



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 13, 2010.

Date of Meeting: May 11, 2010

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 5:56 p.m., on Tuesday, May 11, 2010, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Vice Mayor, Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	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 Reverend Dr. William H. Knight, Metropolitan Community Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup, assisted by Council Member Uhlich, presented Certificates of Appreciation to members of the Nonprofit Executives Together Team for their collaborative spirit in assisting with the City's budget crisis.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 217, dated May 11, 2010, 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.

Mayor Walkup also announced that this was Council Member Cunningham's first Council meeting.

- a. Council Member Cunningham announced "The Great Pajama Party," this year's theme for the Annual Centurion Event which benefits Saint Mary's Hospital. He also announced Ward 2 hosted an Open House event to give him the opportunity to get to know his constituents and have discussions.
- b. Council Member Uhlich announced she was invited by business, community and government leaders in the southwest border region to meet with staff at the White House and Capital Hill regarding Immigration Reform.
- c. Council Member Fimbres reminded constituents who had received early ballots for the Special Election to complete and return them before the deadline. He announced the Ward 5 Council Office hosted their Budget Town Hall, the Environmental Services Department hosted two town hall meetings regarding their proposed Volume Service Plan, and the passing of Cele Peterson, a community businesswoman.
- d. Mayor Walkup announced he attended the "Second Saturday" event in downtown Tucson. He said it was a magnificent get-together attended by two to four thousand people.

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

Mayor Walkup announced City Manager's communication number 218, dated May 11, 2010, 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.

Mike Letcher, City Manager, reported that the City was keeping the 792-CITY Resource line active to assist the Tucson Community in voicing their concerns regarding City matters.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 219, dated May 11, 2010, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. O'Hungry's, Ward 6
944 E. University Blvd.
Applicant: Ana Baez Romero
Series 12, City 16-10
Action must be taken by: May 22, 2010

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. Dry River Company, Ward 2
800 N. Kolb Rd.
Applicant: KC Combs
Series 6, City 21-10
Action must be taken by: May 24, 2010

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)

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.

It was moved by Vice Mayor Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 and 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 at this meeting. Speakers were limited to three-minute presentations and the “call to the audience” was scheduled to last for thirty minutes.

Mayor Walkup also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review a matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during the “call to the audience.”

- a. Jay Johnson spoke about the noise coming from the water pump station at the John T. Rouse Reservoir that had been on-going for the last three to four months.
- b. Ruth Beeker spoke in opposition to the process and action of the Planning Commission regarding the *Land Use Code* amendments.
- c. Karolyn Kendrick spoke in opposition to the process of the Certificate of Occupancy amendment.
- d. Colette Altaffer spoke in opposition of the Planning Commission’s process and action when they reviewed the *Land Use Code* and the Certificate of Occupancy amendments.
- e. Bob Oldfather spoke in opposition to the “Second-hand Dealer Tax.”
- f. Sean Feeney spoke in opposition to the “Second-hand Dealer Tax.”
- g. Roy Warden spoke in opposition of the City of Tucson’s decision to file a lawsuit against SB 1070.
- h. Stephanie Isaacson spoke in opposition of the City of Tucson’s decision to file a lawsuit against SB 1070.
- i. Ahmed Benamrouche spoke in opposition of the City of Tucson’s decision to file a lawsuit against SB 1070.

- j. Jeff Baymor spoke about the Reid Park Zoological Society and the support of the Mayor and Council for the expansion of the Zoo.
- k. Page Chancellor Marks spoke about the Reid Park Zoological Society and the support of the Mayor and Council for the expansion of the Zoo.
- l. Mish Draves spoke in support of Job Path and the benefits it provides the participants and asked for continued support by the Mayor and Council.
- m. Joseph Sweeney spoke in opposition of jobs held by illegal aliens in Tucson.
- n. Carol Campbell spoke in opposition of the City of Tucson's decision to file a lawsuit against SB 1070.
- o. Michael Ganem spoke in opposition of the proposed pawn shop tax and suggested tht the increase be in the form of a licensing option that could be spread-out throughout the entire retail operation.
- p. Dave Croteau spoke in support of SB 1070 and in opposition of the Tucson Police Department's presence and display of police weaponry during Career Day at Tucson High School.

7. CONSENT AGENDA – ITEMS A THROUGH G

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: APPROVING A LEASE AGREEMENT WITH D.L. WITHERS CONSTRUCTION, L.C., FOR SPACE LOCATED AT 149 NORTH STONE AVENUE
 - 1. Report from City Manager MAY11-10-221 WARD 6
 - 2. Ordinance No. 10783 relating to real property; authorizing and approving the Lease with D.L. Withers Construction, L.C., for space in the building located at 149 North Stone Avenue; and declaring an emergency.
- B. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH NORRIS DESIGN-AZ, LLC, FOR SPACE LOCATED IN THE HISTORIC DEPOT
 - 1. Report from City Manager MAY11-10-222 WARD 6
 - 2. Ordinance No. 10784 relating to real property; authorizing and approving the Lease with Norris Design-AZ, LLC, for space located in the Historic Depot at 418 North Toole Avenue; and declaring an emergency.

C. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE EL PASO AND SOUTHWESTERN GREENWAY PROJECT

1. Report from City Manager MAY11-10-223 WARDS 1, 5, AND 6
2. Resolution No. 21544 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment Number One (1) to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority (RTA) of Pima County to provide additional funding for the El Paso and Southwestern Greenway Project; and declaring an emergency.

D. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA GAME AND FISH COMMISSION FOR THE HOUGHTON ROAD CORRIDOR WILDLIFE DEFLECTION, FUNNELING, AND CROSSING DESIGN STUDY

1. Report from City Manager MAY11-10-224 WARD 4
2. Resolution No. 21545 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Game and Fish Commission for the Houghton Road Corridor Wildlife Deflection, Funneling, and Crossing Design Study; and declaring an emergency.

E. APPROVAL OF MINUTES

1. Report from City Manager MAY11-10-228 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on November 24, 2009.

F. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE ARIZONA GAME AND FISH FOR THE HABITAT CONSERVATION PLAN GRANT

1. Report from City Manager MAY11-10-227 WARDS 4, 5 AND OUTSIDE CITY

Staff has requested this item be continued to the meeting of June 8, 2010.

G. BOARDS, COMMITTEES AND COMMISSIONS: SUNSETTING THE SMALL BUSINESS COMMISSION AND THE MINORITY AND WOMEN BUSINESS ENTERPRISE COMMISSION AND CREATING A NEW SMALL, MINORITY AND WOMEN-OWNED BUSINESS COMMISSION

1. Report from City Manager MAY11-10-226 CITY-WIDE
2. Ordinance No. 10785 relating to Boards and Commissions; dissolving the Small Business Commission and the Minority and Women Business Enterprise Commission, and creating the Small, Minority and Women-Owned Business Commission; repealing current Tucson Code Chapter 10A, Article XVIII (comprising Sections 10A-190 through 10A-192, "Small Business Commission"); repealing Resolution Nos. 17457 and 15463; amending the Tucson Code by adding a new chapter 10A, Article XVIII (Sections 10A-190 through 194, "Small, Minority and Women-Owned Business Commission") and declaring an emergency.

This item was considered separately at the request of Council Member Romero.

It was moved by Council Member Fimbres, duly seconded, and carried by a roll call vote of 7 to 0, to pass and adopt Consent Agenda Items A through G, with the exception of Item F, which was continued to the meeting of June 8, 2010, and Item G, which was considered separately, and the proper action taken.

7. CONSENT AGENDA – ITEM G

G. BOARDS, COMMITTEES AND COMMISSIONS: SUNSETTING THE SMALL BUSINESS COMMISSION AND THE MINORITY AND WOMEN BUSINESS ENTERPRISE COMMISSION AND CREATING A NEW SMALL, MINORITY AND WOMEN-OWNED BUSINESS COMMISSION

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This item was considered separately at the request of Council Member Romero.

Roger W. Randolph, City Clerk, announced the item to be considered separately was Consent Agenda Item G at the request of Council Member Romero.

Council Member Romero said she asked that the item be discussed separately because of her request the previous week for staff to meet with Lea Marquez-Peterson of the Southern Arizona Chamber of Commerce Alliance (SACCA). She said Ms. Marquez-Peterson was supportive of the new ordinance and the merging of the two commissions, but had some input prior to the Mayor and Council approving the new ordinance. Basically, she said, what SACCA wanted to see in the new commission was that the Chair of SACCA be appointed as a non-voting member, that four non-voting members be allowed on the new commission and that a member of the City Manager's Office attend the meetings as one of the supporting departments. Council Member Romero said she concurred and supported Ms. Marquez-Peterson's comments.

Vice Chair Scott asked if the City Manager's Office had been asked if they had staff time available to fulfill this request because City departments had been so severely cutback and burdened with daily tasks.

Mike Letcher, City Manager, said they could find the time.

Council Member Uhlich asked if there was a recommended change to the ordinance or was there a suggestion to retain the fourteen appointed members plus four Ex-Officio non-voting members.

Council Member Romero said that Roger Randolph, City Clerk, said the wording in the new ordinance allowed for the Commission to appoint non-voting members.

Roger Randolph, City Clerk clarified stating that the wording was not actually in the ordinance but was in *City Code* relating to Boards and Commissions. *City Code* states that the chairperson of any Commission, with the approval of the Commission itself, could appoint up to four non-voting members.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item G, with the amendment to Section 10A-194, Staff Support, to add reference to the City Manager's Office, be passed and adopted and the proper action taken.

8. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED ANNUAL BUDGET FOR FISCAL YEAR 2011

Mayor Walkup announced City Manager's communication number 225, dated May 11, 2010, was received into and made part of the record. He also announced it was the time and place legally advertised for a public hearing for the City of Tucson Recommended Annual Budget for Fiscal Year 2011. This was the first of two public hearings. The second hearing was scheduled for Tuesday, June 15, 2010. He stated the

public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Mayor Walkup asked the City Manager if there were any comments prior to the public hearing.

Mike Letcher, City Manager, said he had no comments and was ready to listen and respond.

Karen Falkenstrom, Tucson Pima Arts Council (TPAC) and Arts Advocacy Network, said most of the audience in attendance represented thirty-seven out of fifty constituent groups of the TPAC. She expressed their comments on how much they loved Tucson and about bringing the vision that Tucson was a vibrant and wonderful place to live in and visit. She commented that she had a list of fifteen hundred signatures gathered within a three-week period through an on-line petition, parents from schools, and from the citizens who participated at the "Second Saturday Festival" event supporting TPAC. She asked for continued support from the Mayor and Council.

Comments regarding the Tucson Pima Arts Council (TPAC) and continued support from the Mayor and Council were also heard from Rome Hamner, Pamela Powers, Karen Christensen, Roberto Bedoya, Carolyn Leigh, Barclay Goldsmith, Halsey Taylor, Suzy Zeller, Mikki Niem, Nadia Hagen, Dan Nicolini, and Shannon Cain.

It was moved by Vice Mayor Scott, duly seconded, and passed by a roll call vote of 7 to 0, to close the public hearing.

Mayor Walk-up reminded the audience that two additional public hearings on the City's Annual Budget were scheduled were scheduled for June 8, 2010 and June 15, 2010.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 220, dated May 11, 2010, was received into and made part of the record. He asked if there were any personal appointments to be made.

Council Member Romero announced her personal appointments of Noell Rodriguez and Debra Chandler to the Small, Minority and Women-Owned Business Commission.

10 ADJOURNMENT: 7:45 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 18, 2010, 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 11th day of May 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ccs:yl