



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 26, 2011.

Date of Meeting: December 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 5:40 p.m., on Tuesday, December 14, 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 (arrived @ 5:42 p.m.)
Karin Uhlich	Council Member Ward 3 (arrived @ 5:42 p.m.)
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Vice Mayor, 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 Rabbi Robert Eisen, Congregation Anshei Israel, 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 548, dated December 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 reported on the Second Annual Tamale Contest held in Ward 1 and thanked all the participants, sponsors, and celebrity judges. She also invited the public to attend a car show benefiting local toy drives.
- b. Council Member Cunningham reported on several events, which included the Miracle on 31st Street “Stuff the Bus” toy drive and the Ward 2 Holiday Open House.
- c. Vice Mayor Fimbres reported on an event he attended and spoke at regarding public safety, and honoring students who worked with “Building Bridges”. He also urged the public to make safety a priority during the holidays, and not drink and drive.
- d. Council Member Kozachik invited the public to the Ward 6 Holiday Open House, and the Downtown Parade of Lights.

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

Mayor Walkup announced City Manager’s communication number 549, dated December 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 550, dated December 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)

NOTE: There are no applications for licenses scheduled for this meeting.

Person Transfer

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

c. Special Event(s)

1. Reid Park Zoological Society, Ward 6
995 S. Lakeshore Lane
Applicant: Diana T. Whitman
City T114-10
Date of Event: January 27, 2011
(Fundraiser)

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

2. Women's Foundation of Southern Arizona, Ward 6
1020 E. University Blvd.
Applicant: Laura Penny
City T115-10
Date of Event: January 15, 2011 - January 23, 2011
(Broadway Musical "Wicked")

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

3. Salpointe Catholic Education Foundation, Ward 3
1545 E. Copper St.
Applicant: Merri C. Siler
City T116-10
Date of Event: February 12, 2011
(Fundraising)

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

d. Agent Change/Acquisition of Control

1. Apache Shell, Ward 2
8291 E. 22nd St.
Applicant: Dur Saleh
Series 10, City AC15-10
Action must be taken by: December 24, 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 Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5c1 through 5c3, 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.

- a. Roger Tamietti, Tucson Fire Fighters Association (TFFA), and John Strader, Tucson Police Officers Association (TPOA), thanked the Mayor and Council for their actions taken during the Study Session regarding possible cuts to police and fire.
- b. Mikki Niemi expressed his concerns about the City's budget and funding for the Modern Streetcar.
- c. Robert Reus spoke about his suggestions to change City government to an aldermanic form of government.
- d. Shannon Cain gave her fourteenth installment of "*Tucson, the Novel: An Experiment in Literature and Civil Discourse.*"
- e. Molly Steffens spoke about the importance of the Tucson Police Department's DUI (Driving Under the Influence) Task Force, and urged the Mayor and Council to ensure that Police and Fire were a priority.
- f. Holly Robles spoke about her son who was killed by a drunk driver, and urged the Mayor and Council not to approve any budget cuts to the Tucson Police Department's DUI Task Force.
- g. Marie L. Bills spoke in opposition to Police and Fire budget cuts.
- h. Irene Escarcega spoke in opposition to budget cuts to the Tucson Police Department's DUI Task Force.
- i. Ken Johnson invited the public to attend American Legion meetings and events.

Council Member Cunningham asked staff to get information on Mr. Johnson's list serve so that his American Legion events could be circulated in the City's list serve.

- j. Bonnie Poulos commented on two City senior staff members, Jim Glock, Transportation Director and Peter Gavin, Zoning Examiner, who were retiring within the next year. She thanked them for their hard work, honesty, and insight they offered the City for over twenty years.

- k. Christine Glanz spoke in support of Plan A of the Sign Code and to change the scenic route designation on Broadway Boulevard and Houghton Road.

Mayor Walkup interrupted Ms. Glanz and asked her to hold her comments until the Public Hearing on Item #8.

- l. Lori Oien thanked the Mayor and Council for their unanimous vote during the Study Session to make public safety a priority.
- m. Sean Hannley spoke in opposition to budget cuts to City services.
- n. James Hannley pointed out that he submitted a speaker's card at last week's meeting and thought the procedure was to call on those speakers first if they did not get a chance to speak. He also spoke about the proposed layoff of City employees, and opposed budget cuts to City services.

7. CONSENT AGENDA – ITEMS A THROUGH C

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. APPROVAL OF MINUTES

- 1. Report from City Manager DEC14-10-555 CITY WIDE
- 2. Mayor and Council Regular Meeting Minutes of September 8, 2010

b. FINANCE: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE

- 1. Report from City Manager DEC14-10-553 CITY WIDE
- 2. Resolution No. 21666 relating to finance; authorizing the write-off of certain Uncollectible Accounts, and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Fimbres.)

c. INTERGOVERNMENTAL AGREEMENT: WITH THE GOVERNOR'S OFFICE OF ECONOMIC RECOVERY FOR THE PUBLIC SAFETY STABILIZATION PROGRAM

- 1. Report from City Manager DEC14-10-557 CITY WIDE
- 2. Resolution No. 21667 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Agreement between the City of Tucson and the Governor's Office of Economic Recovery for funding awards to Tucson Police Department (TPD) and Tucson Fire Department (TFD) as part of the Governor's Public Safety Stabilization Program (PSSP); and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Fimbres.)

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, that Consent Agenda Item a – c, with the exception of Items b and c, which were considered separately, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM B

b. FINANCE: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE

1. Report from City Manager DEC14-10-553 CITY WIDE
2. Resolution No. 21666 relating to finance; authorizing the write-off of certain Uncollectible Accounts, and declaring an emergency.

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Consent Agenda Item b at the request of Vice Mayor Fimbres.

Vice Mayor Fimbres asked the Finance Director what the breakdown was for the accounts that were being written off, and how many accounts were carried over from last year.

Kelly Gottschalk, Chief Financial Officer, explained the accounts in question were a variety of different accounts, and were written off under different criteria depending on the type of account. The majority of the accounts were in the court fines and fees area. Public utility billing was the second highest number of accounts, and those were written off when people no longer lived at that property. She said the remaining accounts were in the sales tax and ambulance and transport areas.

Ms. Gottschalk clarified that the write off of uncollectible account receivables, were accounting entries that were made every six months; and it did not mean the accounts were actually written off or that the accounts were no longer owed. The Finance Department continued to attempt to collect the money owed.

Vice Mayor Fimbres asked if the same procedure was used in last year's situation, and if the collection rate was an improvement over previous totals.

Ms. Gottschalk stated the same procedures in the write-off were used, but they increased the collections in several areas. She said they authorized the collection agents to begin assessing interest, which had not been done in the past. They were also allowing the collection agents to apply liens to properties earlier and use other methods of collections, such as filing information with the courts. She said they were also focusing heavily on sales tax collections.

Ms. Gottschalk stated the collection rate was about the same, due to the economy; but she pointed out that fees were raised, so bills were more expensive. She added they were now offering payment plans to receive the funds that were owed.

Council Member Cunningham asked about money owed on active court cases, and asked if the City was taking steps to find delinquent accounts where they could be settled in a more rapid way.

Ms. Gottschalk stated all court fines were entered into the FARE Program (Fines/Fees and Restitution Enforcement Program), which was a very aggressive and successful program. She added that the write off had nothing to do with the FARE Program.

It was moved by Vice Mayor Fimbres, duly seconded, and carried by a roll call vote of 7 to 0, that Consent Agenda Item b be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM C

c. INTERGOVERNMENTAL AGREEMENT: WITH THE GOVERNOR’S OFFICE OF ECONOMIC RECOVERY FOR THE PUBLIC SAFETY STABILIZATION PROGRAM

1. Report from City Manager DEC14-10-557 CITY WIDE
2. Resolution No. 21667 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Agreement between the City of Tucson and the Governor's Office of Economic Recovery for funding awards to Tucson Police Department (TPD) and Tucson Fire Department (TFD) as part of the Governor's Public Safety Stabilization Program (PSSP); and declaring an emergency.

Roger W. Randolph, City Clerk, announced the final item to be considered separately was Consent Agenda Item c at the request of Vice Mayor Fimbres.

Vice Mayor Fimbres asked staff how many police officers and fire fighters would be retained through the intergovernmental agreement.

Sharon Allen, Deputy Police Chief, replied there would be four police officers retained.

Michael McKendrick, Assistant Fire Chief, replied that under restrictions of the Governor’s money and actions taken earlier at the Study Session, they would be able to use the money to delay closing down some of the units for up to four months.

It was moved by Vice Mayor Fimbres, duly seconded, that Consent Agenda Item c be passed and adopted and the proper action taken.

Council Member Cunningham asked, with regards to police officers, could some of those be put back into the DUI (Driving Under the Influence) Program.

Deputy Chief Allen stated those positions would go back into the overall staffing. She said plans were to reallocate staffing to those units that had been cut. She urged the Mayor and Council to keep in mind that they still had a full, active DUI squad and

officers who had been redeployed could still conduct DUI investigations. Additionally, she said, they were very active in the Southern Arizona DUI Task Force, and their efforts for DUI's had not been diminished.

Consent Agenda Item c was declared passed and adopted by a roll call vote of 7 to 0.

Mayor Walkup announced at this time that they would move to Item 11, as it was a short item before getting into the public hearings.

11. CITY MAGISTRATES: APPOINTING SUSAN Q. SHETTER AND THOMAS J. BERNING AS CITY MAGISTRATES AND FIXING COMPENSATION

(This item was taken out of order)

Mayor Walkup announced City Manager's Communication number 552, dated December 14, 2010 was received into and made part of the record. He asked the City Clerk to read Ordinance 10860 by number and title only.

Ordinance No. 10860 relating to City Magistrates; appointing Susan Q. Shetter as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10860, appointing Susan Q. Shetter as City Magistrate.

Mayor Walkup asked the City Clerk to read Ordinance 10861 by number and title only.

Ordinance No. 10861 relating to City Magistrates; appointing Thomas J. Berning as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10861, appointing Thomas J. Berning as City Magistrate.

8. PUBLIC HEARING: TUCSON CODE - AMENDING (CHAPTER 3) SIGN CODE, REGULATING THE SCENIC CORRIDOR ZONE DISTRICT (CONTINUED FROM THE MEETING OF NOVEMBER 23, 2010)

Mayor Walkup announced City Manager's communication number 558, dated December 14, 2010 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 a proposed amendment to the Tucson Sign Code, regulating the Scenic Corridor Zone District. He said staff wanted to make a brief presentation before beginning the public hearing.

Ernie Duarte, Planning and Development Services Department Director, explained this was a continued public hearing from the November 23, 2010, Mayor and Council meeting. He said the Mayor and Council discussed the item at their last meeting during Study Session, at which time staff was directed to begin the public process of modifying the designation of Houghton Road from scenic to gateway, from Old Spanish Trail to Interstate 10. Staff was also directed to provide information on historical land uses along the designated scenic routes.

Mr. Duarte stated staff was prepared to provide a brief Powerpoint presentation if needed. He said staff was further directed to come up with a compromise proposal on sign code amendments, and there were three options in the Mayor and Council's materials. He explained all three options, and stated staff recommended the adoption of any one of the three options as being responsive to historical sign code variance patterns. Additionally, he said all three options preserved existing *Land Use Code* Scenic Corridor regulations.

Glenn Moyer, Planning and Development Services Administrator, explained an overview of zoning and land use changes that had occurred along scenic routes, as requested by Council Member Uhlich, which were included in the Mayor and Council materials. He gave a presentation that highlighted those changes.

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

Christine Glanz spoke in opposition to Houghton Road remaining a scenic route, and urged the Mayor and Council to vote for Option A.

Ed Verburg, Tucson Mountain Association, spoke about all the designated scenic routes on the westside. He urged the Mayor and Council to support the community based sign option.

Alan Tomelson spoke in opposition to changes in the Tucson *Sign Code*.

Brad Richards spoke in support of the Scenic Corridor *Sign Code* revisions.

Tom Palomares spoke about the inefficiencies of the *Sign Code* which did not function for businesses. He urged the Mayor and Council to eliminate the scenic route along Houghton Road, or support Option A.

Dan Brocious spoke in support of the option presented by Kathi McLaughlin.

Jude Cook, Cook and Company Sign Makers, spoke in support of Option A of the *Sign Code*.

Mark Jones thanked staff for all their work on the proposed *Code* changes. He urged the Mayor and Council to support the Citizen Sign Code Committee's recommendation.

James Hannley commented on the membership of the Citizen Sign Code Committee, who he believed had a conflict of interest. He also spoke in opposition to any changes to the Tucson *Sign Code*.

Les Shipley, business owner along Houghton Road, urged the Mayor and Council to consider rescinding the designation of a scenic corridor to Houghton Road.

Mark Mayer, representing Scenic Arizona and Scenic America, spoke about his concerns that all materials were not included in the Mayor and Council's packets. He asked that no action be taken on the three options until full consideration could be given to the option that he and Kathi McLaughlin presented.

Kathi McLaughlin, member of the Citizen Sign Code Committee, asked the Mayor and Council to consider the McLaughlin/Mayer Option, stating it was really the compromise position.

Lee Oler, member of the Citizen Sign Code Committee, spoke in opposition to all three Options presented, and urged the Mayor and Council to consider the McLaughlin/Mayer Option, which was not included in the Mayor and Council's materials.

Beryl Baker spoke in opposition to changes that would weaken the scenic route codes.

James Carpenter spoke in support of Option A of the *Sign Code*.

Brent Davis spoke in opposition to changes in the Tucson *Sign Code*, regulating the Scenic Corridor Zone District.

It was moved by Vice Mayor Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10864 by number and title only.

Ordinance No. 10864 relating to Sign Code; amending the Tucson Code, Chapter 3, Sign Code, Article IV, General Requirements, Section 3-33, Grade; amending Chapter 3, Sign Code, Article VI, signs by District, Section 3-82 of the Tucson Code regulating the Scenic Corridor Zone (SCZ); and declaring an emergency.

Council Member Scott commented on the current scenic corridor sign restrictions, the development of most scenic corridors to date, conditions on signage for new development, and variance requests and changes to City regulations.

Council Member Scott said she believed it was time to make necessary adjustments to the scenic corridor, so the corridor supported the economic recovery that the Mayor and Council had been pushing for. She also explained that the proposed changes still restricted signage to fifty percent of what was allowed on other arterials in the City.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10864 Option C, and to direct staff to return after twelve months with a report on the number and types of sign variance requests submitted for properties within the Scenic Corridor Zone Sign District.

Council Member Uhlich spoke about her concerns with the process used and the vote and representation from the Citizen Sign Code Committee who benefited from the policies the City generated. She said the Mayor and Council wanted to facilitate healthy businesses, but having an industry that directly benefited from policy change, serving on the committee and recommending those changes, was not serving that industry well, and planted seeds of concern. Council Member Uhlich said she thought Council Member Scott's compromise was appropriate.

Council Member Romero spoke about how other scenic corridors differed from the scenic route along Houghton Road. She said she was also concerned that the Citizen Sign Code Committee was so split. She asked about the Mayor and Council's directive to staff to move Houghton Road from a scenic corridor to a gateway, and asked what the process was and how long it would take.

Mr. Duarte stated the direction they received from the Mayor and Council the previous week, was to begin the public process associated with that designation. He said it was a *Land Use Code* amendment that had to go before the Planning Commission, with a recommendation to Mayor and Council. They had not processed any changes to the *Major Streets and Routes Plan*, and he said it would probably be a six to eight month process.

Vice Mayor Fimbres asked staff why the memo from Kathi McLaughlin was not included as part of the materials submitted.

Mr. Duarte explained that information was contained in the materials for the previous week's Study Session. Subsequent to the Study Session discussion, staff was directed to come forward with the compromise proposal.

Council Members Romero and Cunningham and Vice Mayor Fimbres spoke about their reasons to support Council Member Scott's motion.

Ordinance 10864, Option C, was passed and adopted and the proper action taken, by a roll call vote of 7 to 0, with a directive to staff to return after twelve months with a report on the number and types of sign variance requests submitted for properties within the Scenic Corridor Zone Sign District.

9. ZONING: (SE-10-42) CRICKET - ROGER ROAD, MH-1, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 556, dated December 14, 2010, was received into and made part of the record. He also announced this was a Special Exception Land Use request for property located at the south side of Roger Road between Fairview Avenue and Palm Grove Drive. The Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant or representative were present and if they were agreeable to the proposed requirements.

There was no one.

Mayor Walkup asked the City Clerk to read Ordinance 10863 by number and title only.

Ordinance No. 10863 relating to zoning; a special exception land use - wireless communications facility use - SE-10-42 Cricket - Roger Road - on the south side of Roger Road west of Fairview Avenue; approving with conditions the construction of 73 foot tall monopole with antennas and associated ground equipment in the MH-1 zone - case SE-10-42; and setting an effective date.

Council Member Uhlich asked staff to brief the Mayor and Council on protests received, and explain how the protests were addressed in the proposal.

Peter Gavin, Zoning Examiner, explained there was a protest subsequent to when the hearing was held. The main concern in the protest was the existing 93-foot tall monopole and why it was not being used by the company. He added Federal E-Funding was used to install the pole and one of the conditions for that funding was that the company could not co-locate on the pole, and it could not be purchased. He added the contract with the school district expired on June 30, 2012, and the district and Cricket were being pro-active in replacing the pole.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10863.

10. ZONING: (C9-00-39) MAR AND ROTHSCHILD AND YOUNG – BROADWAY BOULEVARD, SR AND R-2 TO C-1 AND C-2, CORRECTION OF ORDINANCE MAP, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 554, dated December 14, 2010, was received into and made part of the record. He asked the City Clerk to read Ordinance 10859 by number and title only.

Ordinance No. 10859 relating to zoning: amending Ordinance No. 9653 to amend the map showing the C-1 and C-2 district boundaries in the area located on the north side of East Broadway Boulevard, 935 feet west of Pantano Road in Case C9-00-39, Mar & Rothschild & Young - Broadway Boulevard, SR and R-2 to C-1 and C-2; and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10859.

11. CITY MAGISTRATES: APPOINTING SUSAN Q. SHETTER AND THOMAS J. BERNING AS CITY MAGISTRATES AND FIXING COMPENSATION

(This item was taken out of order and discussed after the Consent Agenda Item 7.)

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 551, dated December 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 Romero, duly seconded, and passed by a voice vote of 7 to 0, to approve the appointments of Esthermarie Hillman and Penelope A. Porter to the Armory Park Historic Zone Advisory Board (APHZAB); Patricia Cadigan and Winston Warr to the Fort Lowell Historic Zone Advisory Board (FLHZAB); and the reappointment of Michael Kennedy to the Armory Park Historic Zone Advisory Board (APHZAB).

Mayor Walkup asked if there were any personal appointments to be made. There were no personal appointments.

13. ADJOURNMENT: 8:03 p.m.

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

DEPUTY CITY CLERK

RWR:sac:ds