



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on May 8, 2012.

Date of Meeting: October 25, 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 5:35 p.m., on Tuesday, October 25, 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
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:

Karin Uhlich	Vice Mayor, Council Member Ward 3
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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 Father Charlie Knapp, Catholic Diocese of Tucson, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup, assisted by Council Member Romero presented a Certificate of Appreciation to Santos Alvarez for his Extraordinary Volunteer Work on Graffiti Abatement.
- b. Mayor Walkup proclaimed October as “Housing America Month”
- c. Mayor Walkup presented two awards recognizing the work on the Depot Plaza/Martin Luther King HOPE VI Revitalization Project. The City’s Housing and Community Development Department accepted the awards.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 409, dated October 25, 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 events reports were provided by Council Members Romero, Cunningham, Scott, and Fimbres. 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 410, dated October 25, 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 411 dated October 25, 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. Sir Veza's Taco Garage, Ward 3
220 W. Wetmore Rd.
Applicant: Raymon Carlo Flores
Series 12, City 75-11
Action must be taken by: November 11, 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:

2. Fox Theater, Ward 1
17 W. Congress St.
Applicant: Fletcher Jay McCusker
Series 6, City 76-11
Action must be taken by: November 13, 2011

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

NOTE: State law provides that for a location transfer, Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

c. Special Event(s):

1. Child & Family Resources, Inc., Ward 2
2970 N. Swan Rd.
Applicant: Colleen Bagnall
City T105-11
Date of Event: November 12, 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 Kozachik, duly seconded and passed by a roll call vote of 6 to 0 (Vice Mayor Uhlich absent/excused), to forward liquor license applications 5b1, 5b2 and 5c1 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.

Comments were made by:

Bill Katzel	Shannon Cain	Roy Warden
Ken Johnson	Robert Reus	Libby Hubbard
Keith Van Heyningen	Michael Migliore	Phillip Benoit
Carla Korver	Jacob “Robby” Abalos	Michael Martin
Daryl Peterson	Matthew Pence	William Warfield
Jack Bybee	Roy Trout	Amy Martin
Steven Wind	Lee Stanfield	Guy Josserand
Jim Hannley	Terry Pawlowski	Lee Stanley
Charlie Manolakis	Charles Cole	John Brackey
Raphaela Pandy	Michael Cole	Jim Marsh
Steven Valencia	Michael Jones	James Heggie
Joyce Smith		

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 I

(NOTE: Council Member Kozachik departed at 7:36 p.m.)

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. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE SULLIVAN JACKSON EMPLOYMENT CENTER SUPPORTIVE HOUSING PROGRAM
 - 1. Report from City Manager OCT25-11-414 CITY WIDE
 - 2. Resolution No. 21810 relating to Intergovernmental Agreement; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Sullivan Jackson Employment Center Supportive Housing Program/Bridges for homeless men and women; and declaring an emergency.

- b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR JOINT ADMINISTRATION OF CONSTRUCTION PROJECTS AND PERSONNEL BALANCING
 - 1. Report from City Manager OCT25-11-415 CITY WIDE
 - 2. Resolution No. 21811 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 1 to the 1995 Intergovernmental Agreement between the City of Tucson and Pima County for the Joint Administration of Public Works Capital Improvement Construction Projects and Personnel Balancing; and declaring an emergency.

- c. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE DESIGN AND CONSTRUCTION OF BUS PULLOUTS
 - 1. Report from City Manager OCT25-11-416 CITY WIDE
 - 2. Resolution No. 21812 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 1 to the Intergovernmental Agreement for transportation funding between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) to provide additional funding for the completion of the bus pullout located at Fifth Street and Alvernon Way; and declaring an emergency.

- d. MAYOR AND COUNCIL: AMENDING THE 2011 MAYOR AND COUNCIL MEETING SCHEDULE
 - 1. Report from City Manager OCT25-11-420 CITY WIDE
 - 2. Ordinance No. 10939 relating to Administration; amending Section 1 of Ordinance 10842, which approved a schedule of Mayor and Council regular meeting dates for 2011, to reschedule the regular meeting date of November 8, 2011 to November 9, 2011; and declaring an emergency.

- e. GRANTS: GRANT IN AID AGREEMENT WITH THE TOHONO O'ODHAM NATION FOR DISTRIBUTION OF FUNDING TO VARIOUS ENTITIES
 - 1. Report from City Manager OCT25-11-418 CITY WIDE
 - 2. Resolution No. 21813 relating to Finance; approving Grant in Aid Funding from the Tohono O'odham Nation for 2011 for certain entities; authorizing the Director of the Department of Finance to enter into Fiscal Agent Agreements among the City of Tucson, the Tohono O'odham Nation and such entities; and declaring an emergency.

- f. TUCSON CODE: AMENDING (CHAPTER 20) RELATING TO ONE-WAY STREETS AND ALLEYS, UPDATING THE CITY TRAFFIC ORDINANCE
 - 1. Report from City Manager OCT25-11-419 CITY WIDE
 - 2. Ordinance No. 10940 relating to Motor Vehicles and Traffic; designate current streets and alleys or parts of streets and alleys as one-way; amending Article VI, Section 20-179 of the City Code; and declaring an emergency.

- g. WATER: FISCAL YEAR 2012 WATER CONSERVATION PROGRAM FUNDING RECOMMENDATIONS
 - 1. Report from City Manager OCT25-11-421 CITY WIDE AND OUTSIDE CITY
 - 2. Resolution No. 21814 relating to Water; approving and authorizing the Citizens' Water Advisory Committee (CWAC) FY 2012 Water Conservation Program Funding Recommendations; and declaring an emergency.

- h. BOARDS, COMMITTEES, AND COMMISSIONS: REQUESTING PERMISSION FOR THE HUMAN RELATIONS COMMISSION TO DISCUSS APPLYING FOR NON-PROFIT STATUS
 - 1. Report from City Manager OCT25-11-423 CITY WIDE
 - 2. Resolution No. 21816 relating to the Human Relations Commission; authorizing the Human Relations Commission to place on its agenda, and discuss, the possibility of applying for non-profit Status; and declaring an emergency.

- i. INTERGOVERNMENTAL AGREEMENT: WITH THE TOHONO O'ODHAM NATION FOR PAYMENT AND DISTRIBUTION OF STATE OF ARIZONA GAMING COMPACT DISTRIBUTION
 - 1. Report from City Manager OCT25-11-422 CITY WIDE
 - 2. Resolution No. 21815 relating to Intergovernmental Agreements; authorizing and approving Intergovernmental Agreements between the Tohono O'odham Nation and the City of Tucson for payment and distribution of a portion of the Tohono O'odham Nation's annual gaming compact contribution pursuant to A.R.S. § 5-601-02 H; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 5 to 0 (Council Member Kozachik and Vice Mayor Uhlich absent/excused), that Consent Agenda Items a – i be passed and adopted and the proper action taken without the emergency clause..

Council Member Cunningham said he was excited about the passage of the water harvesting program covered in Consent Agenda Item g.

Council Member Fimbres thanked the Tohono O’odham Nation for their support of City government.

(NOTE: Council Member Kozachik returned at 7:38 p.m.)

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Uhlich absent/excused), that Consent Agenda Items a – i be passed and adopted and the proper action taken.

8. ZONING: (C9-10-06) EVERGREEN DEVCO - SILVERBELL ROAD, R-2 TO C-1, ORDINANCE ADOPTION

Mayor Walkup announced City Manager’s communication number 417, dated October 25, 2011, was received into and made part of the record. He asked the City Clerk to read the Ordinance 10938 by number and title only.

Ordinance No. 10938 relating to Zoning: amending zoning district boundaries in the area on the east side of Silverbell Road north of Saint Mary's Road, in case C9-10-06 Evergreen Devco - Silverbell Road, R-2 to C-1; and setting an effective date.

Council Member Romero expressed her gratitude to Barrio Hollywood for working with the various companies over such a long period of time. She said she appreciated the efforts of all those involved, especially Carondolet, for working with the neighborhood. She added that she looked forward to a continued relationship with Carondolet, Walgreens and Evergreen and their involvement with the Barrio Hollywood neighborhood.

Keri Silvyn, representing Evergreen-Devco and Carondelet Health Network, thanked the Ward 1 office and staff for making this an enjoyable experience.

Neil Carolan, Carondolet Health Network, said he agreed with Ms. Silvyn, adding this had been a long and arduous process. He stated they were very committed to Ward 1 and sought continued growth having been in that location for over one hundred and thirty-one plus years; he was very gratified by the end product.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Uhlich absent/excused) to pass and adopt Ordinance 10938.

9. HOUSING: SUBSTANTIAL PLAN AMENDMENT TO THE 2012 ANNUAL PLAN

Mayor Walkup announced City Manager's communication number 413, dated October 25, 2011, was received into and made part of the record. He asked the City Clerk to read Resolution 21809 by number and title only.

Resolution No. 21809 relating to Housing and Community Development; approving a Substantial Plan Amendment to its 2012 Annual Action Plan to the United States Department of Housing and Urban Development (HUD) to include the Section 108 Loan Program; and declaring an emergency.

Council Member Kozachik commented on the description of the National objectives enterprise and community zones. He asked the City Attorney to describe the way they were formed and defined and whether or not the City could designate the Rio Nuevo District to either zone, and what sort of development incentives were attached to each.

Michael Rankin, City Attorney, was not prepared to answer at this time but would provide information at a later time. He explained that the City could not just designate the district as an enterprise zone or district; there were certain legislative findings that had to be attended to for that type of designation.

Council Member Romero defined enterprise zones as a federally designated zone that had property rates that were federally mandated, and indicated there was a portion of downtown that was an enterprise zone according to federal regulations.

Mr. Rankin indicated there was a portion identified as an enterprise zone when the Request for Proposals (RFP's) was put out for certain properties. Different types of incentives that were available were included in certain downtown areas, but it involved a local application from where the findings were justified and the criteria necessary for the federal designation.

Council Member Kozachik explained it was the benchmarks he was asking about. He talked about the Tucson Recovery Zone and the geographic boundaries of that and the types of incentives the City could implement within the boundaries, based on the existing benchmarks.

Council Member Romero thanked Albert Elias, Community and Housing Development Director and explained that the Mayor and Council had already requested that the HUD 108 Program be placed under the Community Development Block Grant (CDBG money). She added they did a good job in making sure the CDBG allocations program allowed businesses to use loans that had lower interest rates, and the City needed to ensure these were projects that would pay for the loans and not place CDBG allocations at risk.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Uhlich absent/excused), to pass and adopt Resolution 21809.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 412, dated October 25, 2011, was received into and made part of the record. Mayor Walkup asked if there were any personal appointments.

There were no appointments.

11. ADJOURNMENT: 7:48 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, November 9, 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 25th day of October 2011, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:tl:dr