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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on August 5, 2009

Date of Meeting: April 14, 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, 5:34 p.m., on Tuesday, April 14, 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	Vice Mayor, Council Member Ward 1
Rodney Glassman	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Shirley C. Scott	Council Member Ward 4
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Staff Members Present:

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

## **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 the Southern Arizona Volunteer Center – Youth Council.

Presentations:

- a. Mayor Walkup proclaimed April 12 to April 18, 2009, to be “National Public Safety Telecommunications Week.” Leonora Soza, 9-1-1 Operator; Sandy Innes, Public Safety Dispatch Supervisor; Annette Laughlin, Police Service Operator of the Year; and Rouchelle Cota, Police Public Safety Dispatcher of the Year, accepted the proclamation.
- b. Mayor Walkup, assisted by Vice Mayor Romero, proclaimed April to be “Sexual Assault Awareness Month.” Rebecca Wilson, Southern Arizona Center Against Sexual Assault, accepted the proclamation.
- c. Mayor Walkup, assisted by Council Member Trasoff, presented the following awards to the Reid Park Zoo staff. Susan Basford, Reid Park Zoo Administrator, accepted the Common Ground Award from the Metropolitan Pima Alliance in recognition of the Lee H. Brown Conservation Learning Center. Scott Barton, Reid Park Zoo General Curator, accepted the Cornerstone Award given for the Conservation Learning Center. Vivian Van Peenen, Reid Park Zoo Education Curator, accepted a plaque that proclaimed accreditation from the American Association of Zoos and Aquariums, and Page Chancellor Marks, Tucson Zoological Society President, accepted the LEED (Leadership in Energy and Environmental Design) Platinum Certification for the Conservation Learning Center.

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

Mayor Walkup announced City Manager’s communication number 190, dated April 14, 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. Vice Mayor Romero announced she would serve as the Honorary Chairperson for the International Film Festival this year. She invited the community to the Eighteenth Annual International Film Festival kickoff celebration April 16, 2009, at Hotel Congress. The reception would be followed by a screening of the film “Veer,” at Cinema La Placita. She advised schedules of the movies were available in the downtown area.

- b. Council Member Uhlich congratulated Council Member Glassman and his staff for receiving an award from the Environmental Protection Agency for the Rainwater Harvesting ordinance adopted by the Mayor and Council. She said two hundred nominations were submitted and winners were selected based on various criteria.
- c. Council Member Trasoff announced Bike to Work Week and Bike to Work Day in Ward 6. She invited the bike riding community to join Ward 6 staff on April 15, 2009, on the westside of Third Street and Country Club Road for refreshments and to encourage bicycling to work.

Council Member Trasoff invited the community to meet Mike Letcher, the new acting City Manager, on April 16, 2009, at the Ward 6 office.

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

Mayor Walkup announced City Manager's communication number 191, dated April 14, 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.

Mike Letcher, City Manager, asked Silvia Amparano, Acting Finance Director, to give an overview of the tax amnesty program offered for delinquent sales taxes. Mr. Letcher said he believed it was the first time the City had offered such a program, and he expected it to generate money for the City's reserves.

Silvia Amparano, Acting Finance Director, reported the City was offering a tax amnesty program for business owners who had delinquent taxes. She said the program would waive the penalties and reduce the interest by half for participating business owners. She stated the Finance Department would be sending out delinquent tax statements which would include information on the tax amnesty program. Ms. Amparano advised there would be a link to information on the City website and a flyer addressing frequently asked questions. She noted the City of Phoenix and the State of Arizona were offering similar programs.

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

Mayor Walkup announced City Manager's communication number 192, dated April 14, 2009, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

Roger W. Randolph, City Clerk, announced there were two applications for new licenses on the evening's agenda. He said both requests were continued from the previous Mayor and Council meeting, and would be considered separately.

b. Liquor License Applications

1. QuikTrip #1450, Ward 3  
68 W. River Rd.  
Applicant: Kelly Paul Vaughan  
Series 10, City 7-09  
Action must be taken by: April 17, 2009

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

Public Opinion:           Written Arguments Opposed Filed

(CONTINUED FROM MAYOR AND COUNCIL MEETING OF  
APRIL 7, 2009)

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 would be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Roger W. Randolph, City Clerk, announced the first application to be considered separately was Item 5b1, located in Ward 3.

Council Member Uhlich said she had requests to speak from the QuikTrip Corporation on this license, written statements of opposition, and people were present to speak. She said the applicant and those filing an opposition would be allowed to speak. She asked Mary Ellen McArthur to come forward.

Mary Ellen McArthur stated she did not prepare a separate letter because the letter that alerted her to this had said it all and she thought that would take care of it, but evidently it did not.

Council Member Uhlich confirmed the Mayor and Council received copies of the letter, and had an opportunity to review it.

Ms. McArthur said she could not imagine any good coming from this. She stated she was less than two-tenths of a mile from the entrance and that her only exit was right across from where the QuikTrip was going to put an exit, so she was totally against it.

Council Member Uhlich thanked Ms. McArthur for being present to offer her statement.

Murray Keshner stated he would like to register his protest against the application for a liquor license by QuikTrip Corporation, since he was residing directly across from the location. He said it would be a twenty-four hour business involving parking lights,

continual traffic, and additional noise throughout the night. He said it would attract an element that stopped not only for gas, but also for the purchase of beer and wine at all hours. Mr. Keshner noted the planned exit access was on Stone Loop, directly facing the entrance to his driveway. He claimed the pollution and noise caused by tearing down On the Border restaurant, and excavating for nine gas station tanks and a new building, would be horrendous. He said the sound carried directly to their homes, and the dust caused by the construction could easily affect their health since they were senior citizens with breathing problems. He said he personally had suffered from valley fever in the past. Mr. Keshner advised there were at least five gas stations in the immediate area and an additional station was certainly unnecessary. He believed the character of the neighborhood was defined by the businesses that closed no later than 11:00 p.m., and a twenty-four hour gas station and convenience store selling beer and liquor would adversely affect the area.

Mr. Keshner added that he saw vagrants living at the corner park on River Road and Stone Loop, and both he and his neighbor, Ms. McArthur, had experienced house robberies. He said the fear was that the availability of liquor at all hours, so near to homes, would attract a rowdy and dangerous element. He reported recently there was large graffiti sprayed on the walls adjacent to the park, with symbols he was told were gang symbols. He felt the presence of an all night convenience store selling liquor would only create more noise and danger for the neighborhood. He claimed, in addition, property values would go down further with a twenty-four hour gas station and convenience store as new neighbors.

Mr. Keshner said he moved from New Jersey eleven years ago to avoid this type of situation, because a supermarket was built behind his property in New Jersey involving lights, noise, and traffic similar to this project. He noted the big difference was there were no lights, noise, or liquor sold after 11:00 p.m. He said a twenty-four hour operation could only bring more noise like the boom boxes that people played from their cars, the smell of gas fumes and late night drinking. He stated the change to the demographics of the location would be detrimental not only to the local residents, but also to the local restaurants in the area. He concluded it would affect the overall tone of the neighborhood, where they were free to take daily walks while experiencing the quiet enjoyment of an established neighborhood. He asked the Mayor and Council to protect the tax paying residents from this situation by denying the application.

Council Member Uhlich announced there was one speaker in support of the application, and asked her to come forward to speak.

Claire Able stated she was present on behalf of Brinker Restaurant Corporation who were the owners of the property for fourteen years and operators of On the Border restaurant. She said, unfortunately, the economy put a dent in their pocket books and people's ability to go out to dinner quite as often, so they found it necessary to close some restaurants, including this particular location. She reported the owners were marketing the property aggressively, and were not just looking for a purchaser of the property and then to leave town; they wanted to make sure the purchaser was a

responsible corporation who would provide an acceptable use. She stated the property had been zoned for commercial uses for fourteen years. The owners had confidence in the Tucson staff and their ability to regulate and make sure the development was compatible and consistent with what was in the neighborhood and what was in the area, but it was approved for this type of use. She reported the owners saw the Series 10 liquor license as a step down from what was there in the past, since it was a Series 12 license that allowed full liquor to be sold and consumed on site. She noted in this case it was a Series 10 license, which was beer and wine only, and items had to be taken off site.

Ms. Able affirmed the owners had a lot of confidence in QuikTrip Corporation. She said those who experienced QuikTrip Corporation in Phoenix gave them three cheers, and there were a lot of people excited about QuikTrip coming to Tucson and were looking forward to it. QuikTrip were good corporate citizens; they were capable of taking a property that had been sitting dormant for a while, unlikely to become another restaurant anytime in the future, and making it a productive property that had activity on it so that it was maintained. She claimed it was actually vacant properties that caused more problems and brought more of a detriment to the neighborhood than having activity there, where people were coming and going, and where there was a responsible owner, and corporate citizen managing it.

Council Member Uhlich called on the representative from QuikTrip.

Jim Beilman said he was speaking with twenty years experience with the company QuikTrip, with the last two years in Tucson helping get this market started. He stated for fifty years, QuikTrip had been committed to being a responsible retailer in each of the communities they operated. He said the corporation understood and appreciated the great responsibility to the community that came with acquiring a license to sell beer and wine. He said, as a result, the company made great efforts to continually train its employees in upholding the responsible sale of alcohol. He acknowledged employees were thoroughly trained to check identification and every full-time employee received over ninety hours of one-on-one training. Additionally, once they were out of training, there was always a management employee on duty in every store they operated. He claimed there was never a situation where a part-time clerk or anyone under the age of eighteen was working alone in a store; it was always management employees.

Mr. Beilman stated the company also used secret shoppers who appeared to be under age to shop their stores on a regular basis. He said there were severe disciplinary actions if employees were caught attempting to sell to these secret shoppers. He said in the event of a sting operation, it was highly likely that the person would be terminated. He advised all Tucson stores would be managed locally from a Tucson office and there was a Tucson facility support office in town. He confirmed the company currently operated sixty-eight stores in Arizona, all with active beer and wine permits, and they had an exemplary compliance record with the State Liquor Board. He reported they reached out to the neighbors, sent two letters, and met with and/or spoke to whomever would visit with them. He said he and Mr. Keshner met at Mr. Keshner's home three separate times and he thanked Mr. and Mrs. Keshner, stating they were great people. He said the

company felt like this was a great use for the intersection as it was a major commercial corridor and a signalized intersection with C-2 zoning.

Mr. Beilman said he felt the community would be served with the issuance of the Series 10 liquor license to QuikTrip. He stated the company was nationally recognized as an industry leader in terms of outstanding customer service and the operation of its stores. Mr. Beilman acknowledged he was very excited about bringing the high level of quality and customer service to the city with many planned locations. Additionally, he stated he wanted to thank Council Members Scott and Uhlich, and their staff, particularly Council Administrative Assistants Miguel Ortega, Renee Sowards and Andy Squire. He stated he was a novice to the Tucson process, but had contacted Council staff with many phone calls and emails and he wanted to thank them for their help.

Council Member Uhlich thanked Mr. Beilman and said she wanted to be clear about the purview of the City on this particular matter. She stated the Arizona State Liquor Board handled the actual liquor license issuance and there were very strict criteria that the City was allowed to consider when forwarding a recommendation to the State Liquor Board. Council Member Uhlich said staff had indicated this application was in compliance with City requirements, but what she would like to do was forward it to the State Liquor Board with a neutral recommendation. She noted that meant forwarding all of the input received in order for the State Liquor Board to take it into consideration in their deliberations. She stated some of the issues raised regarding the driveway location, lighting, and other such things could not be taken into account in this particular process. She said this was strictly about the liquor license under State statute, so those issues would be handled through the development process as the site was transformed into a different use. Council Member Uhlich said she and staff wanted to make sure that the neighbors were made aware of additional opportunities to weigh in on the process as the site plans moved forward.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to forward liquor license application 5b1 to the Arizona State Liquor Board with no recommendation.

b. Liquor License Applications

2. QuikTrip #1460, Ward 4  
1250 S. Pantano Rd.  
Applicant: Kelly Paul Vaughan  
Series 10, City 8-09  
Action must be taken by: April 17, 2009

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

(CONTINUED FROM MAYOR AND COUNCIL MEETING OF  
APRIL 7, 2009)

Roger W. Randolph, City Clerk, announced the second item to be considered separately was Item 5b2, located in Ward 4.

Council Member Uhlich stated Council Member Scott indicated a desire to move forward with an affirmative recommendation to the State.

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

c. Special Event(s)

NOTE: There are no special event(s) scheduled for this meeting.

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) scheduled for this meeting.

**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. Robert Reus commented on the dismissal of Mike Hein, former City Manager, and the current management of the City.
- b. Joseph Sweeney spoke about media coverage of immigration issues, Section 287(g) program applications, and becoming a sanctuary 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. PUBLIC IMPROVEMENT: PANTANO ROAD, SPEEDWAY BOULEVARD TO 22ND STREET DISTRICT LIGHTING IMPROVEMENT**

1. Report from City Manager APR14-09-195 WARD 2
2. Resolution No. 21265 relating to Transportation: fixing the time when Mayor and Council of the City of Tucson would hear and pass upon the assessments and proceedings theretofore had and taken for the improvement known as the “Pantano Road, Speedway Boulevard to 22nd Street District Lighting Improvement” in the City of Tucson, Arizona.

**B. REAL PROPERTY: ACQUISITION OF A WATER PIPELINE EASEMENT NEAR SAN JOAQUIN AND BOPP ROADS**

1. Report from City Manager APR14-09-198 OUTSIDE CITY
2. Resolution No. 21266 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn, if necessary, an easement for a water pipeline and related facilities near San Joaquin and Bopp Roads for the SAVSARP-CAVSARP 48” Interconnect Pipeline; and declaring an emergency.

**C. REAL PROPERTY: VACATION AND SALE OF SURPLUS RIGHT OF WAY SOUTH OF THE INTERSECTION OF FORT LOWELL ROAD AND HILL FARM DRIVE**

1. Report from City Manager APR14-09-196 WARD 2
2. Ordinance No. 10649 relating to real property; vacating and declaring a segment of unnamed right of way located south of the intersection of Fort Lowell Road and Hill Farm Drive to be surplus; authorizing the sale thereof to Thomas G. Boyle and Georgia M. Boyle; and declaring an emergency.

D. REAL PROPERTY: CONVEYANCE OF TWO EASEMENTS TO THE U.S. BUREAU OF RECLAMATION FOR THE TUCSON PIPELINE SERVING THE CLEARWELL RESERVOIR

1. Report from City Manager APR14-09-199 WARD 1
2. Ordinance No. 10650 relating to real property; authorizing and approving the conveyance of two easements to the U.S. Bureau of Reclamation for the Tucson Pipeline serving the Clearwell Reservoir, Real Estate Services No. 2009-026, Real Property No. 1779; and declaring an emergency.

E. AGREEMENT: AMENDMENT TO THE LICENSE AGREEMENT WITH SFPP, LIMITED PARTNERSHIP, dba KINDER MORGAN

1. Report from City Manager APR14-09-194 CITY-WIDE
2. Ordinance No. 10651 relating to licenses; authorizing a Third Amendment to the License Agreement with SFPP, Limited Partnership, to use and operate pipeline facilities in certain rights of way within the City of Tucson; and declaring an emergency.

Item E was considered separately at the request of Vice Mayor Romero.

F. APPROVAL OF MINUTES

1. Report from City Manager APR14-09-201 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on October 14, 2008.

G. ANNEXATION: COSTCO ANNEXATION DISTRICT, ORDINANCE ADOPTION

1. Report from City Manager APR14-09-197 WARD 2
2. Ordinance No. 10652 relating to annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing the property located adjacent to 6255 E. Grant Road, more particularly described in Exhibits A and B to this ordinance; providing that pursuant to Arizona Revised Statutes Section 9-462.04(E), existing Pima County Zoning shall continue in effect until original City Zoning becomes effective, but in no event longer than six months after annexation.

Roger W. Randolph, City Clerk, announced the ordinance number on the map was incorrect and would be corrected prior to being recorded by Pima County.

H. FINANCE: AUTHORIZING THE SALE OF CERTIFICATES OF PARTICIPATION FOR CAPITAL IMPROVEMENTS, SERIES 2009

1. Report from City Manager APR14-09-202 CITY-WIDE
2. Resolution No. 20936 relating to real and personal property; authorizing the execution and delivery of Ground Leases, an Equipment Lease, Lease-Purchase Agreements, Amendments to Lease-Purchase Agreements, Depository Trust Agreements and Continuing Disclosure Undertakings; acknowledging and approving the execution of Certificate Purchase Agreements and Amendments and Supplements to a Declaration of Irrevocable Trust and the sale and delivery of one or more series of Certificates of Participation in the Lease-Purchase Agreements pursuant thereto; and declaring an emergency.

I. FINANCE: SALE OF SENIOR LIEN STREET AND HIGHWAY USER REVENUE REFUNDING BONDS, SERIES 2009

1. Report from City Manager APR14-09-204 CITY-WIDE
2. Ordinance No. 10647 an ordinance relating to Finance; authorizing the issuance and sale of not to exceed \$15,000,000 City of Tucson, Arizona, Senior Lien Street and Highway User Revenue Refunding Bonds, Series 2009; providing certain terms, covenants and conditions relating to the Series 2009 Refunding Bonds; providing for the application of the proceeds thereof to the redemption of the bonds to be refunded; authorizing the execution and delivery of a bond purchase contract and a continuing disclosure undertaking with regard to the Series 2009 Refunding Bonds and a Depository Trust Agreement with respect to the bonds to be refunded; appointing a Bond Registrar, Transfer Agent and Paying Agent; authorizing the preparation and delivery of an official statement in connection with the Series 2009 Refunding Bonds; authorizing the purchase of and payment for bond insurance; ratifying certain acts heretofore taken by City officials; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Items A through I, with the exception of Item E, 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 Glassman, Uhlich, Leal, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: none

Absent/Excused: Council Member Scott

Consent Agenda Items A through I, with the exception of Item E, which would be considered separately, were declared passed and adopted by a roll call vote of 6 to 0.

## **7. CONSENT AGENDA – ITEM E**

### **E. AGREEMENT: AMENDMENT TO THE LICENSE AGREEMENT WITH SFPP, LIMITED PARTNERSHIP, dba KINDER MORGAN**

1. Report from City Manager APR14-09-194 CITY-WIDE
2. Ordinance No. 10651 relating to licenses; authorizing a Third Amendment to the License Agreement with SFPP, Limited Partnership, to use and operate pipeline facilities in certain rights of way within the City of Tucson; and declaring an emergency.

Roger W. Randolph, City Clerk, announced this item was being considered separately at the request of Vice Mayor Romero.

Vice Mayor Romero said she wanted to determine exactly what was occurring with Kinder Morgan. She acknowledged the City of Tucson had a history with this company and she wanted to get clarification from the City Attorney on the proposed recommendation and amendment to the agreement with Kinder Morgan.

Michael Rankin, City Attorney, reported the amendment extended the term of the License Agreement with Kinder Morgan. He said the current agreement was set to expire in one week. Mr. Rankin advised the amendment extended the term by ten years and provided an indexing to the license fee that Kinder Morgan paid under the agreement so the fees would increase consistent with the consumer price index over the course of the new ten-year term. He said the agreement left the existing provisions of the License Agreement in place and included the indemnification provisions, the requirements that Kinder Morgan share information, participate in certain types of training and information sharing, and secure all necessary permits for any work performed, et cetera, and with those changes the term would be extended and fees increased over time.

Vice Mayor Romero asked Mr. Rankin if a ten-year extension was a normal extension.

Mr. Rankin replied that the License Agreement goes back to the early 1980's and had been amended at different times. He believed the initial term was twenty-five years and then was extended in 2003 for a short period of time. He said in 2005 it was extended for a five-year term. Mr. Rankin said that this ten-year extension was somewhere in between those different time periods, was consistent with how other jurisdictions treated such License Agreements, and it was a common period of time for the type of amendment or extension. He noted that the fee worked out under this agreement to about one dollar, fifty cents per lineal foot of right of way used, which was approximately double the fee imposed in the City of Phoenix.

Vice Mayor Romero asked if the agreement left options for the City of Tucson, if there were any issues, to go back, review, and change if needed.

Mr. Rankin stated that it was a contract and License Agreement, and if there were modifications or amendments that needed to be made and negotiated with the other party, then it would be brought back to the Mayor and Council for consideration and approval.

Council Member Leal thanked Vice Mayor Romero for singling this item out for discussion. He said he remembered the agreement was both for the gas pipeline and the jet fuel pipeline.

Mr. Rankin confirmed the agreement covered Kinder Morgan's use of right of way for all their pipelines.

Council Member Leal asked if the pipeline that was upgraded was the gas pipeline. He stated, to his knowledge, the jet fuel pipeline had not been changed and was still the same line from 1955 or 1958. Council Member Leal said that it may have gone from a three-eighths inch wall thickness down to a five-sixteenths inch wall thickness in some cases, and the pumping pressure the line was subjected to was what a new line was subjected to. He said he had some concerns and that it was one issue to understand the gas line, but he had qualms about the jet fuel line being treated in the same way and asked when the agreement would expire.

Mr. Rankin responded that the current agreement would expire April 21, 2009. He said he did not know the details with respect to the second pipeline in terms of condition or what year it may date back to, but Kinder Morgan's pipelines were subject to the regulatory authority of the Office of Pipeline Safety and federal regulations, and Kinder Morgan would be held to account to those standards.

It was moved by Vice Mayor Romero, duly seconded, to pass and adopt Consent Agenda Item E.

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

Nay: Council Member Leal

Absent/Excused: Council Member Scott

Consent Agenda Item E was declared passed and adopted by a roll call vote of 5 to 1.

(NOTE: Consideration of this item resumed after Item 11.)

**8. TUCSON CODE: AMENDING (CHAPTERS 10B AND 23A) REORGANIZING THE COMMUNITY SERVICES, URBAN PLANNING AND DESIGN, AND DEVELOPMENT SERVICES DEPARTMENTS**

Mayor Walkup announced City Manager's communication number 203, dated April 14, 2009, was received into and made a part of the record.

Roger W. Randolph, City Clerk, announced staff has requested this item be continued to the meeting of April 21, 2009.

It was moved by Council Member Glassman, duly seconded, to continue Item 8 to the meeting of April 21, 2009.

Mayor Walkup asked if there was any discussion.

Council Member Glassman stated that the reorganization was originally proposed as a cost savings measure by the previous City Manager, so he was in favor of delaying it per staff's recommendation. He asked the City Manager where or when in the budget discussions would the cost savings and the necessary revenue be included to not do the reorganization. He asked Mr. Letcher what he planned on recommending and what the financial ramifications of the reorganization would be.

Mike Letcher, City Manager, said continuing the item did not mean he was not going to recommend it. He acknowledged there was an issue with the ordinances not being ready for the agenda. He stated he also wanted to take a look at it. He advised that he made it clear to both departments there was still a two million dollar issue. He said the issue was not only about organizing to reallocate work to areas where people were needed and away from areas that currently did not necessarily have work, but he also

assured the Mayor and Council that he would not make a recommendation which would fail to save the City two million dollars.

The motion to continue Item 8 to the meeting of April 21, 2009, was carried by a voice vote of 6 to 0 (Council Member Scott absent/excused).

**9. ZONING: (C9-08-19) MCGETRICK – ALVERNON WAY, R-3 TO O-3, CITY MANAGER’S REPORT**

Mayor Walkup announced City Manager's communication number 200, dated April 14, 2009, was received into and made a part of the record. He announced this was a request to rezone property located on the southeast corner of Alvernon Way and Second Street. The Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant was present and agreeable to the proposed requirements.

A member of the audience confirmed, on behalf of the applicant, Chuck Schuiteman, they were in agreement with all the conditions.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott absent/excused), to authorize the request for rezoning as recommended by the Zoning Examiner.

**10. RIO NUEVO: DESIGNATING DOWNTOWN HOTEL AND CONVENTION CENTER IMPROVEMENTS AS PRIORITY PROJECTS**

Mayor Walkup announced City Manager's communication number 205, dated April 14, 2009, was received into and made a part of the record. He asked the City Clerk to read Resolution 21267 by number and title only.

Resolution No. 21267 relating to downtown revitalization and the Rio Nuevo Multipurpose Facilities District; designating downtown hotel and convention center improvements as priority projects for downtown revitalization; and declaring an emergency.

It was moved by Vice Mayor Romero, duly seconded, to pass and adopt Resolution 21267.

Mayor Walkup asked if there was any discussion.

Council Member Glassman asked, if passed, would the resolution reaffirm the current allocation of bond funds as previously passed by the Mayor and Council and that none of it would be moved away from these priority projects.

Michael Rankin, City Attorney, responded that the resolution would not change the bond priorities identified and approved by the Mayor and Council, but it would be a

public proclamation by the Mayor and Council that the two identified projects were priority projects for the downtown revitalization.

Council Member Glassman asked if it reaffirmed what the current Mayor and Council had approved as an allocation of the bond funds received so far.

Mr. Rankin responded that was correct, and this action did not change previous actions by Mayor and Council, but it did designate these projects as priorities.

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

Nay: none

Absent/Excused: Council Member Scott

Resolution 21267 was declared passed and adopted by a roll call vote of 6 to 0.

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

Mayor Walkup announced City Manager's communication number 193, dated April 14, 2009, was received into and made a part of the record. He asked if there were any personal appointments to be made at this time.

There were no personal appointments to be made.

## **7. CONSENT AGENDA – ITEM E**

(NOTE: Consideration of Consent Agenda Item E resumed.)

### **E. AGREEMENT: AMENDMENT TO THE LICENSE AGREEMENT WITH SFPP, LIMITED PARTNERSHIP, dba KINDER MORGAN**

1. Report from City Manager APR14-09-194 CITY-WIDE
2. Ordinance No. 10651 relating to licenses; authorizing a Third Amendment to the License Agreement with SFPP, Limited Partnership, to use and operate pipeline facilities in certain rights of way within the City of Tucson; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the Mayor and Council would need to revisit Consent Agenda Item E, for the purpose of approving the emergency clause.

Michael Rankin, City Attorney, asked the Mayor and Council to return to Consent Agenda Item E for the purpose of taking a separate vote on the emergency clause. He said the vote was 5 to 1 to approve the item, however, under the emergency clause rules, a vote of five Council Members was necessary to approve the emergency clause. Mr. Rankin said if the emergency clause was approved, the amendment would be immediately effective.

It was moved by Vice Mayor Romero, duly seconded, to approve Consent Item E with respect to the emergency clause.

Mr. Rankin clarified that the motion was for approving the emergency clause only, allowing for the immediate effectiveness of Ordinance 10651.

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

Nay: None

Absent/Excused: Council Member Scott

The emergency clause for Ordinance 10651 was declared passed and adopted by a roll call vote of 6 to 0.

**12. ADJOURNMENT:** 6:28 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 21, 2009, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 14th day of April 2009, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:lh:tl