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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on June 7, 2011.

Date of Meeting: February 8, 2011

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 5:53 p.m., on Tuesday, February 8, 2011, 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 (arrived at 5:56 p.m.)
Paul Cunningham	Council Member Ward 2 (arrived at 5:54 p.m.)
Karin Uhlich	Council Member Ward 3
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 Dr. Lester Potts, a Tucson Veteran, 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 52, dated February 8, 2011, 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 Scott thanked the Pantano Disaster Action Team from Pantano Christian Church for their quick response in providing food and shelter for residents who were without heat in Wards 4 and 2 and the Parks and Recreation Department and the American Red Cross who assisted.
- b. Council Member Uhlich announced the Ward 3 Council Office was a site for the Volunteer Income Tax Preparation Program and reported that Ward 3 joined Ward 5 for a graffiti abatement initiative.
- c. Council Member Romero invited the public to the kickoff celebration of the Centennial Park Legacy Brick Path.
- d. Vice Mayor Fimbres reported on several Ward 5 events and thanked everyone who assisted and participated. He also announced the opening of several new small women owned businesses in the Tucson area.
- e. Council Member Kozachik invited the public to the Second Saturday events and a photo event where the public will form a strong human heart to benefit the Community Food Bank and the American Red Cross.

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

Mayor Walkup announced City Manager's communication number 53, dated February 8, 2011, 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 recent weather changes, where Tucson experienced record low temperatures. He thanked his staff for their quick response to problems that resulted and commended them for a job well done.

Richard Miranda, Deputy City Manager, announced that Jim Glock, Director of Transportation, was given the "Engineer of the Year Award." He was selected by the Southern Arizona Chapter of Professional Engineers.

## 5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 54, dated February 8, 2011, 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. La Fuente Restaurant, Ward 3  
1749 N. Oracle Rd.  
Applicant: Carlos David Portillo  
Series 12, City 128-10  
Action must be taken by: February 14, 2011

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(s)

2. Chicago Bar, Ward 6  
5954 E. Speedway Blvd.  
Applicant: Jennifer Marie Lorraine  
Series 6, City 129-10  
Action must be taken by: February 17, 2011

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

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

### c. Special Event(s)

1. St. Joseph Parish Fiesta, Ward 6  
215 S. Craycroft Rd.  
Applicant: Mathias Peter Wirtz  
City T1-11  
Date of Event: March 4, 2011 - March 5, 2011  
(Annual Social Event)

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

Public Opinion: Written Argument in Favor Filed

2. Saving Animals from Euthanasia (SAFE), Ward 6  
900 S. Randolph Way  
Applicant: Roxanne Ethel Johnson  
City T2-11  
Date of Event: March 5, 2011  
(Raise awareness about animal welfare)

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 Vice Mayor Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b2, 5c1 and 5c2, 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. Keith Van Heyningen spoke in opposition to the City's bond debt.
- b. Michael Toney spoke about Rio Nuevo's expenditures for Fiscal Year 2008.
- c. Mikki Niemi commented on the City's Procurement rules and procedures for change orders.

Council Member Romero asked the City Manager to follow up on her previous request for the Procurement Department's rules and procedures for change orders.

- d. Robert Shatz read the Mayor's proclamation for the 2011 Tucson Peace Walk, and also invited the public to participate.
- e. Robert Reus spoke about his concerns with the budget and his proposed changes to the City's form of government.
- f. William Cohen spoke in opposition to the proposed rental sales tax and enforcement cameras.

- g. Shannon Cain stated she appreciated the service of the Mayor and Council and reminded the public that civil discourse was far more effective than uncivil discourse. She also read the next installment of her novel.
- h. Ken Johnson invited the public to attend American Legion events.
- i. Grant Robertson spoke in opposition to the proposed rental sales tax.
- j. Dane Woll, YMCA of Southern Arizona President, spoke in opposition to proposed funding cuts.
- k. Michael Laatsch spoke about Holualoa Arizona's proposal to co-locate Channel 12 and Access Tucson in the Pioneer Building and to purchase the Access Tucson building. He asked that this matter be included as an agenda item for the next Mayor and Council meeting, and that it include Holualoa Arizona's analysis and proposal.
- l. Joseph Sweeney spoke about issues facing the community due to illegal aliens and 287(g).
- m. John O'Dowd, Sam Hughes Neighborhood Association President, spoke about his concerns with the acquisition of property on East Broadway, under the Advanced Acquisition Program.

Council Member Kozachik asked the City Manager to provide information to the Council on the process to reconsider Regional Transit Authority (RTA) projects.

- n. Barbara Dolan, Arizona Multi-Housing Association, spoke in opposition to the proposed rental sales tax. She also spoke in support of Senate Bill 1160, pertaining to the rental sales tax.

Council Member Uhlich asked staff to provide a memo on the provisions in the Senate Bill regarding rental taxes.

- o. Warren Turnbull spoke in opposition to the proposed rental sales tax.

## **7. CONSENT AGENDA – ITEMS A THROUGH H**

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 FEB08-11-63 CITY WIDE
- 2. Mayor and Council Regular Meeting Minutes of October 13, 2010

b. REAL PROPERTY: VACATION AND CONVEYANCE OF ALLEY RIGHT OF WAY AT 610 WEST PRINCE ROAD

1. Report from City Manager FEB08-11-56 WARD 3
2. Ordinance No. 10875 relating to Real Property; authorizing the vacation and conveyance of alley right-of-way adjacent to 610 West Prince Road; and declaring an emergency.

c. REAL PROPERTY: AUTHORIZATION TO ACQUIRE REAL PROPERTY AT 2225-2229 EAST BROADWAY BOULEVARD UNDER THE ADVANCED ACQUISITION PROGRAM

1. Report from City Manager FEB08-11-57 WARD 6
2. Resolution No. 21683 relating to real property; authorizing the City Manager to acquire by negotiation certain real property located at 2225-2229 East Broadway Boulevard under the Advanced Acquisition Program; and declaring an emergency.

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

d. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR EXPRESS BUS SERVICE EXPANSION IMPROVEMENTS

1. Report from City Manager FEB08-11-58 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 21684 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 2 to the Intergovernmental Agreement for Transportation Funding between the Regional Transportation Authority of Pima County and the City of Tucson for Regional Transit Service Improvements: Project 49 - Express Bus Service Expansion Improvements for Fiscal Year 2011; and declaring an emergency.

e. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE WEEKEND BUS SERVICE EXPANSION PROJECT

1. Report from City Manager FEB08-11-59 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 21685 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 2 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Weekend Bus Service Expansion for Fiscal Year 2011; and declaring an emergency.

f. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE WEEKDAY EVENING BUS SERVICE EXPANSION

1. Report from City Manager FEB08-11-60 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 21686 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 2 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Weekday Evening Bus Service Expansion for Fiscal Year 2011; and declaring an emergency.

g. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE BUS FREQUENCY AND AREA EXPANSION PROJECT

1. Report from City Manager FEB08-11-61 CITY WIDE AND OUTSIDE CITY
2. Resolution No. 21687 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 2 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Bus Frequency and Area Expansion (Overcrowding Relief-Plugs) and improvements for Fiscal Year 2011; and declaring an emergency.

h. MEMORIAL: SUPPORTING THE CONSOLIDATION OF THE 601ST AND 612TH AIR AND SPACE OPERATIONS CENTER AT DAVIS-MONTHAN AIR FORCE BASE

1. Report from City Manager FEB08-11-64 CITY WIDE
2. A Memorial relating to the consolidation of the 601st Air and Space Operations Center (AOC) at Tyndall Air Force Base and the 612th AOC at Davis-Monthan Air Force Base: requesting the consolidation of the two AOCs take place at Davis-Monthan Air Force Base in Tucson, Arizona.

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

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

**7. CONSENT AGENDA – ITEM C**

c. REAL PROPERTY: AUTHORIZATION TO ACQUIRE REAL PROPERTY AT 2225-2229 EAST BROADWAY BOULEVARD UNDER THE ADVANCED ACQUISITION PROGRAM

1. Report from City Manager FEB08-11-57 WARD 6

2. Resolution No. 21683 relating to real property; authorizing the City Manager to acquire by negotiation certain real property located at 2225-2229 East Broadway Boulevard under the Advanced Acquisition Program; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Consent Agenda Item c at the request of Council Member Cunningham.

Council Member Cunningham asked if, in acquiring the property, the City was entering into an agreement with the Regional Transportation Authority (RTA) in the name of the City of Tucson.

Michael Rankin, City Attorney, said the City already had an agreement with the RTA and this was the authority for the acquisition of the identified property.

Council Member Cunningham asked what the repercussions were for the City if the property was not acquired.

Jim Glock, Department of Transportation Director, stated the Mayor and Council had a long-standing policy for Advanced Land Acquisition Programs for corridors within the *Major Streets and Routes Plan*, which defined the City's future rights-of-way. He said the Advanced Land Acquisition Programs took into consideration the financial and medical hardships of property owners within those future rights-of-way. He added the acquisition of the property being considered was in response to a medical hardship on the part of the specific property owner who came forward with a request for the City to acquire their property.

Mr. Glock gave background information on the specific plan associated with the Broadway improvements. He said if the Mayor and Council did not move forward with the acquisition, the property owner in question could then suffer financial hardships associated with their medical condition and potential loss.

Council Member Cunningham said he understood the plight of the property owner, but his bigger question was related to other RTA projects. He asked if the RTA had recourse if the City procedurally did not follow through on projects; and asked what the repercussions would be to the City.

Mr. Rankin responded it would not put the City in a dangerous position with the RTA. He said in this particular instance, the City was seeking the Mayor and Council's authority to acquire, under the Advanced Acquisition Process, which came up in such situations where there were circumstances as described in the communication. He added it was part of a project that had been approved and the City could acquire it under certain circumstances advantageous to the property owner, as well as, to the City.

Council Member Cunningham referred back to comments suggested by Council Member Kozachik, which was to have an agenda item at a future study session about the procedure to reconsider RTA projects.

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

Council Member Scott referred to a protest voiced earlier from the neighborhood association, and asked if the association had been at the table during discussions, negotiations, and notifications, to see if they had the opportunity to give input during the process. She asked if they were included or if it was required.

Mr. Glock stated it was the general practice of the Real Estate Division to circulate proposed acquisitions such as this to the adjacent neighborhood associations, as well as, Council Offices. However, he said he was not sure if that had occurred.

Discussion continued regarding the involvement of the association and being able to give their input.

Council Member Scott commented that they did not really know the nature of the protest, nor how many people were involved, or if they met with any of the Council Offices. She said the Council did not have that information at hand, and asked Mr. Glock if that was correct.

Council Member Scott asked if the acquisition was part of the RTA project list that was voted on by the public at large and overwhelmingly supported.

Mr. Glock replied it was.

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

## **7. CONSENT AGENDA – ITEM H**

### **h. MEMORIAL: SUPPORTING THE CONSOLIDATION OF THE 601ST AND 612TH AIR AND SPACE OPERATIONS CENTER AT DAVIS-MONTHAN AIR FORCE BASE**

1. Report from City Manager FEB08-11-64 CITY WIDE
2. A Memorial relating to the consolidation of the 601st Air and Space Operations Center (AOC) at Tyndall Air Force Base and the 612th AOC at Davis-Monthan Air Force Base: requesting the consolidation of the two AOCs take place at Davis-Monthan Air Force Base in Tucson, Arizona.

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Consent Agenda Item c at the request of Council Member Scott.

Council Member Scott explained that a Memorial was a letter sent in support or non support of a particular issue. She said that the Memorial under consideration was a letter from the City Council for support at the Federal level and gave background information regarding the proposed cuts to the defense budget over the next five years, which included cuts to the Air Force. She explained why Tucson would be the ideal location for the consolidation of the 601st Air and Space Operations Center (AOC) at Tyndall Air Force Base and the 612th AOC at Davis-Monthan Air Force Base (DMAFB).

It was moved by Council Member Scott, duly seconded, to pass and adopt Consent Agenda Item h.

Comments were made by Council Members Cunningham and Kozachik and Mayor Walkup in support of the memorial.

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

**8. PUBLIC HEARING: ZONING (C9-91-19B) LEWIS - TANQUE VERDE ROAD, C-2 ZONING, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN AND ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 62, dated February 8, 2011, 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 request for a change of conditions and preliminary development plan for property located on the north side of Tanque Verde Road, west of Pantano Road. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Thomas Meehan, DOWL HKM, on behalf of the property owner, gave background information on the property and their request.

It was moved by Council Member Cunningham, 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 10876 by number and title only.

Ordinance No. 10876 relating to zoning: amending Ordinance 9892 and amending the conditions for the commercial portion of the approval of the zoning boundaries in the area located at the Northwest corner of Tanque Verde Road and Desert Links Drive in case C9-91-19B, Lewis - Tanque Verde Road, C-2 zoning, and setting an effective date.

It was moved by Council Member Cunningham, duly seconded, and carried by a roll call vote of 7 to 0, to pass and adopt Ordinance 10876.

**9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager’s communication number 55, dated February 8, 2011, 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 carried by a roll call vote of 7 to 0, to approve the appointments of Ronald Gordon Proctor and Nicole Urban-Lopez to the Climate Change Advisory Committee (CCC); Chris Stebe to the Armory Park Historic Zone Advisory Board (APHZAB); Pauline Lewinson to the Commission on Disability Issues (CODI); and to reappoint William Stein to the Veterans’ Affairs Committee (VAC).

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

**10. ADJOURNMENT: 7:14 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 15, 2011, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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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 8th day of February 2011, and do hereby certify that it is an accurate transcription.

\_\_\_\_\_  
DEPUTY CITY CLERK

RWR:sac:ccs