



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 4, 2011.

Date of Meeting: September 21, 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 5:42 p.m., on Tuesday, September 21, 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

City Clerk Note: The minutes of September 21, 2010, as approved by the Mayor and Council contained a clerical error on page six. Within text of the document, added text is in **bold**. RWR:DR:yl 03/02/11

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Stacy Semas, City Clerk's Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup, assisted by Council Member Cunningham, proclaimed September 23 to be "Anti-LGBT Bullying Awareness Day." Oscar Jimenez accepted the proclamation.
- b. Mayor Walkup, assisted by Vice Mayor Scott, presented Certificates of Appreciation to the sponsors of the Ward 4 Back to School Bash.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 423, dated September 21, 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 the following events in Ward 1; a Townhall on the Core Services Tax, the El Pueblo Farmer's Market Grand Opening, and a book sale at the Valencia Branch Library.
- b. Council Member Cunningham announced the following events in Ward 2; the ground breaking ceremony for the Speedway Boulevard widening project, a Townhall on Propositions 400 and 401, and the Arizona Symphonic Winds Concert in the Park. He also reported on the Ward 2 Neighborhood Legislature meeting that was held.
- c. Council Member Uhlich announced the following events in Ward 3; a Core Tax Townhall and the 50th Anniversary Celebration of Campbell Plaza. She also gave an update on a meeting she attended regarding the Winterhaven Festival of Lights.
- d. Council Member Fimbres announced the following events; the Mary Alice Eckstrom Celebration Scholarship benefit dinner presented by the Hispanic Women's Corporation, the National Take Back Initiative to turn in unwanted/expired medications, and the League of United Latin American Citizens and AARP's Annual Health Fair.
- e. Council Member Kozachik reported on the Ward 6 Townhall on Propositions 400 and 401, which was filmed by Access Tucson. He also announced the Music of Contemporary Art (MOCA) panel discussion event.

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

Mayor Walkup announced City Manager’s communication number 424, dated September 21, 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 on and congratulated the University of Arizona’s football team for its win over Iowa.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 430, dated September 21, 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. R & R Bar-B-Que Co., Ward 4
8270 S. Houghton Rd.
Applicant: Robert Ramos
Series 12, City 54-10
Action must be taken by: September 27, 2010

Planning & Development Services has indicated the applicant is in compliance with city requirements.

Tucson Police Department and Revenue Investigations have indicated the applicant is not in compliance with city requirements.

City Clerk’s office has indicated the applicant is not in compliance with city requirements.

This item was considered separately.

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 Transfer

NOTE: There are no person transfer(s) scheduled for this meeting.

c. Special Event(s)

1. St. Ambrose Catholic School, Ward 6
300 S. Tucson Blvd.
Applicant: Martha G. Taylor
City T76-10
Date of Event: October 30, 2010
(Fundraiser)

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

2. Sporting Chance Youth Basketball, Inc., Ward 6
1303 E. University Blvd.
Applicant: Don Tringali
City T78-10
Date of Event: October 6, 2010
(Fundraising for Arizona Cancer Center)

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

3. Tucson's Young Professionals, Ward 1
140 N. Main Ave.
Applicant: Jeffrey M. Ell
City T79-10
Date of Event: October 1, 2010
(Promote Community Activity Downtown)

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

4. Artsake Foundation, Ward 6
Congress St. between 4th Ave. & 6th Ave., 5th Ave. between Broadway
Blvd. & Toole Ave.
Applicant: Jeb Bley Schoonover
City T81-10
Date of Event: October 16, 2010
(Fundraiser)

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

5. Arizona Historical Society, Ward 6
949 E. 2nd St.
Applicant: Joseph R. Alvarez
City T82-10
Date of Event: October 15, 2010
(AHS Docent Council fundraiser)

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

6. Tucson Lesbian Gay Alliance dba Tucson Pride Board Inc., Ward 6
900 S. Randolph Way
Applicant: Karon L. Bohlender
City T86-10
Date of Event: October 9, 2010
(Pride in the Desert LGBT Festival Event)

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

7. Tucson Youth Collective/Old Pueblo Children Academy, Ward 6
191 E. Toole Ave.
Applicant: Kathy Kay Wooldridge
City T94-10
Date of Event: September 25, 2010
(Fundraiser for programming/building improvements)

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

- d. Agent Change/Acquisition of Control

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

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to forward liquor license applications 5c1 through 5c7, to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

- b. Liquor License Application(s)

New License(s)

1. R & R Bar-B-Que Co., Ward 4
8270 S. Houghton Rd.
Applicant: Robert Ramos
Series 12, City 54-10
Action must be taken by: September 27, 2010

Planning & Development Services has indicated the applicant is in compliance with city requirements.

Tucson Police Department and Revenue Investigations have indicated the applicant is not in compliance with city requirements.

City Clerk's office has indicated the applicant is not in compliance with city requirements.

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b1, R & R Bar-B-Que Co., located in Ward 4.

Vice Mayor Scott asked if the applicant was present and wanted to make any comments. There was no one.

It was moved by Vice Mayor Scott, duly seconded, and passed by a roll call vote of 7 to 0, to forward liquor license application 5b1, R & R Bar-B-Que Co., to the Arizona State Liquor Board with a recommendation of 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.

- a. Robert Reus spoke in opposition to Propositions 400 and 401.
- b. Mikki Niemi spoke regarding the City's budget cuts, Rio Nuevo, the proposed hotel downtown, and the Modern Street Car.
- c. Shannon Cain gave the fifth installment of her performance piece entitled, *"Tucson, the Novel: An Experiment in Literature and Civil Discourse."*
- d. Robert Black spoke about his perspective regarding the proposed hotel downtown, the proposed increase in taxes and the City's budget cuts.
- e. Ken Scoville spoke about parking issues downtown and being cited for illegal parking in an area that was not clearly marked; the paint was dull.

Council Member Cunningham asked the City Manager to look into the situation.

- f. Joe Sweeney spoke in support of funding for Access Tucson. He also commented briefly on how Access Tucson came to be, and spoke in opposition to illegal aliens.

7. CONSENT AGENDA

* **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 THE UNIVERSITY OF ARIZONA FOR LAND ON TUMAMOC HILL

1. Report from City Manager SEP21-10-425 WARD 1

2. Ordinance No. 10840 relating to real property; authorizing and approving the Lease Agreement between the City of Tucson and the University of Arizona for the lease of land on Tumamoc Hill for a transmitter site; and declaring an emergency.

b. APPROVAL OF MINUTES OF MAYOR AND COUNCIL MEETING

1. Report from City Manager SEP21-10-427 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of March 23, 2010 and April 6, 2010.

c. INTERGOVERNMENTAL AGREEMENT: WITH SOUTH TUCSON FOR AN AUTOMATIC AID AGREEMENT FOR EMERGENCY FIRE AND MEDICAL RESPONSE

1. Report from City Manager SEP21-10-428 CITY WIDE
2. Resolution No. 21625 relating to Intergovernmental Agreements; authorizing, and approving the execution of, an Automatic Aid Intergovernmental Agreement between the City of Tucson and the City of South Tucson to regulate the provision of automatic aid between the Tucson Fire Department and South Tucson Fire Department in fire suppression, hazardous material, on-scene emergency medical, and technical rescue response (referred to collectively as "all hazard response"); and declaring an emergency.

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

d. INTERGOVERNMENTAL AGREEMENT: WITH THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY FOR THE NATIVE NATIONS INSTITUTE AT THE UNIVERSITY OF ARIZONA

1. Report from City Manager SEP21-10-431 CITY WIDE
2. Resolution No. 21626 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. § 5-602.02H; and declaring an emergency.

e. REAL PROPERTY: LEASE AGREEMENT WITH SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) FOR CITY OWNED PROPERTY LOCATED AT THE EL RIO GOLF COURSE PRO SHOP (CONTINUED FROM THE MEETING OF SEPTEMBER 14, 2010)

1. Report from City Manager SEP21-10-433 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.

f. TUCSON CODE: AMENDING (CHAPTER 19) REMOVAL OF THE EXCLUSION OF THE COST OF LAND FROM THE TAXABLE GROSS INCOME FOR SPECULATIVE BUILDERS

1. Report from City Manager SEP21-10-432 CITY WIDE

(This item was continued at the request of staff.)

It was moved by Vice Mayor Scott, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a - f, with the exception of Item c, which was considered separately, and Item f, which was continued, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM C

c. INTERGOVERNMENTAL AGREEMENT: WITH SOUTH TUCSON FOR AN AUTOMATIC AID AGREEMENT FOR EMERGENCY FIRE AND MEDICAL RESPONSE

1. Report from City Manager SEP21-10-428 CITY WIDE

2. Resolution No. 21625 relating to Intergovernmental Agreements; authorizing, and approving the execution of, an Automatic Aid Intergovernmental Agreement between the City of Tucson and the City of South Tucson to regulate the provision of automatic aid between the Tucson Fire Department and South Tucson Fire Department in fire suppression, hazardous material, on-scene emergency medical, and technical rescue response (referred to collectively as "all hazard response"); 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 Kozachik.

Council Member Kozachik stated the City had written off about eight to nine hundred thousand dollars to South Tucson for some Regional Transportation Authority (RTA) related items. He said he was concerned that the City was entering into another Intergovernmental Agreement (IGA) that did not have any clauses indicating how these bills would be collected when and if they were due. Before entering into another IGA, he wanted to know if the City of South Tucson owed the City any money, and if there was language that the City Attorney or City Manager could suggest to write into the IGA to protect the City, when it came to collecting funds for services provided.

Michael Rankin, City Attorney, stated he did not know the answer to the first question; but with respect to the enforceability of the contract, he said the City was able to enforce this IGA and others with the City of South Tucson with traditional contract remedies; they could be sued for breach of contract, if necessary. He said perhaps less adversarial options were the termination provisions in the IGA, where if the other party was not performing, the IGA could be terminated.

Council Member Kozachik said he knew neither one of those options were good solutions, but brought his concerns forward because the entering into an IGA with any jurisdiction should have quick provisions written into them because of the City's budget situation.

Patrick Kelly, Tucson Fire Chief, said the City of South Tucson did not owe the City any money. The IGA was a new agreement and gave the City a clause to charge for extraordinary circumstances. He said the City was obligated to assist other jurisdictions, under a State mutual aid agreement, if resources were available; but the City only helped put out the fire, and the jurisdiction was responsible for the cleanup.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item c, be passed and adopted and the proper action taken.

8. ECONOMIC DEVELOPMENT: DESIGNATING AN EXPANSION OF THE CITY OF TUCSON RECOVERY ZONE

Mayor Walkup announced City Manager's communication number 426, dated September 21, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution 21624 by number and title only.

Resolution No. 21624 relating to Economic Development; designating an expansion of the City of Tucson Recovery Zone; and declaring an emergency.

Council Member Kozachik said this was an important item for several reasons, one being that there were several projects currently on hold. He said this item discussed recovery zone economic development bonds. He asked if those bonds could be used to complete suspended projects, in particular Barrio Viejo for infrastructure work to replace some water mains and to help clean up an outstanding legal hurdle.

Albert Elias, Housing and Community Development Department (HCD) Director, stated he did not want to answer definitively because there were some restrictions associated with the bonds, aside from the physical geography the item tended to. He said he could look into it; it was another financing mechanism and the funds would have to be paid back.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21624.

9. PROFESSIONAL SERVICES CONTRACT AMENDMENT: WITH DOWNTOWN TUCSON PARTNERSHIP FOR CONSULTING

(This item was continued at the request of staff.)

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 429, dated September 21, 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 Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to appoint to the El Presidio Historic Zone Advisory Board (EPHZAB), Susan Hardy Aiken in the Property Owner category, and Charles Pifer and Bob Vint in the Special Qualifications category.

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

11. ADJOURNMENT – 6:45 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 28, 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 21st day of September 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:yl:sac