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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on October 12, 2011

Date of Meeting: April 12, 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 5:39 p.m., on Tuesday, April 12, 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
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 Debra Counsellor, City Clerk's Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed April 10 to April 16 to be "National Public Safety Telecommunications Week." Anthony Aeilts, Angela Spencer and Tom Earley accepted the proclamation.

Mayor Walkup also presented a copper plaque to Emergency Communications Center employees, and Certificates of Appreciation to Joseph Decker, Tucson Police Department (TPD) Dispatcher of the Year, Edward Martinez, TPD Service Operator of the Year; and Cindy Cary, TPD Public Safety Communications Supervisor of the Year.

- b. Mayor Walkup proclaimed April to be the "Month of the Young Child." He also acknowledged Madison (age 5) from Cottonwood Enrichment Center as the poster contest winner.

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

Mayor Walkup announced City Manager's communication number 136, dated April 12, 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 announced April was "Sexual Assault Awareness Month." She also invited everyone to participate in the following events; "Dine Out for Safety", "Denim Day" protest, and the 17<sup>th</sup> Annual Earth Day Festival.
- b. Council Member Cunningham announced April 14<sup>th</sup> was "Thank a Cop Day" and asked everyone to acknowledge law enforcement in their community. He also announced Triple-A Baseball was returning to Tucson.
- c. Council Member Scott reported on the unfortunate shooting death of young Jonathan Federico which occurred in Ward 4. She announced that family and friends were holding several car washes to assist the family with funeral expenses.
- d. Vice Mayor Fimbres reported on the opening of the new Costco in Ward 5, the upcoming Health Fair for Infants and the El Pueblo Farmers Market.
- e. Council Member Kozachik invited the public participate in the Household Hazard Waste and Electronics Recycling Program being held in Ward 6.

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

Mayor Walkup announced City Manager’s communication number 137, dated April 12, 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 138, dated April 12, 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. Sushi Garden, Ward 6  
3048 E. Broadway Blvd.  
Applicant: Chun Young Kim  
Series 12, City 11-11  
Action must be taken by: April 23, 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)

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

c. Special Event(s)

1. Satori, Inc., Ward 3  
3727 N. 1st Ave.  
Applicant: Phyllis L. Gold  
City T28-11  
Date of Event: May 7, 2011  
(Fundraiser)

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

2. Fiesta Grande of Hollywood, Inc., Ward 1  
Grande Ave. between Speedway Blvd. & St. Mary's Rd.  
Applicant: Margaret McKenna  
City T31-11  
Date of Event: May 7, 2011 - May 8, 2011  
(Neighborhood Street Fair)

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

3. Tucson Kitchen Musicians Association, Ward 1  
140 N. Main Ave.  
Applicant: James Bennett Lipson  
City T32-11  
Date of Event: April 30, 2011 - May 1, 2011  
(Tucson Folk Festival)

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

4. Borderlands Theater, Ward 1  
100 S. Avenida del Convento  
Applicant: Charles Barclay Goldsmith  
City T33-11  
Date of Event: April 30, 2011  
(Annual Fundraiser)

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

5. Our Lady of Lavang Parish, Ward 5  
800 S. Tucson Blvd.  
Applicant: Van Hieu Nguyen  
City T34-11  
Date of Event: April 30, 2011 - May 1, 2011  
(Crawfish Festival)

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

6. Old Pueblo Childrens Academy/Skrappys TYC, Ward 6  
Scott Ave. between Congress St. & Broadway Blvd.  
Applicant: Elizabeth S. Albert  
City T37-11  
Date of Event: April 30, 2011  
(Fundraiser)

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 Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, and 5c1 through 5c6, 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. Robert Reus spoke in opposition to the vote by mail election and the violation he received regarding weeds in the alley.
- b. Mikki Niemi spoke regarding the grand opening of the walkway in the Elvira Neighborhood, and expenses incurred from the 2007 Rio Nuevo Cushing Street/Grande Avenue Project.
- c. Ken Johnson invited the public to attend the Veterans Day Parade and spoke about volunteering at the Veterans Administration (VA).
- d. Michael Toney spoke in opposition to the Rio Nuevo Citizen's Advisory Committee and the Rio Nuevo audit.
- e. Keith Van Heyningen spoke in opposition to expenses occurred with Rio Nuevo.
- f. William Cohen spoke in opposition to vote by mail.
- g. Charles Manolakis spoke in opposition to vote by mail.
- h. Joe Trudell presented his ideas to cut taxes and raise revenue.

**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 APR12-11-141 CITY WIDE
- 2. Mayor and Council Regular Meeting Minutes of October 26, 2010

b. **BOARDS, COMMITTEES, AND COMMISSIONS: EXTENDING THE TERM OF SERVICE FOR THE GRANT ROAD CORRIDOR PLANNING TASK FORCE**

1. Report from City Manager APR12-11-144 WARDS 2, 3 AND 6
2. Resolution No. 21713 relating to Boards and Commissions; amending Section 5 of Resolution No. 20632 (adopted April 10, 2007) to extend the term of the Grant Road Corridor Planning Task Force for an additional year to April 10, 2012; and declaring an emergency.

c. **LABOR ASSOCIATION: CALLING THE EMPLOYER-EMPLOYEE ASSOCIATION ELECTION FOR THE GROUP CONSISTING OF COMMAND OFFICERS OF THE TUCSON POLICE DEPARTMENT**

1. Report from City Manager APR12-11-146 CITY WIDE
2. Resolution 21716 relating to labor relations; providing for the holding of an election to determine which labor organization, if any, shall be recognized by the City of Tucson as representing Lieutenants and Captains of the Tucson Police Department; and declaring an emergency.

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

**8. PUBLIC HEARING: ZONING (C9-05-24) YOUNG - TANQUE VERDE ROAD, SR TO R-1, TIME EXTENSION AND CHANGE OF CONDITIONS**

Mayor Walkup announced City Manager's communication number 140, dated April 12, 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 time extension and change of conditions for property located on the south side of Tanque Verde Road, at the Orange Avenue alignment. He asked if the applicant or representative was present, and if they were agreeable with the proposed requirements.

Frances Hart Young, property owner, said she was agreeable to the proposed requirements.

Mayor Walkup asked if there was anyone wishing to speak on the item. There was no one.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

It was moved by Council Member Cunningham, duly seconded, and carried by a roll call vote of 7 to 0, to authorize the request as recommended by staff.

**12. PROFESSIONAL SERVICES CONTRACT AMENDMENT: WITH THE DOWNTOWN TUCSON PARTNERSHIP FOR CONSULTING SERVICES.**

(NOTE: This item was taken out of order)

Mayor Walkup announced City Manager's communication number 145, dated April 12, 2011, was received into and made part of the record. He asked the City Clerk to read Resolution 21715 by number and title only.

Resolution No. 21715 relating to Consultant Services; authorizing and approving Amendment Two of the contract for consultant services between the City of Tucson and Downtown Tucson Partnership (DTP), an Arizona non-profit corporation; and declaring an emergency.

Council Member Kozachik said he had three items he wanted clarified; that the partnership was for all twelve months of the year and not have a two month gap, working towards syncing up the contract for the fiscal year, and consolidating all the various contracts with the partnerships.

Sean McBride, Assistant City Manager, explained that the DTP contract was broken up in two phases; the first six months was the first phase. He said the contract was a deliverable-based contract and he wanted to ensure that all deliverables were received before accepting the first phase of the contract and moving on to the second phase. He added that the second phase of the contract was for the remaining fifty-three thousand dollars, which was also deliverable-based. He explained one hundred six thousand dollars was budgeted for the fiscal year, which would make DTP whole towards their budget.

Mr. McBride said when the City Manager proposes the budget for next year; they would be working to consolidate the contractual relationship with the DTP and moving the City Manager's Economic Development contract into the bid of the Enhanced Services Contract for a variety of services related to downtown. He said the other contract the City was working on was related to parking services and Parkwise, which was recently reassigned to the General Services Department. He explained they were working toward fine tuning and consolidating the contract over the next several months.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Resolution 21715.

Vice Mayor Fimbres said he wanted to ensure that the DTP provides an update or memorandum, in a quarterly manner to the Council, about their activities, projects, and results, so that everyone was aware of what projects were being worked on and completed.

Council Member Uhlich said she appreciated the DTP's expertise in assisting with developing mechanisms for leveraging the 108 Loan Program - New Market Tax Credits. She wanted to be clear that the funds were not being allocated solely to

downtown, and as the mechanisms were developed, they would still be put out through a competitive process and made available to businesses not only to downtown, but throughout the community. She asked Mr. McBride if that was his understanding.

Mr. McBride replied that was correct, and that Albert Elias, Housing and Community Development Director, was finalizing the application to the Housing and Urban Development (HUD). He explained the program was designed citywide and focused on key transit corridors and downtown.

Resolution 21715 was declared passed and adopted by a roll call vote of 7 to 0.

**9. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 2) PROPOSED TRANSIT FARE INCREASE**

Mayor Walkup announced City Manager's communication number 147, dated April 12, 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 the proposed Transit Fare Increase. He said staff would make a brief presentation before beginning the public hearing.

Jim Glock, Department of Transportation Director, gave a brief presentation, and provided some background information about the events leading up to the Transit Task Force's (TTF's) recommendation for transit fare increases as follows:

- Sun Tran/Sun Van base fare increase from \$1.25 to \$1.50
- Economy Fare Increase from 40¢ to 60¢

Mr. Glock explained that the last full fare increase was in August 2009 and the last economy fare increase was in July of 2000. He stated that CTAC and the TTF voiced concern about achieving stronger fair box recovery and their desire to get to the point where the economy fair was fifty-percent of the full fair. The minimum discount for seniors, disabled, and Medicare cardholders were as required by the Federal Transportation Administration.

Mr. Glock stated it was their recommendation that Mayor and Council approve the Ordinance authorizing the transit fare increase as published and recommended by the TTF, and become effective July 1, 2011.

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

The following individuals spoke in support of the proposed transit fare increase: Robert Reus, Rob Blizzard, Sami Hamed, Andy Marshall and Curtis Dutiel.

The following individuals spoke in opposition of the proposed transit fare increase and the elimination of routes: Mikki Niemi, Bonnie Bullivank, Matt Hall, Sarah Elmquist, Helen Brewer, Christine Rusiniak, Daryl Peterson, Shelly Emerson, Charles Manolakis, Carl O'Kelley and Raul Ramirez.

The following individuals spoke regarding alternative ways to and/or the affects of increasing transit fares: Michael Tyree, Gilbert Goodman, Roger Voelker, Jayson Hoy, Luke Knipe, Brian Flagg, and Barbara Urias.

It was moved by Council Member Scott, 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 10887 by number and title only.

Ordinance No. 10887 relating to mass transportation; Department of Transportation; amending the Tucson Code, Chapter 2, Administration, Article I; In General, Section 2-18, related to Sun Tran System, by amending regular fare, amending economy fare, amending express fare, amending transfer fees, amending college passes, and amending nonprofit fare; amending Section 2-19, related to Paratransit Service System, by amending regular fare and economy fare; amending Section 2-22, related to Sun Tran and Paratransit Service Systems Fare Subsidy Program for Low-Income Individuals, by amending Sun Tran System Economy Fare Subsidy and Paratransit Service Economy Fare Subsidy; and setting an effective date.

Council Member Romero thanked those who attended the public hearing and commended members of the Citizens Transportation Advisory Committee (CTAC) and the Transit Task Force (TTF) for their volunteer efforts and dedication involved in the project.

Council Member Romero stated that during the February budget framework, Mayor and Council determined there would be no route decreases, they would protect the riders as well as the drivers. Input the Council had received from the public was not to cut routes. She stated that transit is an investment in the community.

It was moved by Council Member Romero, duly seconded, to accept the Transit Task Force recommendation and pass and adopt Ordinance 10887, with the exception of the proposed fifty percent increase in the economy fare. The economy fare should be increased by twenty-five percent from forty cents to fifty cents. This change should be reflected throughout the economy fare structure.

Council Member Cunningham asked for clarification on the motion. He asked if the same percentage increase applied to the Sun Van fares, which it did. He then asked staff if there was any risk to cuts in service if the fare structure was accepted.

Mr. Glock replied that they anticipated the recommendation and computed that the \$1.6 million dollar increased revenue would probably reduce to about \$13.4 million dollars; a two hundred sixty thousand dollar loss. He said they would need to return to the Mayor and Council with options for making up that short fall.

Council Member Cunningham asked the City Manager how the budget framework in place would be impacted.

Mike Letcher, City Manager, said as stated by Mr. Glock, there was a two hundred sixty thousand dollar challenge in the budget and staff would come back with some recommendations on how to fill most of that. Hopefully, if gas prices stayed up, ridership would increase.

Council Members Uhlich stated the Mayor and Council needed to take a balance approach to transit. She would continue fighting for the maintenance of the service. She stated that investment in transit was some of the best dollars that could be spent out of the budget. It benefited both riders and the street system as well. She would continue to advocate for a strong system.

Council Member Uhlich also stated that regarding the budget deficit they would need to look at options. One item to be considered was the shuttles to the various sporting events. The cost for these shuttles was one hundred twenty thousand dollars. They would need to make a decision between individuals making it to medical appointments or those types of services.

Council Member Scott stated that Mayor and Council support transit and cuts to service were not on the chopping block if there was any way to avoid it. She said the Mayor and Council would come up with solutions to cover the remaining budget gap by working with City staff and the public.

Vice Mayor Fimbres requested a friendly amendment to rescind the current ad policy which limited bus advertising of fifteen buses to allow for advertising on more buses, while respecting the Regional Transit Authority (RTA) rebranding.

Council Member Romero accepted the friendly amendment.

Council Member Kozachik commented on the current advertising policy. He said it was a nice idea to change the policy and hoped it panned out. He gave his thoughts regarding the proposed transit fare increase. He asked if the TTF looked at, or if they were considering day passes, increasing the Park-N-Ride locations to perhaps get to a higher percentage of discretionary riders; and if they considered the fifty cents or one dollar and seventy-five cent fare increase to see what that would do to revenues and ridership.

Mr. Glock stated that information was shared with the TTF. Every penny increase in fuel prices was a thirty thousand dollar annualized increase in transit costs.

He said he would be happy to return to the Mayor and Council with an estimate on what the fifty cent and one dollar seventy-five cent scenario would do to revenues. He indicated that they already saw an erosion of discretionary riders; roughly half of the riders to date were paying full fare and the other half was paying economy fare which was down from a 60-40 ratio prior to the 2009 fare increase. He said citizens were sensitive to the price of the transit product being used.

Council Member Kozachik offered a substitute motion to accept the Transit Task Force's recommendation as presented and pass and adopt Ordinance No. 10887.

Mayor Walkup asked if there was a second to the substitute motion.

The substitute motion died for a lack of a second.

Mayor Walkup commented on the information received and stated he was impressed with the respect given to all of the speakers. He stated he would support the original motion but asked staff to look into what the City needed to do to have safe and clean buses.

Michael Rankin, City Attorney, stated he needed to read the required changes into the motion regarding the adoption of the Ordinance before the Mayor and Council took roll. He read the following changes:

- on page 2, item b(2), the economy fare would be changed to fifty cents per ride or fifteen dollars per monthly pass;
- on page 3, item 8, the non-profit fare would be changed to one dollar per 2-ride pass, or five dollars per stored-value pass, or fifteen dollars per monthly pass;
- on page 4, item b(2), the economy fare would be changed to one dollar per ride;
- on page 6, item b(1), the economy fare subsidy for Sun Tran would be changed as follows: item (a) change to one dollar, item (b) change to twenty-seven dollars, and item (c) change to ten dollars. Item c(1), the Economy fare subsidy for Sun Van, change to two dollars.

Council Member Romero stated she thought the Mayor and Council had given direction to the Transportation Department Director to come up with a long term, 5-year plan, for CTAC and TTF to review future needs. She wanted it noted, for the record, that the Mayor and Council still wanted to see that future planning in progress.

Ordinance 10887, as amended, was declared passed and adopted by a roll call vote of 6 to 1 (Council Member Kozachik dissenting).

**10. PUBLIC HEARING: INTENT TO INCREASE CERTAIN TUCSON WATER MISCELLANEOUS FEES**

Mayor Walkup announced City Manager's communication number 143, dated April 12, 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 for the intent to increase certain Tucson Water Miscellaneous Fees. He said staff would make a brief presentation before beginning the public hearing.

Andrew Quigley, Tucson Water Interim Director, gave a brief presentation about the process and timeline used. He stated the fees were for two things: installations, which did not include water impact/development and service fees, to set up an account with Tucson Water to turn service on or off and delinquent payments.

Mr. Quigley stated there were three new fees in the study; a tampering fee, annual backflow certification engaged testing fee and a fire protection isolation fee. He explained what each of the new fees entailed. He said there were approximately one hundred eighteen existing fees in the study; forty-six were proposed for an increase and forty for a decrease. He said they were all subject to a cost-of-service study.

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

Mikki Niemi spoke about his involvement with water issues.

Christine Rusiniak spoke about her concerns regarding increased fees.

David Godlewski, Southern Arizona Homebuilders Association (SABHA), spoke in opposition to the increase in the water line inspection fee.

Steve Mills asked if the City was going to spend money for advertising the Beat-the-Peak Program and why.

Mr. Quigley replied that the City's intention was to continue the program.

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

Discussion was held and Mr. Quigley responded to questions from Council Members Romero, Scott, Kozachik, and Vice Mayor Fimbres.

**11. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE SOUTHEAST HOUGHTON AREA RECHARGE PROJECT**

Mayor Walkup announced City Manager's communication number 142, dated April 12, 2011, was received into and made part of the record. He asked the City Clerk to read Resolution 21714 by number and title only.

Resolution No. 21714 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the City of Tucson and Pima County for a Joint Constructed Recharge Project; and declaring an emergency.

Council Member Uhlich commented on the partnership and said she thought it was appropriate and constructive. She asked the following: was the City and Pima County sharing in the cost and contribution of water to the facility, did the agreement assure that the proportions of credits or water drawn out of the facility were always connected to the amounts contributed by the parties involved and was the City subsidizing any portion of the cost that went to any other parties other than the City of Tucson.

Andrew Quigley, Tucson Water Interim Director, replied she was correct on all questions.

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 21714.

**12. PROFESSIONAL SERVICES CONTRACT AMENDMENT: WITH THE DOWNTOWN TUCSON PARTNERSHIP FOR CONSULTING SERVICES.**

(NOTE: This item was taken out of order and discussed after Item #8.)

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

Mayor Walkup announced City Manager's communication number 139, dated April 12, 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 Kozachik, duly seconded, and carried by a roll call vote of 7 to 0, to approve the appointments of Robert Brack to the Fire Code Review Committee (FCRC) and Terry Etherton and Barbara Grygutis to the El Presidio Historic Zone Advisory Board (EPHZAB).

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

**14. ADJOURNMENT:** 8:37 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, April 20, 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:

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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 12th day of April 2011, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:ccs:sac