



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on December 21, 2010 .

Date of Meeting: September 14, 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 5:49 p.m., on Tuesday, September 14, 2010, all members having been notified of the time and place thereof.

Roger W. Randolph, City Clerk, announced Council Member Uhlich was unable to be present for the evening's meeting, but would be participating by telephone. This was allowable under the Mayor and Council Rules and Regulations. He stated Council Member Uhlich could vote on all matters in the same way as those members physically present as long as she participated in the discussions. On the evening's agenda, all votes would be done by roll call rather than voice vote.

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 (electronic attendance)
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 Chaplain Bryan Cottrell, Davis Monthan Air Force Base, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 419, dated September 14, 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.

- a. Council Member Romero invited the public to attend a Townhall in Ward 1 on the Core Services Tax, and reported on the Southwest Conservation Corps’ “Learn and Serve Project.”
- b. Council Member Cunningham announced Ward 2 was hosting a Townhall on the Core Services Tax, and also their second Business Roundtable.
- c. Council Member Fimbres announced and reported on the following events held and scheduled in Ward 5, which included: the National Take Back Initiative event; the 9/11 Freedom Walk overseen by Operation Home-Front honoring; and invited the public to the Mary Alice Eckstrom Celebration Scholarship benefit dinner presented by the Hispanic Women’s Corporation.
- d. Council Member Kozachik reported a few tickets were still left for the U of A vs. Iowa football game; Ward 6 was hosting a Townhall focusing on Propositions 400 and 401; the “Shift The Way You Shop” event hosted by Maynards Market and Kitchen to promote small local businesses; and “Second Saturdays” was looking for small local merchants to participate in their event.

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

Mayor Walkup announced City Manager’s communication number 420, dated September 14, 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.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 422, dated September 14, 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. California Pizza Kitchen, Ward 3
4500 N. Oracle Rd. #341
Applicant: H. Jerry Lewkowitz
Series 12, City 49-10
Action must be taken by: September 19, 2010

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

2. Sinbad's Restaurant, Ward 6
810 E. University Blvd.
Applicant: Bassam Mohamad Muslmani
Series 12, City 50-10
Action must be taken by: September 23, 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)

3. Beverage Barn, Ward 1
5770 S. 12th Ave.
Applicant: Kamil Hanna Narra
Series 9, City 44-10
Action must be taken by: September 6, 2010

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

4. The Candy Store, Ward 6
1104 S. Craycroft Rd.
Applicant: Corey David Owens
Series 6, City 51-10
Action must be taken by: September 24, 2010

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

Public Opinion: Written Argument Opposed Filed

This item was considered separately.

5. Unicorn Sports Lounge, Ward 4
8060 E. 22nd St. #118
Applicant: Nathan Troy Hicks
Series 6, City 53-10
Action must be taken by: September 25, 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)

1. St. Luke's in the Desert, Inc., dba St. Luke's Home, Ward 2
3800 E. River Rd.
Applicant: Larry E. Rush
City T70-10
Date of Event: November 14, 2010
(Fundraising)

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

2. Handi-Dogs, Inc., Ward 2
2900 N. Craycroft Rd.
Applicant: Joanne Marie Mauger
City T72-10
Date of Event: October 9, 2010
(Fundraising Event)

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

3. Rotary Club of Tucson Foundation, Ward 2
3231 N. Craycroft Rd.
Applicant: Roger B. Harwell
City T73-10
Date of Event: October 15, 2010 - October 16, 2010
(Raise funds for community service project, eg, the Reading Seed)

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

4. Tucson Culinary Festival, Ward 6
400 N. Toole Ave. #100
Applicant: Jonathan Landeen
City T74-10
Date of Event: October 28, 2010

(A contest to choose the World Margarita Champion)

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

5. Sacred Heart Church, Ward 3
601 E. Fort Lowell Rd.
Applicant: Leland Scott Campbell
City T77-10
Date of Event: October 23, 2010 - October 24, 2010
(Fundraising Festival)

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

6. Tucson Uptown Optimist Club, Ward 6
900 S. Randolph Way
Applicant: Thomas F. Hogan
City T83-10
Date of Event: September 30, 2010 - October 3, 2010
(Fundraising)

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 Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to forward liquor license applications 5b1 through 5b3, 5b5 and 5c1 through 5c6, to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 422, dated September 14, 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)

4. The Candy Store, Ward 6
1104 S. Craycroft Rd.
Applicant: Corey David Owens
Series 6, City 51-10
Action must be taken by: September 24, 2010

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

Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b4, The Candy Store, located in Ward 6.

Council Member Kozachik asked if the applicant was present and had anything to say.

Corey David Owens said he and his partner, Robert Proznik from Canada, were the applicants for The Candy Store. He stated his partner was a very successful businessman and a real estate investor, who owned many nightclubs and restaurants. However, Mr. Owens said he was the day to day operator of the new facility.

Mr. Owens said, after graduating from Arizona State University, he went to New York for twelve years as an investment banker and Vice President of Golden Sacks. He said he focused on relationship development, business development, and built a number of billion dollar commercial accounts. His specialty was in turnaround businesses. In 2004, he came back to Arizona and immediately began some personal private equity efforts specializing in turnaround opportunities like The Candy Store.

Mr. Owens said, on a personal note, between his two sisters and brother-in-law, his family had over thirty-five years in law enforcement. He added he was squeaky clean and at the age of forty, had never taken a drug or a drink. He said he realized that this property created a lot of problems in the past, but added that a gentleman's clubs did not need to operate negatively and they were the right people to come in and clean up the business.

Council Member Kozachik asked if there was anyone wishing to speak in support or in opposition to the liquor license application. There was no one.

Council Member Kozachik said he appreciated the presentation by Mr. Owens and his mention of his background in law enforcement. He explained that when reviewing liquor license application materials, part of the review was the recommendation of the Tucson Police Department (TPD), which indicated whether or not the application had misrepresentations or inaccuracies. Council Member Kozachik added that TPD's endorsement was not necessarily the endorsement of approval of the liquor license. He said he attended various neighborhood association meetings and they were all unanimous in not wanting to grant the liquor license application, primarily because of the very poor history that surrounded the premises.

Council Member Kozachik applauded Mr. Owens for moving in and wanting to change the business, but said there was a lot of pick and shovel work that still needed to be done with the surrounding community before he could support the application. He said the neighbors were petrified about the license being approved.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to forward liquor license application 5b4, The Candy Store, to the Arizona State Liquor Board with a recommendation for denial.

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 no more than thirty minutes. Mayor Walkup said there were some cards carried over from last week and those speakers would be called prior to those speakers who submitted new cards.

- a. J. Lisa Jones spoke in support of Access Tucson. She said she was upset with the misrepresentation of facts with the amounts billed to the public by Cox Communications.
- b. Keith G. VanHeyningen spoke in opposition of the City funding the Rio Nuevo project, the new proposed hotel, SunTran subsidies, the Modern Streetcar, and to decimation of Tucson Fire and Police.
- c. Robert Black spoke in opposition of the City's budget, the expense of Rio Nuevo, the SunTran/RTA fiasco, the over budgeted trolley, bridge, and fire station, the hiring of a Deputy City Manager, and the school that was proposed to be built on Mission Road.
- d. Shannon Cain spoke in support of Terry Goddard for Governor and also gave the fourth installment of her performance piece entitled, "*Tucson, the Novel: An Experiment in Literature and Civil Discourse.*"
- e. Beverly Ruddick spoke in support of Access Tucson and commented about an unclear speed limit sign at the intersection of Pima Street and Wilmot Road, and the traffic confusion from the construction at Craycroft Road and Pima Street.
- f. Mikki Niemi spoke in opposition of the City's budget and cuts to public safety.
- g. Robert Reus spoke in opposition of the City's budget, the proposed Core Service Tax, and the reduction of public safety. He also spoke about his concerns with the possible closing of Access Tucson.
- h. Kevin L. Sloan spoke in support of Access Tucson.

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. HOUSING AND COMMUNITY DEVELOPMENT: AUTHORIZATION TO TRANSFER SINGLE FAMILY RESIDENCES PURCHASED WITH STIMULUS FUNDS TO THE PIMA COUNTY COMMUNITY LAND TRUST

1. Report from City Manager SEP14-10-416 CITY WIDE
 2. Resolution No. 21622 relating to low income housing; authorizing the City Manager to execute the transfer of property acquired by the Housing and Community Development Department, using stimulus funds from Neighborhood Stabilization Program (NSP)1, NSP 2 and NSP 3 to the Pima County Community Land Trust, to be sold to low income households city wide; and declaring an emergency.
- b. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT FOR MICHAEL J. LARA
1. Report from City Manager SEP14-10-413 CITY WIDE
- c. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE INCARCERATION OF CITY PRISONERS
1. Report from City Manager SEP14-10-417 CITY WIDE
 2. Resolution No. 21623 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the incarceration of City Prisoners for Fiscal Year 2011; and declaring an emergency.

(This item was considered separately at the request of Council Member Cunningham.)

- d. REAL PROPERTY: LEASE AGREEMENT WITH SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) FOR CITY OWNED PROPERTY LOCATED AT THE EL RIO GOLF COURSE PRO SHOP
1. Report from City Manager SEP14-10-418 WARD 1
 2. Ordinance No. 10839 relating to Real Property; authorizing and approving the Lease Agreement with the Service Corps of Retired Executives (SCORE) for office space on City owned property at West Speedway Boulevard and North Riverview Boulevard (El Rio Golf Course Pro Shop); and declaring an emergency.

(This item was continued to the meeting of September 21, 2010, at the request of Council Member Romero.)

- e. APPROVAL OF MINUTES OF MAYOR AND COUNCIL MEETING
1. Report from City Manager SEP14-10-415 CITY WIDE
 2. Mayor and Council Regular Meeting Minutes of February 9, 2010 and March 9, 2010.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a - e, with the exception of Item c, which was considered separately, and Item d, which was continued to the meeting of September 21, 2010, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM C

c. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE INCARCERATION OF CITY PRISONERS

1. Report from City Manager SEP14-10-417 CITY WIDE
2. Resolution No. 21623 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the incarceration of City Prisoners for Fiscal Year 2011; and declaring an emergency.

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

Council Member Cunningham said he had a few questions and wanted to make sure that using City municipal prisoners for various labor programs was good for corrections, prisoners, and public service. He stated the Intergovernmental Agreement (IGA) did not mention the screening process regarding City municipal prisoners pending other charges in other jurisdictions and wanted to make sure the screening process was affected.

Michael Rankin, City Attorney, said he understood Council Member Cunningham's concern with respect to using prison labor for certain things. He explained that the IGA was with respect to what the City paid the County jail to house City prisoners and was not encompassed with the agreement. He commented it was a good question and was addressed separately.

It was moved by Council Member Cunningham, duly seconded, that Consent Agenda Item c be passed and adopted and the proper action taken.

Council Member Kozachik commented the IGA was effective July 2010 and now was beyond that date. He asked if the City was currently accruing debt with the County. He also asked if the Mayor and Council were being asked to approve an IGA that had already been implemented.

Mr. Rankin replied affirmatively, stating that if approved, it was retroactive to July 1, 2010, which covered this fiscal year. He explained there was a previous IGA that took the City to June 30, 2010, and this IGA kept the continuity. He said under the IGA, the City received monthly billings for the cost based on the per-prisoner per-day rates set out in the IGA.

Council Member Kozachik asked if the charge was based on the rates in the previous IGA or the new rates since July 1, 2010.

Mr. Rankin replied the new rates applied as of July 1, 2010, going forward.

Council Member Kozachik said, for future reference, it would make more sense if the Mayor and Council were asked to approve IGA's before they were in effect for four months. He stated that the Core Tax Committee was unanimous in suggesting that the City privatize rather than using the County Jail. He referred to page four of the proposal where it said the parties had the option of extending the IGA for four additional terms. He asked if staff had used the time since July 1, to look at other jurisdictions to see if the City could get better rates, or if staff was pursuing the recommendation of the Core Tax to look into privatizing.

Richard Miranda, Deputy City Manager, said the research to privatize and lower jail costs had been done in the past. The return analysis and feedback was that there were problems finding an acceptable vendor to the processes needed to house prisoners. He said they researched a similar process implemented in Santa Fe, and it looked like an option that the City could pursue, but the vendor went out of business.

Mr. Miranda said the homework that Council Member Kozachik mentioned had been done in the past, but they could go back and see if there were any alternatives available.

Consent Agenda Item c was c declared passed and adopted and the proper action taken, by a roll call vote of 7 to 0.

8. ZONING: (C9-10-02) LOFT CINEMAS PARKING – CAMILLA BOULEVARD, R-1 TO P ZONE CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 414, dated September 14, 2010, and the report from the Zoning Examiner were received into and made part of the record. He also announced this was a request to rezone the property located on the east side of Camilla Boulevard and north of Speedway Boulevard. He stated the Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant or a representative was present and if they were agreeable to the proposed requirements.

Philip Carhuff, Craig Carhuff Architects, said they were agreeable to the proposed conditions.

Mayor Walkup asked the City Clerk to read Ordinance 10838 by number and title only.

Ordinance No. 10838 relating to zoning: amending zoning district boundaries in the area located on the east side of Camilla Boulevard, approximately 300 feet north of Speedway Boulevard in Case C9-10-02, Loft Cinemas Parking - Camilla Boulevard, R-1 to P and setting an effective date.

Council Member Kozachik said this was another example of having met with neighborhood groups in conjunction with the applicants, and the applicants were absolutely responsive to the input requested by the groups. He said they were improving the area with landscaping, pedestrian access, and security; and it was a wonderful addition to the area.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10838.

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 421, dated September 14, 2010, 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 Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to ratify the appointment of Lori Mennella to the Pima County/Tucson Women's Commission.

Mayor Walkup asked if there were any personal appointments to be made. There were none.

10 ADJOURNMENT: 6:45 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 21, 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 14th day of September, 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ccs:sac