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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on April 10, 2012.

Date of Meeting: September 27, 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 27, 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 Veronica Boone, Tucson Indian Center, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed September 25<sup>th</sup> to October 1<sup>st</sup> to be American Indian Awareness Days. Veronica Boone of the Tucson Indian Center accepted the Proclamation.
- b. Mayor Walkup presented Certificates of Appreciation to honored guests from the USS Tucson.
- c. Mayor Walkup, assisted by Council Member Scott presented Certificates of Appreciation to the sponsors of the Ward 4 Back to School Bash.

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

Mayor Walkup announced City Manager’s communication number 380, dated September 27, 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, Scott, Fimbres, Kozachik 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 381, dated September 27, 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.

Current event report was given by Michael Rankin, City Attorney. 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 378, dated September 27, 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. Reilly Craft Pizza + Drink, Ward 6  
101 E. Pennington St.  
Applicant: Tyler Daru Fenton  
Series 12, City 65-11  
Action must be taken by: September 23, 2011

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

Public Opinion: Written Arguments in Favor Filed

2. Genghis Grill - The Mongolian Stir Fry, Ward 3  
4386 N. Oracle Rd. #150  
Applicant: Randy D. Nations  
Series 12, City 70-11  
Action must be taken by: October 14, 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):

1. Tucson Firefighter's Chili Cook-Off, Ward 1  
165 W. Alameda St.  
Applicant: Gerry R. Bowlin  
City T75-11  
Date of Event: October 28, 2011  
(Fundraiser)

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

2. Tucson Culinary Festival, Ward 6  
400 N. Toole Ave., Ste. 100  
Applicant: James B. Murphy  
City T76-11  
Date of Event: October 27, 2011  
(World Margarita Champion Contest)

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

3. The University of Arizona Alumni Association, Ward 6  
1303 E. University Blvd.  
Applicant: Melinda Waters Burke  
City T77-11  
Date of Event: November 5, 2011  
(U of A Homecoming 2011)

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

This item was considered separately.

4. Tucson Children's Museum, Ward 6  
200 S. 6th Ave.  
Applicant: Joseph Michael Luria  
City T84-11  
Date of Event: November 12, 2011  
(Fundraiser)

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

5. Toast to Technology (through Educational Enrichment Foundation),  
Ward 6  
1919 E. 3rd St.  
Applicant: Michael Gordon Pavon  
City T85-11  
Date of Event: October 15, 2011  
(Fundraiser)

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

6. Tucson Lesbian & Gay Alliance dba Tucson Price Board Inc., Ward 5  
2500 E. Ajo Way  
Applicant: Karon L. Bohlender  
City T87-11  
Date of Event: October 15, 2011  
(Fundraiser)

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

7. Tucson Meet Yourself Folklife Festival, Ward 6  
260 S. Church Ave.  
Applicant: Mia Jean Hansen  
City T88-11  
Date of Event: October 14, 2011 - October 16, 2011  
(Festival and Community Celebration)

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

8. The University of Arizona, Alumni Association, Ward 6  
553 N. Vine Ave. Bldg 58.02  
Applicant: Roberta Angelica Quiroz  
City T90-11  
Date of Event: October 20, 2011  
(Sky Suite Ticket Holders Event)

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

This item was considered separately.

- 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 Fimbres, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1-2, 5c1-2 and 5c4-7 to the Arizona State Liquor Board with a recommendation for approval.

## **5. LIQUOR LICENSE APPLICATIONS**

- c. Special Event(s):

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1303 E. University Blvd.  
Applicant: Melinda Waters Burke  
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Staff has indicated the applicant is in compliance with city requirements.

8. The University of Arizona, Alumni Association, Ward 6  
553 N. Vine Ave. Bldg 58.02  
Applicant: Roberta Angelica Quiroz  
City T90-11  
Date of Event: October 20, 2011  
(Sky Suite Ticket Holders Event)

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

Roger W. Randolph, City Clerk, announced the items to be considered separately were Items 5c3 and 5c8, The University of Arizona, Alumni Association, at the request of Council Member Kozachik.

Council Member Kozachik recused himself from voting due to a conflict of interest.

It was moved by Council Member Fimbres, duly seconded and passed by a roll call vote of 6-0 (Council Member Kozachik recused), to forward Items 5c3 and 5c8 to the State Liquor Board with a recommendation of 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.

Comments were made by:

|                     |             |              |
|---------------------|-------------|--------------|
| Roy Warden          | Jim Hannley | Shannon Cain |
| Keith Van Heyningen | Mikki Niemi | Lisa Bowden  |

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

## **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. ASSURANCE AGREEMENT AND FINAL PLAT: (S07-156) OLD VAIL PLAZA, PHASE I, LOTS 1 TO 17, COMMON AREA "A", "B", AND "C" AND PHASE II, BLOCK 1
  1. Report from City Manager SEP27-11-384 WARD 4
  2. Resolution No. 21803 relating to Planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements and approving the final plat in Case No. S07-156, Old Vail Plaza Subdivision, Phase I, which includes Lots 1 through 17, Common Areas "A", "B", and "C"; and Phase II which consists of Block 1 of Old Vail Plaza Subdivision and declaring an emergency.
- b. FINANCE: TRANSFER OF THE BUDGET CAPACITY FOR THE 911 COMMUNICATIONS CENTER FROM GENERAL SERVICES TO THE TUCSON FIRE DEPARTMENT
  1. Report from City Manager SEP27-11-382 CITY WIDE

2. Resolution No. 21804 relating to Finance; authorizing and approving transfer of the FY 2012 adopted budget appropriation for the 911 Communications Center from the General Services Department to the Tucson Fire Department (TFD); and declaring an emergency.

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

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

## **7. CONSENT AGENDA – ITEM B**

### **b. FINANCE: TRANSFER OF THE BUDGET CAPACITY FOR THE 911 COMMUNICATIONS CENTER FROM GENERAL SERVICES TO THE TUCSON FIRE DEPARTMENT**

1. Report from City Manager SEP27-11-382 CITY WIDE
2. Resolution No. 21804 relating to Finance; authorizing and approving transfer of the FY 2012 adopted budget appropriation for the 911 Communications Center from the General Services Department to the Tucson Fire Department (TFD); and declaring an emergency.

Roger Randolph, City Clerk, announced the item to be considered separately was Consent Agenda Item b at the request of Council Member Kozachik.

Council Member Kozachik said his apprehension on this item centered on whether the Tucson Fire Department (TFD) had the budget capacity to take on the 911 Call Center. He also brought up his concerns regarding furloughs, staffing and overtime, as well as, questions concerning system upgrades, and what TFD had to go without due to the large budget cuts they incurred last year.

Kelly Gottschalk, Assistant City Manager, explained this item was merely a formality to enable the 911 Communications Center transfer, of the already approved budget funds, to TFD from General Services.

Council Member Kozachik said he brought this up because there could be unforeseen costs, not previously envisioned in the budget capacity for this Call Center. He said TFD did not have that capacity on what might come up within the next nine months to a year.

Ms. Gottschalk said if the Mayor and Council wished to change the funding for any program, this could be taken up at Study Session, noting this item had to be considered in conjunction with the overall priorities of the City.

Concerns were also expressed by Vice Mayor Uhlich regarding budget issues, overhead and administration, to which Ms. Gottschalk replied to in detail.

Jim Critchley, Fire Chief, responded to questions from Vice Mayor Uhlich and Council Member Fimbres regarding TFD having sufficient funds, and the savings from the process of over-hiring dispatchers, as well as, the buildings which would be utilized for this project.

Richard Miranda, City Manager, stated the Fire Chief had confirmed to him he had enough money to run the 911 Call Center, adding bond money and the facility were there to take care of the Pima County Wireless Integrated Network (PCWIN) project, the interoperable radio communications system for the community's first responders.

Mr. Miranda stated he and the Fire Chief would look at this item again toward the end of next fiscal year for decisions about 2013.

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

**8. CITY MAGISTRATES: APPOINTING ANTONIO F. RIOJAS AS PRESIDING CITY MAGISTRATE AND T. JAY CRANSHAW AS CITY MAGISTRATE AND FIXING COMPENSATION**

Mayor Walkup announced City Manager's communication number 383, dated September 27, 2011, was received into and made part of the record. He asked the City Clerk to read Ordinance 10930 and 10931 by number and title only.

Ordinance No. 10930 relating to City Magistrates; appointing Antonio F. Riojas as Presiding City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

Ordinance 10931 relating to City Magistrates; appointing T. Jay Cranshaw as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

Antonio Rojas, City Magistrate, replied to questions from Council Members Kozachik, Romero and Vice Mayor Uhlich regarding the appointments and future magistrate re-appointments, vacant positions, magistrate pay differences, and a drop in the City Court caseload.

Mike Rankin, City Attorney explained the different categories of magistrates in reply to a question by Vice Mayor Uhlich.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10930.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 10931.

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

Mayor Walkup announced City Manager's communication number 379, dated September 27, 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 Romero, duly seconded and carried by a voice vote of 7 to 0 to appoint Pat Kilburn to the Veterans Affairs Committee and Page Repp to the Design Review Board.

Mayor Walkup asked if there were any personal appointments.

Council Member Cunningham announced his personal appointment of Brandon Joseph Howell to the Human Relations Commission.

**10. ADJOURNMENT: 6:57 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, October 5, 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 27th day of September 2011, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:tl:yl