



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 18, 2008

Date of Meeting: October 7, 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 5:35 p.m., on Tuesday, October 7, 2008, 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
Rodney Glassman	Council Member Ward 2
Karin Uhlich	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

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 Council Member Rodney Glassman, Ward 2, after which the Pledge of Allegiance was led by the Boy Scout Troop 102.

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 Walkup announced City Manager's communication number 529, dated October 7, 2008, was received into and made a 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 Glassman announced that a free luncheon would be held on October 10, 2008 at the Carol West Senior Addition at Udall Park, to Come Meet Your Congress Person, Gabrielle Giffords for District 8, hosted by Arizona Stage Coach and Paul Lindsey.
- b. Vice Mayor Uhlich announced that a Foreclosure Prevention Workshop, sponsored by Congress Woman Giffords, would be held on October 11, 2008, at the Flowing Wells Community Center.

Vice Mayor Uhlich announced that a Safety Fair sponsored by the Tucson Police Department would be held on October 11, 2008, at the Northwest Neighborhood Community Center.

Vice Mayor Uhlich thanked staff from the City's Environmental Services Department, the University of Arizona, and Ward 3 staff who worked together to reschedule the Brush and Bulky pickups around the University area to coincide with students moving in or out of the area.

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

Mayor Walkup announced City Manager's communication number 530, dated October 7, 2008, was 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 given

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 531, dated October 7, 2008, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

1. My Big Fat Greek Restaurant, Ward 2
7131 E. Broadway Blvd.
Applicant: Lauren K. Merrett
Series 12, City 60-08
Action must be taken by: October 12, 2008
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event(s)

1. Rotary Club of Tucson, Ward 2
3231 N. Craycroft Rd.
Applicant: William P. Patton
City T70-08
Date of Event: October 18, 2008
(Car show fund raiser for reading seed literacy program)
Staff has indicated the applicant is in compliance with city requirements.
2. Southern Arizona Blues Heritage Foundation, Ward 6
900 S. Randolph Way
Applicant: Patrick J. Desmond
City T73-08
Date of Event: October 19, 2008
(Promote blues & heritage music within the community)
Staff has indicated the applicant is in compliance with city requirements.
3. Saints Peter and Paul Catholic School, Ward 6
1436 N. Campbell
Applicant: Ralph C. Nunez
City T76-08
Date of Event: November 1, 2008
(School fund raiser/funds are utilized to enhance facility and grounds)
Staff has indicated the applicant is in compliance with city requirements.
4. University of Arizona, Ward 6
1303 E. University
Applicant: Daniel N. Adams
City T80-08
Date of Event: October 25, 2008
(University of Arizona homecoming)
Staff has indicated the applicant is in compliance with city requirements.

5. The University of Arizona Alumni Association, Ward 6
1303 E. University
Applicant: Nancy D. Yaeli
City T81-08
Date of Event: October 23, 2008
(UA class of 1958 golden reunion)
Staff has indicated the applicant is in compliance with city requirements.

6. Arizona Theatre Company, Ward 6
330 S. Scott Avenue
Applicant: Bevan A. Bluemer
City T82-08
Date of Event: October 23, 2008
(Promotional/marketing event/“girls night out”)
Staff has indicated the applicant is in compliance with city requirements.

7. Tucson Culinary Festival, Ward 6
400 N. Toole Avenue, Ste 100
Applicant: Maya T. Luria
City T83-08
Date of Event: October 23, 2008
(To showcase Tucson as the margarita capital of the U.S.)
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.

Council Member Glassman thanked the applicants in Ward 2 for taking the time to meet with Mothers Against Drunk Driving to get support for their liquor license applications.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 and 5c1 through 5c7, 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. Michael Toney spoke about the rainwater harvesting presentation made during the Study Session and on obligation bonds.

- b. Richard DeBernardis, Founder and Executive Director of El Tour de Tucson, spoke about the El Tour de Tucson and budget challenges as far as support to the tour by the Tucson Police Department.
- c. Joseph Sweeney spoke regarding immigration impacts.
- d. Ciara Upson thanked the Mayor and Council for the funds provided to purchase playground equipment in the Limberlost Neighborhood Park.

7. CONSENT AGENDA – ITEMS A THROUGH K

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

A. APPROVAL OF MINUTES

- 1. Report from City Manager OCT7-08-533 CITY-WIDE
- 2. Approval of minutes for the regular meeting of the Mayor and Council held on July 8, 2008.

B. TUCSON CODE: AMENDING (CHAPTER 10B) REGARDING CONSOLIDATION OF THE COMMUNITY SERVICES AND NEIGHBORHOOD RESOURCES DEPARTMENTS AND REPEALING ORDINANCE 9690

- 1. Report from City Manager OCT7-08-535 CITY-WIDE
- 2. Ordinance No. 10584 relating to City Government; repealing Ordinance No. 9690 which created the Department of Neighborhood Resources; amending the Tucson Code, Chapter 10B, Community Services, to include Neighborhood Services; and declaring an emergency.

C. REAL PROPERTY: APPROVING A GROUND LEASE AGREEMENT WITH MLK I LLC FOR A CONDOMINIUM UNIT LOCATED IN THE DEPOT PLAZA

- 1. Report from City Manager OCT7-08-543 WARD 1
- 2. Ordinance No. 10590 relating to real property; authorizing and approving the Ground Lease Agreement between the City of Tucson and MLK I LLC, for a condominium unit located in the Depot Plaza, Tucson, Arizona; and declaring an emergency.

D. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR COUNTY OPERATIONS UNDER THE CITY'S RECYCLING CONTRACT

1. Report from City Manager OCT7-08-536 CITY-WIDE
2. Resolution No. 21107 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County regarding the County Operations under the City's Recycling Contract; and declaring an emergency.

E. TUCSON CODE: AMENDING (CHAPTER 10A) CREATING THE CLIMATE CHANGE COMMITTEE AND DISSOLVING THE ENVIRONMENTAL ACCORDS/GREEN CITIES DECLARATION AND SUSTAINABILITY COMMITTEE

1. Report from City Manager OCT7-08-546 CITY-WIDE
2. Ordinance No. 10591 relating to Boards and Commissions; creating the Climate Change Committee; dissolving the Environmental Accords/Green Cities Declaration and Sustainability Committee; amending the Tucson Code by adding a new chapter 10A, Article XX and repealing Chapter 10A, Article XXII; and declaring an emergency.

F. PUBLIC IMPROVEMENT: PARK AVENUE, IRVINGTON ROAD TO VALENCIA ROAD DISTRICT STREET LIGHTING AND SIDEWALK IMPROVEMENT

1. Report from City Manager OCT7-08-534 WARD 5
2. Resolution No. 21108 relating to Transportation: fixing the time when Mayor and Council of the City of Tucson will hear and pass upon the assessments and proceedings theretofore had and taken for the improvement known as the "Park Avenue, Irvington Road to Valencia Road District Street Lighting and Sidewalk Improvement" in the City of Tucson, Arizona.

G. INTERGOVERNMENTAL AGREEMENT: WITH THE 162ND MEDICAL GROUP OF THE ARIZONA AIR NATIONAL GUARD TO PROVIDE CLINICAL FIELD EXPERIENCE (RIDE ALONGS)

1. Report from City Manager OCT7-08-544 CITY-WIDE
2. Resolution No. 21109 relating to the Fire Department and Emergency Medical Services; authorizing and approving an Intergovernmental Agreement between the City of Tucson, acting through the Tucson Fire Department, and the 162nd Medical Group of the Arizona Air National Guard; and declaring an emergency.

H. FINANCE: APPROVING THE APPOINTMENT OF FRANK ABEYTA AS THE INTERIM FINANCE DIRECTOR FOR THE CITY OF TUCSON

1. Report from City Manager OCT7-08-547 CITY-WIDE
2. Ordinance No. 10593 relating to Finance; approving the appointment of Frank Abetya as the Interim Director of Finance and fixing compensation; and declaring an emergency.

I. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE TUCSON PARKS AND RECREATION DEPARTMENT FOR THEIR ANNUAL HALLOWEEN EVENT

1. Report from City Manager OCT7-08-549 WARD 4
2. Resolution No. 21110 relating to Finance; approving and authorizing the allocation of Three Hundred Dollars (\$300) from the Ward 4 Council Office Community Support Fund, Account No. 001-183-1898-268, to the Tucson Parks & Recreation Department to help support funding their Annual Halloween event to be held on October 25, 2008 at the Clements Recreation Center; and declaring an emergency.

This is a request by Council Member Scott. Allocation of funds is as follows:
Council Member Scott - \$300.00

J. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SOUTHERN ARIZONA VETERANS ADMINISTRATION HEALTH CARE SYSTEM FOR THE "WELCOME HOME" EVENT

1. Report from City Manager OCT7-08-548 WARD 4
2. Resolution No. 21111 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from the Ward 4 Council Office Community Support Fund, Account No. 001-183-1898-268, to the Southern Arizona VA Health Care System (SAVACHS) Voluntary Services General Fund to help support funding the "Welcome Home" event to be held on November 15, 2008 at Tucson Electric Park; and declaring an emergency.

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

Roger W. Randolph, City Clerk, announced that Council Member Leal was also allocating \$100.00 for a total of \$200.00.

K. PARKS AND RECREATION: APPROVING A NEW LEASE AGREEMENT WITH THE TUCSON RODEO COMMITTEE FOR THE RODEO GROUNDS AND AMENDING TUCSON CODE (CHAPTER 21) RELATING TO TICKET SURCHARGE AND FOOD AND BEVERAGE FEES

1. Report from City Manager OCT7-08-545 WARD 5
2. Ordinance No. 10594 relating to Parks and Recreation; terminating the Long Term Use Agreement, Attachment A to Resolution 18402 dated October 4, 1999, between the City of Tucson and the Tucson Rodeo Committee for the Rodeo Grounds located at 4823 South 6th Avenue; authorizing and approving the Lease Agreement between the City of Tucson and the Tucson Rodeo Committee for the same property; increasing Food and Beverages (soft concessions) Fee; increasing Ticket Surcharge Fee by amending the Tucson Code, Chapter 21, Article I, by revising Section 21-16(2)(7); and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Items A through K, including the amendment to Item J, be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Consent Agenda Items A through K, including the amendment to Item J, were declared passed and adopted by a roll call vote of 7 to 0.

8. CITY MAGISTRATES: APPOINTING MITCHELL ALAN KAGEN AS A LIMITED SPECIAL CITY MAGISTRATE AND FIXING COMPENSATION

Mayor Walkup announced City Manager's communication number 542, dated October 7, 2008, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10589 by number and title only.

Ordinance No. 10589 relating to City Magistrates; appointing Mitchell Alan Kagen, Limited Special City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Vice Mayor Uhlich, duly seconded, to pass and adopt Ordinance 10589.

Mayor Walkup asked if there was any further discussion.

Council Member Scott congratulated the City Magistrate and stated she had the opportunity to be in his courtroom and was very impressed with his abilities and demeanor.

Mayor Walkup, hearing no other discussions, asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Ordinance 10589 was declared passed and adopted by a roll call vote of 7 to 0.

9. TUCSON CODE: AMENDING (CHAPTER 8) INCREASING THE ADMINISTRATIVE CASE PROCESSING FEE FOR CITY COURT

Mayor Walkup announced City Manager's communication number 541, dated October 7, 2008, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10585 by number and title only.

Ordinance No. 10585 relating to City Court; amending the Tucson Code Chapter 8, City Court, Article I, In General, Section 8-6.5, Case processing fee; setting an effective date; and declaring an emergency.

It was moved by Council Member Glassman, duly seconded to pass and adopt Ordinance 10585.

Mayor Walkup asked if there were any further discussions.

Ordinance 10585 was declared passed and adopted by a voice vote of 7 to 0.

10. ZONING: (C9-07-10) ARGO PROPERTIES – ALVERNON WAY, R-2 TO O-2, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 539, dated October 7, 2008, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10586 by number and title only.

Ordinance No. 10586 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Lee Street and Alvernon Way in Case C9-07-10, Argo Properties – Alvernon Way, R-2 to O-2; and setting an effective date.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10586.

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

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Ordinance 10586 was declared passed and adopted by a roll call vote of 7 to 0.

11. ZONING: (C9-08-08) WESTERN INTERNATIONAL – WILLIAMS BOULEVARD, PAD-1, CITY MANAGER’S REPORT AND DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 540, dated October 7, 2008, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10587 by number and title only

Ordinance No. 10587 relating to zoning: amending zoning district boundaries in the area located at 384 South Williams Boulevard, within the *Williams Addition* Planned Area Development (PAD) in Case C9-08-08, Western International – Williams Boulevard, PAD-1 Zone; and setting an effective date.

Council Member Trasoff commented that this was an interesting and challenging case. She stated there were some neighbors who did not want anything built at that location and the zoning for the property in question allowed for as much as a ten to twelve story office building. The developer requested to build a hotel instead. She said the developers worked with the neighborhood over a lengthy process. She thanked Peter Gavin, Zoning Examiner, for remanding the process back several times so that they had opportunities to work with the neighborhood to come to resolution, even though it was not completely supported by everybody. She said the neighbors most directly impacted, who had at one time opposed this, had instead rescinded their opposition. She said there was a lot to be commended on how the process moved forward. She said the developers listened to the neighborhood, they moved the building farther east so that there was a large area of parking lot, as well as a retention basin between them and their neighbors. She said they would be planting unfriendly landscaping along the wall to make it less likely for anyone to climb over the wall, along

with mature trees. She said they also moved the trash area at the neighborhoods request and it was not their preferred location, but they understood the neighbors' concerns. She said they added awnings to the second and third floors to keep from having more reflection of the sun down on to the neighbors. She said they really took a lot of steps and she was pleased to hear from her staff that they were putting in artificial turf instead of a lawn so that no water would have to be used for it. She said she talked to them about putting in a cistern, since they did not yet have water harvesting in place, but because of the landscaping they had which was very low water use, there was no need for it and probably would not have qualified, given the amount of water.

It was moved by Council Member Trasoff, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10587.

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

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Ordinance 10587 was declared passed and adopted by a roll call vote of 7 to 0.

12. ZONING: (C9-08-07) CITY OF TUCSON – CONGRESS STREET, C-1 TO OCR-2, CITY MANAGER’S REPORT AND DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 538, dated October 7, 2008, was received into and made a part of the record. He said this was a request to rezone City owned Property located at the southeast corner of Sixth Avenue and Pennington Street. He said the Zoning Examiner and staff recommend the authorization of the rezoning and asked the City Clerk to read Ordinance 10592 by number and title only.

Ordinance No. 10592 relating to zoning: amending zoning district boundaries in the area located at the southeast corner of Sixth Avenue and Pennington Street Case C9-08-07, City of Tucson – Congress Street, C-1 to OCR-2; and setting an effective date.

Council Member Trasoff commented that this was an effort by Albert Elias, Director of Urban Planning and Design, which was well founded in trying to get zoning in place that would begin to unify downtown zoning and provided flexibility with the use of that property as they moved forward with the downtown revitalization.

It was moved by Council Member Trasoff, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10592.

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

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Ordinance 10592 was declared passed and adopted by a roll call vote of 7 to 0.

13. ZONING: (C9-08-06) HISTORIC DEPOT AREA – TOOLE AVENUE, I-1 TO OCR-2, CITY MANAGER’S REPORT AND DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 537, dated October 7, 2008, was received into and made a part of the record. He said this was a request to rezone City owned property bounded to the north by the Union Pacific Railroad tracks right-of-way, to the south by the diagonal Toole Avenue, to the west by 6th Avenue and to the east by the 4th Avenue underpass. He said the Zoning Examiner and staff recommend authorization of the rezoning and asked the City Clerk to read Ordinance 10588 by number and title only.

Ordinance No. 10588 relating to zoning: amending zoning district boundaries in the area bounded to the north by the Union Pacific Railroad tracks and right-of-way, to the south by the diagonal Toole Avenue, to the west by 6th Avenue and the east by the 4th Avenue underpass in Case C9-08-06, Historic Depot Area – Toole Avenue, I-1 to OCR-2; and setting an effective date.

Council Member Trasoff stated that this again was the Historic Depot, the Greyhound and Plaza Centro and that it was part of the unification efforts. She said that she understood there was an aspect designed to discourage buildings that would obstruct the historic uses in the area.

Albert Elias, Director of the Department of Urban Planning and Design, explained that the idea was to try to allow flexibility for future development and would have to be consistent with the Historic Depot and respect building heights. They made the provision for that and when future developments came in, that was one of the things they would be looking for.

Council Member Trasoff said that the sensitivity was important as downtown was being rebuilt to retain the sense of the place.

It was moved by Council Member Trasoff, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10588.

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

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Scott, Leal, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Ordinance 10588 was declared passed and adopted by a roll call vote of 7 to 0.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 532, dated October 7, 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 7 to 0 to appoint Dr. Jennifer Jenkins, as a historian to the Tucson-Pima County Historical Commission and Debra Hillary to the Tucson Fire and Police Public Safety Personnel Retirement System Boards.

It was moved by Council Member Romero, duly seconded, and passed by a voice vote of 7 to 0 to appoint Glenn Lyons to the Downtown Links Citizen Advisory Committee.

Council Member Glassman announced his appointment of Amy McCoy to the Citizens' Water Advisory Committee.

15. ADJOURNMENT: 6:12 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, October 14, 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 7th day of October, 2008, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ypl:cdj