



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 22, 2011.

Date of Meeting: December 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 5:33 p.m., on Tuesday, December 21, 2010, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Pro Tempore Fimbres 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
Richard G. Fimbres	Vice Mayor, Council Member Ward 5
Steve Kozachik	Council Member Ward 6

Absent/Excused:

Shirley C. Scott	Council Member Ward 4
Robert E. Walkup	Mayor

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 T. Daniel Warf, 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 Pro Tempore Fimbres announced City Manager’s communication number 559, dated December 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 community to a graffiti abatement event sponsored by Graffiti Protective Coatings and an early New Year’s Eve celebration of the Mission Garden at the new Mercado San Agustin.
- b. Council Member Cunningham thanked constituents who attended the Ward 2 Christmas party and announced the Fox Theatre’s “It’s a Wonderful Life” showing.
- c. Mayor Pro Tempore Fimbres announced that over six hundred food boxes were distributed by members of the Firefighters Association (IFFA) and the American Federation of State, County and Municipal Employees (AFSCME) and over five hundred under privileged children received bicycles in the 2nd Annual Bike-in-a-Box event. He also reported on the Parade of Lights parade and the 40th Anniversary of the Pioneer Hotel fire.

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

Mayor Pro Tempore Fimbres announced City Manager’s communication number 560, dated December 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.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Pro Tempore Fimbres announced City Manager’s communication number 561, dated December 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)

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. The Drawing Studio, Inc., Ward 6
33 S. 6th Ave.
Applicant: Betina E. Fink
City T117-10
Date of Event: January 13, 2011
(Fundraising)

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

Public Opinion: Written Argument in Favor Filed

d. Agent Change/Acquisition of Control

1. Cow Pony Bar, Ward 2
6510 E. Tanque Verde Rd.
Applicant: John J. Healy
Series 6, City AC16-10
Action must be taken by: December 23, 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 Council Member Uhlich, duly seconded, and carried by a voice vote of 5 to 0 (Council Member Scott and Mayor Walkup absent/excused), to forward liquor license applications 5c1 and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Pro Tempore Fimbres 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 Pro Tempore Fimbres also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the 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 "call to the audience."

- a. Sheldon Gutman spoke regarding Cox Cable Communication rates and Spring training baseball at Hi Corbett Field.
- b. Robin Gomez spoke about the Wyle Study and gave an update on issues that were not discussed during the Study Session.

Council Member Kozachik asked the City Attorney to respond to the Mayor and Council regarding the legal questions posed by Mr. Gomez.

- c. Tom Bevers spoke about understanding the noise assessments in studies such as the Wyle Study.
- d. Mikki Niemi spoke about the process the City used regarding ‘change orders’ on City contracts.

Council Member Uhlich asked the City Attorney and the City Manager to respond to the Mayor and Council regarding the feasibility of a change order policy in line with Pima County and school districts.

- e. Bev Showalter, County Line Riders of Catalina, spoke in support of the *Trails Master Plan*.
- f. Sue Clark, Pima Trails Association, spoke in support of the *Trails Master Plan* and asked that the Mayor and Council approve it.
- g. Lawrence Michaels spoke in opposition to Ordinance No. 10866, relating to Adult Entertainment Enterprises.
- h. Ken Johnson spoke in support of Access Tucson. He also spoke about issues the American Legion was facing.
- i. Nancy Graham spoke in opposition of Operation Snowbird and F-35 aircraft.
- j. Pat Birnie spoke in opposition of Operation Snowbird and F-35 aircraft.
- k. Marcus Richardson, Bunny Ranch Assistant Manager, spoke in opposition to Ordinance No. 10866, relating to Adult Entertainment Enterprises.
- l. Kiernan Hinks, and a co-worker from the Bunny Ranch, spoke in opposition to Ordinance No. 10866, relating to Adult Entertainment Enterprises.
- m. Jamie Schremmer spoke in opposition to F-35 aircraft and Operation Snowbird.
- n. Jean de Jong spoke in opposition to F-35 aircraft and Operation Snowbird.
- o. Sara Van Slyke, Desert Springs Children’s Center Director, spoke about aircraft noise and the affects on small children.

- p. Courtney Bailey spoke in opposition to Ordinance No. 10866, relating to Adult Entertainment Enterprises.
- q. Michelle Shortt spoke in opposition to Ordinance No. 10866, relating to Adult Entertainment Enterprises.
- r. Joe Sweeney spoke about illegal immigrants and 287(g) funding for enforcement.
- s. Rita Ornales, Julia Keen Neighborhood Association, spoke about the Wyle Study and in opposition to the expansion of Operation Snowbird.
- t. Lee Stanfield spoke in opposition to F-35 aircraft and Operation Snowbird.

7. CONSENT AGENDA – ITEMS A THROUGH H

Mayor Pro Tempore Fimbres 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 DEC21-10-567 CITY WIDE
- 2. Mayor and Council Regular Meeting Minutes of September 14, 2010.

b. PARKS AND RECREATION: ADOPTING THE PIMA REGIONAL TRAIL SYSTEM MASTER PLAN

- 1. Report from City Manager DEC21-10-565 CITY WIDE
- 2. Resolution No. 21669 relating to parks and recreation; adoption of the Pima Regional Trail System Master Plan; and declaring an emergency.

c. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE DUNBAR SPRING NEIGHBORHOOD REINVESTMENT GRANT PROJECT

- 1. Report from City Manager DEC21-10-563 WARD 1
- 2. Resolution No. 21671 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. One to the Intergovernmental Agreement between the City of Tucson and Pima County for the Dunbar Spring Neighborhood Reinvestment Grant Project; and declaring an emergency.

d. TUCSON CODE: AMENDING (CHAPTER 16) RELATING TO PENALTIES FOR ACTS OF GRAFFITI

- 1. Report from City Manager DEC21-10-564 CITY WIDE

2. Ordinance No. 10865 relating to crimes and offenses; Amending Tucson Code, Chapter 16, Article IV. as it relates to Graffiti by eliminating mandatory jail time for acts of graffiti; allowing for community service in lieu of fines; adding a new sec. 16-30 (b)(5)(d) authorizing the courts to order parents and guardians of minor children who commit acts of graffiti to assist the minor child in payment of restitution and/or performance of community service; and declaring an emergency.

e. HOUSING AND COMMUNITY DEVELOPMENT: AUTHORIZING THE APPOINTMENT OF A REPRESENTATIVE TO THE PIMA COUNTY COMMUNITY LAND TRUST

1. Report from City Manager DEC21-10-566 CITY WIDE
2. Resolution No. 21668 relating to Housing and Community Development; approving and authorizing the Delegation of Authority to appoint City of Tucson Public Directors to the Pima County Community Land Trust (City-Wide); and declaring an emergency.

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

f. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO AGE RESTRICTIONS FOR AN ADULT ENTERTAINMENT LICENSE APPLICANT

1. Report from City Manager DEC-21-10-570 CITY WIDE
2. Ordinance No. 10866 relating to Adult Entertainment Enterprises; increasing the minimum age of adult entertainment license applicants; and declaring an emergency.

g. FINANCE: AUTHORIZATION FOR THE ISSUANCE OF CLEAN RENEWABLE ENERGY BONDS

1. Report from City Manager DEC21-10-568 CITY WIDE
2. Ordinance No. 10862 an Ordinance of the Mayor and Council of the City of Tucson, Arizona, authorizing and approving the execution and delivery of an equipment lease-purchase agreement and an escrow agreement in connection with the issuance and sale of the City's New Clean Renewable Energy Bonds; approving negotiations with the purchaser of the lease-purchase agreement; fixing the maximum aggregate principal amount and the maximum term of the lease payments to be made pursuant to the lease-purchase agreement; declaring the City's official intent to reimburse expenditures made prior to the execution and delivery of the lease-purchase agreement from proceeds of the lease-purchase agreement; and declaring an emergency.

h. TUCSON CODE: AMENDING (CHAPTER 27) RELATING TO RECLAIMED WATER SITE INSPECTIONS

1. Report from City Manager DEC21-10-569 CITY WIDE AND OUTSIDE CITY
2. Ordinance No. 10867 relating to reclaimed water; amending definitions; revising backflow prevention methods required; requiring inspections to insure no cross-connections with potable systems by amending Tucson Code, Chapter 27, Water, Article V; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 5 to 0 (Council Member Scott and Mayor Walkup absent/excused), that Consent Agenda Items a – h, with the exception of Item e, which was considered separately, be passed and adopted and the proper action taken.

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

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 5 to 0 (Council Member Scott and Mayor Walkup absent/excused), to pass and adopt Consent Agenda Item e, and the proper action taken to include an amendment to the Resolution to require that appointees for the City of Tucson be residents of the City.

Michael Rankin, City Attorney, commented that, with respect to the Mayor and Council passing Item g under the Consent Agenda, and based on earlier discussions held during the Study Session, he would forward the information to the Rio Nuevo Board to advise them of the approval regarding Clean Renewable Energy Bonds (CREBs) issuance, for any implications it might have on the Tucson Convention Center (TCC).

8. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Pro Tempore Fimbres announced City Manager's communication number 562, dated December 21, 2010, was received into and made part of the record. He asked if there were any personal appointments to be made.

Council Member Cunningham announced his personal appointment of Diane Kephart to the Small, Minority, and Women-Owned Business Commission.

Mayor Pro-Tempore Fimbres announced his personal appointment of Brett DuMont to the Board of Adjustment.

9. ADJOURNMENT: 7:01 p.m.

Mayor Pro Tempore Fimbres announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, January 4, 2011, 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 December 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:yl:sac