



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 27, 2012.

Date of Meeting: September 13, 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 5:40 p.m., on Tuesday, September 13, 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	Vice Mayor, 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

Absent/Excused:

None

Staff Members Present:

Richard Miranda	City Manager
Michael Rankin	City Attorney
Deborah Rainone	Chief Deputy City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Grady Scott, Grace Temple Baptist Church, 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 360, dated September 13, 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.

Current event reports were provided by Council Members Romero, Cunningham, Fimbres and Vice Mayor Uhlich. A recording of this item will be available from the City Clerk's Office for ten years from the date of this meeting.

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

Mayor Walkup announced City Manager's communication number 361, dated September 13, 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 358, dated September 13, 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. Bella D'Auria Restaurant, Ward 6
4445 E. Broadway Blvd.
Applicant: Kevin Arnold Kramber
Series 12, City 39-11
Action must be taken by: July 25, 2011

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

2. Agustin, Ward 1
100 S. Avenida del Convento #120, #150, #200
Applicant: Thomas Robert Aguilera
Series 12, City 61-11
Action must be taken by: September 18, 2011

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

3. Dakota Cafe & Catering Co., Ward 2
6541 E. Tanque Verde Rd.
Applicant: Robert Stephen Darcangelo
Series 12, City 64-11
Action must be taken by: September 23, 2011

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

4. Gusto Osteria, Ward 2
7153 E. Tanque Verde Rd.
Applicant: Glenn Paul Gerson
Series 12, City 66-11
Action must be taken by: September 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/Location Transfer:

5. 4 Mile Market, Ward 1
100 S. Avenida del Convento #120, #150, #200
Applicant: Thomas Robert Aguilera
Series 7, City 62-11
Action must be taken by: September 18, 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. Esperanza En Escalante, Ward 6
4637 E. Broadway Blvd.
Applicant: Daniel W. Anderson
City T64-11
Date of Event: October 23, 2011
(Fundraiser)

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

2. Artsake Foundation, Ward 6
Congress St. between 4th Ave. & 6th Ave.; 5th Ave. between Toole & Broadway Blvd.; Rialto
Applicant: Jeb Bley Schoonover
City T70-11
Date of Event: October 1, 2011
(Fundraiser)

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

3. Arizona Theatre Company, Ward 6
330 S. Scott Ave.
Applicant: Mae Krueger
City T74-11
Date of Event: October 1, 2011
(Fundraising)

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

4. Our Mother of Sorrows Church, Ward 4
1800 S. Kolb Rd.
Applicant: Argelia Saavedra
City T78-11
Date of Event: October 7, 2011 - October 9, 2011
(Annual Parish Fiesta)

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

5. Tucson Hispanic Chamber of Commerce, Ward 1
100 S. Avenida del Convento
Applicant: Stephanie Renee Bermudez
City T79-11
Date of Event: October 7, 2011
(Fundraiser)

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

- d. Agent Change/Acquisition of Control

NOTE: There are no application(s) for agent changes 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 5b1-5b5 and 5c1-5c5 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.

Mayor Walkup explained he was changing some of the rules and from now on speakers must adhere to rules of civility and refrain from personal attacks on City staff or the Mayor and Council. In January 2011, he submitted the Civility Accord to the Conference of Mayors which addressed dignity and respect for others in decorum. At the call to the audience, people will be allowed to talk about things they disagree on, but we need to get back to City issues and those things that relate to City business without personal attacks.

Mayor Walkup asked the City Attorney to read the rules on decorum for speakers coming before the Mayor and Council.

Michael Rankin, City Attorney, stated there were existing Mayor and Council Rules and Regulations that pertained to public participation at the meetings. He read the following statement:

“Citizens attending meetings shall observe rules of propriety, decorum and good conduct. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the governing body, may be removed by the sergeant at arms if directed by the chairman.....”

Mr. Rankin stated that was what was currently in place and had been for many years.

Comments were made by Keith Van Heyningen and Roy Warden. A recording of this item will be available from the City Clerk's Office for ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH E

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. COMMUNITY DEVELOPMENT: ENDORSEMENT OF THE ORACLE AREA REVITALIZATION PROJECT REPORT

1. Report from City Manager SEP13-11-363 WARD 3
2. Resolution No. 21798 relating to Community Development; endorsement of the Oracle Area Revitalization Project Report; and declaring an emergency.

b. BUDGET AND INTERNAL AUDIT: APPROVING THE INTERNAL AUDIT PLAN FOR FISCAL YEAR 2012

1. Report from City Manager SEP13-11-362 CITY WIDE
2. Resolution No. 21783 relating to Budget and Internal Audit; approving the Internal Audit Plan for Fiscal Year 2012; and declaring an emergency.

c. ZONING: APPROVING THE APPOINTMENT OF THE DESIGN PROFESSIONAL AND DESIGN EXAMINER FOR THE CITY OF TUCSON

1. Report from City Manager SEP13-11-367 CITY WIDE
2. Ordinance No. 10927 relating to zoning: appointing the Design Professional and Design Examiner, and declaring an emergency.

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

d. REAL PROPERTY: PROPOSAL TO REVISE AND REPLACE THE REAL ESTATE PROGRAM FEES SCHEDULE

1. Report from City Manager SEP13-11-368 CITY WIDE
2. Ordinance No. 10928 relating to fees for Real Estate Services: repealing Ordinance No. 10749 adopted by the Mayor and Council on January 5, 2010; establishing a new fee schedule for Real Estate Services; and declaring an emergency.

e. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH VENTANA RESERVE II (CONTINUED FROM THE MEETING OF SEPTEMBER 7, 2011)

1. Report from City Manager SEP13-11-370 WARD 2 AND OUTSIDE CITY
2. Resolution No. 21794 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between Stanley H. Sprei and the City of Tucson; and declaring an emergency.

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

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

7. CONSENT AGENDA – ITEM C

c. ZONING: APPROVING THE APPOINTMENT OF THE DESIGN PROFESSIONAL AND DESIGN EXAMINER FOR THE CITY OF TUCSON

1. Report from City Manager SEP13-11-367 CITY WIDE
2. Ordinance No. 10927 relating to zoning: appointing the Design Professional and Design Examiner, and declaring an emergency.

Deborah Rainone, Chief Deputy City Clerk, announced the first item to be considered separately was Consent Agenda Item c at the request of Council Member Kozachik.

Council Member Kozachik stated that in the materials for the Design Professional, it indicated that there was a need for multiple individuals, but there was only one applicant in the packet. He inquired whether the City would be setting up a similar process as the University of Arizona to allow for multiple applicants. He also asked staff to explain the process.

Ernie Duarte, Development Services Department Director answered some questions from Council Member Kozachik, Council Member Fimbres and Council Member Cunningham. He said that a roster of qualified individuals with a background in architecture or historic preservation was being set up to serve in this post, which was included in the Land Use Code.

Mr. Duarte explained the City was using the SBE program and added he or his staff could be contacted for further information. He also spoke about utilization of the design professional program and past individuals who had acted in this capacity,

noting the amount of seventy-five thousand dollars would be allocated from the budget for this item.

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

7. CONSENT AGENDA – ITEM E

e. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH VENTANA RESERVE II (CONTINUED FROM THE MEETING OF SEPTEMBER 7, 2011)

1. Report from City Manager SEP13-11-370 WARD 2 AND OUTSIDE CITY
2. Resolution No. 21794 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between Stanley H. Sprei and the City of Tucson; and declaring an emergency.

Deborah Rainone, Chief Deputy City Clerk, announced the next item to be considered separately was Consent Agenda Item e at the request of Council Member Cunningham.

Michael Rankin, City Attorney read two corrections into the record for this item. He said in Resolution 21794, language was to be inserted at the end of Section 2 in order to secure an additional signature. It would read “once First American Title Insurance Company as Trustee under Trust Number 9304 also has signed the Pre-annexation and Development Agreement.” Mr. Rankin added an additional correction was required to the first page of the Pre-annexation and Development Agreement to correct the identification of the property parcel numbers. Under Subsection B in the recitals the first parcel number should be “114-05-014d”.

Council Member Cunningham thanked City staff for all their clarifications and hard work on this item.

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

Council Member Romero said it was important to be transparent regarding the discussion of water issues. She noted future financial revenue would be generated from this item.

Mr. Rankin and Byron Howard, Special Projects, City Manager’s office addressed some questions from Council Member Romero. Mr. Rankin discussed elements of the approved water policy and property annexations, and Mr. Howard said he was proud to say the Agreement was approved by Tucson Water with all the

Mayor and Council established requirements; all annexation standards and criteria had been met.

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

8. PUBLIC HEARING: BINGO LICENSE APPLICATION - CONTINENTAL WEST, 3740 N. ROMERO ROAD; CITY NUMBER 204

Mayor Walkup announced City Manager's Communication number 364, dated September 13, 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 request for a bingo license at Continental West located at 3740 N. Romero Road. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if the applicant was present.

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

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to forward the bingo license application to the Arizona Department of Revenue with a recommendation for approval.

9. PUBLIC HEARING: - ZONING (C9-06-11) GOLDMAN – 25TH STREET, R-1 TO P ZONE, REACTIVATION, FIVE-YEAR TIME EXTENSION, CHANGE OF CONDITIONS

Mayor Walkup announced City Manager's Communication number 365, dated September 13, 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 request for reactivation, five-year time extension and change of conditions for the property located in the northeast corner of Winstel Avenue and 25th Street. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if the applicant was present and wanted to speak.

Stuart Goldman, Applicant, said that five years ago the Mayor and Council unanimously allowed a conditional used zoning variance for this property behind Alvernon Donuts based on certain conditions being met in the front for parking and added with the addition of this item, the property would be put to better use. He said in the last five years, the property had been marketed; he was hoping in the next five years to sell it to be used in its best possible way.

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

Ernie Duarte, Development Services Director, answered some questions from Council Member Fimbres. He explained that the Land Use Code allowed for a five year period for a zoning case to be perfected which the applicant has not been able to do in this case, adding an additional five year extension was allowed but it expired before consideration by Mayor and Council prompting the reactivation and another five year consideration. Mr. Duarte also addressed the issue of the conditions of the present reactivation.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to approve the requested five-year extension and change of conditions as recommended by staff.

10. PUBLIC HEARING: AMENDMENT TO THE PIMA COUNTY BOND ORDINANCE TO TRANSFER 2004 PIMA COUNTY BOND FUNDS FROM THE HOUGHTON GREENWAY PROJECT TO THE HARRISON GREENWAY PROJECT

Mayor Walkup announced City Manager's Communication number 366, dated September 13, 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 request for transfer of funding from the Houghton Greenway project to the Harrison Greenway project. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if anyone wanted to speak on this subject.

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 Resolution 21799 by number and title only.

Resolution No. 21799 relating to Parks and Recreation; requesting the Pima County Board of Supervisors to authorize the transfer of 2004 Pima County Bond Funds from the Houghton Greenway Project to the Harrison Greenway Project; and declaring an emergency.

Council Member Scott thanked Steve Anderson, Planning Division Manager of the Pima County Natural Resources, Parks & Recreation Department and Fred Gray, Tucson Parks and Recreation Director for their work on this project, adding it would be a great improvement for bicyclers and people who wanted green pathways. She said Ward 4 looked forward to more of those.

It was moved by Council Member Scott, duly seconded to pass and adopt Resolution 21799.

Steve Anderson, Planning Division Manager of the Pima County Natural Resources, replied to several questions from Council Member Kozachik regarding how to get back to the Houghton Greenway as this had been a \$1.4 million voter approved project back in 2004 thus creating certain restrictions. He indicated it would come up in the next bond project.

Fred Gray, Parks and Recreation Director, responded to Council Members Scott and Kozachik regarding insufficient funds for Houghton Greenway, selling bond packages, and further details of the projects, including the Julian Wash and Rita Ranch projects.

Council Member Scott commented on the Bond Oversight Committee had passed this project for reasons of practicality and Council Member Kozachik reminded everyone this was a voter approved bond project.

Resolution 21799 was declared passed and adopted by a roll call vote of 7 to 0.

11. PUBLIC HEARING: AMENDMENT TO THE PIMA COUNTY BOND ORDINANCE FOR THE EXTENSION OF THE BOND IMPLEMENTATION PERIOD FOR ACQUISITION OF HABITAT AT 36TH STREET AND KINO PARKWAY

Mayor Walkup announced City Manager's Communication number 369, dated September 13, 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 request for an extension of the bond implementation period to enable the County to purchase Habitat at 36th Street and Kino Parkway.

Mayor Walkup 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 anyone wanted to speak on this subject.

Willie Blake said there were four neighborhoods surrounding this area and he was there that evening asking support for this project from Mayor and Council as well as the County as all of those four neighborhoods would be affected by this item and he wanted them to keep up their appearances.

It was moved by Council Member Fimbres, 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 21800 by number and title only.

Resolution No. 21800 relating to Transportation; requesting the Pima County Board of Supervisors to amend Pima County Ordinance 2004-18, the Bond Implementation Plan Ordinance for the May 18, 2004 Bond Election to extend the

bond implementation period for acquisition of the Habitat at 36th and Kino Project; and declaring an emergency.

Jim Glock, Transportation Department Director responded to questions from Council Members Fimbres and Kozachik regarding operation and maintenance of the Habitat, as well as, requests for extensions.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 21800.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 359, dated September 13, 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 voice vote of 7 to 0, to approve the appointments Kelli Olson, Timothy Olcott and Shelly Fishman to the Tucson Commission on Gay, Lesbian, Bisexual and Transgender Issues.

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

Council Member Scott announced her personal appointment of John Anttonen to the Tucson Greens Committee.

13. ADJOURNMENT: 6:29 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 20, 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 13th day of September 2011, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:tl:dr