



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 9, 2010

Date of Meeting: October 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, at 5:34 p.m., on Wednesday, October 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
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 Lisa Cole, City Clerk’s Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed October 2009 to be “National Down Syndrome Awareness Month.” James and Jodi Bess accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 518, dated October 14, 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 the Ward 4 Council Office was hosting another Community Services dialogue, at the Clements Center, on October 19, 2009. The event, open to the public, was an opportunity to give their input and to help look at expenditures and revenue within the City.
- b. Council Member Glassman announced the dedication of the “Stephen E. Emerine Ballfield” at Jesse Owens Park was on October 16, 2009. He invited Katie Maass, Ward 2 Council Administrative Assistant, to give a presentation on the National League of City’s Pharmacy Discount Program. Ms. Maass reported that the discount cards were free and accepted by the majority of pharmacies in Tucson.
- c. Council Member Trasoff thanked City staff and citizens who attended the Community Key Services Dialogue in Ward 6, as well as the presentation by Attorney General, Terry Goddard, on crime and fraud prevention.

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

Mayor Walkup announced City Manager’s communication number 519, dated October 14, 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.

c. Special Event(s)

1. Child & Family Resources, Ward 6
2800 E. Broadway Blvd.
Applicant: Richard James Poyner
City T64-09
Date of Event: November 14, 2009
(To raise money)

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

This item was considered separately.

2. Tucson Firefighters' Chili Cook-Off, Ward 1
160 W. Alameda St.
Applicant: Gerry R. Bowlin
City T77-09
Date of Event: November 6, 2009
(Fundraiser)

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

3. University of Arizona Alumni Association, Ward 6
1303 E. University Blvd.
Applicant: Christopher James Vlahos
City T78-09
Date of Event: November 7, 2009
(University of Arizona Homecoming 2009)

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

4. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Amanda Ivy Reed
City T82-09
Date of Event: October 29, 2009
(Reception)

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 Trasoff, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 and 5c2 through 5c4 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

Location Transfer (s)

- 2. The Avenue Restaurant and Bar, Ward 6
522/526 N. 4th Ave.
Applicant: Andrew Ian Sommers
Series 6, City 59-09
Action must be taken by: September 28, 2009

Tucson Police Department and Revenue Department have indicated the applicant is in compliance with city requirements.

Development Service has indicated the applicant is not in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed
 Written Argument in Favor Filed

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Item 5b2, The Avenue Restaurant and Bar, located in Ward 6.

Council Member Trasoff said the discussion was a follow-up to last week's meeting in regards to the location transfer. She said she had made a motion to delay the item because she hoped that with new information, there would be a coming together. She said it was subsequently made very clear to her by the neighborhood associations, as well as other businesses on Fourth Avenue, several of which had signed the letter she passed out that they did not support the application. She stated there was a long history with the applicants, and the space the applicants wished to move into was not in compliance.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license application 5b2 to the Arizona State Liquor Board with a recommendation for denial, and asked staff to ensure that the backup materials documenting the reasons for the denial were included.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event(s)

1. Child and Family Resources, Ward 6
2800 E. Broadway Blvd.
Applicant Richard James Poyner
City T64-09
Date of Even: November 14, 2009
(To raise money)

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

Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, City Clerk, announced the final item to be considered separately was Item 5c1, Child and Family Resources, also located in Ward 6.

Council Member Trasoff asked if the applicant was present, as well as the person who wrote the opposition letter. Hearing no one, she stated that this was for a special event for Child and Family Resources, an organization she knew well and had tremendous respect for.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 7 to 0, to forward Liquor License application 5c1 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.

There were no speakers.

7. CONSENT AGENDA – ITEMS A THROUGH M

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: THIRD AMENDMENT TO THE LEASE AGREEMENT WITH ST. JOHN THE EVANGELIST PARISH FOR THE DEVELOPMENT OF ST. JOHN'S PARK

1. Report from City Manager OCT14-09-522 WARD 1

2. Resolution No. 21411 relating to Parks and Recreation; authorizing and approving the third amendment to the Lease Agreement between the City of Tucson and St. John the Evangelist Roman Catholic Parish; and declaring an emergency.
- B. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE BARRIO CENTRO NEIGHBORHOOD REINVESTMENT GRANT PROJECT
1. Report from City Manager OCT14-09-523 WARD 5
 2. Resolution No. 21412 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Barrio Centro Neighborhood Reinvestment Grant Project; and declaring an emergency.
- C. FINANCIAL PARTICIPATION AGREEMENT: WITH JOBPATH, INC. (CONTINUED FROM THE MEETING OF SEPTEMBER 22, 2009)
1. Report from City Manager OCT14-09-524 CITY-WIDE
 2. Resolution No. 21413 relating to Financial Participation Agreements; authorizing and approving the Financial Participation Agreement between the City of Tucson and JobPath, Inc., to provide training services for Fiscal Year 2010; and declaring an emergency.
- D. DEFFERED COMPENSATION: ADOPTING THE RESTATED ICMA-RC RETIREMENT COPRPORATION DEFERRED COMPENSATION PLAN AND TRUST DOCUMENT
1. Report from City Manager OCT14-09-526 CITY-WIDE
 2. Ordinance No. 10716 relating to pension; repealing Resolution No. 20364 adopted by Mayor and Council on June 20, 2006; adopting the restated ICMA-RC Retirement Corporation Governmental Deferred Compensation Plan and Trust Document; designating the City Employees Deferred Compensation Management Board as Trustee; designating a Plan Administrator; and declaring an emergency.
- E. DEFFERED COMPENSATION: ADOPTING THE RESTATED ICMA RETIREMENT COPRPORATION 401(A) GOVERNMENTAL MONEY PURCHASE PLAN AND TRUST SUPPLEMENTAL RETIREMENT PLAN
1. Report from City Manager OCT14-09-525 CITY-WIDE

2. Ordinance No. 10717 relating to pension plans; repealing Ordinance No. 10322 adopted by Mayor and Council on September 26, 2006; adopting the restated ICMA-RC 401 Governmental Money Purchase Plan and Trust Basic Document; designating the City Employees Deferred Compensation Management Board as Trustee; designating a Plan Administrator; and declaring an emergency.
- F. FINAL PLAT: (S09-005) SOUTH GATE BUSINESS PARK CONDOMINIUMS, UNITS 1 TO 40, BLOCKS A AND B, COMMON ELEMENTS A AND B AND LIMITED COMMON ELEMENTS C-1 TO C-18
1. Report from City Manager OCT14-09-527 WARD 5
 2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- G. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE KOLB ROAD EXTENSION TO THE SABINO CANYON ROAD IMPROVEMENTS PROJECT
1. Report from City Manager OCT14-09-528 WARD 2
 2. Resolution No. 21414 relating to Intergovernmental Agreements; authorizing and approving Amendment No. 1 to the Intergovernmental Transportation Funding between the Regional Transportation Authority of Pima County and the City of Tucson for implementation of the Kolb Road Extension to Sabino Canyon Road Improvements project; and declaring an emergency.
- H. GRANTS: GRANT-IN-AID AGREEMENT WITH THE TOHONO O'ODHAM NATION FOR DISTRIBUTION OF GAMING MONIES TO CERTAIN ENTITIES
1. Report from City Manager OCT14-09-531 CITY-WIDE
 2. Resolution No. 21415 relating to finance; approving Grant-in-Aid Funding from the Tohono O'odham Nation for 2009 for certain entities; authorizing the Director of the Department of Finance to enter into Grant-in-Aid funding agreements with the Tohono O'odham Nation and such entities; and declaring an emergency.
- I. APPROVAL OF MINUTES
1. Report from City Manager OCT14-09-534 CITY-WIDE
 2. Approval of minutes for the regular meeting of the Mayor and Council held on May 19, 2009.

- J. DEVELOPMENT AGREEMENT AMENDMENT: WITH THE FLATS AT JULIAN DREW BLOCK, LLC
1. Report from City Manager OCT14-09-530 WARD 6
 2. Resolution No. 21416 relating to Development; approving and authorizing the Amended Development Agreement between the City of Tucson and the Flats at Julian Drew Block, LLC, and declaring an emergency.
- K. INTERGOVERNMENTAL AGREEMENT: WITH THE TOHONO O'ODHAM NATION FOR GAMING COMPACT CONTRIBUTIONS
1. Report from City Manager OCT14-09-532 CITY-WIDE
 2. Resolution No. 21418 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the Tohono O'odham Nation and the City of Tucson for payment and distribution of a portion of the Tohono O'odham Nation's annual gaming compact contribution pursuant to A.R.S. § 5-601.02 H; and declaring an emergency.
- L. INTERGOVERNMENTAL AGREEMENT: WITH THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY FOR GAMING COMPACT CONTRIBUTIONS
1. Report from City Manager OCT14-09-533 CITY-WIDE
 2. Resolution No. 21417 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the Salt River Pima-Maricopa Indian Community (SRPMIC) and the City of Tucson (CITY) for distribution of a portion of 12% of SRPMIC annual gaming compact contribution pursuant to A.R.S. § 5-601.02 H; and declaring an emergency.
- M. BOARDS, COMMITTEES AND COMMISSIONS: EXPANDING THE MEMBERSHIP OF THE KOLB/SABINO CANYON ROAD CONNECTION TASK FORCE
1. Report from City Manager OCT14-09-536 WARD 2
 2. Resolution No. 21419 relating to Boards and Commissions; expanding the Kolb/Sabino Canyon Road Connection Task Force to include two additional members representing neighborhoods; amending Section 3(a) of Resolution No. 21357; and declaring an emergency.

It was moved by Vice Mayor Romero, duly seconded, that Consent Agenda Items A through M 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 M were declared passed and adopted by a roll call vote of 7 to 0.

8. PUBLIC HEARING: TUCSON CODE (CHAPTER 21) RELATING TO THE TUCSON CITY GOLF RATE STRUCTURE FOR FISCAL YEAR 2010

Mayor Walkup announced City Manager's communication number 529, dated October 14, 2009, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed Tucson City Gold Rate Structure. He said the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations.

Mayor Walkup asked if there was anyone wishing to be heard on this item. There were no speakers.

Mike Hayes, Parks and Recreation Deputy Director, stated he would answer any questions the Mayor and Council had regarding this matter.

Mayor Walkup asked the City Clerk to read Ordinance 10718 by number and title only.

Ordinance No. 10718 relating to Parks and Recreation; amending Tucson City Code Chapter 21, Operation and Regulation of Parks, Article II, City Municipal Golf Courses, Section 21-22 Rates for city carts; Section 21-23 Rates for use of private carts; Section 21-23.1 Driving range golf ball rental fees; Section 21-24 General Regulations; Section 21-25.1 Regular greens fees; Section 21-25.2 Retired city employees; Section 21-25.3 Resident golfer; Section 21-25.4 Resident senior citizen golfers; Section 21-25.6 Resident green fees; Section 21-25.11 Authorization to establish frequent user discount policies; adding new Section 21-25.12 Junior golfer; setting an effective date; and declaring an emergency.

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

Council Member Uhlich said she wanted to make a brief comment, and then move for adoption of the ordinance. She noted that the Greens Committee reviewed the ordinance and made the recommendation for changes. She thought it moved the City closer to full cost recovery in the City's golf enterprise. She stated there was sensitivity to both providing rates that were affordable to current city residents, differentiating between city and out-of-city residents, and an increase in senior citizen discount rate from ten to fifteen percent. She said this way the Mayor and Council could ensure people still had access to utilize these opportunities, while being less of a drain on the General Fund. Council Member Uhlich acknowledged the Greens Committee and their work associated with the ordinance.

It was moved by Council Member Uhlich, duly seconded to pass and adopt Ordinance 10718.

Mayor Walkup asked if there was any discussion.

Council Member Leal stated he had a question for Mike Letcher, City Manager. He stated that during the late fall meeting of the Mayor and Council at the Tucson Convention Center, during what he thought was a budget discussion, the Parks and Recreation Director explained that golf borrowed approximately one million dollars to make ends meet and that two things came out of that discussion. He said there was direction that a much more nimble mechanism be created so that if golf was in trouble the Mayor and Council would hear about it when they were ten thousand dollars short as opposed to one million dollars, given that the City was already in the hole facing significant budget problems. He asked staff if such a mechanism had been created.

Mike Letcher, City Manager, replied the golf fund, as of year-end last year, was about one million dollars short. He stated that the action that evening, if the Mayor and Council passed it, would make the fund on a cash basis whole. He said there was still depreciation, approximately seven hundred thousand dollars that the City was required to carry on the books. Mr. Letcher said this would be funded over time as part of the work plan with the fund account. He said this would be tracked by the audit department and added as part of one of the collaborative auditing proposals submitted each quarter to the Audit Commission. He said if the Mayor and Council wanted, he could provide them with a copy of the report.

Council Member Leal stated in the write-up it was estimated the proposed changes would generate four hundred to five hundred thousand dollars a year. He asked if this was to break even with anticipated costs or was it additional money that would help pay back the million dollars originally taken.

Mr. Letcher replied this would help start the pay back of the million dollars. He said there was cash and there was depreciation. On a cash basis this would help the City significantly; and over time as further adjustments were made to fees it would take care of the money that was owed on the depreciation side.

Council Member Leal asked if the existing debt could be shown in the budget book, and the rate at which it would be paid back, so that the Mayor and Council would know when the debt was over. In other words, he said he wanted to know if there was a way of letting them know when the debt was fully paid back.

Mr. Letcher acknowledged there was depreciation in the fund that had not been recovered, but questioned the debt referred to by Council Member Leal.

Council Member Leal stated that unless he misunderstood the Parks Director last year, one million dollars was loaned from the general fund to the golf utility to make ends meet. He asked if that was correct.

Mr. Hayes stated that a large part of that was the depreciation the City Manager referred to. He said there were two deficits. One was a debt from about ten years ago when the Golf Division began which was being paid back for the construction of the Dell Ulrich Golf Course and the Randolph Clubhouse. He stated additionally there was a deficit created due to the depreciation issue and was not a total cash number. He said that a portion of that was cash but the biggest part of it was the depreciation, and each year in the Annual Golf Report, it showed whether that was going up or down. He said that was reflected in the Mayor and Council's Annual Report.

Council Member Leal said the second issue he wanted to address was, that some years ago, because golf was a utility retired City employees golfed for free. He said that it was stated golf was a utility and that needed to go away. He could see in the materials that retired City employees, while not golfing for free, paid twenty dollars and seniors paid fifty dollars. He commented he did not see how that could be done when something was a utility. When the Water Department was asked to provide free water meters for the infill program they said it was a social program and should be paid for out of the general fund. They stated they were a utility and funds could not be used in that manner.

Council Member Leal said he supported City employees but the subsidy was making it harder for the golf utility to make ends meet and at the same time raise rates for everyone else. He stated he did not think the City should play favorites and advised the City Manager that it was prudent for the Mayor and Council to clean it up. He said the City had the same problem with Sun Tran, treating it like a slush fund to solve problems for various groups. He asked staff if there was a sense of what would be realized if it were not so subsidized.

Mr. Hayes stated that retired City employees never played for free. When the program was changed ten years ago it was current golf employees that played for free.

Council Member Leal stated that this might have been before Mr. Hayes came to the City.

Mr. Hayes stated that free golf for employees had been eliminated. Prior to his current position he was at Fred Enke Golf Course as a contractor for six years, and as

long as he had been with the City there had always been a retired City employee rate. He stated he did not want to guess what the difference was at this point. He said he could go back to his office and report back to the Mayor and Council on that amount.

Council Member Leal stated he wanted to make a friendly amendment to the motion that the rate for City employees be removed and that they be treated like everyone else. He said everyone in town was having a hard time and he thought fairness and equality mattered. He asked if this was amenable to the motion maker.

Council Member Uhlich asked Council Member Leal if maybe they wanted that piece of the ordinance removed and referred back to the Greens Committee for adjustment. She said she was not sure whether to put it on par with the adult rates or the senior rates.

Council Member Leal agreed.

Council Member Uhlich stated she wanted to amend her motion to pass and adopt Ordinance 10718, with the exception of the retired City employee set rate and ask the Greens Committee to come back to the Mayor and Council after further deliberation.

Council Member Glassman asked if there was a way the motion could be crafted that would allow the Greens Committee to make their recommendation, give it to staff, and the Mayor and Council authorize the City Manager to align it with one of the other rates on the chart so it does not have to come back a second time to the Mayor and Council for a vote which would use more staff resources.

Council Member Leal said he thought taxes and fees needed to be decided by duly elected officials. He said the money might not be a lot but the principle about taxation and representation was important.

Council Member Uhlich asked for clarification from the City Attorney. She stated she believed, since this was an ordinance, it was required that it come back to the Mayor and Council with any amendment for adoption.

Mike Rankin, City Attorney, stated that was correct; to amend the ordinance action was required by the Mayor and Council.

Council Member Uhlich stated she would allow the motion to stand.

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

Upon roll call, the results were:

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

Nay: None

Ordinance 10718, as amended, was declared passed and adopted by a roll call vote of 7 to 0.

9. FINANCE: APPROVING THE APPOINTMENT OF KELLY GOTTSCHALK AS FINANCE DIRECTOR FOR THE CITY OF TUCSON

Mayor Walkup announced City Manager's communication number 535, dated October 14, 2009, was received into and made part of the record. He asked the City Clerk to read Ordinance 10719 by number and title only.

Ordinance No. 10719 relating to Finance; approving the appointment of Kelly Gottschalk as Director of the Finance Department and fixing compensation; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10719.

Mayor Walkup asked if there was any discussion

Council Member Trasoff, asked the City Manager to give the Mayor and Council a brief synopsis of Ms. Gottschalk's background and experience.

Mike Letcher, City Manager, stated Ms. Gottschalk's current position was at Stifel Nicolaus and Company Incorporated, as Vice President and Director of Public Finance. He stated she was also a Public Investor Banker, which was similar to a banker dealing with securities and providing debt financing services for communities. He said prior to this, she was Finance Director in Arvada, Colorado for ten years, a city of over 100,000 residents. Mr. Letcher stated that she had extensive experience in finance and budget, as well as private sector experience with securities and debt. He stated Ms. Gottschalk also has an MBA Degree and a Bachelor's Degree in Accounting, as well as a Security License. Mr. Letcher, at this time, also complimented Silvia Amparano for her accomplishments in her position as Acting Finance Director.

Council Member Trasoff asked when Kelly Gottschalk would start in her position

Mr. Letcher replied Kelly Gottschalk would begin her position as Finance Director in thirty days, on November 16th.

Mayor Walkup stated he believed everyone on the Council appreciated the discipline in making the selection, and the great job Silvia Amparano had done. He said he believed Ms. Amparano would make a great Deputy Finance Director.

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, Trasoff,
Vice Mayor Romero, and Mayor Walkup

Nay: None

Ordinance 10719 was declared passed and adopted by a roll call vote of 7 to 0.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 521, dated October 14, 2009, was received into and made part of the record. He asked if there were any personal appointments to be made.

No personal appointments were made.

11. ADJOURNMENT: 6:08 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, October 20, 2009, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

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

DEPUTY CITY CLERK

RWR:kt:sac