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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on March 6, 2012.

Date of Meeting: September 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 5:47 p.m., on Tuesday, September 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
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
Roger W. Randolph	City Clerk

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Reverend Lois Blei, Eastside Assembly of God, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed September 18th to September 21<sup>st</sup> to be "Employer Support of the Guard and Reserve Week."
- b. Mayor Walkup proclaimed September 22nd to be "Arizona's Strength: Past, Present and Future, Celebration Day"

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

Mayor Walkup announced City Manager's communication number 371, dated September 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.

Current event reports were provided by Council Members Romero, Cunningham, Fimbres and Vice Mayor Uhlich. A recording of this item is available from the City Clerk's Office.

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

Mayor Walkup announced City Manager's communication number 372, dated September 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.

Richard Miranda, City Manager, provided a current events report. A recording of this item is available from the City Clerk's Office.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 373, dated September 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. Mariscos El Nuevo Mazatlan, Ward 5  
4749 S. 12th Ave.  
Applicant: Jesus Efrain Escalante  
Series 12, City 67-11  
Action must be taken by: September 26, 2011

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

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

2. Giant #6630, Ward 1  
3030 W. El Camino del Cerro  
Applicant: Roger Kenneth Burton  
Series 10, City 68-11  
Action must be taken by: September 30, 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:

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

c. Special Event(s):

1. Southern Arizona Blues Heritage Foundation, Ward 6  
900 S. Randolph Way  
Applicant: Patrick J. Desmond  
City T71-11  
Date of Event: October 16, 2011  
(Promote Blues & Heritage music)

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

2. Rotary Club of Tucson Foundation, Ward 2  
3231 N. Craycroft Rd.  
Applicant: Roger B. Harwell  
City T72-11  
Date of Event: October 21, 2011 - October 22, 2011  
(Fundraiser)

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

3. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Amanda Ivy Reed  
City T80-11  
Date of Event: October 19, 2011  
(Artist Lecture)

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

4. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Amanda Ivy Reed  
City T81-11  
Date of Event: October 22, 2011  
(Exhibition Opening Reception)

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

5. St. Cyril of Alexandria Parish, Ward 6  
4725 E. Pima St.  
Applicant: Ron A. Oakham  
City T82-11  
Date of Event: October 13, 2011 - October 16, 2011  
(Fundraiser)

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

6. Sun Sounds of Arizona, Ward 6  
3400 E. Camino Campestre  
Applicant: Mitzi M. Tharin  
City T83-11  
Date of Event: October 8, 2011  
(Fundraising)

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

7. Sporting Chance, Ward 6  
1303 E. University Blvd.  
Applicant: Donald Tringali  
City T86-11  
Date of Event: October 6, 2011  
(Fundraiser)

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

d. Agent Change/Acquisition of Control

1. Beverage Store, Ward 5  
1866 S. Country Club Rd.  
Applicant: Khaled Muhammad Duqmaq  
Series 9, City AC13-11  
Action must be taken by: October 3, 2011

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

It was moved by Council Member Romero, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2, 5c1-7, 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)

1. Mariscos El Nuevo Mazatlan, Ward 5  
4749 S. 12th Ave.  
Applicant: Jesus Efrain Escalante  
Series 12, City 67-11  
Action must be taken by: September 26, 2011

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

Public Opinion: Written Arguments Opposed Filed

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b1, Mariscos El Nuevo Mazatlan, located in Ward 5.

Council Member Fimbres asked the proprietor of the restaurant to say a few words.

Hector Hernandez, a representative of Mariscos El Nuevo Mazatlan spoke about the proximity of the restaurant to other liquor establishments in the area, adding the proprietor only spoke Spanish so he could not comment.

Mark Albrecht, Sunnyside Neighborhood Association Vice President, said he was present at the request of the Association President and government liaison. He said the restaurant's location was not technically in the Sunnyside boundaries but rather in the National Cities neighborhood which did not have a neighborhood

association. He stated the Sunnyside Neighborhood Association and National Cities worked together in the past. Mr. Albrecht said there were problems with the criteria the applicant needed to meet, the main one being the fact there were forty existing liquor licenses within a mile of this establishment.

Mr. Albrecht said he thought the Mayor and Council were already aware of the stressors currently existing in the neighborhood which was why efforts were under way to reduce the influx of additional liquor licenses in the neighborhood. He said the price structure on this restaurant was very expensive which had raised concerns that this might not function mainly as a restaurant but rather as a late night bar.

Mr. Albrecht continued stating there was apprehension about the traffic as a result of the establishment. He said 12th Avenue was poorly lit as the ingress and egress to these places was not good and close to residential areas. He added there were concerns raised about the applicant as well; he had some difficulties with alcohol in the past. Mr. Albrecht asked the Mayor and Council to consider the needs of the neighborhood when making their decision.

It was moved by Council Member Fimbres, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for denial.

Council Member Fimbres said denial was recommended because the applicant failed to demonstrate that the public convenience required and the best interest of the community would be substantially served by the issuance of the license. He said this recommendation was based on the testimony and evidence presented and included the reasons that saturation was an issue, there were forty licenses within a one-mile radius of this license, and the granting of another license would impact the quality of life on the neighborhoods and their residents.

## **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. He asked the City Attorney to read the complete rules on decorum for speakers coming before Mayor and Council.

Comments were made by:

Ken Johnson	Mikki Neimi	Shannon Cain
Ken Scoville	John Kromko	Michael Toney
Keith Van Heyningen	Roy Warden	

A recording of this item is available from the City Clerk's Office.

Council Member Cunningham asked the City Manager to look into the matter brought up by Mr. Scoville regarding the parking garage plans at the Tucson Medical Center.

Mayor Walkup advised Mr. Warden to keep to the rules of civility when speaking at Call to the Audience in the future.

**7. CONSENT AGENDA – ITEMS A THROUGH B**

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. BOARDS, COMMITTEES, AND COMMISSIONS: EXTENDING THE SUNSET DATE OF THE WORKFORCE DEVELOPMENT SELECTION COMMITTEE**

1. Report from City Manager SEP20-11-376 CITY WIDE
2. Resolution No. 21802 relating to Boards and Commissions; amending Resolution No. 21605 (adopted by the Mayor and Council on August 4, 2010) to modify the Economic and Workforce Development Selection Committee's mission, responsibilities and functions, and to extend its term to September 1, 2012; and declaring an emergency.

**b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE FY 2009 INTERSECTION IMPROVEMENTS PROJECT**

1. Report from City Manager SEP20-11-375 CITY WIDE
2. Resolution No. 21801 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the FY 2009 Intersection Improvement Project; and declaring an emergency.

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

**8. FIRE: APPROVING THE APPOINTMENT OF JAMES E. CRITCHLEY, JR. AS THE FIRE CHIEF FOR THE CITY OF TUCSON**

Mayor Walkup announced City Manager's communication number 377, dated September 20, 2011, was received into and made part of the record.

Mayor Walkup asked the City Clerk to read Ordinance 10929 by number and title only.

Ordinance No. 10929 relating to the Tucson Fire Department; approving the appointment of James E. Critchley, Jr. as the City of Tucson Fire Chief; and fixing compensation.

Mayor Walkup called on Roger Tamietti, President of the Tucson Fire Fighters Association to say a few words.

Roger Tamietti, Tucson Fire Fighters Association Local 479 President said he appreciated the Mayor and Council appointment of Chief Critchley, who had earned the trust and support over the years from all the members who served as firefighters. He added it was an honor working for Chief Critchley and that Tucson would be well served under his command and leadership.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10929.

Chief James Critchley was congratulated on his appointment and spoke before Mayor and Council thanking them for their vote of confidence. He said he looked forward to continue serving the community.

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

Mayor Walkup announced City Manager's communication number 374, dated September 20, 2011, was received into and made part of the record. He asked for a motion to approve the appointment in the report.

It was moved by Vice Mayor Uhlich, duly seconded and passed by a roll call vote of 7 to 0, to approve the appointment of Denice Osbourne to the Tucson Pima County Historical Commission (TPCHC).

He asked if there were any personal appointments to be made.

There were none.

**13. ADJOURNMENT:** 6:50 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 27, 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 20th day of September 2011, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:tl:yl