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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on May 15, 2012.

Date of Meeting: November 9, 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 Wednesday, November 9, 2011, all members having been notified of the time and place thereof.

Roger W. Randolph, City Clerk, announced Vice Mayor Uhlich was unable to be present for the evening's meeting, but would be participating by telephone. This was allowable under the Mayor and Council Rules and Regulations. He stated Vice Mayor Uhlich could vote on all matters in the same way as those members physically present as long as she participated in the discussions. On the evening's agenda, all votes would be done by roll call rather than voice vote.

### 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 (Electronic Attendance)
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 Doctor Wally Ryan Kuroiwa, Church of the Painted Hills, 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 424, dated November 9, 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, Fimbres, Kozachik, Vice Mayor Uhlich, and Mayor Walkup. A recording of this item is 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 425, dated November 9, 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 given.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager’s communication number 430, dated November 9, 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 Mi Mazatlan, Ward 6  
5601 E. 22nd St.  
Applicant: Orlando Rafael Rascon  
Series 12, City 77-11  
Action must be taken by: November 21, 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

2. Hideout Saloon East, Ward 2  
1110 S. Sherwood Village Dr.  
Applicant: Jose Fernandez Gomez  
Series 6, City 78-11  
Action must be taken by: November 18, 2011

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

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

c. Special Event(s)

1. North Fourth Avenue Merchants Association, Ward 6  
4th Ave. between University Blvd. and 9th St.  
Applicant: John A. Sedwick  
City T104-11  
Date of Event: December 9, 2011 - December 11, 2011  
(Fundraiser)

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

Public Opinion: Written Arguments in Favor Filed

2. Tucson Rodeo Committee, Inc., Ward 5  
4801 S. 6th Ave.  
Applicant: Gary Gene Williams  
City T106-11  
Date of Event: February 18, 2012 - February 26, 2012  
(87th Annual Tucson Rodeo)

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

3. Downtown Tucson Partnership, Ward 6  
220 S. 5th Ave.  
Applicant: Brandi Renee Haga  
City T107-11  
Date of Event: November 19, 2011  
(El Tour de Tucson)

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

4. Sonoran Art Foundation, Inc. Ward 5  
633 W. 18th St.  
Applicant: Kristine E. Aman  
City T108-11  
Date of Event: December 2, 2011 - December 3, 2011  
(Fundraiser)

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

5. Southern Arizona Network For Down Syndrome, Ward 1  
100 S. Avenida del Convento  
Applicant: Stephanie Renee Bermudez  
City T109-11  
Date of Event: November 18, 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 Fimbres, duly seconded and passed by a roll call vote of 7 to 0 to forward liquor license applications 5b1 and 5b2 and 5c1 through 5c5 to the Arizona State Liquor Board with a recommendation for approval.

Council Member Kozachik asked whether the boundaries for Item 5c1 did not overlap the extension of premise that was already approved for O'Malleys.

Michael Rankin, City Attorney, confirmed that Council Member Kozachik's information was correct.

## **6. CALL TO THE AUDIENCE**

(This Item was taken out of order and discussed after Item 11.)

## **7. CONSENT AGENDA – ITEMS A THROUGH F**

(This Item was taken out of order.)

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. TRANSPORTATION: RENAMING CUSHING STREET BRIDGE TO "LUIS G. GUTIERREZ BRIDGE"

1. Report from City Manager NOV09-11-426 WARD 1

2. Resolution No. 21817 relating to Transportation; authorizing and approving the renaming of the Cushing Street Bridge over the Santa Cruz River to the "Luis G. Gutierrez Bridge"; and declaring an emergency.

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

b. REAL PROPERTY: SITE ACQUISITION FOR A POTABLE WATER TREATMENT FACILITY AT NOGALES HIGHWAY AND EL VADO ROAD

1. Report from City Manager NOV09-11-427 WARD 5
2. Resolution No. 21818 relating to Water and Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located at the Nogales Highway and El Vado Road for a potable water treatment facility, CIP Project No. W-759; and declaring an emergency.

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

c. FINAL PLAT: (S11-037) SIERRA MORADO, UNIT 2 WEST LOTS 1531 THROUGH 1546 AND COMMON AREAS "A" AND "B"

1. Report from City Manager NOV09-11-428 WARD 4
2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

d. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR ELECTRONIC DATA TRANSFER OF COLLISION REPORTS

1. Report from City Manager NOV09-11-429 CITY WIDE
2. Resolution No. 21819 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement (IGA) between Arizona Department of Transportation (ADOT) and the City of Tucson for Electronic Data Transfer of Collision Reports; and declaring an emergency.

e. FINANCE: SALE OF JUNIOR LIEN WATER SYSTEM REVENUE REFUNDING BONDS, SERIES 2011

1. Report from City Manager NOV09-11-431 CITY WIDE

2. Ordinance No. 10937 an Ordinance relating to Finance; authorizing the issuance and sale up to \$16,000,000 City of Tucson, Arizona Junior Lien Water System Revenue Refunding Bonds to refund and refinance certain outstanding Junior Lien Water System Revenue Loans with the Water Infrastructure Finance Authority of Arizona; authorizing the execution and delivery of a Financing Agreement setting forth the terms of such Junior Lien Water System Revenue Refunding Bonds and providing for the repayment thereof; pledging the net revenues of the City's water system to the repayment thereof; and declaring an emergency.

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

- f. INTERGOVERNMENTAL AGREEMENT WITH PIMA COUNTY FOR THE PROVISION OF TWICE-A-DAY INITIAL COURT APPEARANCES
  1. Report from City Manager NOV09-11-435 CITY WIDE
  2. Resolution No. 21820 relating to Intergovernmental Agreements; approving and authorizing execution of the Intergovernmental Agreement between the City of Tucson, on behalf of the Tucson City Court; Arizona Superior Court in Pima County; Pima County Consolidated Justice Court; and Pima County for the provision of twice-a-day initial appearances; and declaring an emergency.

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

## **7. CONSENT AGENDA – ITEM A**

- a. TRANSPORTATION: RENAMING CUSHING STREET BRIDGE TO "LUIS G. GUTIERREZ BRIDGE"
  1. Report from City Manager NOV09-11-426 WARD 1
  2. Resolution No. 21817 relating to Transportation; authorizing and approving the renaming of the Cushing Street Bridge over the Santa Cruz River to the "Luis G. Gutierrez Bridge"; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Consent Agenda Item a at the request of Council Member Romero.

Council Member Romero gave an account of all the accomplishments of Mr. Luis G. Gutierrez, one of Tucson's most distinguished public servants since 1965 and former City Manager from 1996 to 1999. She said it was her pleasure, as well as the

Menlo Park Neighborhood Association, to request the Mayor and Council to rename the Cushing Street Bridge to the Luis G. Gutierrez Bridge.

Additional comments were made by Council Member Fimbres, Mayor Walkup, former Mayor George Miller, Gene Einfrank, President and Lillian Lopez-Grant, Treasurer of the Menlo Park Neighborhood Association. Finally Mr. Gutierrez made comments about how he was honored by this recognition and gave thanks to all involved, especially the Mayor and Council.

It was moved by Council Member Romero, 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. REAL PROPERTY: SITE ACQUISITION FOR A POTABLE WATER TREATMENT FACILITY AT NOGALES HIGHWAY AND EL VADO ROAD**

1. Report from City Manager NOV09-11-427 WARD 5
2. Resolution No. 21818 relating to Water and Real Property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located at the Nogales Highway and El Vado Road for a potable water treatment facility, CIP Project No. W-759; and declaring an emergency.

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

Council Member Fimbres asked staff how many wells were in the Santa Cruz well field, if the project was different than the proposed project to deal with the 1,4-Dioxane situation and how many wells in the Santa Cruz well field had been shut down due to TCE or 1,4-Dioxane.

Sandy Elder, Tucson Water Interim Director, of said there were approximately 20 wells in the Santa Cruz well field. He said this was a completely different project, similar to the one in Avra Valley that treated and recharged Colorado River water. He stated that none had been shut down.

Council Member Fimbres noted that the Communication for this item said the project was jointly owned and asked with whom.

Mr. Elder said this was in reference to the Pima Mine Road Recharge Facility which was jointly owned by the Central Arizona Project and the City of Tucson.

It was moved by Council Member Fimbres, 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.

## 7. CONSENT AGENDA – ITEM E

- e. FINANCE: SALE OF JUNIOR LIEN WATER SYSTEM REVENUE REFUNDING BONDS, SERIES 2011
  - 1. Report from City Manager NOV09-11-431 CITY WIDE
  - 2. Ordinance No. 10937 an Ordinance relating to Finance; authorizing the issuance and sale up to \$16,000,000 City of Tucson, Arizona Junior Lien Water System Revenue Refunding Bonds to refund and refinance certain outstanding Junior Lien Water System Revenue Loans with the Water Infrastructure Finance Authority of Arizona; authorizing the execution and delivery of a Financing Agreement setting forth the terms of such Junior Lien Water System Revenue Refunding Bonds and providing for the repayment thereof; pledging the net revenues of the City's water system to the repayment thereof; and declaring an emergency.

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

Council Member Fimbres asked how the sale of up to \$16 million of City of Tucson, Arizona Junior Lien Water System Revenue Refunding Bonds was different from the 2005 voter-approved water bond revenue package.

Kelly Gottschalk, Assistant City Manager, said that when the original bonds were issued the capacity was used at that time and this issuance would take the place of it in order to capture the interest rate savings, therefore not using any additional capacity.

Council Member Fimbres asked if the competitive bid process listed was different than a Request for Proposal (RFP). He also asked for an explanation of the savings expected over the life of the bond issue due to a lower interest rate.

Ms. Gottschalk said it was not different other than this was directly handled by the City's financial advisor directly instead of the City's Procurement staff. She explained, the City took the four issues of the outstanding WIFA loans that were issued in 1998, 2000, another 2000, and 2001, and refinancing or refunding those at a lower interest rate. Those rates continued to change on a daily basis until the transaction closed. She indicated the savings was \$1.1 million based on yesterday's numbers as we were taking the same debt and lowered the interest rate.

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

**8. CITY MAGISTRATES: APPOINTMENT OF A CITY MAGISTRATE AND FIXING COMPENSATION**

Mayor Walkup announced City Manager's communication number 432, dated November 9, 2011, was received into and made part of the record.

Mayor Walkup asked the City Clerk to read Ordinance 10941 by number and title only.

Ordinance No. 10941 relating to City Magistrates; appointing a new City Magistrate; fixing compensation; and declaring an emergency.

Council Members Cunningham, Romero, Fimbres, and Kozachik gave comments about how all the candidates were outstanding and how it was a difficult decision to select just one candidate.

Vice Mayor Uhlich asked the City Attorney if it were possible to direct the City Magistrate Merit Selection Commission (CMMSC) to hold the other two candidates for consideration as appointees as City Magistrates during the next six to twelve months.

Michael Rankin, City Attorney, referred to the City Code indicating when there was a vacancy, the Commission forwards three candidates in ranked order so the Mayor and Council could include in their motion a direction to the Commission to consider the two remaining candidates in the next selection process.

Vice Mayor Uhlich asked Council Member Cunningham if he would accept this as a friendly amendment to his motion, which he agreed to.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Geraldine Singer Hale as City Magistrate and that the City Magistrate Merit Selection Commission give serious consideration to include the remaining two candidates in the next selection process.

**9. MEMORIAL: SUPPORTING AN ACTIVE RESERVE SQUADRON FOR THE PREDATOR AERIAL SYSTEM AT DAVIS-MONTHAN AIR FORCE BASE**

Mayor Walkup announced City Manager's communication number 433, dated November 9, 2011, was received into and made part of the record.

Mayor Walkup asked the City Clerk to read the Memorial by title only.

A Memorial relating to supporting Station MQ-1/9 Predator Aerial System at Davis-Monthan Air Force Base.

Michael Rankin, City Attorney, said he needed to read into the record a correction to the Communication and the title of the Memorial. He said it was to read, Station MQ-9 Remote Split Operations Squadron as opposed to the MQ-1/9 Predator Aerial System. He said the conforming changes would be made throughout the Memorial.

Council Member Kozachik said he wanted to thank Bruce Dussenberry and Ron Barber for presenting a compelling presentation. He also thanked the Mayor and Council for their earlier support of the Air Operations Center which was instrumental in the Squadron being considered for Davis-Monthan Air Force Base.

Council Member Fimbres said this would bring to Tucson 280 highly compensated individuals as part of an active reserve unit.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to approve the Memorial supporting Station MQ-9 Remote Split Operations Squadron at Davis-Monthan Air Force Base.

**10. ZONING: (C9-04-05) WRA INVESTMENTS – BILBY ROAD, R-2 TO I-1, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 434, dated November 9, 2011, was received into and part part of the record.

Mayor Walkup asked the City Clerk to read Ordinance 10942 by number and title only.

Ordinance No. 10942 relating to Zoning: amending zoning district boundaries in the area located on the east side of Sears Boulevard between Bilby Road and Ganley Road in case C9-04-05 WRA Investments LLC - Bilby Road, R-2 to I-1, and setting an effective date.

Council Member Fimbres gave an overview of Caid Industries and introduced their Chief Financial Officer and Vice President.

John Cassady, Caid Industries Chief Financial Officer and Laurie Vance, Caid Industries Vice President and Operations Manager, offered comments about Caid Industries' history, diversity, contributions to the community and anticipated growth. They thanked the Mayor and Council for their support and hoped the rezoning was approved.

Mayor Walkup commented that this was exactly the kind of industry Tucson needed and that growth came from the expansion of companies that were already within the City.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll vote of 7 to 0, to pass and adopt Ordinance 10942.

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

Mayor Walkup announced City Manager’s communication number 436, dated November 9, 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 approve the appointments of Cathy Morrison to the West University Historic Zone Advisory Board (WUHZAB) and Bruce Dawson to the Design Review Board (DRB)

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

Council Member Romero announced her personal appointment of Andrea Altamirano to the Tucson Parks and Recreation Commission (TPRC).

**6. CALL TO THE AUDIENCE**

(This Item was taken out of order.)

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:

Kristina Ruiz	Michael Martin	Dave Croteau
Lee Stanfield	Robert Reus	Thomas Grant
Mikki Niemi	Richard DeBernardis	Shannon Cain
Chris Lovato	William Lolos	Leesa Worley
William Warfield	Mark Spear	Julie Jennings Patterson

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

**12. ADJOURNMENT: 7:23 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, November 15, 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 9th day of November 2011, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:dp:dr