



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 13, 2009

Date of Meeting: November 4, 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, November 4, 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 Reverend Glenn Alden, Sunrise Chapel Swedenborgian, after which the Pledge of Allegiance was led by Jared Adams, Youth Ambassador for the American Diabetes Association.

Presentations:

- a. Mayor Walkup proclaimed November 3 to 8, 2008 to be “Yes 2 Kids Week.” Fred Lewis accepted the proclamation.
- b. Mayor Walkup proclaimed November 14, 2008 to be “Diabetes Awareness Day.” Fred Gomez and Jared Adams accepted the proclamation.
- c. Mayor Walkup presented the LEED Gold Certification to the individuals on the project team for the new Fire Station #22 and Battalion Chief Headquarters. The individuals accepting the award were Vinnie Hunt and Jose Carballeira, General Services Department’s Architecture and Engineering Division; Deputy Chief Joe Gulotta and former Assistant Chief Al Moritz, Tucson Fire Department; Paul Mickelberg and Craig Carter, Welman Sperides Mickelberg Architects; and Kurt Wadlington from Sundt Construction.

Roger W. Randolph, City Clerk, announced Susie Rogers 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 589, dated November 4, 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 Romero invited the community to the sixth annual Desert Harvesters Mesquite Milling Fiesta and Mesquite Pancake Breakfast on November 8 at the Dunbar Springs Organic Community Garden. The Mesquite Pancake Breakfast would be from 9:00 a.m. to 12:00 p.m. and the Mesquite Milling Fiesta from 8:00 a.m. to 2:00 p.m.
- b. Council Member Glassman announced Ward 2 was hosting three upcoming events. On November 6, there was the annual Positive Aging for Women Conference at St. Paul’s United Methodist Church. Council Member Glassman also announced on November 7 at 1:30 p.m., there would be a Ribbon Cutting for the Natural Resource Park at Davidson Elementary School. There would also be

a Bike Rodeo on November 8 at Wrightstown Elementary School from 8:30 a.m. to noon with breakfast, a raffle and giveaways.

- c. Vice Mayor Uhlich thanked the Ward 3 residents who participated in Make a Difference Day, in particular the Doolen Middle School Student Council as well as parents, teachers and neighbors who planted trees and plants in front of the school and the Samos Neighborhood residents who planted trees in their neighborhood. In addition, there was a plant swap event at Ward 3. Vice Mayor Uhlich thanked the individuals responsible for organizing the Tucson Police Department Safety Fair held at Keeling Elementary School.
- d. Council Member Scott praised Ward 4 resident, Tucson Police Detective Joe Sowards, who was assigned to the FBI Joint Terrorism Task Force, for his team receiving the FBI Director's award for Excellence in Outstanding Counter Terrorism Investigation and for performance above and beyond expectations for 2007. Council Member Scott also thanked the Tucson Utility Contractors Association, along with Tucson Clean and Beautiful, and the City of Tucson Department of Transportation Streets Maintenance Division for volunteering to participate in a clean-up of the Atterbury Wash. Council Member Scott announced that Ward 4 would sponsor the Street Smart Safety Strategies for People in Neighborhoods by the Meth Free Alliance on November 12 at the Clements Recreation Center at 6:30 p.m.

(NOTE: Council Member Glassman departed at 5:54 p.m.)

- e. Council Member Trasoff reported that Ward 6 was an early voting site and she thanked her staff for their efforts to make that happen. She also announced that the Mars Project was "landing" at Ward 6. On November 7 at 4:30 p.m. there would be a reception with principle investigator Dr. Peter Smith, as well as others on the team, to talk and answer questions. Images from the Mars Lander would be on display at the Ward 6 office throughout November.

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

Mayor Walkup announced City Manager's communication number 590, dated November 4, 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 was given.

(NOTE: Council Member Glassman returned at 5:59 p.m.)

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 591, dated November 4, 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

Person/Location Transfer(s)

1. Fairfield Inn Tucson Airport, Ward 5
6955 S. Tucson Blvd.
Applicant: Randy D. Nations
Series 7, City 67-08
Action must be taken by: November 20, 2008

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

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Tucson - Sunshine Kiwanis Club, Ward 2
2959 N. Swan Rd.
Applicant: Steven Douglas Juhan
City T90-08
Date of Event: November 23, 2008
(Raise funds for Beads of Courage and Boy Scouts of America)

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

2. The University of Arizona Foundation, Ward 6
1031 N. Olive
Applicant: James H. Moore, Jr.
City T92-08
Date of Event: November 15, 2008
(Fundraising for UA Museum of Art)

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

3. Southern Arizona AIDS Foundation (SAAF), Ward 6
1303 E. University Blvd.
Applicant: Jessica L. Celentano
City T93-08
Date of Event: November 23, 2008
(Fundraiser-20th Annual Jerôme Beillard Festival for Life)

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

4. Tucson Pima Arts Council, Ward 1
140 N. Main Ave.
Applicant: Roberto Bedoya
City T95-08
Date of Event: November 15, 2008
(Art awards to Latino Community)

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

5. Tucson Hispanic Chamber of Commerce, Ward 3
3300 N. Fairview
Applicant: Maricela Solis de Koster
City T97-08
Date of Event: November 15, 2008 - November 16, 2008
(Fundraiser)

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 Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5c1 through 5c5 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 planting trees downtown and Rio Nuevo projects.
- b. Mia Hansen of the Cultural Exchange Council of Tucson, thanked everyone involved for their assistance during the recent Tucson Meet Yourself celebration.

- c. Lisa Bowden thanked Council Members Leal, Trasoff, Glassman and Romero for their support of Kore Press and its latest book launch.
- d. K. Cooper spoke about civic responsibility and law violations in Tucson.
- e. Mike Finkelstein spoke against the Mariscos Chihuahua Restaurant rezoning.
- f. Tori Stypula, representing El Cortez Heights Neighborhood Association, spoke about the Mariscos Chihuahua Restaurant rezoning.

7. CONSENT AGENDA – ITEMS A THROUGH N

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. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO SILVERBELL ROAD, FROM GRANT ROAD TO INA ROAD

- 1. Report from City Manager NOV4-08-588 WARD 1
- 2. Resolution No. 21129 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County and the City of Tucson for Silverbell Road: Grant Road to Ina Road Improvements; and declaring an emergency.

B. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE WILMOT/PARK PLACE INTERSECTION IMPROVEMENT PROJECT

- 1. Report from City Manager NOV4-08-585 WARD 6
- 2. Resolution No. 21130 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for improvements to Wilmot Road/Park Place Intersection; and declaring an emergency.

C. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO 22ND STREET FROM I-10 TO TUCSON BOULEVARD

- 1. Report from City Manager NOV4-08-587 WARDS 1 AND 5

2. Resolution No. 21131 relating to Intergovernmental Agreements; approving and authorizing the execution of an Amendment to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for improvements to 22nd Street: I-10 to Tucson Boulevard; and declaring an emergency.
- D. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO HOUGHTON ROAD FROM I-10 TO TANQUE VERDE ROAD
1. Report from City Manager NOV4-08-586 WARDS 2 AND 4
 2. Resolution No. 21132 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for improvements to Houghton Road: I-10 to Tanque Verde Road; and declaring an emergency.
- E. APPROVAL OF MINUTES
1. Report from City Manager NOV4-08-596 CITY-WIDE
 2. Approval of minutes for the regular meeting of the Mayor and Council held on June 17, 2008.
- F. ASSURANCE AGREEMENT AND FINAL PLAT: (S06-185) STARR PASS VISTAS VILLAGE 1 (RCP), BLOCK 1, LOTS 1 TO 30 AND COMMON AREAS “A-1” TO “A-3”, “B” AND “C”
1. Report from City Manager NOV4-08-584 WARD 1
 2. Resolution No. 21134 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S06-185 and approving the final plat for the Starr Pass Vistas Village 1, Block 1, Lots 1 through 30 and Common Areas “A-1” through “A-3”, “B” and “C”, an RCP; and declaring an emergency.
 3. Staff recommends that the Mayor and Council approve the assurance agreement and 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.
- G. FIRE: APPROVING THE APPOINTMENT OF PATRICK KELLY AS THE FIRE CHIEF FOR THE CITY OF TUCSON
1. Report from City Manager NOV4-08-597 CITY-WIDE

2. Ordinance No. 10601 relating to the Tucson Fire Department; approving the appointment of Patrick Kelly as the City of Tucson Fire Chief; and fixing compensation.

H. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO KYLE KADOUS FOR THE EAGLE SCOUT PROJECT MEMORIAL FOR OFFICER ERIK HITE

1. Report from City Manager NOV4-08-598 WARD 4
2. Resolution No. 21135 relating to Finance; approving and authorizing the allocation of Two Hundred Fifty Dollars (\$250) from the Ward 4 Council Office Community Support Fund, Account No. 001-183-1898-268, to Kyle Kadous, a Boy Scout in Troop 250, to help support funding his Eagle Scout Project; and declaring an emergency.

This is a request by Council Member Scott. Allocation of funds is as follows:
Council Member Scott - \$250.00

Roger W. Randolph, City Clerk, announced the Mayor would be adding \$250.00, Council Member Romero would be adding \$100.00, Council Member Glassman would be adding \$500.00, Vice Mayor Uhlich would be adding \$100.00, Council Member Leal would be adding \$100.00, and Council Member Trasoff would be adding \$100.00, making the new total \$1,400.00.

I. GRANTS: GRANT-IN-AID AGREEMENT WITH THE TOHONO O'ODHAM NATION FOR DISTRIBUTION OF GAMING MONIES

1. Report from City Manager NOV4-08-599 CITY-WIDE
2. Resolution No. 21136 relating to finance; approving and authorizing a Grant-in-Aid Agreement between the Tohono O'odham Nation (Nation) and the City of Tucson (City) for distribution of Gaming Monies pursuant to A.R.S. § 5-601.02 H; and declaring an emergency.

J. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO NEST, INC. FOR THE "ADDRESSING THE HEALTH EFFECTS OF CLIMATE CHANGE" CONFERENCE

1. Report from City Manager NOV4-08-601 WARD 1
2. Resolution No. 21137 relating to Finance; approving and authorizing the allocation of One Hundred Fifty Dollars (\$150) from the Ward 1 Council Office Community Support Fund, Account No. 001-183-1898-268, to NEST, Inc., to help support funding "Addressing the Health Effects of Climate Change" events to be held on November 14, 2008 and November 15, 2008 at the University of Arizona Health Sciences Center; and declaring an emergency.

This is a request by Council Member Romero. Allocation of funds is as follows:
Council Member Romero - \$150.00

K. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO CARRILLO ELEMENTARY MAGNET SCHOOL FOR THE TAMALE FESTIVAL FUNDRAISER

1. Report from City Manager NOV4-08-600 WARD 1
2. Resolution No. 21138 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from the Ward 1 Council Office Community Support Fund, Account No. 001-183-1898-268, to Carrillo Elementary Magnet School, to help support funding their 2nd Annual Tamale Festival fundraiser to be held on November 21, 2008; and declaring an emergency.

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

L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SOUTHERN ARIZONA ASSOCIATION FOR THE VISUALLY IMPAIRED

1. Report from City Manager NOV4-08-602 WARD 3
2. Resolution No. 21139 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from the Ward 3 Council Office Community Support Fund, Account No. 001-183-1898-268, to the Southern Arizona Association for the Visually Impaired to help support funding the purchase of safe and practical equipment for their clients; and declaring an emergency.

This is a request by Vice Mayor Uhlich. Allocation of funds is as follows:
Vice Mayor Uhlich - \$100.00

M. MEMORIAL: URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO CONSIDER THE IMPACT THAT FOREIGN POLICY DECISIONS HAVE ON MUNICIPALITIES

1. Report from City Manager NOV4-08-603 CITY-WIDE
2. A Memorial relating to foreign policy; urging that the President and Congress consider the impact on foreign policy decisions on municipalities.

N. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO KORE PRESS FOR THE "POWDER BOOK LAUNCH 2008 EVENT"

1. Report from City Manager NOV4-08-604 WARDS 1 AND 2

2. Resolution No. 21140 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from the Ward 1 Council Office and One Hundred Dollars (\$100) from the Ward 2 Council Office, Community Support Fund, Account No. 001-183-1898-268, to Kore Press to help support funding their Powder Book Launch 2008 event to be held on November 11, 2008; and declaring an emergency.

This is a request by Council Member Romero and Council Member Glassman. Allocation of funds is as follows:

Council Member Romero - \$100.00
Council Member Glassman - \$100.00

It was moved by Council Member Glassman, duly seconded, that Consent Agenda Items A through N, including the amendments to Item H, 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 N, including the amendments to Item H, were declared passed and adopted by a roll call vote of 7 to 0.

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

Mayor Walkup announced City Manager's communication number 593, dated November 4, 2008, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the Park Avenue, Irvington Road to Valencia Road District Street Lighting and Sidewalk Improvement. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup asked if there was anyone wishing to be heard on this item.

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

Mayor Walkup asked the City Clerk to read Resolution 21133 by number and title only.

Resolution No. 21133 relating to Transportation; approving assessment and previous proceedings for the “Park Avenue, Irvington Road to Valencia Road District Street Lighting and Sidewalk Improvement,” in the City of Tucson, Arizona.

Mayor Walkup recognized Council Member Leal.

Council Member Leal said he was not aware of the full protest history on this item. He said he believed this Resolution should be passed and adopted.

It was moved by Council Member Leal, duly seconded, to pass and adopt Resolution 21133.

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 Romero, Glassman, Scott, Leal, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Resolution 21133 was declared passed and adopted by a roll call vote of 7 to 0.

9. ZONING: (C9-08-02) MARISCOS – GRANT ROAD, R-2 TO C-1, CITY MANAGER’S REPORT

Mayor Walkup announced City Manager's communication number 594, dated November 4, 2008, was received into and made a part of the record.

He announced this was a request to rezone property located on the south side of Grant Road between Sixth and Fourth Avenues south of Mariscos Restaurant. The Zoning Examiner and staff recommend authorization of the rezoning subject to certain conditions. He asked if the applicant or representative was present. He asked that they state their name and address for the record and if they were agreeable to the proposed requirements.

Ben Buehler-Garcia, RONIN Business Services on behalf of Mariscos Chihuahua Restaurant, was present and stated that he was agreeable to the proposed requirements as recommended.

Mr. Buehler-Garcia clarified one inconsistency. The cover Memorandum stated the thirty-nine foot plan was the last plan formally submitted by his client. The Zoning

Examiner's report stated more correctly that the last plan formally submitted by Mariscos was a sixty-five foot plan. The reason for that was there were certain design difficulties with the thirty-nine foot plan experienced by his client. He said, however, that they were comfortable with the recommendations and were confident they could address that and move forward and would ask Mayor and Council approval of the staff recommendations as presented.

Vice Mayor Uhlich thanked Mr. Buehler-Garcia for coming that evening, and also thanked the representatives of the Mansfield Coalition and the surrounding neighborhoods and particularly Peter Gavin, Zoning Examiner, in what had been a lengthy process wherein a fair compromise was reached.

It was moved by Vice Mayor Uhlich, duly seconded, to authorize the request for rezoning as recommended by the Zoning Examiner.

Mayor Walkup asked if there was further discussion.

Vice Mayor Uhlich asked Peter Gavin to comment about the time line and process regarding some of the issues raised upon adoption, such as ensuring that the use permit and property owner were compliant according to the new plans.

Peter Gavin said he thought if Mayor and Council approved the matter, the applicant and staff, along with Albert Elias, Urban Planning and Design Department Director, and Ernie Duarte, Development Services Department Director, should sit down and iron out the issues. Mr. Gavin said there was a lot of work to be done to make sure the parking, the loading zone and dumpster location were worked out where the neighborhood was protected to the south.

Vice Mayor Uhlich told Mike Hein, City Manager, that they all shared a commitment to work this out and make it happen in a timely manner and added their efforts were appreciated.

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 Romero, Glassman, Scott, Leal, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

The motion to authorize the request for rezoning as recommended by the Zoning Examiner was declared passed by a roll call vote of 7 to 0.

10. ZONING: (C9-06-30) PALO VERDE IMPORT/EXPORT – SPEEDWAY BOULEVARD, R-1 TO O-2, ORDINANCE ADOPTION

Mayor Walkup announced City Manager’s communication number 595, dated November 4, 2008, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10600 by number and title only.

Ordinance No. 10600 relating to zoning: amending zoning district boundaries in the area located on the northwest corner of Speedway Boulevard and Norton Avenue in Case C9-06-30, Palo Verde Import/Export – Speedway Boulevard, R-1 to O-2; and setting an effective date.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10600.

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 Romero, Glassman, Scott, Leal, and Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Ordinance 10600 was declared 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 592, dated November 4, 2008, was received into and made a part of the record.

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

Council Member Romero appointed David Cormier, Interim Finance Director, to the Independent Audit and Performance Commission.

Vice Mayor Uhlich appointed Dr. Jun Peng to the Independent Audit and Performance Commission.

Council Member Scott appointed Yahya Yuksel to the Human Relations Commission.

12. ADJOURNMENT: 6:31 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on November 18, 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 4th day of November 2008, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:tl:lh