



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on July 6, 2011.

Date of Meeting: April 20, 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 5:46 p.m., on Wednesday, April 20, 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
Paul Cunningham	Council Member Ward 2 (arrived @ 5:48 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:

Michael Rankin	City Attorney
Roger W. Randolph	City Clerk
Richard Miranda	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Steven Brownson, Christ Presbyterian Church, after which the Pledge of Allegiance was led by the Tiger Cubs of Den 2, Pack 772.

Presentations:

- a. Mayor Walkup, assisted by Council Member Scott, presented Honorary Citizens of Tucson Certificates to Jan Karstad and Trine Martimussen of Norway.
- b. Mayor Walkup proclaimed April 22 to be “Earth Day.” Members of Trees Please, a non-profit organization, accepted the proclamation.
- c. Mayor Walkup, assisted by Vice Mayor Fimbres, presented Certificates of Recognition to the Pima Aztecs Women’s Basketball Team for making it to the National Junior College Division II Tournament three years in a row.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 148, dated April 20, 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 Romero reported on Sexual Assault Awareness Month events and the open house for “Su Voz Vale” (Your Voice Counts). She also invited the public to a pie-baking contest at Dunbar School.
- b. Council Member Cunningham reported on the Scott Allen Brown Foundation’s Annual Memorial Games and announced that Amanda Colon, Executive Assistant, was leaving the Ward 2 Council Office after ten years; and he wished her the best in her new endeavors.
- c. Council Member Uhlich reported on the events scheduled around the Fourth Annual Historic Tour and Open House.
- d. Vice Mayor Fimbres reported on the grand opening of the Costco in Ward 5, the Annual Teen Town Hall hosted by the Tucson Police Department and the Youth Advisory Council/Tucson Teen Congress (YAC/TTC), and a health fair for infants.

- e. Council Member Kozachik announced the Citizen Sign Code Committee would hold a public hearing on the Historic Landmark Sign amendment to the Sign Code.

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

Mayor Walkup announced City Manager's communication number 149, dated April 20, 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.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 150, dated April 20, 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. Hamilton Distillers, Ward 6
209 N. Hoff Ave.
Applicant: Stephen Hamilton Paul
Series 1, City 12-11
Action must be taken by: April 22, 2011

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

Public Opinion: Written Arguments in Favor Filed

- 2. Café Passé, Ward 6
415-417 N. 4th Ave.
Applicant: Sabine Clemens-Blaese
Series 12, City 13-11
Action must be taken by: April 28, 2011

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

Public Opinion: Written Argument Opposed Filed / Written Arguments Filed

This item was considered separately.

3. 7-Eleven #18602B, Ward 4
1201 S. Avenida Polar
Applicant: Ghirmai Eman
Series 10, City 14-11
Action must be taken by: May 2, 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/Location Transfer

4. Safeway Food & Drug #2611, Ward 2
10380 E. Broadway Blvd.
Applicant: Franklin Delano Conley Jr.
Series 9, City 15-11
Action must be taken by: May 6, 2011

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

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. Southern Arizona AIDS Foundation, Ward 1
3700 S. La Cholla Blvd.
Applicant: Monique Vallery
City T35-11
Date of Event: May 14, 2011
(Fundraiser)

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

2. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Colleen J. Lafleur
City T36-11
Date of Event: May 19, 2011
(Fundraiser)

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

3. Tucson Jewish Community Center, Ward 2
3800 E. River Rd.
Applicant: Kenneth D. Light
City T38-11
Date of Event: May 5, 2011
(Exhibit Reception)

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

4. Sho Ryders MC, Ward 4
2400 S. Craycroft Rd.
Applicant: Monica Lynae Standifer
City T39-11
Date of Event: May 21, 2011
(Community BBQ)

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

d. Agent Change/Acquisition of Control

1. Eclectic Cafe, Ward 2
7053 E. Tanque Verde Rd.
Applicant: Mark Haddad Smith
Series 7, City AC7-11
Action must be taken by: April 30, 2011

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 Kozachik, duly seconded, and carried by voice vote of 7 to 0, to forward liquor license applications 5b1, 5b3 through 5b4, 5c1 through 5c4, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

2. Café Passé, Ward 6
415-417 N. 4th Ave.
Applicant: Sabine Clemens-Blaese
Series 12, City 13-11
Action must be taken by: April 28, 2011

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

Public Opinion: Written Argument Opposed Filed / Written Arguments
Filed

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b2, Café Passé, located in Ward 6.

Council Member Kozachik asked if the applicant or representative was present. He noted that three letters were involved in this application, and he reported on the issues of concern that were brought forward. He said in response to one of the concerns and after contact with the Environmental Services (ES) Director the matter was taken care of.

Council Member Kozachik asked the applicant to comment on the other concerns about noise, which made reference to the business being open until 2:30 in the morning.

Sabine Clemens-Blaese, the applicant, said they were only open until 7:00 p.m. She added they had a few special events in the past, but did not stay open past 10:30 p.m., in the evening.

Council Member Kozachik asked Ms. Blaese what their hours of operation would be if the liquor license application was approved.

Ms. Blaese stated they would like to expand their hours, and hoped to stay open during the week until 10:00 p.m. and possibly 11:00 p.m. at the latest on the weekends.

Council Member Kozachik asked the applicant about concerns raised that customers congregated in the patio area. He noted that during a visit to the patio area, there were very few customers with their laptops studying, and did not feel that was a concern.

Ms. Blaese said the business was a very quiet, a low-key place, with a relaxed atmosphere; it was not a bar atmosphere.

Council Member Kozachik asked if there was anyone in the audience who wanted to speak in opposition to the liquor license application. There was no one.

It was moved by Council Member Kozachik, duly seconded, and passed by a voice vote of 7 to 0, to forward liquor license application 5b2 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, and the “call to the audience” was scheduled to last thirty-minutes.

- a. Ken Johnson reported on American Legion events and Access Tucson membership.
- b. Michael Corio, American Federation of State, County and Municipal Employees (AFSCME) Executive Director, spoke in opposition to the passage of Senate Bill 1322 and urged the Mayor and Council to publicly oppose it.
- c. Mikki Niemi spoke in opposition to an increase in water rates.
- d. Shannon Cain read the next installment of *“Tucson, the Novel: an Experiment in Literature and Civil Discourse.”*
- e. Melissa Black, Southern Arizona Green Chamber of Commerce President, spoke in support of the solar energy permit fee waiver.

7. CONSENT AGENDA – ITEMS A THROUGH D

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 APR20-11-155 CITY WIDE
- 2. Mayor and Council Regular Meeting Minutes of December 7, 2010

b. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT FOR PETER A. TRUSKO

- 1. Report from City Manager APR20-11-153 CITY WIDE

c. INTERGOVERNMENTAL AGREEMENTS: WITH THE STATE OF ARIZONA FOR OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS AND ROADWAY LIGHTING ALONG STATE ROUTES WITHIN THE CITY LIMITS

- 1. Report from City Manager APR20-11-154 CITY WIDE
- 2. Resolution No. 21717 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the State of Arizona for the operation and maintenance of traffic signals and roadway lighting along state routes within the Tucson city limits rescinding Resolution No. 20702, adopted June 26, 2007; and declaring an emergency.

d. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE HOUGHTON ROAD CORRIDOR PROJECT

1. Report from City Manager APR20-11-156 WARD 4
2. Resolution No. 21719 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 5 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the Houghton Road Corridor Project; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – d be passed and adopted and the proper action taken.

8. PUBLIC HEARING: TIME EXTENSIONS FOR PIMA COUNTY BOND FUNDED PROJECTS

Mayor Walkup announced City Manager's communication number 152, dated April 20, 2011, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a Pima County Bond Ordinance Amendment for Time Extensions for Pima County Bond funded projects. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Mayor Walkup asked if there was anyone who wished to address the Mayor and Council on the subject.

There was no one.

Roger W. Randolph, City Clerk, announced that staff wanted to make a brief presentation.

Fred Gray, Parks and Recreation Department Director, gave a brief presentation on the need for a time extension for the Pima County Bond funded projects. He said the amendment was required by the Pima County Board of Supervisors, and the Pima County Bond Advisory Committee reviewed and approved the time extension.

It was moved by Council Member Uhlich, 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 Resolution 21718 by number and title only.

Resolution No. 21718 relating to parks; requesting a time extension for the following Pima County Bond Funded Projects - Eastside Sports Complex and Senior Center Site (now Udall and Lincoln Regional Park Improvements); Northside Community Center; Southeast Community Park; Houghton Greenway; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21718.

9. WATER: NOTICE OF INTENTION TO INCREASE CERTAIN TUCSON WATER RATES AND FEES AND SCHEDULING A PUBLIC HEARING FOR MAY 24, 2011

Mayor Walkup announced City Manager's communication number 157, dated April 20, 2011, was received into and made a part of the record. He asked the City Clerk to read Resolution 21720 by number and title only.

Resolution No. 21720 relating to Water; approving the publication of a Notice of Intention to increase certain water rates and fees and scheduling a Public Hearing; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21720, and to direct staff to file the proposed fee schedule with the City Clerk's Office, setting May 24, 2011, for the public hearing regarding the proposed fee.

10. BOARDS, COMMITTEES AND COMMISSIONS: APPOINTMENTS TO THE CIVIL SERVICE COMMISSION

Mayor Walkup announced City Manager's communication number 158, dated April 20, 2011, was received into and made a part of the record. He asked the City Clerk to read Resolution 21721 by number and title only.

Resolution No. 21721 relating to the Civil Service Commission; appointing Arnold R. Elias and Marion Pickens as Civil Service Commissioners to fill the two existing vacancies, for six-year terms commencing retroactively on March 8, 2011, and expiring on March 7, 2017; fixing annual 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 Resolution 21721.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 151, dated April 20, 2011, was received into and made a part of the record. He asked if there were any personal appointments to be made.

There were none.

12. ADJOURNMENT: 6:33 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 26, 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 20th day of April 2011 and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:sac:yl