



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 15, 2008

Date of Meeting: September 18, 2007

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 5:32 p.m. on Tuesday, September 18, 2007, 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:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Vice-Mayor, Council Member Ward 4
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Steve Leal	Council Member Ward 5
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Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Roger Randolph	Chief Deputy City Clerk
Mike Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Becky Partin, City Clerk's Office, 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 500, dated September 18, 2007, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member West announced she had received a "Housing Hero" Award from the Arizona Department of Housing and she would like to share the award with the Mayor and Council for their support of affordable housing initiatives. She also announced there would be a Town Hall Report on September 26, 2007, at the Ward 2 council office at 7:00 p.m. on the Tucson Regional Town Hall.
- b. Council Member Uhlich congratulated Council Member Trasoff for receiving the Harriet Tubman Vanguard Award as a Health Policy Advocate at the People of Color Festival hosted by the Coalition for African American Health and Wellness. She announced the Greek Festival would be held the weekend of September 23, 2007, at St. Demetrius Orthodox Church. She said for every person who parked at the northwest corner of Mountain and Ft. Lowell, in the Carlos and Company parking lot, a contribution would be given to the Lend-a-Hand program. Council Member Uhlich ended by thanking City Clerk Kathleen Detrick and her staff for their work on the Primary Election.
- c. Vice Mayor Scott announced that the Federal Department of Transportation awarded the I-10 corridor the opportunity to receive funding to be enhanced for freight-based movement and commerce. Vice Mayor Scott asked Joe Herrick to make a brief comment on this item.

Mr. Herrick commented on the I-10 corridor project giving a brief history of the project and asking the council for their continued help and support on the project.

Roger Randolph, Chief Deputy City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

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

Mayor Walkup announced City Manager's communication number 501, dated September 18, 2007, would be received into and made a 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.

There was no report.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 499, dated September 18, 2007, would be received into and made a part of the record. He asked the Chief Deputy City Clerk to read the Liquor License Agenda.

b. New License(s)

1. BK Carne Asada & Hot Dogs, Ward 6
2945 E. Speedway Blvd.
Applicant: Benjamin L. Galaz
Series 12, City 64-07
Action must be taken by: September 22, 2007
Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.
Development Services has indicated the applicant is not in compliance with city requirements.

Considered Separately

2. El Taco Tote, Ward 1
1645 W. Valencia Rd. #111
Applicant: Hector A. Heras Acuña
Series 12, City 66-07
Action must be taken by: September 23, 2007
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event(s)

1. Arizona Theatre Company, Ward 6
330 S. Scott St.
Applicant: John William Kingsbury
City T52-07
Date of Event: October 6, 2007
(Annual Fundraising Gala)
Development Services has indicated the applicant is in compliance with city requirements.
Tucson Police Department's investigation is in process.
2. Tucson Presidio Trust for Historic Preservation, Ward 1
133 W. Washington St.
Applicant: Marjorie F. Cunningham
City T53-07
Date of Event: October 7, 2007
(Raise Funds to Establish Historic Education Programs)
Staff has indicated the applicant is in compliance with city requirements.

3. Roadrunner Civitan Club, Ward 5
4823 S. 6th Ave.
Applicant: Brandon D. Blair
City T54-07
Date of Event: October 13, 2007 - October 14, 2007
(Raise Money to Assist People with Developmental Disabilities)
Staff has indicated the applicant is in compliance with city requirements.
 4. Sun Sounds of Arizona, Ward 6
3400 E. Camino Campestre
Applicant: Mitzi M. Tharin
City T55-07
Date of Event: September 22, 2007
(Fundraiser)
Staff has indicated the applicant is in compliance with city requirements.
 5. Coronado Vineyards, Ward 6
450 S. Tucson Blvd.
Applicant: Jacquelyn Taylor Cook
City T57-07
Date of Event: September 23, 2007
(Wine Festival)
Staff has indicated the applicant is in compliance with city requirements.
 6. Optimist Clubs of Tucson, Ward 6
900 S. Randolph Way
Applicant: Esthermarie Hillman
City T59-07
Date of Event: September 27, 2007 - September 30, 2007
(To Raise Money for Local Children to Benefit)
Staff has indicated the applicant is in compliance with city requirements.
 7. It's Happening Downtown, Inc., Ward 1
101 N. Stone Ave.
Applicant: Brandi Renee Haga
City T61-07
Date of Event: September 22, 2007
(To Showcase Local Artists & Musicians and to Promote a Festive Spirit of Community in Our Downtown)
Staff has indicated the applicant is in compliance with city requirements.
- d. Agent Change/Acquisition of Control

NOTE: There were no agent changes scheduled for this meeting.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to forward liquor license applications 5b2 and 5c1 through 5c7 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. New License(s)

1. BK Carne Asada & Hot Dogs, Ward 6
2945 E. Speedway Blvd.
Applicant: Benjamin L. Galaz
Series 12, City 64-07
Action must be taken by: September 22, 2007
Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.
Development Services has indicated the applicant is not in compliance with city requirements.

Roger Randolph, Chief Deputy City Clerk, said the item to be considered separately would be 5b1, BK Carne Asada & Hot Dogs. It was located in Ward 6.

Council Member Trasoff asked if the applicant was present. There was no response. She said her office had tried to contact the applicant and there was no business phone listed on the application. She said a mitigation plan was required for this application and Development Services had indicated the applicant was “not in compliance”.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to forward the liquor license application to the Arizona State Liquor Board with a recommendation for denial.

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 any items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Bill Katzel gave a rebuttal to the “guest opinion” article by Eric Rieberg appearing in the September 5, 2007, Tucson Citizen newspaper regarding Tucson’s Bicycle Friendly status.
- b. Michael Toney commented on the Faulkner PAD Hotel Plan and the Cliff Dweller approach it had to the design.

- c. Terence Cawley spoke of the serious negative effect the construction at Oracle Road and Drachman was having on his business. He asked if any assistance and/or incentives were available to businesses in that type of situation.

Council Member Uhlich thanked Mr. Cawley for coming to the meeting and for his comments. She asked that Mr. Glock, the Transportation Director, and staff follow up with a response.

- d. Richard Studwell commented on the demolition law and the secrecy in which it was adopted. He urged the repeal of the ordinance.
- e. Guillermo Ortiz announced his write-in candidacy for the Mayor of Tucson. He said his number one issue was to reduce auto theft within the City. Mr. Ortiz said he was an Independent.
- f. Pedro Gonzales spoke about the burden of high property taxes on the downtown barrios which especially effect the elderly living on fixed incomes and low-income families. He requested immediate action from the Mayor and Council.

Council Member Trasoff reminded Mr. Gonzales that at the August 14, meeting at the Santa Rosa Neighborhood Center she talked about the tax relief program currently in effect and would ask Community Services to contact the Barrio about the pool of money that was available to help. Also, National Historic Status was pending and when it passed it would allow a fifty-percent tax break for the historical homes that qualified. The Barrio Viejo leadership chose not to participate for about six to eight months until the El Membrillo section could join in.

- g. Ron McLoughlin commented on his treatment at the last call to the audience. He reminded the Mayor and Council that older citizens are more likely to vote than younger citizens, so perhaps they should be listened to. He also stated he was filing a civil rights grievance for the anti-democratic conduct of the Council.

7. CONSENT AGENDA – ITEMS A THROUGH J

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

A. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR PHASE 2 OF THE I-10 WIDENING BUSINESS OUTREACH PROGRAM

- 1. Report from City Manager SEPT18-07-504 CITY-WIDE

2. Resolution No. 20766 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the State of Arizona for Phase 2 of the I-10 Widening Business Outreach Program; and declaring an emergency.

B. REAL PROPERTY: ASSIGNMENT OF SUB-LEASE AGREEMENT FROM TRAVELERS AID SOCIETY OF TUCSON TO THE PRIMAVERA FOUNDATION, INC. FOR PROPERTY LOCATED AT 115 SOUTH FOURTH AVENUE

1. Report from City Manager SEPT18-07-503 WARD 6
2. Resolution No. 20767 relating to real property; authorizing and approving the sublease by the Primavera Foundation, Inc. of 115 South Fourth Avenue, Tucson, Arizona, from the City of Tucson; and declaring an emergency.

C. REAL PROPERTY: ACQUISITION OF PROPERTY LOCATED AT 930 TO 948 EAST BROADWAY BOULEVARD FOR TRANSPORTATION RELATED PURPOSES

1. Report from City Manager SEPT18-07-508 WARD 5
2. Resolution No. 20769 relating to real property; authorizing and approving the execution of an Agreement with DF2, an Arizona Limited Liability Company, Frank R. DiChristofano, Michael D. DiChristofano and Diane O. Benigno for the acquisition of 930-948 East Broadway Boulevard for transportation related purposes; and declaring an emergency.

D. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE TUCSON ZOOLOGICAL SOCIETY

1. Report from City Manager SEPT18-07-511 WARD 6
2. Resolution No. 20770 relating to Finance; approving and authorizing the allocation of Five Hundred dollars (\$500) from Ward 6 Community Support Fund, Account No. 001-183-1898-268, to the Tucson Zoological Society for a 3” X 3” recognition tile at the spray park at the “Kenya Get Wet” Exhibit at Reid Park Zoo; and declaring an emergency.

Chief Deputy City Clerk Roger Randolph announced the additional allocation of \$500 from Ward 2 which brought the new total to \$1,000.

E. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR ESPERANZA EN ESCALANTE

1. Report from City Manager SEPT18-07-512 WARD 5
2. Resolution No. 20771 relating to Finance; approving and authorizing the allocation of Fifty dollars (\$50) from Ward 5 Community Support Fund, Account No. 001-183-1898-268, to Esperanza En Escalante for the Annual Veterans' Benefit to be held on October 12, 2007; and declaring an emergency.

Chief Deputy City Clerk Roger Randolph announced the additional allocations of \$50 from Ward 2 and \$100 from Ward 4 which brought the new total to \$200.

F. AGREEMENT: WITH QWEST SERVICES CORPORATION FOR JOINT CONSTRUCTION RELATING TO THE 4TH AVENUE UNDERPASS PROJECT

1. Report from City Manager SEPT18-07-509 WARD 6
2. Resolution No. 20772 relating to real estate; authorizing and approving an Agreement for Joint Construction between the City of Tucson and Qwest Services Corporation relating to the 4th Avenue Underpass Project; and declaring an emergency.

G. EMERGENCY PLANNING AND PREPAREDNESS: ADOPTION OF THE CITY OF TUCSON EMERGENCY OPERATIONS PLAN

1. Report from City Manager SEPT18-07-515 CITY-WIDE
2. Ordinance No. 10453 relating to emergency planning and preparedness; approving the City of Tucson's Emergency Operations Plan (EOP); providing that for officers or departments created by the Tucson Charter, whose duties or functions the Charter authorizes to be specified by ordinance, this ordinance shall serve as legal authority for all actions or duties under the EOP; providing that for officers or departments created by the Tucson Code, whose duties or functions the Code authorizes to be specified by the City Manager, this ordinance shall serve as legal authority and direction for the City Manager or that officer's designee (including the City's Emergency Management Team) to order, and for those departments or officers to carry out, all actions or duties specified under the EOP; authorizing necessary administrative changes to the EOP without Mayor and Council approval, to take effect upon issuance of the official notice of change; requiring presentation of a fully reviewed and updated EOP for Mayor and Council approval every four years after the date of approval of this ordinance; and declaring an emergency.

H. AGREEMENT: WITH THE FEDERAL BUREAU OF INVESTIGATION FOR REIMBURSEMENT OF OVERTIME EXPENSES INCURRED BY PARTICIPATION IN THE JOINT TERRORISM TASK FORCE

1. Report from City Manager SEPT18-07-510 CITY-WIDE
2. Resolution No. 20773 relating to Agreements; approving and authorizing execution of a Cost Reimbursement Agreement between the City of Tucson (Police Department) and the Federal Bureau of Investigation (FBI) for reimbursement of overtime expenses incurred as a direct result of participation in the Joint Terrorism Task Force (JTTF); and declaring an emergency.

I. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE PUEBLO GARDENS NEIGHBORHOOD ASSOCIATION PROJECT AND PETITION FOR THE ESTABLISHMENT OF A COUNTY HIGHWAY

1. Report from City Manager SEPT18-07-506 WARD 5
2. Resolution No. 20774 relating to a petition for establishment of a county highway; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Pueblo Gardens Neighborhood Association Project; and declaring an emergency.

J. REAL PROPERTY: ACQUISITION OF RIGHT-OF-WAY FOR THE RINCON KNOLLS LOOP ROAD

1. Report from City Manager SEPT18-07-513 WARD 4
2. Resolution No. 20775 relating to real property; authorizing and approving the execution of a right-of-way agreement with the Arizona State Land Department for the acquisition of right-of-way for the Rincon Knolls Loop Road; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, that Consent Agenda Items A through J, with the announced changes to Items D and E, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, and Trasoff;
Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Items A through J were declared passed and adopted by a roll call vote of 6 to 0.

**8. PUBLIC HEARING: FEDERAL TRANSIT ADMINISTRATION SECTION 5307
FORMULA GRANT APPLICATION FOR FEDERAL FISCAL YEAR 2007**

Mayor Walkup announced City Manager's communication number 505, dated September 18, 2007, would be received into and made a part of the record. He announced this was the time and place legally advertised for a public hearing on the Federal Transit Administration Section 5307 Formula Grant Application for Federal Fiscal Year 2007. He said the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup asked if anyone wished to address the Council on this item.

Michael Toney asked for an explanation of how much money was involved and for the location involved. He said he was partial to Santa Monica's bus system and that it worked very well. He said that it would be nice to hear the location of the buses.

Mayor Walkup asked if there was anyone else wishing to be heard on this item. Hearing none, he asked for a motion to close the public hearing.

It was moved by Vice Mayor Scott, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Leal absent/excused), to close the public hearing.

Mayor Walkup asked the Chief Deputy City Clerk to read Resolution 20765 by number and title only.

Resolution No. 20765 relating to transportation; authorizing and approving the execution of a Federal Transit Administration (FTA) Section 5307 Formula Grant Application for Federal Fiscal Year 2007 Grant AZ-90-X085; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Resolution 20765.

Mayor Walkup asked if there was any discussion.

Council Member Trasoff asked Mr. Glock, the Transportation Director, if there had been a decision regarding the use of alternative fuels for any of the thirteen expansion buses for Sun Tran and the twenty-two replacement vans for Van Tran.

Mr. Glock said under state law the City was required to use alternative fuel for the operation of the forty foot buses. The Sun Tran buses and the Van Tran fleet both used Bio Diesel. They used B20 because it gave the range needed to avoid mid-day refueling which was a challenge with other fuel sources. He said they were also keeping an eye open for other types of alternative fuels, as it was a strategic benefit to have multi-fuel sources should any one source become limited in the future.

Council Member Trasoff said the refueling was new information to her. Alternative fuels were a concern and she hoped they would keep open to the use of compressed natural gas (CNG) as the City had just built a CNG refueling station and she hoped it would be adequately used. She also thought it was very clean and encouraged its use.

Council Member West said she thought the City could not buy CNG buses any longer. She asked Mr. Glock if she was wrong.

Mr. Glock said the challenge with CNG buses was there were no engine manufacturers, at this time, meeting current air quality standards. He believed Cummins Engine was now moving forward with an engine the City should be able to install in the City's fleet in the future. He reminded the Mayor and Council that close to half the fleet was actively utilizing compressed natural gas now as well as looking forward to that fueling capacity in the future.

Council Member West commented that the City of Tucson had been using alternative fuels since 1991. The city has a long and good history using alternative fuel vehicles. She said she was proud of that fact.

Council Member Trasoff thanked Council Member West for pointing out that fact. She hoped the city would continue looking toward using CNG and whatever else that might become available in the future.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, and Trasoff;
Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Resolution No. 20765 was declared passed and adopted by a roll call vote of 6 to 0.

9. PUBLIC HEARING: FEDERAL SURFACE TRANSPORTATION PROGRAM FLEXIBLE FUNDING GRANT APPLICATION FOR FEDERAL FISCAL YEAR 2007

Mayor Walkup announced City Manager's communication number 507, dated September 18, 2007, would be received into and made a part of the record. He announced this was the time and place legally advertised for a public hearing on the Federal Surface Transportation Program Flexible Funding Grant Application for Federal Fiscal Year 2007.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup asked if anyone wished to address the Council on this item.

Michael Toney asked if it was possible to ask how much was involved in the grant, just to get an idea of cost. He said it was rather opaque. He said it may have been in the materials for the meeting, but he would like an amount or a range of money involved.

Mayor Walkup asked if there was anyone else wishing to be heard on this item. Hearing none, he asked for a motion to close the public hearing.

It was moved by Vice Mayor Scott, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal absent/excused), to close the public hearing.

Mayor Walkup asked the Chief Deputy City Clerk to read Resolution 20768 by number and title only.

Resolution No. 20768 relating to transportation; authorizing and approving the execution of a Federal Surface Transportation Program Flexible Funding Grant AZ-95-X002 for Federal Fiscal Year 2007; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Resolution 20768.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, and Trasoff;
Vice Mayor Scott and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Resolution No. 20768 was declared passed and adopted by a roll call vote of 6 to 0.

10. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY PRIMARY ELECTION HELD SEPTEMBER 11, 2007

Mayor Walkup announced City Manager's communication number 502, dated September 18, 2007, would be received into and made a part of the record. He asked the Chief Deputy City Clerk to read Resolution 20776 by number and title only.

Resolution No. 20776 relating to elections: canvassing the returns and declaring the results of the Primary Election held in the City of Tucson, Arizona on September 11, 2007.

It was moved by Council Member West, duly seconded, to pass and adopt Resolution 20776.

Mayor Walkup asked if there were any discussions. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, and Trasoff; Vice Mayor Scott and Mayor Walkup.

Nay: None

Absent/Excused: Council Member Leal

Resolution 20776 was declared passed and adopted by a roll call vote of 6 to 0.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 502, dated September 18, 2007, would be received into and made a part of the record.

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

There were no appointments.

12. ADJOURNMENT: 6:19 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 25, 2007, 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 18th day of September 2007, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:jr:lh