainage on his street. He had been in the United States for fifty-seven years and in Tucson the first time in forty years. He had worked all over the world, for the University of Arizona and Mexico. He built a shrimp boat. When they finished, the Mexican Marines violently chased them out and that was part of the lesson for Americans. No matter what happens, he said this was the country that was for him and people like him and he thanked God he was in America.

It was moved by Council Member Romero, duly seconded, to continue the public hearing to the meeting of June 17, 2008, to allow further discussions with the applicant.

Mayor Pro Tempore Trasoff clarified that the motion was to continue the public hearing until June 17, 2008. She said the Mayor and Council would not be acting on the item at this time, as Council Member Romero wished to have further dialog on the concerns raised by the neighbors.

Council Member Romero stated the reason to keep the public hearing open was to sit down with the applicant and discuss concerns the neighborhood had regarding this development, and to have an opportunity to receive more details from the applicant.

Mayor Pro Tempore Trasoff asked if there was any further discussion on the issue. Hearing none, she asked for a voice vote on the motion.

The motion to continue the public hearing to the meeting of June 17, 2008, carried by a voice vote of 6 to 0, (Mayor Walkup absent/excused).

Roger W. Randolph, City Clerk, added that the meeting would be held at the Mayor and Council Chambers at 255 West Alameda, Tucson, Arizona, at or after 5:30 p.m.

**9. ZONING: (C9-06-14) PARK PLACE MALL – WILMOT ROAD, C-1 TO C-2, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF APRIL 8, 2008)**

Mayor Pro Tempore Trasoff announced City Manager's communication number 190, dated April 22, 2008, was received into and made a part of the record. She asked the City Clerk to read Ordinance 10513 by number and title only.

Ordinance No. 10513 relating to zoning: amending zoning district boundaries in the area located on the north side of Park Place Drive, approximately 750 feet west of Wilmot Road, at Park Place Mall in Case C9-06-14, Park Place Mall - Wilmot Road, C-1 to C-2; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10513.

Mayor Pro Tempore Trasoff asked if there was any discussion. Hearing none, she briefly commented on the item because it was in Ward 6, and sitting in the Mayor's seat, she was not allowed to make motions. She stated she appreciated the fact the developer had more than one required neighborhood association meeting and went out of their way to work with residents from Colonia Del Valle neighborhood and the neighborhood leaders. The developers oriented the hotel so there would be fewer windows overlooking the neighborhood itself and made changes to the south elevation to offer something other

than just a wall to the neighbors to the south. She said she appreciated that flexibility and also appreciated the fact that the developers came up with a different design that lowered the roof level instead of having a very peaked roof, as it did not snow in Tucson. She appreciated the sensitivity to the neighborhood.

Mayor Pro Tempore Trasoff asked if there was any 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; and Mayor Pro Tempore Trasoff

Nay: None

Absent/Excused: Mayor Walkup

Ordinance 10513 was declared passed and adopted by a roll call vote of 6 to 0.

**10. ZONING: (C9-98-01) LAWYERS TITLE TR 7685 – MISSION ROAD, MH-2 TO C-1 AND C-2, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION**

Mayor Pro Tempore Trasoff announced City Manager's communication number 194(2) dated April 22, 2008, was received into and made a part of the record. She asked the City Clerk to read Ordinance 10522 by number and title only.

Ordinance 10522 relating to Zoning: amending zoning district boundaries in the area located on the northeast corner of Mission Road and Irvington Road in Case C9-98-01, Lawyers Title TR 7685 – Mission Road, MH-2 to C-1 and C-2 and setting an effective date.

Council Member Romero announced that the City Attorney had amendments to read into the record.

Michael Rankin, City Attorney, stated there were language modifications negotiated since the time the Mayor and Council had received their packets. Mr. Rankin stated he would read them into the record and the representative and the applicants could acknowledge that they understood and accepted the changes.

Mr. Rankin stated the changes were to Conditions 31, 44, and 45. With respect to Condition 31, it would now read "Pedestrian networks within the proposed development shall provide, within twelve (12) feet from back of curb, a minimum of one fifteen (15) gallon Sonoran Desert low-water native canopy tree on every other lot to provide a shaded area for pedestrian traffic on sidewalks."

Similar changes were made to Condition 44, to add a reference to low-water native trees, such that it would read “One Sonoran Desert low-water native canopy tree shall be provided within the vehicular use area for every four vehicle parking spaces; or, in the alternative, provide a study demonstrating shade pattern caused by mature Sonoran Desert low-water native canopy trees”, with the rest remaining unchanged.

Mr. Rankin said finally in Condition 45, add a reference to consulting with the City’s Office of Conservation and Sustainable Development, so that the first clause would read “developer will, in consultation with the City of Tucson Office of Conservation and Sustainable Development, incorporate into the development water harvesting techniques”, etcetera.

Mayor Pro Tempore Trasoff asked if the applicant or representative was present.

Mary Beth Savel, Lewis and Roca, representing the applicant, said they were in agreement with the changes, including the changes that Mr. Rankin read into the record.

Council Member Romero thanked the applicant for working with the Ward 1 Council Office.

It was moved by Council Member Romero, duly seconded, to approve the request for a change of conditions and pass and adopt Ordinance 10522, as amended.

Mayor Pro Tempore Trasoff asked if there was a 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; and Mayor Pro Tempore Trasoff

Nay: None

Absent/Excused: Mayor Walkup

Ordinance 10522, as amended, was declared passed and adopted by a roll call vote of 6 to 0.

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

Mayor Pro Tempore Trasoff announced City Manager’s communication number 184, dated April 22, 2008, was received into and made a part of the record. She asked if there were any personal appointments to be made.

No appointments were made.

**12. ADJOURNMENT: 6:37 p.m.**

Mayor Pro Tempore Trasoff announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 6, 2008, 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 22<sup>nd</sup> day of April 2008, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:ags:tl:kad