



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on February 23, 2011.

Date of Meeting: November 9, 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 5:36 p.m., on Tuesday, November 9, 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 (departed at 5:51 p.m.)

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 Father Charlie Knapp, Catholic Diocese of Tucson, after which the Pledge of Allegiance was led by the Boys Scout Troop 733.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 491, dated November 9, 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 Fred Archer Center to celebrate the installation of their new shade structure and a tree planting event for Dunbar Springs Neighborhood Association. She thanked volunteers for their time and effort in the 2010 Elections.
- b. Council Member Cunningham announced the following events: Tucson Farmer's Market at Jesse Owens Park on Fridays; the Veteran's Parade, and a free concert and ceremony at the Veterans' Administration Medical Center. He also announced that three Arizona soldiers were recently killed in combat; a moment of silence was observed.
- c. Council Member Uhlich invited the public to Ward 3's display of art work by fourth and fifth graders from Holloway Elementary School and to the celebration of pedestrian improvements in and around the Jefferson Park community. She recognized the Parks and Recreation department for receiving an award for national excellence during their commission for accreditation process.
- d. Council Member Fimbres reported that the Arizona Department of Transportation was doing some underground utility work on the Bridges project closing Park Avenue, in the late evenings, from I-10 north to 36th Street. He announced Pat Lopez, Rusing & Lopez, PLLC and Barbara Carino, Garcia Cleaners, were named the 2010 Hispanic Businessman and Businesswoman of the year, and the El Pueblo Senior Center was hosting a Veteran's Day breakfast.
- e. Council Member Kozachik thanked the Tucson Firefighters for the Annual Chili Cook-Off. He announced the Second Saturdays event, the Open Studio Tour, and an Open House at the Market Inn.

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

Mayor Walkup announced City Manager’s communication number 492, dated November 9, 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 Vice Mayor Scott attended the Annual Conference of the American Planning Association Arizona Chapter. He said Vice Mayor Scott was honored as the recipient of the 2010 Distinguished Elected Officials Award. He explained that the award was bestowed upon individuals who made innovations in Arizona planning that had a significant impact. Vice Mayor Scott also participated in a discussion panel on “Sustainability as an Economic Development Tool” from Civano to the Solar Zone.

Roger W. Randolph, City Clerk, announced Item #8, on the evening’s agenda, regarding Proposition 203, Medical Marijuana, was being continued to the November 23, 2010, Mayor and Council meeting, as the election results on the Proposition had not been finalized.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 497, dated November 9, 2010, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. License Application(s)

New License(s)

1. Cilantro’s Colombian Grill Restaurant, Ward 5
4525 S. Park Ave.
Applicant: Ruby Tenorio
Series 12, City 57-10
Action must be taken by: October 8, 2010

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

2. Circle K Store #2907, Ward 6
1675 N. Wilmot Rd.
Applicant: Kim Kenneth Kwiatkowski
Series 9, City 84-10
Action must be taken by: November 12, 2010

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

3. Sushi King, Ward 3
1800 E. Fort Lowell Rd. Suite 116
Applicant: Kyu Sik Lee
Series 12, City 85-10
Action must be taken by: November 12, 2010

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

4. Fuddruckers, Ward 6
6118 E. Speedway Blvd.
Applicant: Andrea Dahlman Lewkowitz
Series 12, City 86-10
Action must be taken by: November 14, 2010

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

5. Circle K Store #3406, Ward 5
1025 E. Ajo Way
Applicant: Kim Kenneth Kwiatkowski
Series 9, City 87-10
Action must be taken by: November 12, 2010

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

6. Rhino Pub, Ward 6
1118-20 E. 6th St.
Applicant: Steve Lee Ketchem
Series 12, City 88-10
Action must be taken by: November 21, 2010

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

7. 7-Eleven 21813K, Ward 3
3701 E. Grant Rd.
Applicant: Nicholas Carl Guttilla
Series 10, City 91-10
Action must be taken by: November 19, 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 Transfer

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

c. Special Event(s)

NOTE: There are no special event(s) scheduled for this meeting.

d. Agent Change/Acquisition of Control

1. Woody's, Ward 3
3710 N. Oracle Rd.
Applicant: Danny Ray Scott Jr.
Series 6, City AC13-10
Action must be taken by: November 19, 2010

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

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Vice Mayor Scott, duly seconded and passed by a roll call vote of 7 to 0, to forward liquor license applications 5b1 through 5b7 and 5d1 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.

(Mayor Walkup departed at 5:51 p.m.)

- a. Mikki Niemi spoke about the reasons why Proposition 400 did not pass and ways to cut the City's budget.
- b. Robert Black spoke in support of the police and fire departments and public safety in general.
- c. Keith Van Heyningen spoke about responsible City planning in uncertain times.
- d. Richard DeBernardis, El Tour de Tucson Founder and Executive Director, gave an update on El Tour de Tucson #28.
- e. Michael Toney spoke about Rio Nuevo.

- f. Paul Pratt spoke about balancing the City's budget. He spoke in support of the police and fire departments.
- g. Jesse Lugo spoke about the failure of Proposition 400 and in support of the police and fire departments.
- h. Jason Watson spoke about the failure of Proposition 400 and the recommendations made by the Core Tax Committee to balance the City's budget.

Council Member Uhlich requested the City Manager and the City Attorney to include ballot language and arguments from Proposition 400 and Proposition 200 from the 2009 Election, in the Mayor and Council's Study Session materials for November 16, 2010, as they discuss public safety.

- i. Shannon Cain gave the eleventh installment of her performance piece entitled, "*Tucson, the Novel: An Experiment in Literature and Civil Discourse.*"
- j. Bette Hanson spoke in opposition to the proposed cuts to the Tucson Police Department.
- k. Ruth Beeker spoke in support of the City Manager. She also spoke about the El Con Mall development project and the closure of certain entrances.

Council Member Kozachik requested that the City Attorney send a letter to the management of El Con Mall regarding re-opening the Development Agreement.

- l. Ken Johnson spoke about American Legion Post 7 and the Veteran's Day Parade.
- m. Johnny Lohrmann spoke about the gateway saguaro sign on south Oracle Road and if it complied with City ordinance and the failure of Proposition 400.

Council Member Uhlich asked staff to clarify that the saguaro cactus installed was not an advertising sign on Oracle Road.

7. CONSENT AGENDA – ITEMS A THROUGH E

Mayor Pro Tempore Scott announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. She asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

- 1. Report from City Manager NOV09-10-495 CITY WIDE
- 2. Mayor and Council Regular Meeting Minutes of May 18, 2010

b. TUCSON CODE: AMENDING (CHAPTER 8) POST ADJUDICATION CIVIL MOTION FILING FEE FOR CITY COURT

1. Report from City Manager NOV09-10-494 CITY WIDE
2. Ordinance No. 10849 relating to City Court; amending the Tucson Code Chapter 8, City Court, Article I, In General, by adding Section 8-6.8, Post adjudicated civil motion filing fee; exemption for extraordinary circumstances; fee separate and distinct from any sentence; action for recovery authorized; setting an effective date; and declaring an emergency.

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

c. ZONING: (S07-156) DESIGNATING THE TENTATIVE PLAT FOR OLD VAIL PLAZA AS A PROTECTED DEVELOPMENT RIGHT PLAN

1. Report from City Manager NOV-09-10-493 WARD 4
2. Resolution No. 21644 relating to zoning: designation of the Tentative Plat/Development Plan for Old Vail Plaza (S07-156) as a protected development right plan; and declaring an emergency.

d. GRANT AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE FOR THE VICTIMS' RIGHTS PROGRAM

1. Report from City Manager NOV09-10-499 CITY WIDE
2. Resolution No. 21645 relating to Victims' Rights; approving and authorizing execution of an award agreement with the Arizona Attorney General's Office for the FY 2011 Victims' Rights Implementation Assistance Program; and declaring an emergency.

e. GRANT AGREEMENT EXTENSION: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR DRUG CONTROL AND SYSTEM IMPROVEMENT

1. Report from City Manager NOV09-10-498 CITY WIDE
2. Resolution No. 21646 relating to grants; approving and authorizing execution of a Drug Enforcement Grant Extension with the Arizona Criminal Justice Commission (ACJC) for Drug Control and System Improvement; and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), that Consent Agenda Items a – e, with the exception of Item b, which was considered separately, be passed and adopted and the proper action taken.

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Roger W. Randolph, City Clerk, announced the item to be considered separately was Item b, at the request of Council Member Kozachik.

Council Member Kozachik asked if the five dollar filing fee proposed actually recovered the cost for Post Adjudication Civil Motions.

Joan Harphant, City Court Administrator, stated the implementation date for the fee was December 1, 2010. She said their electronic management system was currently being tested for electronic filings. Ms. Harphant stated that the estimated cost for filing was five dollars and ninety-four cents, but they were recommending five dollars even.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Mayor Walkup absent/excused), that Consent Agenda Item b, be passed and adopted and the proper action taken.

8. TUCSON CODE: AMENDING (CHAPTER 23) THE *LAND USE CODE* RELATING TO MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA OFFSITE CULTIVATION LOCATIONS (CONTINUED FROM THE MEETING OF OCTOBER 26, 2010)

Roger W. Randolph, City Clerk, announced that the Mayor and Council, during the Study Session, voted to continue the item to November 23, 2010.

9. ELECTIONS: CANVASS OF THE RETURNS AND DECLARATION OF THE RESULTS OF THE SPECIAL ELECTION HELD ON NOVEMBER 2, 2010 (CONTINUED FROM THE MEETING OF NOVEMBER 8, 2010)

Roger W. Randolph, City Clerk, announced that the results of the Election had not been completed by Pima County, therefore, this item was continued to the November 16, 2010, Mayor and Council meeting.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Pro Tempore Scott announced City Manager’s communication number 496, dated November 9, 2010, was received into and made part of the record. She 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 6 to 0 (Mayor Walkup absent/excused), to approve the appointments of Glen Kerslake to the Metropolitan Housing Commission and Erika Mitnik to the Downtown Links Citizens Advisory Committee and ratify the appointments of Marietta Martin and Lucy Howell to the Pima County/Tucson Women’s Commission.

Mayor Pro Tempore Scott asked if there were any personal appointments to be made. There were none.

11. ADJOURNMENT: 6:43 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, November 16, 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 9th day of November 2010 and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:yl:ccs