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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on October 6, 2009

Date of Meeting: April 28, 2009

The Mayor and Council of the City of Tucson met in regular session in the Tucson Convention Center, Meeting Rooms, 260 South Church, Tucson, Arizona, at 5:31 p.m., on Tuesday, April 28, 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
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 Letcher	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

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

The invocation was given by Leondra Price, Office of Equal Opportunity Programs, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed May 6 to be “Outstanding Teen Citizen Day.” Matt Kopec, President of the Metropolitan Education Commission Youth Advisory Council, accepted the proclamation.
- b. Mayor Walkup presented the “Crystal Apple Youth Award” to Juan Pichardo. Fran Senechal assisted Mayor Walkup in presenting “Outstanding Teen Certificates” to Marina Lopez, Andre Mercer, Jacqueline Ramirez, Nicole Smith, Amanda Hoskin, Courtney Spalt, Isabella Sadacca, Jacqueline Holguin, Clara Bee Dietz and Rita Oldham.
- c. Mayor Walkup presented a Copper Plaque in memory of Marcella Grace Eiler. Barbara Healy accepted the plaque.

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

Mayor Walkup announced City Manager’s communication number 220, dated April 28, 2009, was received into and made 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 Scott announced a free movie, “Journey to the Center of the Earth,” at the Children’s Outdoor Performance Area in Lincoln Park on May 2, 2009. She said donations to the Community Food Bank would be accepted.
- b. Council Member Glassman announced he would be at a special meeting of the Sahuarita Town Council on May 18, 2009, to present the City’s Commercial Rainwater and Gray-Water Harvesting Ordinances.

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

Mayor Walkup announced City Manager’s communication number 221, dated April 28, 2009, was received into and made 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 222, dated April 28, 2009, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

### b. New License(s)

1. Wingstop, Ward 1  
2500 N. Silverbell Rd., Suite 140  
Applicant: Nicholas Carl Guttilla  
Series 12, City 15-09  
Action must be taken by: May 9, 2009

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

2. Wingstop, Ward 1  
1710 W. Valencia Rd.  
Applicant: Nicholas Carl Guttilla  
Series 12, City 16-09  
Action must be taken by: May 9, 2009

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

3. Wingstop, Ward 2  
7940 E. Broadway Blvd., Suite 102  
Applicant: Nicholas Carl Guttilla  
Series 12, City 17-09  
Action must be taken by: May 9, 2009

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

4. Wingstop, Ward 3  
3122 N. Campbell Ave., Suite 130  
Applicant: Nicholas Carl Guttilla  
Series 12, City 18-09  
Action must be taken by: May 9, 2009

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

5. QuikTrip #1452, Ward 6  
5151 E. Speedway Blvd.  
Applicant: Kelly Paul Vaughan  
Series 10, City 19-09  
Action must be taken by: May 9, 2009

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

Public Opinion:           Written Argument Opposed Filed

This item was considered separately.

6. QuikTrip #1453, Ward 5  
1884 S. Craycroft Rd.  
Applicant: Kelly Paul Vaughan  
Series 10, City 20-09  
Action must be taken by: May 9, 2009

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

7. QuikTrip #1493, Ward 2  
1925 N. Kolb Rd.  
Applicant: Kelly Paul Vaughan  
Series 10, City 21-09  
Action must be taken by: May 9, 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)

Person/Location Transfer(s)

8. El Super #10, Ward 5  
3372 S. 6th Ave.  
Applicant: Randy D. Nations  
Series 9, City 14-09  
Action must be taken by: May 4, 2009

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. Opening Minds through the Arts, Ward 6  
330 S. Scott Ave.  
Applicant: Donn Poll  
City T34-09  
Date of Event: May 9, 2009  
(Annual fundraiser event)

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

2. Sonoran Art Foundation, Inc., Ward 5  
633 W. 18th St.  
Applicant: Alexandra Suzanne Berger  
City T35-09  
Date of Event: May 16, 2009  
(Fundraiser)

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

3. Metropolitan Pima Alliance, Ward 1  
100 S. Avenida del Convento  
Applicant: Michael Shawn Guymon  
City T36-09  
Date of Event: May 7, 2009  
(2009 MPA Wild Ride)

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

d. Agent Change/Acquisition of Control/Restructure

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

It was moved by Council Member Glassman, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b4, 5b6 through 5b8, and 5c1 through 5c3 to the Arizona State Liquor Board with a recommendation for approval.

## **5. LIQUOR LICENSE APPLICATIONS**

### **b. New License(s)**

5. QuikTrip #1452, Ward 6  
5151 E. Speedway Blvd.  
Applicant: Kelly Paul Vaughan  
Series 10, City 19-09  
Action must be taken by: May 9, 2009

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

Public Opinion:           Written Argument Opposed Filed

Roger W. Randolph, City Clerk, announced the application to be considered separately was Item 5b5, QuikTrip #1452, located in Ward 6.

Council Member Trasoff asked if the protestor was present.

There was no one.

Council Member Trasoff said there was one letter of protest and a member of her staff spoke with the protestor, who was concerned about the corporate footprint increasing in Tucson. Council Member Trasoff said the QuikTrip was on Speedway Boulevard in a dense area with a lot of businesses.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license application 5b5 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 and the call to the audience was scheduled to last for thirty minutes.

- a. Karen Falkenstrom, Creative City Tucson, performed a drum instrumental.
- b. Barbara Ellen began to comment on the proposed rental tax, but was advised by Mayor Walkup that the item was scheduled for a public hearing on the agenda, so her comments could not be made during Call to the Audience.
- c. Reverend Joyce Steiner, United Methodist Church Minister, spoke about her participation in a walk held on March 29, 2009, in various Tucson neighborhoods. The purpose of the walk was to hear how families were affected by the economy.

- d. Father Jim Geaney, Pastor at Sacred Heart Parish, said he represented Pima County Interfaith Council. He reiterated comments made by Reverend Steiner.

Council Member Trasoff asked staff to contact Reverend Steiner or Father Geaney, as she believed they put together a grid that summarized comments of thousands of people they spoke to in neighborhoods and reflected what was going on in the community.

- e. Melanie Nelson spoke about the walk held by Pima County Interfaith Council.
- f. Joseph Sweeney spoke about the importance of the 287(g) Units and the ongoing problem with illegal immigrants in the 287(g) units and in the community.

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

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

**A. REAL PROPERTY: VACATION OF MISSIONDALE ROAD, SIXTH AVENUE AND OLD NOGALES HIGHWAY RIGHTS OF WAY FOR ASSEMBLAGE WITH THE EL PUEBLO CENTER**

- 1. Report from City Manager APR28-09-224 WARD 5
- 2. Ordinance No. 10658 relating to real property; vacating segments of Missiondale Road, Sixth Avenue and Old Nogales Highway rights of way; authorizing the assemblage thereof with adjacent City-owned property known as the El Pueblo Center; and declaring an emergency.

**B. ASSURANCE AGREEMENT AND FINAL PLAT: (S07-110) MOUNTAIN VAIL ESTATES (RCP), LOTS 1 TO 135 AND COMMON AREAS “A” AND “B”**

- 1. Report from City Manager APR28-09-226 WARD 4
- 2. Resolution No. 21272 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S07-110 and approving the final plat for the Mountain Vail Estates, Lots 1 through 135 and Common Areas “A” and “B”, 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.

C. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-135) MOUNTAIN VAIL ESTATES (RCP), LOTS 136 TO 501 AND COMMON AREAS “B” AND “C”

1. Report from City Manager APR28-09-227 WARD 4
2. Resolution No. 21273 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements in Case No. S08-135 and approving the final plat for the Mountain Vail Estates, Lots 136 through 501 and Common Areas “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.

D. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH SOLAR STAR ARIZONA I, LLC FOR A PHOTOVOLTAIC FACILITY AT TUCSON’S CENTRAL AVRA VALLEY STORAGE AND RECOVERY PROJECT

1. Report from City Manager APR28-09-228 OUTSIDE CITY
2. Ordinance No. 10659 relating to real property; authorizing and approving the lease agreement with Solar Star Arizona I, LLC for a 1 MW photovoltaic facility at CAVSARP; and declaring an emergency.

E. APPROVAL OF MINUTES

1. Report from City Manager APR28-09-229 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on January 27, 2009.

It was moved by Council Member Uhlich, duly seconded, that Consent Agenda Items A through E 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, Scott, Leal, and Trasoff; Vice Mayor Romero and Mayor Walkup

Nay: None

Consent Agenda Items A through E were declared passed and adopted by a roll call vote of 7 to 0.

**8. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED ANNUAL BUDGET FOR FISCAL YEAR 2010**

Mayor Walkup announced that the public hearing on the budget would take quite some time, and suggested that the Council move to Items 9 and 10, and get those items out of the way.

Most in attendance were not in agreement with the Mayor's suggestion.

Mayor Walkup said they would then go ahead with Item 8 as scheduled. He also announced the Council asked him to allow everyone a chance to speak who wanted to, which meant they would be there for quite some time. Everyone would be allowed a three-minute opportunity to speak. Mayor Walkup called on the first speaker.

Monica Stocker spoke in opposition to the proposed rental tax, stating it was hard to make ends meet with the economy taking a downturn.

Louise Sternberg, representing the Board of the Tucson Children's Museum, asked the Mayor and Council not to exclude the Children's Museum from the City's budget.

Laura Leighton spoke about immigrants coming into the community legally. She expressed opposition to government resources being used for "Raza Studies", which she said taught racism in schools. She also commented on the problem with illegal aliens in the community.

Mayor Walkup reminded the audience that the public hearing was on the City's budget and urged the speakers to keep that in mind.

Kim Fitch, Nicolosi and Fitch property managers, presented information on renters and rental properties, and solutions she felt would help address the deficit the City was facing. She also spoke about the high vacancy rate in Tucson.

Andy McKnight said the solution to the budget crisis was to cut spending. He expressed opposition to the proposed rental tax. He urged the Council not to impose taxes on the people who could least afford them.

Robert G. Caplette, Arizona Association of Mobile Homeowners, spoke in opposition to the proposed rental tax. He said the Council had to cut their spending.

Keith Smith spoke in opposition to raising taxes. He asked the City to live within its means, but not to cut core services such as fire, police, water, sewer, and streets.

Miriam Weber spoke in opposition to the proposed cuts in funding to Access Tucson. She urged the Council to keep Access Tucson viable.

Margie Rodriguez spoke in opposition to the proposed rental tax. She urged the Council not to impose the rental tax on those who could least afford it.

Don Bertich, a disabled Veteran on a fixed income, spoke in opposition to the proposed rental tax.

Cindy Ashton, Manufactured Housing Communities of Arizona, spoke in opposition to the proposed rental tax. She said Tucson's budget deficit should be shared by all citizens and urged the Council to look at other options, instead of the proposed rental tax.

Reuben Hart spoke about financial hardships he was facing. He urged the Council not to approve the proposed rental tax.

Evan W. LaRue spoke in opposition to the proposed rental tax. He urged the Council to decrease their budget.

John McBride said he was a disabled Veteran on a fixed income. He urged the Council to come up with a solution to the budget crisis so they would not have to impose a rental tax.

Alex Klinke, representing property managers and renters in Tucson, presented reasons he felt the proposed rental tax would not work. He urged the Mayor and Council to reassess the information they were given, including the source of their projected rental income numbers and how recent and reliable the figures were.

Bob Klug said he was a small landlord in Tucson and he did not feel he could pass along the tax to his renters. He was opposed to the proposed rental tax. He said all Tucsonans should pay equally and fairly. He commented on how the military armed forces did not pay property or state taxes. He urged the Council to bring the issue up with the State Legislature.

Lupita Shestko-Montiel spoke in opposition to raising taxes. She urged the Council to put a moratorium on taxes and to allow some City services to be provided by the private industry.

Kate McGee, American Federation of State, County, and Municipal Employees (AFSCME) Union representative, urged the Mayor and Council to look at the 12.7 million dollars given to outside agencies before any more burdens were placed on City residents and employees.

Mike Russell, City employee, spoke in opposition to the implementation of furlough days for City employees.

Stephanie A. Draper spoke in opposition to the proposed two percent rental tax.

James King, City employee, asked the Council to look into wasteful spending by City departments. He said if those issues had been addressed, there would be no need for furlough days or a rental tax.

Michael Coiro, Parks and Recreation Department employee, spoke about the budget's affect on City employees. He said he was opposed to the implementation of furlough days for City employees.

Lou Albert, Metropolitan Education Commission Chair, along with Sister Rosa Ruiz and Matt Kopec of the Metropolitan Education Commission Youth Advisory Council, spoke in opposition to cuts in funding to outside agencies, in particular the Metropolitan Education Commission.

Denise Edwards Miller, Manager of the Posada Del Rio Apartments, spoke in opposition to the proposed rental tax.

Steven Schlesinger spoke in opposition to the proposed rental tax.

Tom Reidy spoke in opposition to the proposed rental tax. He proposed endorsing a fifteen dollar fee on Arizona driver's licenses, in order to curb the problem of those who used their driver's license to buy alcohol and had been cited for driving under the influence (DUI). He said two DUI's should require a fifteen dollar endorsement on a person's license.

Dale Bieber, a renter on a fixed income, spoke in opposition to the proposed rental tax.

(NOTE: Council Member Trasoff departed at 7:23 p.m.)

Wayne L. Seekins, a disabled Veteran, spoke in opposition to raising taxes.

Melanie Morrison spoke in opposition to the proposed rental tax. She also said she had a petition signed by five thousand Tucson renters who were also opposed to the rental tax.

(NOTE: Council Member Trasoff returned at 7:26 p.m.)

Carol West, Pima Council on Aging (PCOA), urged the Council to retain funding for Senior Adult Services.

Paul Parisi, Vice President of Governmental Affairs for the Tucson Metropolitan Chamber of Commerce, urged the Council to fully fund public safety first. He said Tucson should greatly increase its commitment to Police and Fire. He said Parks and Recreation and Transportation were also priorities that deserved full funding. He said all other areas should be considered for potential cuts or elimination. He also commented in opposition to the proposed rental tax.

Tom Prezelski spoke in opposition to the proposed rental tax, stating taxes should not target only one constituency. He urged the Mayor and Council not to target a certain group of people.

James Michael Click said he was a retiree on a fixed income, and a renter. He urged the Council to live within their budget, and spoke in opposition to the proposed rental tax.

Leonard Basurto, St. John's the Evangelist Church and Pima County Interfaith Council (PCIC), spoke about his participation in the walk through two hundred twenty households. He shared the concerns of those households he visited. He urged the Council not to cut outside agency funding.

(NOTE: Council Member Scott departed at 7:44 p.m.)

Marihelen High, Mark's Presbyterian Church and Pima County Interfaith Council (PCIC), urged the Council not to cut funding for outside agencies serving working families, in particular, funding for KIDCO.

Fred Ebeling said he was Chair of PCOA's Advisory Council and a representative of the United Way Senior Impact Council. He spoke about challenges facing seniors and urged the Council not to cut their funding.

John Ekholm spoke in opposition to the proposed rental tax.

Dominick D'Anna stated he agreed with the arguments he heard about the proposed rental tax.

Carol Campbell spoke in opposition to the proposed rental tax.

(NOTE: Council Member Scott returned at 7:49 p.m.)

Arnold Palacios, PCIC, spoke about the recent walk, when over seven thousand families were visited. He stated the number one concern was the lack of jobs. He urged the Council to focus attention on the battered workforce. He said an economic recovery plan was needed and he urged the Council to maintain their investment in core services such as job training, youth and families.

Bill Petrella, Westin La Paloma Resort General Manager and Southern Arizona Lodging and Resort Association (SALARA) President, spoke in opposition to the proposed hotel bed tax and reductions in funding to the Metropolitan Tucson Convention and Visitor's Bureau (MTCVB).

(NOTE: Vice Mayor Romero departed at 7:55 p.m.)

Raul Nido, Sunnyside High School Principal, spoke in opposition to funding cuts for the Schools Plus Jobs Program.

Rhonda Dean, Job Path training programs, highlighted the impacts the training programs have had on Tucson and Pima County. She urged the Council to consider the positive financial impacts the programs have had on the City and County.

(NOTE: Vice Mayor Romero returned at 7:59 p.m.)

(NOTE: Council Member Glassman departed at 8:02 p.m.)

Richard Hendrix, General Manager of the Inn Suites Hotel Downtown and the Best Western Hotel on Oracle, spoke in opposition to the proposed hotel bed tax any funding cuts to the MTCVB.

Wade Hossman, Hyatt Place Tucson Airport General Manager and SALARA Board Member, urged the Council to fully fund the MTCVB, a revenue-generating arm for the City. He also asked the Council to rethink the proposed hotel bed tax.

Jerry Shoemaker spoke in opposition to the proposed rental tax.

(NOTE: Council Member Glassman returned at 8:10 p.m.)

J. Lisa Jones thanked the Council for listening and said it was critical that all people be heard. She reminded the Council that Channel 12 was covering the meeting and was part of PEG (Public, Educational and Government access television); the other part of PEG was Access Tucson. She urged the Council not to cut funding for Access Tucson. Ms. Jones also commented in opposition to the proposed rental tax, and suggested a landlord's tax instead.

Lynn Ericksen, SALARA Board Member and Hilton Tucson El Conquistador Golf and Tennis Resort General Manager, said the travel and tourism industry generated revenue and provided jobs at every socio-economic level. He asked that funding continue for MTCVB, and the hotel bed tax be avoided.

George Mairs said he was a volunteer at the Armory Park Senior Center and a member of PCOA. He urged the Council to continue funding for PCOA, and spoke in support of funding for the Armory Park Senior Center.

Guy Stickney said he was Executive Director of SALARA, former General Manager of the Doubletree Hotel at Reid Park, and a conference planner. He spoke in opposition to the proposed bed tax and urged the Council to fully fund the MTCVB.

(NOTE: Council Member Leal departed at 8:24 p.m.)

Brian Johnson, Loews Ventana Canyon Managing Director, SALARA Chair, and incoming Chair for the Arizona Hotel and Lodging Association, said the proposed bed tax would put them at a competitive disadvantage. He reminded the Council that four years ago the Council passed the bed tax, of which forty-five percent would go to fund MTCVB. He said he was opposed to the proposed bed tax.

Victoria S. Davis spoke in opposition to any new taxes. She urged the City to live within its budget.

Robert Mayer said he was one of the head organizers of the Tucson Tea Party. He agreed with comments already made on the proposed rental tax and bed tax. He reminded those in attendance that the Council was also planning on charging new utility taxes and water taxes, which would affect everyone. He told the Council they would face a recall election if they voted in favor of the proposed taxes.

Kevin Boyle reiterated comments made by his peers from SALARA. He expressed concerns that if the bed tax was approved, the City would not only push tourists away from Tucson, but the City would lose the perceived income from the proposed bed tax, along with the other taxes that went along with that. The City would also lose the income from the restaurants, retailers, and all types of tourist attractions in Tucson. He urged the Council to reconsider the proposed bed tax on behalf of the betterment of Tucson.

Tom Tracy, SALARA Board Member and Pima County Sports and Tourism Authority Chair, spoke in opposition to the proposed rental tax. He also spoke in opposition to the proposed hotel bed tax and cutting funding for MTCVB.

Alex Ahluwalia, J. W. Marriott Starr Pass and SALARA Board Member, echoed comments his colleagues offered in opposition to the proposed bed tax and the reduction of funding for the MTCVB.

(NOTE: Council Member Leal returned at 8:38 p.m.)

Chris Evans, representing the apartment industry, spoke in opposition to the proposed rental tax.

Bonnie Bullivanet spoke in opposition to the proposed rental tax.

Jeremiah A. Graves said the crime rate always went up when people had no money or little money.

Bernard Ford said he was a Vietnam Veteran living on a fixed income. He spoke in opposition to the proposed rental tax. He told the Council it was not fair to charge people for what they did not have, and not charge people for what they had.

Robert Shatz thanked the Council for listening to everyone. He said it was not the role of the government to play business as usual. They would be rewarded, since interest rates were so low. He suggested that what the City would have to borrow to balance the budget would be well worth the cost of postponing the inevitable. He also spoke in support of arts and culture in the community.

(NOTE: Council Member Uhlich departed at 8:48 p.m.)

Roberto Bedoya, Tucson/Pima Arts Council Executive Director, said in the proposed budget, the City's support of the arts and culture industry was tied to the increase in the hotel bed tax. He urged the Council not to cancel their support for arts and culture, and offered his assistance in helping the Council work that out.

Sharon Johnson, Public Housing Authority member, urged the Council not to approve the proposed rental tax.

Daniel Pfeifer, City employee, spoke in opposition to raising any taxes. He said the City should spend its money wisely. He said he did not feel the City should be funding the arts, but should fund the City's infrastructure.

(NOTE: Council Member Uhlich returned at 8:56 p.m.)

Sam Behrend, Access Tucson, stated the City and Access Tucson had to stand together, or the community would tear itself apart. He reminded the Council how Access Tucson stood with the City for several years while the City negotiated a cable license with Cox Cable, and as a result of that the City now received funding from Cox Cable. He urged the Council to work with Access Tucson during these difficult times.

Dorothy Miller spoke in support of funding for Access Tucson and protecting the rights to the airwaves so that they would not be lost.

John Cousins echoed comments made by his colleagues that Tucson depended on tourism. He urged the Council not to approve the proposed bed tax. He also urged the Council to give the MTCVB the support it needed to make Tucson a destination.

Scott Copper, University of Arizona student, spoke in opposition to the proposed rental tax. He urged the Council to reconsider adding the proposed new taxes to the budget.

Susan Romero-McManamy spoke in opposition to the proposed rental tax. She said she appreciated Council Members Glassman and Leal, who were opposed to the proposed tax.

Rachel Villarreal, Associate Director of Voices – Community Stories Past and Present, spoke on behalf of the youth served by their organization through outside agency funding. She urged the Council to continue their support for funding all youth-serving agencies in the community.

Michael D. Smith said he was speaking as a taxpayer, real estate agent and a voter. He urged the Council to oppose the proposed rental tax.

Larry Pulz spoke about projects the City wasted money on. He said he was opposed to any new laws or rules.

David L. Taylor said he was the president of a mobile home owners association in Ward 4. He spoke in opposition to the proposed rental tax and any proposed utility taxes.

Raymond E. Humiston said he spent the past twelve months trying unsuccessfully to develop a dialogue with the Mayor's Office regarding Emergency Medical Services (EMS) in Tucson, which he said was costly and inefficient. He said he had a program to cut spending and had a specific suggestion to present to the City. Tucson routinely sent a fire truck on EMS calls and he felt that was not needed and was a waste of taxpayers' money. He said a complete overhaul of the City's Fire Department was needed.

Jodi Netzer, representing Creative City, spoke in support of funding for arts and culture. She urged the Council to find other creative revenue sources to fund the arts and culture. She also spoke in support of the Green Jobs Initiative.

Michael Schwarz spoke in support of the Green Jobs Initiative through the arts. He also spoke in support of funding for MTCVB.

John Thomas, City employee, said he submitted a Call to the Audience card for the next item on the agenda, which was Item 9, pertaining to pension benefits. He said he preferred to defer his comments until that item was discussed.

Michael Rankin, City Attorney, advised the Council that Mr. Thomas was present for Item 9, but it was mistakenly believed, during Call to the Audience, that he wished to speak on Item 8. Mr. Rankin said it was up to the Mayor to decide if anyone would be allowed to speak on Item 9, but it was not scheduled for a public hearing. Otherwise, he said, Mr. Thomas should be allowed to speak at some point.

Mayor Walkup advised Mr. Thomas he could speak at that moment on Item 9.

John Thomas spoke about the proposed changes to the Tucson Supplemental Retirement System, regarding death benefits. He said the changes would not allow employees to pre-select a pension option in the event of their death before they retired. He said there were also proposed changes to the disability benefits. He was concerned that City employees were not notified of the proposed changes. He asked that the Council request that the item be revisited, in terms of how the benefits could be maintained for City employees.

Darryl Peterson (sp) said there was a lack of imagination on the City Council. He felt the problems Tucson was facing should be addressed in a different way.

Roger Putzi commented that the City should be able to handle its own finances and needed a "rainy day" fund. He said he was in support of temporary furloughs and four-day work weeks. He said he was concerned about asking landlords to be unpaid tax collectors and he did not feel it was fair to not impose the tax on those who were mortgage payers.

Allyson Miller spoke in opposition to the proposed budget. She said one of the suggestions by the City Manager was that the allocated budget for police officers be moved into the general fund because they received a grant. She said she felt that was wrong, when crime was increasing in the community. Ms. Miller also spoke in opposition to the proposed rental tax and the proposed utility tax increase.

Frances Merryman said she represented many organizations. She told the Mayor and Council they had an impossible job. Everyone wanted to have Fire, Police, Water, Sewer, Parks, and Libraries, but no one wanted more taxes. She commented that a community, whose economic base was based on the retail sector, had serious problems. She said the City needed to look at the outside agencies and bring back more revenue into the City than what was given to them to promote high wage, high knowledge jobs. To do that, the City needed a quality K-12 education system. She spoke in support of the work done on Rio Nuevo. She urged the Council to support organizations like Tucson Regional Economic Opportunities (TREO), which brought back at least seven times the dollar amount given to them, and MTCVB.

Anthony Venuti said he had a newspaper publishing business, Arizona Tourist News. He spoke about the need to repair potholes in the roads, to encourage tourism in Tucson. He suggested the City take tourism dollars and use them for the roads.

Joyce Smith spoke in support of full funding for Access Tucson.

John Kromko commended the Mayor and Council for holding the public hearing on the budget. He said the City was overloaded on highly paid people, stating there were two hundred thirty four people making more than one hundred thousand dollars a year. He suggested cutting one percent for every ten thousand dollars of pay from those people, and said that would make more money than the proposed rental tax.

Mr. Kromko said if the City would cut two percent for every ten thousand dollars, as the City of South Tucson did, that would take care of all the City's problems. He told the Council it would take nine thousand five hundred signatures to undo any rental tax the Council might pass; he hoped the Council would save him having to collect those signatures and urged them not to support the rental tax.

Sheldon Gutman commented on the use of fire trucks on paramedic calls to reduce the budget. He spoke in support of furloughs for City employees and keeping baseball spring training in Tucson.

Jennifer Duffy, Loews Ventana Canyon Resort Public Relations Director, said she was an avid supporter of downtown and Rio Nuevo. She spoke in support of full funding for MTCVB.

(NOTE: Council Member Trasoff departed at 9:55 p.m.)

Augie Garcia, PCOA Board of Directors member, spoke about the need for services for senior citizens in the community. He said he was opposed to any funding cuts for agencies that provided services to senior citizens.

Danielle Gilligan, Loews Ventana Canyon Resort Director of Rooms, spoke on behalf of many of their employees who would be affected if the proposed bed tax and rental tax were approved. She also spoke in support of full funding for MTCVB.

(NOTE: Council Member Trasoff returned at 9:59 p.m.)

Stuart R. Thomas spoke on behalf of Access Tucson. He said Access Tucson was an integral part of the community and he was opposed to any funding cuts to Access Tucson.

Carl M. Fiske spoke in opposition to the proposed twenty percent funding cuts for Access Tucson.

Ashton Banker spoke in opposition to the proposed budget, including cuts to the Tucson Police Department's budget. He also spoke in opposition to the proposed rental tax. He stated those taxes proposed to fund the budget could not be passed onto the taxpayer or the tourists.

Michael Oatman spoke in opposition to the proposed rental tax.

Emma Jane Howard spoke in opposition to the proposed rental tax.

Mayor Walkup said he did not have any more speaker cards and asked if there was anyone else wishing to address the Council on this issue.

Everett Rothrock, property manager, spoke in opposition to the proposed rental tax.

Judy Dawson, property manager of a small mobile home park, spoke in opposition to the proposed rental tax.

Noel Desilets spoke in opposition to the proposed rental tax.

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

Mayor Walkup announced the second public hearing would be held on Tuesday, May 5, 2009; and the third public hearing would be held on Tuesday, June 9, 2009. He thanked everyone in attendance and said the Council wanted to give everyone a chance to express themselves on the budget.

**9. TUCSON CODE: AMENDING (CHAPTER 22) TUCSON SUPPLEMENTAL RETIREMENT SYSTEM**

Mayor Walkup announced City Manager's communication number 225, dated April 28, 2009, was received into and made part of the record. He asked the City Clerk to read Ordinance 10657 by number and title only.

Ordinance No. 10657 relating to Tucson Supplemental Retirement System; Tucson Code Chapter 22, Pensions, Retirement, Group Insurance, Leave Benefits and Other Insurance Benefits, Article III, Tucson Supplemental Retirement System, Division 1 Types of Retirement and Benefits, adopting new Section 22-30, Definitions; Section 22-31, Trust Fund; Section 22-32, Exclusive Benefit; and Section 22-33, Membership; renaming and amending Sections 22-34, Membership Contributions; Section 22-35, City Contributions; Section 22-36, Accumulation of Credited Service; Section 22-37, Retirements; Section 22-38, End of Service Program; Section 22-39, Disability Retirement; Section 22-40, Death Benefits; Section 22-41, Refund of Accumulated Contributions Accounts; Transfers to Other Systems; Section 22-42, Retirement Benefit Payment Options; Section 22-43, Administration of Benefit Payments; Benefit Calculations; adding Section 22-43.1, System Approved Domestic Relations Orders; Division 2 administration of the system, amending Section 22-44, Board of Trustees; Section 22-45, Investments; Section 22-46, Finance Director Duties; and Section 22-47, Human Resources Director Duties; renaming and amending Section 22-48, System Administrator; Section 22-49, Indemnification; Section 22-50, Miscellaneous Administrative Provisions; Section 22-51, Alteration, Amendment, Repeal of the System; and Section 22-52, Effective Date; repealing Section 22-53, End of Service Incentive; Section 22-54, City of Tucson 401(a) Supplemental Retirement Plan; and Section 22-55, Purchase of Permissive Service Credits (now in Section 22-36 f); and setting an effective date.

Council Member Leal said he had an opportunity to be briefed on the ordinance. He also had some pause, after listening to John Thomas, who addressed the Mayor and Council on this issue during Item 8. Council Member Leal said he has known Mr. Thomas for some time, and he always seemed to be a thoughtful person. At the same time, he said, Mr. Thomas was soft spoken and he did not completely understand everything he said. Council Member Leal again said he had some pause about some of the points Mr. Thomas made, and he wanted to take an opportunity to see if there was something that merited redress. He asked if there was someone who heard Mr. Thomas better than he did, who could explain it.

Michael Rankin, City Attorney, said Mr. Thomas rightfully pointed out changes to the death benefits, which was what his comments were directed to. He said Mr. Thomas sent out an earlier email with his concerns, but did not know if those on the Council were able to see the response. Mr. Rankin said Mr. Thomas was correct in identifying one of the changes in the plan presented in the revised ordinance, specifically, the death benefit would be reduced with the adoption of the plan.

Mr. Rankin gave an instance where the change would take place. He said it would be in the circumstance where a member was eligible to retire, but had not yet retired and had not yet made a benefit election. Upon that member's death, there currently was an option for qualifying survivors to elect between two different types of benefits, either a lump sum payment of two times the contribution, or an annuity benefit.

Mr. Rankin said that under the revised Code, that option would not be in place in that circumstance. Instead, it would be limited to a uniform death benefit that would be applied throughout, system-wide, which would be two times the amount of the contribution plus interest.

Council Member Leal asked, in the case that Mr. Thomas explained, would it be the equivalent of a forty-percent reduction to what would have otherwise been the benefit.

Mr. Rankin said as he understood how Mr. Thomas valued that, if he took the lump sum benefit and bought annuity and compared that to the annuity benefit that qualifying survivors would have the option to choose, then the difference in the values of the two annuities would be about forty percent.

Council Member Leal said they all understood that when there was a death of a spouse, it would be a significant change unto itself; but that would be further compounded by having the family's financial circumstance change that much. He said that would be considered a big deal. Council Member Leal asked staff to explain what difference that would make to the City and why the City chose to bring forward the change as opposed to keeping it as it was. He asked if it had some significant meaning for the City or if it was just something that evolved and ended up in the recommendation. Council Member Leal said if it was not something significant on the City's end that

justified reducing the family's finances when there has been a death, he wanted to know that before agreeing to the change.

Mr. Rankin replied there would be some cost savings to the system, if the ordinance was passed, but he could not quantify it at that time. The other change would make administration easier and cleaner in that the death benefit would be uniform throughout the system. Mr. Rankin said he would make the same suggestion Mr. Thomas made earlier in his email, if the Council wanted to further focus on the provision, study it, and understand the potential dollars associated with it. He recommended that, if the Council was otherwise comfortable with the plan going forward, they could approve the ordinance as is, which would include the change in the death benefit, understanding it would not go into effect until after July 1, 2009. The Council could then schedule additional discussions on the change in the death benefit to focus and answer their questions and they could make individual decisions on that particular provision.

Council Member Leal told Mr. Rankin that was a helpful recommendation, and said there was some time before July 1, 2009, for the Council to have a study session and better understand the change in the death benefit. He said simplifying things for the City was a good thing; but if they would be saving twenty thousand dollars or fifty thousand dollars a year, with this kind of impact, it would be something the Council had to think about.

It was moved by Council Member Leal, duly seconded, that Ordinance 10657 be passed and adopted, with the understanding that it would be brought back to the Council at a study session for everyone to have a more thorough conversation about the impacts, to see if there would be a need for an amendment or change.

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

Nay: None

Ordinance 10657 was declared passed and adopted by a roll call vote of 7 to 0, with the understanding that the change to the death benefit be brought back to the Council at a study session, to have a more thorough conversation about the impacts.

**10. WATER: INITIATION OF WATER RATE REVISION PROCESS**

Mayor Walkup announced City Manager’s communication number 231, dated April 28, 2009, was received into and made part of the record. He asked the City Clerk to read Resolution 21274 by number and title only.

Resolution No. 21274 relating to Water; approving and authorizing the CWAC rate recommendations; approving the publication of a Notice of Intention to increase certain water rates and fees; scheduling a public hearing on the above referenced rates and fees; and declaring an emergency.

It was moved by Vice Mayor Romero, duly seconded, to pass and adopt Resolution 21274 and to direct staff to file the proposed fee schedule with the City Clerk’s Office, and set June 2, 2009 for the public hearing regarding the proposed fee.

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

Nay: None

Resolution 21274 was declared passed and adopted by a roll call vote of 7 to 0, and staff was directed to file the proposed fee schedule with the City Clerk’s Office, and set June 2, 2009 for the public hearing regarding the proposed fee.

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

Mayor Walkup announced City Manager’s communication number 223, dated April 28, 2009, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Scott, duly seconded and carried by a voice vote of 7 to 0, to appoint Tanya Valladeres to the Pima County - City of Tucson Commission on Addiction, Prevention, and Treatment (CAPT) and appoint Kathryn Hahne and Christina Bickelmann to the Landscape Advisory Committee (LAC).

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

There were no personal appointments.

**12. ADJOURNMENT:** 10:35 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 5, 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 28th day of April 2009, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:sac:dp