



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 5, 2009

Date of Meeting: February 10, 2009

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 5:49 p.m., on Tuesday, February 10, 2009 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 Monsignor Thomas Cahalane, Our Mother of Sorrows Parish, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup presented certificates to Latin American students as Honorary Citizens. Alberto Arenas, Professor in the College of Education at the University of Arizona and Director of the Western Hemisphere Institute, assisted in the presentations.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 73, dated February 10, 2009, 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 reported on the "Beat Back Buffelgrass" event held at the base of "A" Mountain. She thanked the many department Directors and City Manager for participating in the event.
- b. Council Member Glassman announced the Ward 2 Council Office would be holding the annual Ward 2 "Senior Valentine's Tea" on February 13.
- c. Vice Mayor Uhlich gave an update on Local First Arizona and reported that there were now over one hundred members in the local chapter.
- d. Council Member Scott announced the Ward 4 Council Office would be sponsoring a Budget Town Hall meeting on February 23, at the Clements Center.
- e. Council Member Trasoff reported on the "Flame-Off '09" fundraiser for the Sonoran Glass Art Academy, which was held at Barrio Brewing Company. She said twenty-four contestants competed to create glass art. She also congratulated Eva Huie, a ten-year old, who would be representing Tucson in the American Boulderling Youth National Championships in Colorado.
- f. Council Member Glassman announced that February 14 would be the annual "Fort Lowell Day – La Reunión" at Fort Lowell Park.

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

Mayor Walkup announced City Manager’s communication number 74, dated February 10, 2009, 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.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 75, dated February 10, 2009, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New License(s)

1. Romano’s Macaroni Grill, Ward 6
5100 E. Broadway Blvd.
Applicant: Clare Hollie Abel
Series 12, City 91-08
Action must be taken by: February 15, 2009

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

NOTE: State law provides that for a new license application, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

c. Special Event(s)

1. Philoptochos Society of Tucson, Ward 3
1145 E. Ft. Lowell Rd.
Applicant: Vasiliki J. Kyriakakis
City T111-08
Date of Event: February 21, 2009
(Fundraising for philanthropic efforts)

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

2. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Alison Lynn Sylvester
City T1-09
Date of Event: February 27, 2009
(Exhibition opening reception)

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 Lynn Celentano
City T2-09
Date of Event: March 8, 2009
(Fundraiser)

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

4. Tucson's Young Professionals, Inc., Ward 1
140 N. Main Ave.
Applicant: Megan Leslee Courtney
City T5-09
Date of Event: March 6, 2009
(To promote community event in downtown Tucson)

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

d. Agent Change/Acquisition of Control/Restructure

1. Hideout, Ward 1
3000 S. Mission Rd.
Applicant: Ramiro Salazar Flores, Jr.
Series 6, City AC7-08
Action must be taken by: February 19, 2009

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

Tucson Police Department has indicated the applicant is not in compliance with city requirements.

This item was considered separately.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 and 5c1 through 5c4 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

d. Agent Change/Acquisition of Control/Restructure

1. Hideout, Ward 1
3000 S. Mission Rd.
Applicant: Ramiro Salazar Flores, Jr.
Series 6, City AC7-08
Action must be taken by: February 19, 2009

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

Tucson Police Department has indicated the applicant is not in compliance with city requirements.

Roger W. Randolph, City Clerk, announced the application to be considered separately was Item 5d1, the Hideout, located in Ward 1.

Council Member Romero asked the representative of the Tucson Police Department to come forward and report on the background of the liquor license application.

Lieutenant Lou Bentley, Tucson Police Department Traffic Division, said he was currently assigned as the Traffic Commander, but was representing the License Unit that evening. In reference to the Hideout Bar liquor application number 06100141, Tucson Police Department was making a not-in-compliance recommendation.

Lt. Bentley reported the Tucson Police Department received an application for liquor license 06100141 for an Agent Change and Acquisition of Control for the Hideout Bar. The application showed the business was owned by a limited liability company, J. F. G. Hideout, L.L.C. He said the names of members, agents and owners submitted were Ramiro Flores, Jr. and Jose Gomez. While researching the application, the investigators discovered that in July 2008 there was an investigation by the Department of Liquor License and Control in reference to the actual ownership and control of the licensed business. As a result of that investigation, an agreement was reached between the Department of Liquor License and Control and the owners of the Hideout Bar, that they would be filing amended documents for a new application showing the current ownership structure of J.F.G. Hideout, L.L.C.

Lt. Bentley stated that was based, in part, on the fact that Mr. Gomez had control of the business without the Department of Liquor License and Control having documentation that indicated he was running the bar. He stated that both Mr. Gomez and Mr. Flores said it was their intention that Mr. Gomez would remain fifty percent owner and would have fifty percent control of the club.

Lt. Bentley reported that during the background investigation of Mr. Gomez, it was discovered that in April 2000, Mr. Gomez was arrested for driving under the influence (DUI). The court documents showed that Mr. Gomez was acquitted of that charge. On April 9, 2001, Mr. Gomez was again arrested for DUI and aggravated assault, which was a felony charge. Documents showed that on September 5, 2002, Mr. Gomez was found guilty of aggravated assault with a deadly weapon or dangerous instrument, in particular a motor vehicle, which was a Class 3 felony. He was also found guilty of driving under the influence, which was a Class 1 misdemeanor. At that time, he was placed on probation.

Lt. Bentley said that in October of 2003, Mr. Gomez's probation was revoked due to the fact that he did not abide by the conditions of his probation. In particular, he was found to be consuming alcohol, which was against the court orders. In the liquor license application questionnaire, Mr. Gomez did list his violation and stated he was successfully discharged from probation. He made no reference to his continued consumption of alcohol or his probation being revoked.

Lt. Bentley continued that in June of 2006, Mr. Gomez was arrested again for aggravated driving under the influence, which was also a felony charge. Mr. Gomez's listed explanation on the questionnaire was that he was "cited for driving while under the influence; pled guilty to a misdemeanor DUI and was sentenced to a term of jail, counseling, and fines." Lt. Bentley said the court documents indicated Mr. Gomez was actually charged and booked as a felony; but through a plea agreement, Mr. Gomez pled guilty to a misdemeanor charge of DUI.

Lt. Bentley stated that in 2001 and 2003, while in control of the Hideout Bar, Mr. Gomez was arrested on two separate occasions for several violations of Arizona Revised Statute, Title 4, which governed liquor laws in the State of Arizona. In reference to those violations, court records indicated that Mr. Gomez did not respond to any of those charges in City Court, and a warrant had to be issued for his arrest on both occasions. Court records also indicated that Mr. Gomez was found guilty of liquor consumption by an employee; and he was found guilty of furnishing liquor to a minor, and allowing a minor to remain on the premises.

Lt. Bentley reported that in December of 2008, investigators also determined that Mr. Gomez was arrested for Arizona Revised Statute, Title 13.1807, which was the statute governing the issuance of checks with insufficient funds. Mr. Gomez did not list the incident or arrest on the application, nor did he amend the original application to disclose the information. When interviewed by investigators, Mr. Gomez stated he did have knowledge of the incident and arrest, but he forgot to disclose it.

Lt. Bentley said Arizona Revised Statute 4-203(A) clearly states that a spirituous liquor license shall be issued only after a satisfactory showing of the capability, qualifications and reliability of the applicant; and with the exception of pub licensees, that the public convenience requires that the best interests of the community will be substantially served by the issuance.

Lt. Bentley concluded that, based on Mr. Gomez's history of DUI arrests and convictions, his probation violation resulting from one of those DUI's, liquor violations while responsible for the bar, his failure to respond to the liquor violations in a timely manner as required by law, and his omission of pertinent information as required by the liquor application and the questionnaire, the Tucson Police Department was recommending that he was not in compliance with the above listed Statutes.

Council Member Romero asked if the applicant or a representative was present to present their case.

Ramiro Flores, applicant, said he wanted to clarify some of the items discussed by Lt. Bentley. He said the State Liquor Board did conduct an investigation in July of 2008. It was a routine inspection, and during that inspection they found that Jose Gomez was basically running the Hideout. Mr. Flores said Mr. Gomez acquired ownership of the Hideout in 1999. In 2003, the ownership was transferred to Mr. Gomez's wife, Grace Hinojosa. He was still running the business and signing checks. Administratively, by Liquor Board standards, that was incorrect. That was discovered in July 2008, so the State Liquor Board wanted to clear that up.

Mr. Flores said, that before that, in early June, he began discussions with Mr. Gomez about acquiring an ownership interest in the Hideout. He said he had known Mr. Gomez for about ten years, and had patronized the business since that time. They have been good friends for that time. Mr. Flores said Mr. Gomez wanted a lifestyle change and Mr. Flores was looking to invest in other opportunities. Mr. Flores said he was currently an attorney in Tucson. They both decided they would discuss possibly combining their interests and Mr. Flores becoming an owner of the Hideout.

Mr. Flores stated at that point, in July, they decided to discuss the matter with Chris Diaz, who investigated the Hideout and the administrative problems that it had. They were somewhat told that it was not a big deal. In the end, the ownership had to be clarified, and that was between Mr. Gomez and Grace Hinojosa. Sometime in late August, they finalized their plans for Mr. Flores to buy fifty percent interest in the Hideout. They did so and it was finalized in September. The Corporation documents were modified; and they began preparing the applications for the State Liquor Board. He said they obviously disclosed everything that needed to be disclosed.

Mr. Flores said, regarding Mr. Gomez's criminal record, he did obviously have everything that was discussed. However, he wanted to make some clarifications about what was said. Mr. Flores said Mr. Gomez never had his probation revoked. A petition for revocation of probation was filed, based on him being caught drinking a beer, and his admittance of that to his probation officer; however, it was not revoked. He was successfully discharged from probation. Mr. Flores said the document was actually in his original application to the State Liquor Board. Mr. Flores said he did not know whether the Council had that application, but reiterated that Mr. Gomez's probation was not revoked. That would mean that he would have been sent to prison. He was given some

jail time, based on drinking the beer, but it was not a revocation. Mr. Flores said Mr. Gomez then went back on probation and successfully completed it about a year or so later.

Mr. Flores said, regarding the Title 4 violations, Mr. Gomez did have those in 2001 through 2003, and said Mr. Gomez addressed them. There were warrants issued on the 2001 case. The warrant was quashed three days after it was issued; he settled the case, resolved it, and paid the fines within a month of the actual citation. On the second case in 2003, it was resolved within forty-five days. A warrant had been issued and he took care of the matter the next day. It was set for pre-trial and it was resolved. He said it was not as though Mr. Gomez was out absconding for a big period of time.

Mr. Flores said, as far as not disclosing the December 2008 citation for insufficient funds, that issue did not exist at the time they did the original application. It had nothing to do with the Hideout; the funds were not from the Hideout. Mr. Flores said that since he took control of the Hideout in September, he has run the day to day operations. He said they decided to hire a liquor manager, and did. The liquor manager was part of the application as well. They now had someone there four hours a day to make sure that any type of issues of non compliance with liquor laws and City of Tucson regulations were complied with. Their manager, Raul Ramirez, has taken the manager's course from the certified liquor board trainer. Mr. Flores said they have all taken the courses, including the bartenders.

Mr. Flores commented that the Tucson Police Department's report just focused on Jose Gomez. Mr. Flores said he, himself, was fifty percent owner of the company, he was an attorney, and he wanted nothing more than to make sure that they had no issues of non compliance with the State Liquor Board. He said it was a good place to be and they had a lot of customers from all walks of life, ranging from bikers who did not cause any trouble to retirees. The Rincon Country RV Resort was right down the street. He told the Mayor and Council that on any given day they could walk in there and see twenty to thirty retirees enjoying good food. The bar would be full with their regular patrons, and they would have the regular retirees coming in. He said it was just that kind of place. It was a good place for the community because it brought a lot of people together from different walks of life.

Mr. Flores concluded that Mr. Gomez had his issues in the past; but again it was only fifty percent of the application. Mr. Flores was the other fifty percent; and he was there to make sure that everything was complied with, and everything was done correctly. He said that although it looked bad when it was first discussed, when it was looked at as a whole, the application should be approved and there should be a recommendation for him and Mr. Gomez to continue operating the Hideout.

Council Member Romero thanked Mr. Flores for his comments and said she appreciated the institution that the Hideout had been on the southwest side of Tucson. She said her office never received any complaints about the business. She visited the business and praised their burgers and beans. They had a good institutional restaurant in

the area. She said it was very bad, because she supported small businesses and local businesses in the community, and the Hideout had been there since the 1940's. Teachers visited for the lunch specials, and she said it was a wonderful place.

Council Member Romero said she found herself torn about the application, because of the history of the other owner. She said she heard from Mr. Flores and his wishes to venture into a new business and appreciated that. However, she said she could not in good conscience approve of the history that the fifty-percent ownership by Mr. Gomez would bring, with his history of violations such as serving alcohol to minors and DUI's, things that should not happen in the community.

Council Member Romero said the Statutes clearly stated that spirituous liquor licenses shall be issued only after satisfactorily showing the capability, qualifications, and reliability of the applicant. She told Mr. Flores that, unfortunately, he was only fifty percent of the applicant and Mr. Gomez was the other fifty percent. She suggested another business plan or another partner for Mr. Flores.

It was moved by Council Member Romero, duly seconded, to forward Liquor License Application 5d1 to the Arizona State Liquor Board with a recommendation for denial.

Mayor Walkup asked if there was further discussion.

Council Member Romero told Mr. Flores it seemed that he wanted to start a new venture, and said she would appreciate it if it did not have the fifty percent of horrible history behind it. She recommended that Mr. Flores continue in his investment into the Hideout. As she mentioned before, she visited the Hideout herself, loved the food they made, and had seen different teachers and different people going into the establishment. She recommended that he try again with a different partner.

Mr. Flores commented that if she or anyone had gone into the establishment and enjoyed the environment, the food, and the people who went there, Mr. Gomez was one hundred percent responsible for that. He said there was no doubt about that. When Mr. Gomez purchased the business, it needed vast renovations. The business was nowhere near what it was now. Unfortunately, he said, Mr. Gomez had those issues in the past and it was a history that everyone was obviously concerned about. However, he said that if they knew Mr. Gomez now, which was three years literally from the last DUI, he had no issues with alcohol. Mr. Flores said the bad check issue was just a misunderstanding and it was still in the process of being resolved. Mr. Flores said he thought the Council was judging Mr. Gomez based on his past, not what he was now.

Mayor Walkup asked for a voice vote.

The motion to forward Liquor License Application 5d1 to the Arizona State Liquor Board with a recommendation for denial was carried by a voice vote of 7 to 0.

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. Karen Falkenstrom spoke about infrastructure and the assets that supported the community's economy, in particular the arts and cultural infrastructure. She introduced a local musician, who performed for the Council.
- b. Art Flagg thanked the Mayor and Council for their actions taken during Study Session, pertaining to the suspension of impact fees.
- c. David Pittman thanked the Mayor and Council for their actions taken during Study Session, pertaining to the suspension of impact fees. He said he looked forward to participating in the proposed stakeholders group.
- d. David Godlewski, Government Liaison for Southern Arizona Home Builders Association, spoke in support of the impact fee proposal that was discussed at Study Session, and gave background information on how the issue came about.
- e. Marvin Shaver, President of the Warehouse Arts Management Organization (WAMO), gave a brief background on the development of the Warehouse Arts Districts and the downtown area.
- f. Kathy Wooldridge, representing Skrappy's, gave an update on their organization, and spoke in support of arts in the community.
- g. Judy Dare, representing El Presidio Historic District, spoke in support of the Warehouse Arts Management Organization (WAMO) and the arts district.
- h. Pamela Sutherland stated she was the Attorney representing the Warehouse Arts Management Organization (WAMO). She explained the details of the proposed Trust Account for the Warehouse Arts Management Organization (WAMO).
- i. Rick Grinnell, founder of Smart United Business Strategies, expressed his concerns about the Council's actions taken during Study Session, pertaining to the suspension of impact fees.
- j. Joseph Sweeney spoke about immigration impacts on the community.

7. CONSENT AGENDA – ITEMS A THROUGH I

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. REAL PROPERTY: THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH SILVERBELL DEVELOPMENTS, LLC FOR THE SILVERBELL RESIDENTIAL SUBDIVISION

1. Report from City Manager FEB10-09-77 WARD 1
2. Resolution No. 21213 relating to real estate; authorizing and approving the execution of an amendment to the amended Development Agreement between the City of Tucson and Silverbell Developments, L.L.C.

B. TUCSON CODE: AMENDING (CHAPTER 10) RELATING TO THE DOWNTOWN ALLOWANCE FOR CITY EMPLOYEE PARKING

1. Report from City Manager FEB10-09-79 CITY-WIDE
2. Ordinance No. 10633 relating to downtown allowance; amending the Tucson Code, Chapter 10, Civil Service, Article II, Compensation Plan, Section 10-53.1, providing for Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance; and declaring an emergency.

C. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-057) SENTINEL VISTAS CONDOMINIUMS, UNITS 1 TO 12, COMMON ELEMENT “A” AND LIMITED COMMON ELEMENTS “A” TO “K”

1. Report from City Manager FEB10-09-78 WARD 1
2. Resolution No. 21214 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S08-057 and approving the final plat for the Sentinel Vistas Condominiums, Units 1 – 12, Common Element “A” and Limited Common Elements “A” Through “K”; 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.

- D. FINANCE: LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA FOR PIPING MODIFICATIONS AND IMPROVEMENTS
1. Report from City Manager FEB10-09-81 CITY-WIDE
 2. Ordinance No. 10621 relating to finance; authorizing the City of Tucson, Arizona, to borrow up to \$1,000,000 from the Water Infrastructure Finance Authority of Arizona; authorizing the execution and delivery of a Loan Agreement setting forth the terms of such loan and providing for the repayment thereof; pledging the Net Revenues of the City's Water System to the repayment thereof; and declaring an emergency.
- E. FINANCE: LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA FOR METER REPLACEMENT AND BOOSTER PUMPS
1. Report from City Manager FEB10-09-82 CITY-WIDE
 2. Ordinance No. 10622 relating to finance; authorizing the City of Tucson, Arizona, to borrow up to \$2,500,000 from the Water Infrastructure Finance Authority of Arizona; authorizing the execution and delivery of a Loan Agreement setting forth the terms of such loan and providing for the repayment thereof; pledging the Net Revenues of the City's Water System to the repayment thereof; and declaring an emergency.
- F. PARKS AND RECREATION: FACILITY DEVELOPMENT AND USE AGREEMENT WITH THE TUCSON ZOOLOGICAL SOCIETY FOR THE DEVELOPMENT OF ADDITIONAL OFFICE SPACE
1. Report from City Manager FEB10-09-83 WARD 6
 2. Resolution No. 21215 relating to Parks and Recreation; authorizing and approving Facility Development/Use Agreement with the Tucson Zoological Society to develop additional office space; and declaring an emergency.
- G. INDUSTRIAL DEVELOPMENT: AUTHORIZATION OF AMENDMENTS TO THE ARTICLES OF INCORPORATION AND BYLAWS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF TUCSON
1. Report from City Manager FEB10-09-84 CITY-WIDE
 2. Resolution No. 21216 relating to the Industrial Development Authority of the City of Tucson; authorizing amendments to the Articles of Incorporation and the Bylaws of the Industrial Development Authority of the City of Tucson; and declaring an emergency.

H. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE WILLIAM CLEMENTS CENTER OF THE TENTH ANNIVERSARY CELEBRATION

1. Report from City Manager FEB10-09-89 WARD 4
2. Resolution No. 21217 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 William Clements Center to help support funding their 10th Anniversary Celebration of the Clements Campus to be held on June 19, 2009; and declaring an emergency.

I. FINANCE: AUTHORIZING EXPENDITURE OF TRUST ACCOUNT FUNDS RELATING TO MANAGEMENT OF THE WAREHOUSE ARTS DISTRICT PROPERTIES

1. Report from City Manager FEB10-09-90 CITY-WIDE

Roger W. Randolph, City Clerk, announced this item would be considered separately at the request of Ward 6.

It was moved by Council Member Romero, duly seconded, that Consent Agenda Items A through H, with the exception of Item I which would be considered separately, 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, Trasoff;
Vice Mayor Uhlich and Mayor Walkup

Nay: None

Consent Agenda Items A through H, with the exception of Item I, which would be considered separately, were declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM I

I. FINANCE: AUTHORIZING EXPENDITURE OF TRUST ACCOUNT FUNDS RELATING TO MANAGEMENT OF THE WAREHOUSE ARTS DISTRICT PROPERTIES

1. Report from City Manager FEB10-09-90 CITY-WIDE

Council Member Trasoff stated several on the Council wanted this item considered separately just for a point of clarification. She said she would start and then defer to Council Member Romero, who she presumed would want to add on, as it was an issue they both had been working on. Council Member Trasoff said it was important to clarify, as Pamela Sutherland did during Call to the Audience, that these funds were held in Trust from rents paid by the artists who were occupying some of the properties, the warehouses that were under City easement. She said the monies were put into a specialized fund that could only be used for the Warehouse Arts District. This was not funding that could be used for any of the other many things that the Council would like to do in the City, not that they did not think this was important.

Council Member Trasoff reiterated that the money could not be used anywhere else and she thought it was important that statement be made. She said the goal for the use of the funds was not another planning grant. It was this organization taking the next step forward in professionalism in getting the business plan together. As the arts experience downtown was developed, this would get them to the position to be able to assume responsibility for the management. She said it was part of a plan that was passed in 2004, before many of the current Council Members were seated, and it was a very smart plan. In doing this, the Council was just allowing the next steps to be taken to raise the level to be able to accommodate what their goals were as a City. She felt it would have long-standing implications. Again, she stated these were funds that could only be used for this purpose, held in Trust. The City and the Warehouse Arts Management Organization (WAMO) must agree on the usage of the funds, and that was why the item was before the Council.

Council Member Romero complimented Council Member Trasoff's comments in clarifying the information for the community. She said it was important that they reiterate how important the arts were, not only for youth, but for the community as well, and the economic development that it spurred. She said it was amazing and something that was not given enough credit. She said credit should be given to WAMO for wanting to take the next step in making sure that they acquired a CPA, that they put their Board together, and that they acquire their Articles of Incorporation for their 501(c)(3). She added that the money would be used to put their business plan together and hire their Executive Director. Council Member Romero said those were the actions they would take with the money that would be going to them from a Trust Account, which was put aside with their rent money to be put to good use.

Council Member Romero said she had a few questions, as she was one of the Council Members who said before that they did not like late arrivals. She wanted to have information as quickly as possible, so the Council could review it and come prepared to meetings. She said there was a late delivery on this item, and she asked City staff why it was delivered late, if the Council Offices delivered it on time. She asked for clarification from staff as to what happened and why it was delivered late to the Council.

Michael Rankin, City Attorney, replied the item was added to the agenda at the Mayor and Council Agenda Committee meeting, the Wednesday before the Mayor and Council meeting. Staff thought they could get it out either by normal delivery on Thursday or late delivery on Friday. Mr. Rankin said he did not get it out of his office until the end of the day on Friday; therefore, they were not able to deliver to the Council before the weekend. He said the fault of it not going out until Monday was exclusively from his office.

Council Member Romero thanked Mr. Rankin for the clarification. She said she did not want to bring any negative attention to the City Attorney's Office for what happened, but wanted to make sure it was clear to her colleagues that it was delivered to the Agenda Committee meeting on time. Unfortunately, because of some reason or another, it was delivered late to the Council. As a Council Member who has talked about this before, she said it was unfortunate that it was delivered late to the Council Offices. She added that one of her Council aides brought this conversation up with other Council aides and had given them advance notice.

Council Member Romero said she believed in investing in the arts in the community. She knew that the Warehouse Arts Management Organization (WAMO) would be a good partner with Jim Campbell and Scott Stiteler. She said this was a good step forward, as Council Member Trasoff had stated, in professionalizing the organization and getting it ready for a possible Warehouse Arts District in the City of Tucson.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Consent Agenda Item I.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Item I was declared passed and adopted by a roll call vote of 7 to 0.

8. PUBLIC HEARING: INCREASE IN THE WATER SYSTEM EQUITY FEE

Mayor Walkup announced City Manager's communication number 86, dated February 10, 2009, 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 a proposed increase in the Water System Equity Fee. 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.

There were no speakers.

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

Vice Mayor Uhlich said in her book it stated she would vote to close the public hearing, but said she would be missing a beat if she said that. She asked if that was the essence of the substance of this item, as she thought she was going to move that they pass and adopt the proposed increase in the Water System Equity Fee.

Council Member Leal concurred.

It was moved by Vice Mayor Uhlich, duly seconded, to pass and adopt the recommended System Equity Fee increase.

Michael Rankin, City Attorney, clarified that on the agenda was the public hearing, with adoption of the proposed fee at the March 24, 2009 Mayor and Council meeting. He said Vice Mayor Uhlich could withdraw her motion.

Mayor Walkup commented the reason for the confusion was that they usually were not finished with an item after closing the public hearing, and said his book said exactly the same thing. He asked the City Attorney if he read it correctly, that they were done with this item.

Mr. Rankin said Mayor Walkup was correct, they were done with this item. This item was a statutory procedure where they held a public hearing that predated the action by a set period of time. He thanked the Council for holding the public hearing.

Mayor Walkup advised the Council that the following item, Item 9, was exactly the same as Item 8.

9. PUBLIC HEARING: INCREASE IN THE CAP WATER RESOURCE FEE

Mayor Walkup announced City Manager's communication number 85, dated February 10, 2009, 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 a proposed increase in the CAP Water Resources Fee. He said the public hearing was scheduled to last for 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.

There were no speakers.

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

10. ZONING: (C9-08-09) LOWE'S – SPEEDWAY BOULEVARD, C-1 TO C-2, CITY MANAGER'S REPORT

Mayor Walkup announced City Manager's communication number 80, dated February 10, 2009, was received into and made part of the record. He also announced this was a request to rezone property located on the northeast corner of Speedway Boulevard and Kolb Road. The Zoning Examiner and staff recommended authorization of the rezoning, subject to certain conditions. He asked if the applicant or representative was present, and if they were agreeable to the proposed requirements.

Thomas Sayler-Brown, applicant, said they had no comments, unless the Council needed him to comment.

It was moved by Council Member Glassman, duly seconded and carried by a voice vote of 7 to 0, to authorize the request for rezoning as recommended by the Zoning Examiner.

11. TUCSON CODE: AMENDING (CHAPTER 28) REGARDING THE MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAM

Mayor Walkup announced City Manager's communication number 88, dated February 10, 2009, was received into and made a part of the record. Mayor Walkup asked the City Clerk to read Ordinance 10634 by number and title only.

Ordinance No. 10634 relating to procurement; providing for the award of contracts in professional design, construction and construction services, and goods and services, to certified small business enterprises and significantly underutilized minority and women-owned business enterprises by repealing Chapter 28, Article XIII, Minority and Women-Owned Business Enterprise Program, and adopting a new Chapter 28, Article XIII, Small, Minority and Women-Owned Business Enterprise Program; and declaring an emergency.

Council Member Leal thanked Liana Perez, Office of Equal Opportunity Programs and Independent Police Review Director; Mark Neihart, Procurement Director; Mike Letcher, Deputy City Manager; Council Member Romero and Council Member Scott and members of the Mayor and Council Economic and Workforce Development Subcommittee. He said they were very detailed about this ordinance, and it took some time. He said what they came up with had the best set of data inputs for them to be able to monitor and measure the program like they never had before. He said he would not list all the other significant detailed changes, but felt they had the best ordinance they ever had. He thanked everyone, stating it was tedious and hard, but the outcome was of good results.

It was moved by Council Member Leal, duly seconded, to pass and adopt Ordinance 10634.

Mayor Walkup asked if there was further discussion.

Vice Mayor Uhlich applauded the Mayor and Council Economic and Workforce Development Subcommittee and staff for also initiating the component, a new small business enterprise initiative, which complimented the existing Minority and Women Business Enterprise Program. She felt it was an outstanding step towards supporting locally-owned small businesses.

Council Member Romero reiterated, not only to thank staff, but said Ms. Perez and Mr. Neihart did a wonderful job in putting this together. She also wanted to give Ms. Perez an opportunity to say a few words, to make sure that she included conversations and recommendations that were talked about in the Subcommittee meetings. She said the Council really pushed, and staff was willing to not only approve the small business enterprise, but bring in the small business community to provide input and feedback. Council Member Romero said what they were basically doing at the moment was approving the skeleton, the ordinance, the concept to put together the small business enterprise; but they had a whole plan to bring in the small business community and consult with them to make this program, get into the details, and make it work.

Liana Perez, Office of Equal Opportunity Programs and Independent Police Review Director, thanked everyone on the Council. She said it had been a long process, but was well worth it. As she mentioned to Council Member Leal, she was not part of the last study. She said there was a real difference having gone through the study and then having to rewrite the ordinance, and ultimately the implementation, which was where the real work was going to begin. She confirmed they did make a lot of improvements to the ordinance, so much that they ended up replacing the whole ordinance, rather than just amending parts of it. Of the most significant was the implementation of the Small Business Enterprise Program.

Ms. Perez said Council Member Romero was correct that this just gave them the skeleton to begin the Small Business Enterprise Program. There was a lot of work to be done. There was a lot of input from the small businesses that did not qualify as minority

or women businesses under the old ordinance, which could now be brought into this program. In addition, their existing Minority Women Business Enterprise firms would be grandfathered into the Small Business Enterprise Program, as well.

Ms. Perez said, in anticipation of the ordinance being passed, they had already begun making those contacts with the stakeholders in the community. They partnered with the Hispanic Chamber of Commerce to hold some actual certification workshops for their members, and have done the same with the Alliance of Construction Trades. She said the Hispanic Chamber of Commerce and the Alliance of Construction Trades would actually be hosting the workshops and her staff would be there to help get new members certified. She told the Council as they would recall from all the discussions with the Subcommittee, one of the biggest issues was knowing what their true availability figure was. She said the more firms they brought into the program, the more reliable that number would be. Her office would do anything in their power to go out to the community, to the various organizations through the Small Business Commission, through the existing Minority and Women Business Enterprise Commission as well, and any other partners. She commented that Vice Mayor Uhlich offered some of her local firms when they spoke. Ms. Perez said there was a part of the ordinance that would help all small businesses, and emphasized “all small local businesses.”

Council Member Romero thanked Ms. Perez for her comments. She said some on the Council held small business roundtables in their Wards, and Ms. Perez made a presentation to the Ward 1 Small Business Roundtable. One of the goals of that roundtable was to explain the Program to the small businesses and how their business could work with the City to promote buying locally, giving more opportunities as a City to small businesses.

Council Member Romero said she appreciated Ms. Perez’s attendance at their roundtable and said they would love to have her attend again. She encouraged Ms. Perez to continue her participation with the Chambers of Commerce, the Micro Advancement Center and any of the other groups and stakeholders in town, to get input for the Small Business Enterprise Program. She also thanked Council Member Leal, as he had the experience of going through this before and walking her through it. She said she appreciated it and also appreciated staff.

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 10634 was declared passed and adopted by a roll call vote of 7 to 0.

12. WATER: AMENDING TUCSON WATER'S FINANCIAL PLAN FOR FISCAL YEAR 2009 (CONTINUED FROM THE MEETING OF FEBRUARY 3, 2009)

Roger W. Randolph, City Clerk, announced as discussed during Study Session, this item would be continued for an additional week, to the meeting of Wednesday, February 18, 2009. The meeting would be held in the Mayor and Council Chambers, 255 West Alameda, Tucson, Arizona.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 76, dated February 10, 2009, was received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Glassman, duly seconded and carried by a voice vote of 7 to 0, to appoint Christopher J. Brooks and Sean Sullivan to the Citizens' Water Advisory Committee.

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

Council Member Romero announced her personal appointment of Noell Rodriguez to the Minority and Women Business Enterprise Commission.

14. ADJOURNMENT: 7:15 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, February 18, 2009 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 10th day of February 2009, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:sac:rg