



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on December 13, 2011.

Date of Meeting: June 14, 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 5:41 p.m., on Tuesday, June 14, 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 Pastor Larry Munguia, The S.O.B.E.R. Project, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup introduced Madison Sherman, representing the International Order of Rainbow for Girls, who presented a “Tribute to the American Flag” for Flag Day.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 246, dated June 14, 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 invited the public to Mercado San Agustin’s opening. She reported on El Día de San Juan’s Fiesta, the Ward 1 Family Fun Swim Day at the J. W. Star Pass Resort, and the Boys and Girls Club Steak and Burgers Dinner. She also reminded the Community about Second Saturdays.
- b. Council Member Cunningham gave historic facts on Flag Day and the Juneteenth Celebration, and commented on his attendance at Second Saturdays. He also reported on hours of operation of Parks and Recreation facilities, monsoon lightning awareness, and the Farmer’s Market at Jesse Owens Park.
- c. Council Member Uhlich reported on the annual Juneteenth Celebration at the Northwest Neighborhood Center, the monthly Ward III Neighbors Alliance meeting, the summer reading program hosted by the Glenn/Stone Village, and the Woods Library GED preparation and training services. She also reported that Tucson would host the 2011 Arizona Historic Preservation Conference.
- d. Vice Mayor Fimbres wished everyone a happy Flag Day. He also reported on a Ward 5 Business Town Hall, invited the public to attend the unveiling of the Barrio Centro Community Mural, and reported on a Juneteenth event at Kennedy Park.
- e. Council Member Kozachik invited the public to attend the the Tucson Botanical Gardens’ Third Thursdays event.

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

Mayor Walkup announced City Manager’s communication number 247, dated June 14, 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 Rankin, City Attorney, reported on the Arizona City Attorney’s Annual Conference held in Tucson.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 252, dated June 14, 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. Mexica’s Sports Grill, Ward 5
4525 S. Park Ave.
Applicant: Marco Antonio Serrano
Series 12, City 30-11
Action must be taken by: June 26, 2011

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

Public Opinion: Written Argument Opposed Filed

This item was continued to the meeting of June 21, 2011, at the request of the applicant.

2. Wilko, Ward 6
943 E. University Blvd. #171
Applicant: Peter Thomas Wilke
Series 12, City 31-11
Action must be taken by: June 26, 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

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

c. Special Event(s)

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

d. Agent Change/Acquisition of Control

1. Wilko, Ward 6
943 E. University Blvd. #171
Applicant: Peter Thomas Wilke
Series 7, City AC8-11
Action must be taken by: June 26, 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 a voice vote of 7 to 0, to forward liquor license applications 5b2 and 5d1 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. Mikki Niemi expressed his concerns about the Regional Transportation Authority's (RTA) Kolb Road Extension.
- b. J. Lisa Jones, Vice President of the Jefferson Park Neighborhood Association, spoke in support of the Neighborhood Preservation Zone (NPZ).
- c. Ken Johnson gave an update on American Legion events.
- d. Alexander Ganz, University of Arizona student, read an installment of "*Tucson, The Novel, An Experiment in Literature and Civil Discourse*".
- e. George Thurman expressed his concerns about red light cameras.
- f. Nancy Martin spoke in support of the Neighborhood Preservation Zone (NPZ).

- g. Jim Clark spoke in support of the Neighborhood Preservation Zone (NPZ).
- h. Laurence Cohen spoke in support of the Neighborhood Preservation Zone (NPZ).
- i. Gloria Alvillar presented the Mayor and Council with \$200.77 she raised to repair potholes in the City. She challenged members of the community to “adopt a pothole”.
- j. Bob Schlanger spoke in support of the Neighborhood Preservation Zone (NPZ).
- k. Dick Basye, Pima Association of Taxpayers, expressed his views on the City’s budget problems.

7. CONSENT AGENDA – ITEMS A THROUGH G

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 JUN14-11-253 CITY WIDE
- 2. Mayor and Council Regular Meeting Minutes of February 15, 2011

b. TUCSON CODE: AMENDING (CHAPTER 8) EXTENDING TIME TO COMPLETE DEFENSIVE DRIVING SCHOOL AND ESTABLISHING A RESCHEDULING FEE

- 1. Report from City Manager JUN14-11-248 CITY WIDE
- 2. Ordinance No. 10901 relating to City Court; amending the Tucson Code Chapter 8, City Court, Article I In General by adding Section 8-6.9, Defensive Driving School (DDS) rescheduling fee; exemption for fee separate and distinct from any sentence; action for recovery authorized; setting an effective date; and declaring an emergency.

(This item was considered separately at the request of Vice Mayor Fimbres.)

c. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE KOLB ROAD EXTENSION TO SABINO CANYON ROAD PROJECT

- 1. Report from City Manager JUN14-11-250 WARD 2

2. Resolution No. 21771 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 2 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the Kolb Road Connection to Sabino Canyon Road Project; and declaring an emergency.

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

d. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO TUCSON CITY COURT

1. Report from City Manager JUN14-11-249 CITY WIDE
2. Resolution No. 21772 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 05 to the Intergovernmental Agreement between the Pima County Superior Court and the Tucson City Court for providing jurors to the Tucson City Court; and declaring an emergency.

e. FINANCE: REALLOCATION OF FUNDS FROM THE WARD 6 OFFICE BUDGET SURPLUS TO THE TUCSON DEPARTMENT OF TRANSPORTATION FOR RESIDENTIAL ROAD REPAIR

1. Report from City Manager JUN14-11-254 WARD 6
2. Resolution No. 21774 relating to Finance; approving and authorizing the reallocation of Seventy-Five Thousand (\$75,000) from the Ward 6 Council Office Budget Fund to the City of Tucson Department of Transportation (TDOT) for residential road repair within Ward 6; and declaring an emergency.

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

f. DEVELOPMENT AGREEMENT AMENDMENT: WITH OT KINO, LLC FOR THE PLAZA CENTRO PROJECT

1. Report from City Manager JUN14-11-255 WARD 6
2. Resolution No. 21773 relating to development; approving and authorizing the execution of a Second Amendment to the Development Agreement between the City of Tucson and OT Kino, LLC for the Development of the Plaza Centro Project; and declaring an emergency.

g. TUCSON CODE: AMENDING (CHAPTERS 10A AND 20) RELATING TO THE PARKWISE PROGRAM AND PARKING ENFORCEMENT

1. Report from City Manager JUN14-11-256 CITY WIDE

(This item was continued at the request of staff.)

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 - f, with the exception of Consent Agenda Items b, c, and e which were considered separately, and Consent Agenda Item g which was continued, be passed and adopted and the proper action taken.

7. CONSENT AGENDA – ITEM B

b. TUCSON CODE: AMENDING (CHAPTER 8) EXTENDING TIME TO COMPLETE DEFENSIVE DRIVING SCHOOL AND ESTABLISHING A RESCHEDULING FEE

1. Report from City Manager JUN14-11-248 CITY WIDE
2. Ordinance No. 10901 relating to City Court; amending the Tucson Code Chapter 8, City Court, Article I In General by adding Section 8-6.9, Defensive Driving School (DDS) rescheduling fee; exemption for fee separate and distinct from any sentence; action for recovery authorized; setting an effective date; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Item b at the request of Vice Mayor Fimbres.

Vice Mayor Fimbres said he had questions for staff about where the projected \$265,000 would be directed to, and asked if the rescheduling fee was considered a cost recovery.

Christopher Hale, City Court Administrator, replied it was his understanding that the projected revenue would be directed to the General Fund; and the fee was considered a rescheduling fee, not a cost recovery. He said it was designed to motivate people to complete the course timely. Mr. Hale explained the minimum fee was established by the *Arizona Revised Statute 22.404(b)*.

Mike Rankin, City Attorney, explained that the *Statute* established was a clerical fee. He said the fee served the purpose of motivating those cited to complete the program in a timely manner. He added it had the additional beneficial affect of saving the City money, by clearing cases out faster and avoiding the administrative costs associated with having to reschedule court matters. He explained what the benefits would be by restructuring the fee.

Mike Letcher, City Manager, added the money would go into the General Fund, which was the City's general allocation which funded the City's majority of services. He said it could not be allocated for other purposes.

It was moved by Vice Mayor Fimbres, duly seconded, that Consent Agenda Item b, be passed and adopted and the proper action taken.

Discussion was held, and the City Attorney and City Manager responded to further questions from Vice Mayor Fimbres, and Council Members Uhlich, Kozachik, and Cunningham.

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

7. CONSENT AGENDA – ITEM C

c. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE KOLB ROAD EXTENSION TO SABINO CANYON ROAD PROJECT

1. Report from City Manager JUN14-11-250 WARD 2
2. Resolution No. 21771 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 2 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the Kolb Road Connection to Sabino Canyon Road Project; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Item c at the request of Council Member Kozachik.

Council Member Kozachik expressed his concerns that this was not the project approved by the voters. He said the hydrologist's report indicated the existing storm drain did not have the capacity to handle the new flow created, and asked the Department of Transportation Director to confirm the hydrologist's report.

Jim Glock, Department of Transportation Director, said he had not reviewed the hydrology report to the level of detail that Council Member Kozachik had. However, he said it was his understanding that they were holding the drainage standards for the project to the standards they held elsewhere, which was to maintain a travel way during the ten year storm and hold all flows for the hundred year event within the roadway rights of way. He said that was the general principal that should have been read out of the hydrologist report.

Council Member Kozachik expressed further concerns about the City's liability if homes were flooded and archaeological artifacts were ruined. He said he felt the project was poorly designed and did not believe it was what voters approved.

It was moved by Council Member Kozachik to tell the Regional Transportation Authority (RTA) to cease and desist on Phase I until the drainage and archaeological issues were resolved and the public had a chance to approve the newly designed Phase I.

The motion died for lack of a second.

Council Member Cunningham clarified that this was not a vote for the extension itself; it was a vote for the idea that if they were going to build the Kolb Road extension, it would not go through the neighborhood.

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 Kozachik commented that they were voting on Phase I, the intersection. He said everything Council Member Cunningham described was Phase II and had nothing to do with what they were talking about at the evening's meeting. Council Member Kozachik said his concerns were about the hydrological affects of building the intersection, and said that was what was on the table for consideration.

Council Member Cunningham said he would support a friendly amendment stating that they pass and adopt the IGA with the caveat that the City Attorney look into the idea of making sure that the archaeological site was protected.

Council Member Kozachik said his original motion was to put the project on hold until they had the hydrology report confirmed and until they had a public process that talked about the archaeological site.

Council Member Cunningham expressed his concerns about losing control of the project, if they were to stop it now.

Mr. Glock replied that would be possible.

Discussion was held and further concerns were expressed by Council Members Cunningham and Kozachik.

Council Member Cunningham asked if they could still pass the IGA and still request that the RTA look at the hydrology report.

Mr. Rankin said 'yes', and that approval of the project with the permits and reviews associated with it would include review of the drainage issues.

Mr. Glock stated he would be prepared to provide an off agenda memo with respect to the drainage report and how the project was addressing those findings in its recommendations.

Consent Agenda Item c was declared passed and adopted by a roll call vote of 6 to 1 (Council Member Kozachik dissenting).

7. CONSENT AGENDA – ITEM E

e. FINANCE: REALLOCATION OF FUNDS FROM THE WARD 6 OFFICE BUDGET SURPLUS TO THE TUCSON DEPARTMENT OF TRANSPORTATION FOR RESIDENTIAL ROAD REPAIR

1. Report from City Manager JUN14-11-254 WARD 6
2. Resolution No. 21774 relating to Finance; approving and authorizing the reallocation of Seventy-Five Thousand (\$75,000) from the Ward 6 Council Office Budget Fund to the City of Tucson Department of Transportation (TDOT) for residential road repair within Ward 6; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the final item to be considered separately was Consent Agenda Item e, which was pulled at the request of Council Member Uhlich.

Council Member Uhlich commented on recent discussions by the Mayor and Council and the expectation that there would be an excess of \$250,000 to \$300,000 coming back through the offices. She also spoke about the shared desire that was clearly articulated to work with the Transportation Department to ensure they were in fact repairing potholes and pursuing a repaving program in the coming year.

It was moved by Council Member Uhlich, duly seconded, to continue Consent Agenda Item e, to be folded into the discussion on July 6, 2011.

Council Member Kozachik explained his reasons for wanting to move forward with the Ward 6 Office budget allocation being used for residential road repair within his Ward.

Council Member Uhlich explained her reasons for her motion.

The motion to continue Consent Agenda Item e to July 6, 2011, was passed by a roll call vote of 5 to 2 (Council Members Cunningham and Kozachik dissenting).

8. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 251, dated June 14, 2011, was received into and made part of the record. He asked if there were any personal appointments to be made.

Council Member Uhlich announced her personal appointment of Jeffrey Seligman to the ParkWise Commission, and Allison Kennedy to the Tucson-Pima County Historical Commission.

9. ADJOURNMENT: 7:04 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, June 21, 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 14th day of June, 2011, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:sac:tl