



---

## Minutes of MAYOR AND COUNCIL Meeting

---

Approved by Mayor and Council  
on August 4, 2010

Date of Meeting: January 26, 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 5:39 p.m., on Tuesday, January 26, 2010, all members having been notified of the time and place thereof.

Suzanne Mesich, Assistant City Clerk, announced Council Member Romero 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. She stated Council Member Romero could vote on all matters in the same way as those members physically present as long as she participated in the discussion. 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 (electronic attendance)
Rodney Glassman	Vice Mayor, Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Robert E. Walkup	Mayor

Staff Members Present:

Mike Letcher	City Manager
Michael Rankin	City Attorney
Suzanne Mesich	Assistant City Clerk

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Monsignor Thomas Cahalane, Our Mother of Sorrows Parish, after which the Pledge of Allegiance was led by the entire assembly.

Presentations:

- a. Mayor Walkup, assisted by Council Member Uhlich, presented a Certificate of Appreciation and Recognition to Stanley and Shirley Brown for forty-five years of dedication to Winterhaven's annual "Festival of Lights."

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 43, dated January 26, 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 announced and invited volunteers to assist with removing buffelgrass from "A" Mountain during the Third Annual Beat Back Buffelgrass Day on February 6, 2010
- b. Council Member Uhlich announced that Michael Schuman, economist and author of "Small-Mart Revolution" would be presenting a lecture at the University of Arizona on strengthening local economies on February 2, 2010.
- c. Council Member Fimbres congratulated all of the participants in the Senior Olympics, especially those athletes from the El Pueblo Center.

Council Member Fimbres announced the El Pueblo Neighborhood Center hosted an important forum on Foreclosure, Rescue and Loan Modification Scams with Terry Goddard, Attorney General, and other agencies.

Council Member Fimbres also announced he would be participating in the ribbon cutting ceremonies of the new Pima County Health Department Tuberculosis (TB) Clinic on February 4, 2010

Council Member Fimbres recognized the recent passing of local activist and artist, Maurice Grossman.

- d. Vice Mayor Glassman requested a moment of silence for the passing of Maurice Grossman.

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

Mayor Walkup announced City Manager’s communication number 44 dated January 26, 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, congratulated Sean McBride, Assistant City Manager, and his wife, Shannon, on the birth of their twin daughters. He announced that the paramedics had to be called to the home and thanked the Fire Department for their quick response in attending to the birth.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager’s communication number 45 dated January 26, 2010, was received into and made part of the record. He asked the Assistant City Clerk to read the Liquor License Agenda.

**b. Liquor License Applications**

New License(s)

- 1. Walgreens #04045, Ward 2  
4685 E. Grant Rd.  
Applicant: Randy Allen Guse  
Series 10, City 94-09  
Action must be taken by: January 31, 2010

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

Public Opinion: Written Arguments Opposed Filed  
(Continued from the Mayor and Council Meeting of January 20, 2010)

This item was considered separately.

- 2. Walgreens #04104, Ward 3  
2411 N. Oracle Rd.  
Applicant: Randy Allen Guse  
Series 10, City 96-09  
Action must be taken by: February 1, 2010

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

Public Opinion: Written Arguments Opposed Filed  
(Continued from the Mayor and Council Meeting of January 20, 2010)

This item was considered separately.

3. Walgreens #07203, Ward 3  
2415 N. Alvernon Way  
Applicant: Randy Allen Guse  
Series 10, City 97-09  
Action must be taken by: February 1, 2010

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

Public Opinion: Written Arguments Opposed Filed  
(Continued from the Mayor and Council Meeting of January 20, 2010)

This item was considered separately.

4. Walgreens #05750, Ward 2  
10315 E. Broadway Blvd.  
Applicant: Randy Allen Guse  
Series 10, City 99-09  
Action must be taken by: February 4, 2010

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

5. Walgreens #00950, Ward 6  
1900 E. Grant Rd.  
Applicant: Randy Allen Guse  
Series 10, City 100-09  
Action must be taken by: February 4, 2010

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

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

6. Walgreens #06491, Ward 3  
1351 W. Prince Rd.  
Applicant: Randy Allen Guse  
Series 10, City 101-09  
Action must be taken by: February 4, 2010

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

This item was considered separately.

7. Walgreens #05209, Ward 3  
3180 N. Campbell Ave.  
Applicant: Randy Allen Guse  
Series 10, City 102-09  
Action must be taken by: February 5, 2010

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

Public Opinion:        Written Arguments Opposed Filed

This item was considered separately.

8. Walgreens #06571, Ward 1  
2180 W. Grant Rd.  
Applicant: Randy Allen Guse  
Series 10, City 103-09  
Action must be taken by: February 5, 2010

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

9. Walgreens #00225, Ward 1  
1549 W. Saint Mary's Rd.  
Applicant: Randy Allen Guse  
Series 10, City 105-09  
Action must be taken by: February 5, 2010

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

10. Walgreens #07463, Ward 1  
525 W. Valencia Rd.  
Applicant: Randy Allen Guse  
Series 10, City 106-09  
Action must be taken by: February 6, 2010

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

Public Opinion:        Written Arguments Opposed Filed

This item was considered separately.

11. Walgreens #07041, Ward 4  
9184 E. Valencia Rd.  
Applicant: Randy Allen Guse  
Series 10, City 107-09  
Action must be taken by: February 6, 2010

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

12. Walgreens #06244, Ward 6  
4700 E. Broadway Blvd.  
Applicant: Randy Allen Guse  
Series 10, City 108-09  
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

13. Walgreens #03856, Ward 5  
5480 E. 22nd St.  
Applicant: Randy Allen Guse  
Series 10, City 109-09  
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

14. Walgreens #02451, Ward 3  
4220 N. Oracle Rd.  
Applicant: Randy Allen Guse  
Series 10, City 110-09  
Action must be taken by: February 6, 2010

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

Public Opinion: Written Arguments Opposed Filed

15. Axis Food Mart, Ward 5  
1540 E. Broadway Blvd.  
Applicant: Maen Fahed Mdanat  
Series 10, City 112-09  
Action must be taken by: February 7, 2010

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

Public Opinion: Written Argument Opposed Filed  
Written Arguments in Favor Filed

This item was considered separately.

16. Walgreens #05892, Ward 5  
3910 E. 22nd St.  
Applicant: Randy Allen Guse  
Series 10, City 113-09  
Action must be taken by: February 6, 2010
- Staff has indicated the applicant is in compliance with city requirements.
17. Walgreens #04764, Ward 6  
5455 E. Speedway Blvd.  
Applicant: Randy Allen Guse  
Series 10, City 114-09  
Action must be taken by: February 6, 2010
- Staff has indicated the applicant is in compliance with city requirements.
- Public Opinion:        Written Argument Opposed Filed
- This item was considered separately.
18. Walgreens #07104, Ward 2  
1145 S. Harrison Rd.  
Applicant: Randy Allen Guse  
Series 10, City 115-09  
Action must be taken by: February 7, 2010
- Staff has indicated the applicant is in compliance with city requirements.
19. Walgreens #10879, Ward 4  
7111 E. Golf Links Rd.  
Applicant: Randy Allen Guse  
Series 10, City 116-09  
Action must be taken by: February 7, 2010
- Staff has indicated the applicant is in compliance with city requirements.
20. Walgreens #06766, Ward 5  
1880 E. Irvington Rd.  
Applicant: Randy Allen Guse  
Series 10, City 117-09  
Action must be taken by: February 8, 2010
- Staff has indicated the applicant is in compliance with city requirements.
- Public Opinion:        Written Arguments Opposed Filed
- 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)

c. Special Event(s)

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

d. Agent Change/Acquisition of Control/Restructure

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

Suzanne Mesich, Assistant City Clerk, announced that a letter was received from the attorney for the Walgreen’s applications and that the contents of the letter would be addressed by Michael Rankin, City Attorney.

Michael Rankin, City Attorney, stated that, with respect to twelve of the license applications submitted by Walgreens, the applicant had requested that those items be continued until the February 9, 2010, meeting and in relation with that request, the applicant had agreed to waive the sixty-day time requirement with respect to the action recommendation by the Mayor and Council. He said a motion to continue the twelve identified items; 5b1 through 5b3, 5b5 through 5b7, 5b10, 5b12 through 5b14, 5b17 and 5b20 was appropriate.

It was moved by Council Member Scott, duly seconded, to continue items 5b1 through 5b3, 5b5 through 5b7, 5b10, 5b12 through 5b14, 5b17 and 5b20 to the February 9, 2010 meeting

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, Kozachik, and Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to continue Items 5b1 through 5b3, 5b5 through 5b7, 5b10, 5b12 through 5b14, 5b17 and 5b20 to the February 9, 2010, meeting was declared passed by a roll call vote of 7 to 0.

Ms. Mesich said the next appropriate motion was to forward Items 5b4, 5b8, 5b9, 5b11, 5b16, 5b18, and 5b19 to the State Liquor Board with a recommendation for approval.

It was moved by Council Member Scott, duly seconded, to forward Items 5b4, 5b8, 5b9, 5b11, 5b16, 5b18, and 5b19 to the State Liquor Board with a recommendation for approval.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, Kozachik, and Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to forward Items 5b4, 5b8, 5b9, 5b11, 5b16, 5b18, and 5b19 to the State Liquor Board with a recommendation for approval was declared passed by a roll call vote of 7 to 0.

## 5. LIQUOR LICENSE APPLICATIONS

### b. Liquor License Applications

15. Axis Food Mart, Ward 5  
1540 E. Broadway Blvd.  
Applicant: Maen Fahed Mdanat  
Series 10, City 112-09  
Action must be taken by: February 7, 2010

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

Public Opinion: Written Argument Opposed Filed  
Written Arguments in Favor Filed

This item was considered separately.

Suzanne Mesich, Assistant City Clerk, announced this item was being considered separately and was located in Ward 5.

It was moved by Council Member Fimbres, duly seconded, to forward Item 5b15 to the State Liquor Board with a recommendation for approval.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, Kozachik, and Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to forward Item 5b15 to the State Liquor Board with a recommendation for approval was declared passed by a roll call vote of 7 to 0.

## **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. Jerry Gary said he was there to complain about the loss of money allocated in next fiscal year's budget to the Tucson Sister Cities Association to which he belonged. He read a letter he sent to the Arizona Daily Star stating the revenue generated from that program justified continued funding by the Mayor and Council.
- b. Joe Sweeney spoke about Access Tucson funding and Homeland Security concerns relating to illegal immigration issues.

## **7. CONSENT AGENDA – ITEM A**

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 Assistant City Clerk to read the Consent Agenda.

### **A. APPROVAL OF MINUTES**

1. Report from City Manager JAN26-10-47 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on August 5, 2009.

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

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres,  
Kozachik, and Vice Mayor Glassman and Mayor Walkup

Nay: None

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

**8. ZONING: (C9-09-11) SLILATY – FORT LOWELL ROAD, R-2 AND R-3 TO O-3, CITY MANAGER’S REPORT**

Mayor Walkup announced City Manager's communication number 48, dated January 26, 2010, was received into and made a part of the record. He announced this was a request to rezone property located on the south side of Fort Lowell Road east of Alvernon Way. The Zoning Examiner and staff recommended authorization of the rezoning subject to certain conditions. He asked if the applicant or representative was present and agreeable to the proposed requirements.

A member of the audience confirmed, on behalf of the applicant, Abraham Slilaty, that they were in agreement with all the conditions.

Vice Mayor Glassman thanked the applicant, The Planning Center and the client who had voluntarily agreed to meet the newly passed Rainwater Harvesting Ordinance, which went into effect in June 2010.

It was moved by Vice Mayor Glassman, duly seconded, to authorize the request for rezoning as recommended by the Zoning Examiner.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres,  
Kozachik, and Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to authorize the request for rezoning as recommended by the Zoning Examiner was passed by a roll call vote of 7 to 0.

**9. WATER: AFFIRMING THE CITY OF TUCSON'S COMMITMENT TO MAINTAIN CONTROL AND MANAGEMENT OF TUCSON WATER**

Mayor Walkup announced City Manager's communication number 49, dated January 26, 2010, was received into and made a part of the record. He asked the Assistant City Clerk to read Resolution No. 21475 by number and title only.

Resolution No. 21475 relating to water, affirming the City of Tucson's commitment to maintain control and management of Tucson water.

It was moved by Council Member Scott, duly seconded, that Resolution 21475 be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion.

Council Member Uhlich thanked Council Member Scott for bringing the Resolution forward. She said it seemed to her that it was an important part of dialogue that had occurred with the Mayor and Council, which lead to further deliberation on the City/County Water and Wastewater Study prepared for their review. She said one of the key concerns expressed at the meeting with the Pima County Board of Supervisors, was whether that Study might, in some way, lead the Mayor and Council down a path where control over the water system could be lost. She said that fear had kept this region from having constructive progress towards better collaboration and planning.

Council Member Uhlich said to make this crystal clear and on the record, as Council Member Scott suggested, will assist the Mayor and Council in moving a more cooperative dialogue forward for the region, which will help the environment, the economy and the community in the future.

Vice Mayor Glassman said he was pleased the Resolution had come forward. He said since his and Council Member Romero's election two years ago, they had talked, time and again, about ensuring that the City of Tucson controlled its own water future. He said that was something that was owed to the citizens of the community and the residents of the City of Tucson who elected the Mayor and Council and who truly relied upon on them to make sure that future generations of Tucsonans would have an assured water supply.

Vice Mayor Glassman said he was pleased that the Mayor and Council went on record with the Resolution that evening and looked forward to discussions, on the concept of regionalism, knowing that it was imperative for the City of Tucson to maintain control of its water future for its residents and City of Tucson voters.

Council Member Scott noted, for the record, that it was in the Tucson City Charter that the City of Tucson had this as part of its authority. She said it therefore went into legal ramifications and she wanted to make it clear that anyone who wished to read the Resolution could do so on the City's web site.

Council Member Scott said it was important for citizens and ratepayers of the City of Tucson to know that this act was by the City Charter and was something very significant to everyone in and outside the City of Tucson limits.

Council Member Kozachik reiterated that the Resolution was, in fact, reaffirming the Tucson City Charter obligations. He asked Jeff Biggs, Tucson Water Director, if in the midst of conversations with the Northwest Fire Training Facility, if the Resolution, in any way, impaired his ability to carry out those negotiations.

Jeff Biggs, Tucson Water Director, said preliminary discussions were held in early November 2009, and were not affected by the Resolution. He stated that the City needed to be very careful on how they proceeded with those discussions to ensure that the City's water resources were Tucson's water resources and no one else's.

Council Member Kozachik asked if, in fact, the Resolution reaffirmed the position Mr. Biggs was taking in those discussions.

Mr. Biggs said the Resolution reaffirmed the role and responsibility of not just himself, but also of the Tucson Water Department. He said it also illustrated that, with the assistance of the Mayor and Council, the City Manager's office, Tucson Water rate payers and Tucson Water staff, a lot of projects and programs had been accomplished in the past. Mr. Biggs said there had been great conservation efforts, which reduced total demand by about twenty percent in the last ten years. He said they had some major efficiencies throughout the Department; and reduced staffing levels for one thousand customer connections by twenty-seven percent in the last twelve years.

Mr. Biggs said the Department was very lean right now and was still providing great customer service to its customers. He said he wanted to stress, that as a manager, it was very rare to have the opportunity to stand up before the public and applaud their staff. Mr. Biggs stated that, in over twenty-nine years in the business and having been with three water utilities, he could safely say that the staff at Tucson Water was the most dedicated and professional staff he had ever dealt with. He said he was proud to be a member of its team.

Council Member Kozachik said one of the reasons Council Member Scott brought the Resolution forward was so that the Mayor and Council, as a governing body, could also applaud Mr. Biggs and his staff.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres,  
Kozachik, and Vice Mayor Glassman and Mayor Walkup

Nay: None

Resolution No. 21475 was declared passed and adopted by a roll call vote of 7 to 0.

## **10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 46, dated January 26, 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 Kozachik, duly seconded, to appoint Paul G. March to the Veterans' Affairs Committee representing the Tucson Veterans' Cemetery Group.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres,  
Kozachik, and Vice Mayor Glassman and Mayor Walkup

Nay: None

The motion to appoint Paul G. Marsh to the Veterans' Affairs Committee representing the Tucson Veterans' Cemetery Group was declared passed by a roll call vote of 7 to 0.

Mayor Walkup asked if there were any personal appointments to be made.

No personal appointments were made.

**11. ADJOURNMENT: 6:10 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 9, 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 26th day of January 2010, and do hereby certify that it is an accurate transcription.

---

DEPUTY CITY CLERK

RWR:tl:ds