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# Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on September 22, 2009

Date of Meeting: September 15, 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 5:40 p.m., on Tuesday, September 15, 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             |
| Nina J. Trasoff  | Council Member Ward 6             |
| Robert E. Walkup | Mayor                             |

Absent/Excused:

|            |                       |
|------------|-----------------------|
| Steve Leal | Council Member Ward 5 |
|------------|-----------------------|

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 Draigg Phillips, City Clerk's Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup and Council Member Scott presented awards to the Ninth Annual Ward 4 Back to School Bash contributors and volunteers.
- b. Mayor Walkup and Vice Mayor Romero presented copper plaques to guests from Almaty, Kazakhstan as Honorary Citizens.
- c. Mayor Walkup presented a Lifetime Achievement Award to Wilson Hughes, Environmental Services Department, on behalf of the Arizona Recycling Coalition.

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

Mayor Walkup announced City Manager's communication number 474, dated September 15, 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 invited the public to attend the "Battle of the Badges" on September 19, 2009, at Ava Amphitheater. The event would include boxing matches between the Tucson Police Department and various other jurisdictions. Proceeds from the event would support the Police Athletic League.

Vice Mayor Romero also invited everyone to participate in Parking Day, September 18, 2009. The event is designed to bring attention to the need for open spaces in urban environments. The Ward 1 office along with the Environmental Services Department would host a parking space located at Stone Avenue and Pennington Street.

- b. Mayor Walkup welcomed Council Member Glassman back from military training.
- c. Council Member Glassman invited the public to participate in the annual Arizona AIDS Walk which would be held on October 10, 2009. The event would coincide with Tucson Meet Yourself and would include a 10 mile run called "Get Moving Tucson".

Council Member Glassman also congratulated Ann Audrey, Environmental Project Coordinator in the Office of Conservation and Sustainable Development, on her retirement and thanked her for her years of service and her assistance with the Water Harvesting Ordinance.

- d. Council Member Scott recognized and thanked Larry Copenhaver of the Arizona Builder's Alliance for their participation in the Ward 4 Back to School Bash.
- e. Council Member Trasoff announced Ward 6 would be hosting their fourth annual "Go Green" event on September 24, 2009. The theme would be "All Things Water".

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

Mayor Walkup announced City Manager’s communication number 475, dated September 15, 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.

Richard Miranda, Deputy City Manager, reported that the annual Dan Felix Memorial Golf Tournament was held the previous weekend and the City of Tucson defeated Pima County to retain the trophy.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager’s communication number 476, dated September 15, 2009, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

- 1. Kazoku Sushi & Japanese Restaurant, Ward 6  
4210 E. Speedway Blvd.  
Applicant: Un Im Vawser  
Series 12, City 57-09  
Action must be taken by: September 24, 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)

- 2. Sky Bar, Ward 6  
536 N. 4th Ave.  
Applicant: Thomas Robert Aguilera  
Series 6, City 56-09  
Action must be taken by: September 18, 2009

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

Public Opinion:       Written Argument Opposed Filed

This item was considered separately.

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

c. Special Event(s)

1. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Amanda Ivy Reed  
City T60-09  
Date of Event: September 26, 2009  
(Exhibition closing reception)

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

This item was withdrawn at the request of the applicant.

2. Downtown Tucson Partnership, Ward 6  
100 S. Church Ave.  
Applicant: Brandi Renee Haga  
City T65-09  
Date of Event: September 23, 2009  
(To celebrate Latin jazz/culture & bring a festive spirit to downtown)

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

c. Agent Change/Acquisition of Control/Restructure

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

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to forward liquor license applications 5b1, and 5c2 to the Arizona State Liquor Board with a recommendation for approval.

**5. LIQUOR LICENSE APPLICATIONS**

b. Person/Location Transfer(s)

2. Sky Bar, Ward 6  
536 N. 4th Ave.  
Applicant: Thomas Robert Aguilera  
Series 6, City 56-09  
Action must be taken by: September 18, 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 5b2, Sky Bar, located in Ward 6.

Council Member Trasoff stated the individual opposing the license had done so with a misunderstanding of who the owner was and had withdrawn their opposition. She said the applicant had the support of nearby neighborhoods. She stated there were two individuals who requested to speak regarding the application.

Roger Wiens stated he was a Tucson resident and lived on Fifth Street near Fourth Avenue. He said that if the Mayor and Council allowed more licenses on Fourth Avenue, the laws relative to them should be enforced. He said that during the past three years he has rarely seen the Tucson Police Department enforce cruising restrictions, parking restrictions or driving while intoxicated restrictions. He stated that if these laws were enforced he would have no objection to the issuance of the license.

Cherie Wiens stated that she was not objecting to the concept the owner of the Sky Bar had but she objected to the activities that occur after the closing of bars. She said from her home she had a birds eye view of what happened. She stated her major concerns were illegal parking, public urination and noise. She dealt with this issue 24/7 and rarely were parking laws enforced unless Parkwise was involved. She stated that public urination was a major concern and suggested that the City of Tucson, Fourth Avenue Merchants Association (FAMA), and the West University Neighborhood Association (WUNA) could place portable toilets in the area. She reiterated that she was not against the license but was against what happened as a result. She hoped the Mayor and Council would encourage enforcement of existing laws.

Tony Vacarro, owner of Brooklyn Pizza Company and the proposed Sky Bar, stated that he had a great track record for thirteen years and he would convey those same attributes to the license. He said he had met with the Wiens and understood their concerns. He said would do all he could as a business owner to make sure those things would not occur. He stated that the clientele of the Sky Bar would be more sophisticated and better behaved than what was seen from the other locations. The bar was planetarium-themed and would have a different feel. He said he would be willing work with the affected neighborhood associations.

Council Member Trasoff said she appreciated the concerns raised and she would speak to FAMA and WUNA, and she would follow up with Parkwise and the Tucson Police Department. She said that based on the letters of support from the West University and Pie Allen Neighborhood Associations, and positive responses from the Iron Horse Neighborhood Association she would move forward with a recommendation for approval.

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

**6. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Richard Carlson spoke regarding new bike racks for Sun Tran buses and requested he be provided with the specifications for the buses.
- b. Mia Hansen, representing the Cultural Exchange Council, announced that the City of Tucson was in the running to hold the National Folk Festival in 2011, 2012 and 2013.
- c. Joe Sweeney spoke about the 287(g) program, which related to immigration laws.

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

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

**A. APPROVAL OF MINUTES**

- 1. Report from City Manager SEP15-09-478 CITY-WIDE
- 2. Approval of minutes for the regular meeting of the Mayor and Council held on April 21, 2009.

**B. REAL PROPERTY: ACQUISITION OF ADDITIONAL WATER EASEMENTS FOR RECOVERED WATER TRANSMISSION MAIN IN SOUTHERN AVRA VALLEY**

- 1. Report from City Manager SEP15-09-479 OUTSIDE CITY
- 2. Resolution No. 21390 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, additional Water Easements for a Recovered Water Transmission Main located in Southern Avra Valley (outside the City); and declaring an emergency.

C. INDUSTRIAL DEVELOPMENT AUTHORITY: APPOINTMENT TO THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF TUCSON

1. Report from City Manager SEP15-09-481 CITY-WIDE
2. Resolution No. 21392 relating to the Industrial Development Authority of the City of Tucson; appointing Evelia Martinez to the Board of Directors of the Industrial Development Authority for a term expiring March 12, 2015; and declaring an emergency.

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

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Items A through C, were declared passed and adopted by a roll call vote of 6 to 0.

**8. SUBLEASE AGREEMENT AMENDMENT: RELATING TO THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT CERTIFICATES OF PARTICIPATION (TUCSON CONVENTION CENTER PROJECT) SERIES 2009-A**

Mayor Walkup announced City Manager's communication number 480, dated September 15, 2009, was received into and made a part of the record. Mayor Walkup asked the City Clerk to read Resolution 21378 by number and title only.

Resolution No. 21378 relating to City Facilities and Downtown Development; approving the actions and proceedings of Rio Nuevo Multipurpose Facilities District for the execution and delivery of Certificates of Participation in an amended and restated Lease Purchase Agreement; authorizing the City's execution and delivery of a Second Amendment to Sublease Agreement, a Certificate Purchase Agreement, and a Continuing Disclosure Undertaking in connection therewith; and declaring an emergency.

It was moved by Council Member Glassman, duly seconded, to pass and adopt Resolution No. 21378.

Mayor Walkup asked if there was any discussion.

Council Member Uhlich stated that she appreciated the Study Session discussion of the item and wanted to emphasize a couple of points regarding a conversation she had with Acting Finance Director Silvia Amparano. She said it was her understanding that approval of this item would extend an arrangement which had been in place since 1986. In this arrangement, the City, in lieu of lease payments for the Convention Center, invests in improvements within the facility and makes payments in that regard to the Rio Nuevo Multipurpose Facilities District Board. She asked Ms. Amparano if this was correct.

Sylvia Amparano, Acting Finance Director, responded affirmatively to Council Member Uhlich's question. She stated that the debt service payment was usually equal to the rent the Tucson Convention Center had paid.

Council Member Uhlich stated that in that respect this assured the City that the funds that are invested do not go strictly to a rent or lease agreement but actually leveraged improvements in the facility.

Ms. Amparano confirmed that was correct. She stated that the City, as the lease hold operator, made improvements to the center.

Council Member Uhlich stated that the Convention Center was the cornerstone of Rio Nuevo. As Vice Mayor Romero noted in Study Session, it was the central element that allowed for the formation of the district under Proposition 400.

Council Member Trasoff stated that another important point brought out during the Study Session was the creation of a new main entrance to the Convention Center. She said the Gem Show visitors could view this as a positive sign, the first step toward the Convention Center Hotel. She stated the citizens of Tucson would also be pleased. With the approval of the item they would be able to see construction beginning very quickly since it had to be completed before the Gem Show in February. She said it would be an exciting time for everyone.

Mayor Walkup stated that he wanted to echo Council Member Trasoff's comments. He said the approval of the item was the start of the new entrance to the Convention Center and the rebuilding of the center. As stated during the Study Session, after the Gem and Mineral Show the Mayor and Council would get down to the business of funding the hotel. He said the developers were working diligently to get the design ready. By March/April of 2010 there would be major movement forward to help the economy and to help stimulate Tucson in the convention business. He stated the convention business is important to the City's economy.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Resolution 21378 was declared passed and adopted by a roll call vote of 6 to 0.

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

Mayor Walkup announced City Manager's communication number 477, dated September 15, 2009, was received into and made a part of the record. He asked if there were any personal appointments to be made.

There were no personal appointments.

**10. ADJOURNMENT: 6:32 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 22, 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 15th day of September 2009, and do hereby certify that it is an accurate transcription.

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CITY CLERK

RWR: rr