



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on April 20, 2011.

Date of Meeting: December 7, 2010

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 6:04 p.m., on Tuesday, December 7, 2010, 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	Council Member Ward 3
Shirley C. Scott	Vice Mayor, 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:

Michael Rankin	City Attorney
Roger W. Randolph	City Clerk
Richard Miranda	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Marie Rutan, Gideon Missionary Baptist Church, 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 531, dated December 7, 2010, 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.

- a. Council Member Romero announced the passing of Nancy Zierenberg, Environmentalist and Advocate for Native Plants and Animals. She also invited the public to attend the Ward 1 Holiday Party and 2nd Annual Tamale Festival.
- b. Council Member Cunningham invited the public to attend several events in Ward 2; their third business roundtable, third neighborhood legislature, and Holiday Open House. He also thanked all Veterans for their service as he announced the 69th Anniversary of World War II.
- c. Council Member Uhlich announced that Miguel Ortega, Ward 3 Council Aide, was leaving the Ward 3 Council Office. She wished him well and thanked him for his service to the City. She also reminded the public about the Winterhaven Festival of Lights.
- d. Council Member Fimbres urged the public to participate in the Second Annual Bike in a Box event by helping Lugo Charities LLC in sponsoring the event which benefited underprivileged children. He also reported on several Ward 5 holiday events, the grand opening of El Rio's Community Health Center, and the Pima Alumni "Zoo Lights" at Reid Park Zoo.
- e. Council Member Kozachik invited the public to attend the Fourth Avenue Winter Street Fair and also Second Saturdays.
- f. Vice Mayor Scott announced the passing of Elizabeth Edwards.

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

Mayor Walkup announced City Manager's communication number 532, dated December 7, 2010, 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, Deputy City Manager, announced and congratulated the Tucson Police Department for being granted re-Accreditation by the Commission on Accreditation for Law Enforcement Agencies.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 533, dated December 7, 2010, 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. San Carlos Grill, Ward 1
1370 N. Silverbell Rd.
Applicant: Raul Garcia Cordova
Series 12, City 52-10
Action must be taken by: September 25, 2010

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

2. Sunflower Farmers Market, Ward 2
7877 E. Broadway Blvd.
Applicant: Michael Phillips
Series 9S, City 98-10
Action must be taken by: December 10, 2010

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

3. Bev Mo, Ward 3
4646 N. Oracle Rd.
Applicant: Randy D. Nations
Series 9S, City 99-10
Action must be taken by: December 10, 2010

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

4. Sunflower Farmers Market, Ward 6
4645 E. Speedway Blvd.
Applicant: Michael Phillips
Series 9S, City 101-10
Action must be taken by: December 10, 2010

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(s)

5. November Bar & Cabaret, Ward 3
4001 N. Romero Rd.
Applicant: Rosalinda Monilar Largent
Series 6, City 105-10
Action must be taken by: December 19, 2010

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

Public Opinion: Written Argument Opposed Filed

This item was considered separately.

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. UApresents, Ward 6
1020 E. University Blvd.
Applicant: Natalie Bohnet
City T112-10
Date of Event: January 5, 2011 - January 14, 2011
(Broadway Musical "Wicked")

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

2. Tu Nidito, Ward 1
100 S.Avenida Del Convento
Applicant: Kira Oliver Dixon-Weinstein
City T113-10
Date of Event: December 17, 2010 - December 19, 2010
(Fundraiser)

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

d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) scheduled for this meeting.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b4, 5c1 and 5c2 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

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Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, City Clerk, announced the item to be considered separately was item 5b5, November Bar & Cabaret, located in Ward 3.

Council Member Uhlich said she had been notified by the surrounding neighborhood and individuals who filed written arguments and stated that they were withdrawing their arguments. She said they suggested that the license not be opposed due to the responsible handling of the license since the transfer to the applicant.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b5 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.

- a. Michael Corio, American Federation of State, County, and Municipal Employees (AFSCME) Local 449 Executive Director, spoke in opposition to the layoff of permanent City employees. He also urged the Mayor and Council to discontinue any furlough of enterprise funded City employees.
- b. James King, Environmental Services Department employee, spoke in opposition to City furloughs and proposed layoffs.
- c. Ally Miller urged the Mayor and Council to cooperate and show some leadership and demand an investigation and audit of Rio Nuevo.

- d. Mikki Niemi spoke about proposed job cuts and the need for the Mayor and Council to approve all change orders for developments.
- e. Keith G. Van Heyningen spoke about his concerns with the City's budget and spending.
- f. Joe Sweeney expressed criticism with Rio Nuevo's accounting system, and Rio Nuevo's internal audit.
- g. Shannon Cain gave her thirteenth installment of "*Tucson, the Novel: An Experiment in Literature and Civil Discourse.*"
- h. Ed Martin expressed his concerns about the City's experience with Rio Nuevo.
- i. Sherese Steffens spoke in support of an internal audit of Rio Nuevo.
- j. Ken Johnson invited the public to attend American Legion meetings and events.
- k. Enrique Vega spoke about his concerns regarding House Bill 2281 and the removal of ethnic studies.
- l. Jennifer Allen, Border Action Network, spoke in support of the *DREAM Act* Memorial.
- m. Maurice Goldman and Margo Cowan spoke in support of the *DREAM Act* Memorial.
- n. Meredith Lambson, Environmental Services Department employee, spoke in opposition to continued City furloughs.

7. CONSENT AGENDA – ITEMS A THROUGH J

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. APPROVAL OF MINUTES
 - 1. Report from City Manager DEC07-10-535 CITY WIDE
 - 2. Mayor and Council Regular Meeting Minutes of June 22, 2010
- b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY RELATING TO HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS
 - 1. Report from City Manager DEC07-10-540 CITY WIDE

2. Resolution No. 21658 relating to housing and community development; authorizing and approving the execution of Intergovernmental Agreement Amendment No. 2, between the City of Tucson and Pima County to increase funding under the Housing Opportunities for People with AIDS (HOPWA) Grant; and declaring an emergency.
- c. ASSURANCE AGREEMENT AND FINAL PLAT: (S10-024) ALAMO LOFTS LOTS 1 TO 22, COMMON AREAS "A", "B-1" TO "B-6" AND "C"
1. Report from City Manager DEC07-10-538 WARD 2
 2. Resolution No. 21659 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of installation of all required improvements related to subdivisions and approving the final plat in Case No. S10-024, for Alamo Lofts, Lots 1 through 22, Common Areas "A", "B-1" through "B-6", and "C"; and declaring an emergency.
 3. Staff recommends that the Mayor and Council approve the assurance agreement and 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. COMMUNICATIONS: SUPPORT FOR THE TUMAMOC HILL COMMUNICATIONS CONSOLIDATION PLAN
1. Report from City Manager DEC07-10-539 CITY WIDE
 2. Resolution No. 21657 relating to communications; expressing support for the Tumamoc Hill Communications Consolidation Plan; authorizing and directing staff to create a proposed Intergovernmental Agreement for its implementation; and declaring an emergency.
- e. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE BARRIO HOLLYWOOD NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager DEC07-10-536 WARD 1
 2. Resolution No. 21660 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson and Pima County for the Barrio Hollywood Neighborhood Reinvestment Project; and declaring an emergency.
- f. ZONING: (D08-0046) DESIGNATING THE DEVELOPMENT PLAN FOR WALGREENS AT THE NORTH EAST CORNER OF MISSION ROAD AND AJO WAY, AS A PROTECTED DEVELOPMENT RIGHT PLAN
1. Report from City Manager DEC07-10-541 WARD 1

2. Resolution No. 21661 relating to zoning: designation of the development plan for Walgreens at northeast corner of Mission Road and Ajo Way (D08-0046) as a protected development right plan; and declaring an emergency.
- g. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE 2010 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AWARD
1. Report from City Manager DEC07-10-543 CITY WIDE
 2. Resolution No. 21662 relating to intergovernmental agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the 2010 Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award; and declaring an emergency.
- h. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE VICTIM WITNESS PROGRAM
1. Report from City Manager DEC07-10-542 CITY WIDE
 2. Resolution No. 21663 relating to intergovernmental agreements; authorizing and approving Amendment Number One to the Intergovernmental Agreement between the City of Tucson and Pima County for Victim Witness Funding in Fiscal Year 2011; and declaring an emergency.
- i. ELECTIONS: AMENDMENTS TO THE CAMPAIGN FINANCE ADMINISTRATION RULES AND REGULATIONS FOR PUBLIC MATCHING FUNDS CANDIDATES
1. Report from City Manager DEC07-10-544 CITY WIDE
 2. Resolution No. 21664 relating to elections; adopting amended and reformatted Campaign Finance Administration Rules and Regulations for the administration of the provisions contained in Subchapters A and B of Chapter XVI of the Tucson Charter that govern the Public Matching Funds Program for candidates for City offices; and declaring an emergency.
- j. MEMORIAL: SUPPORTING THE PROPOSED FEDERAL LEGISLATION FOR DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS (DREAM) ACT
1. Report from City Manager DEC07-10-547 CITY WIDE
 2. A Memorial relating to the Development, Relief and Education for Alien Minors (DREAM) Act; declaring support for the DREAM Act.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 6 to 1 (Council Member Kozachik dissenting) that Consent Agenda Items a – j be passed and adopted and the proper action taken.

8. PUBLIC HEARING: ZONING (C9-05-18) BLYTHE – HAWTHORNE STREET, R-1 TO O-2, REACTIVATION, TIME EXTENSION AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 546, dated December 7, 2010, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for a reactivation and a five-year time extension for the completion of the rezoning conditions for the property located at the northwest corner of Hawthorne Street and Wilmot Road. He said staff would make a brief presentation before beginning the public hearing.

Ernie Duarte, Planning and Development Services Department Director, gave a brief description of the request.

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

Jeff Quick stated he was one of the partners of the property, and explained the reason why they had to ask for a time extension.

Council Member Kozachik commented that the 2007 Ordinance contained language that waived any claims against the City, and that language was not included in the Ordinance currently before the Mayor and Council. He asked the City Attorney if that waiver from the 2007 Ordinance would continue.

Michael Rankin, City Attorney, replied it would.

It was moved by Vice Mayor Scott, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

It was moved by Council Member Kozachik, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10858.

Mayor Walkup asked the City Clerk to read Ordinance 10858 by number and title only.

Ordinance No. 10858 relating to zoning: amending Ordinance No. 10467 by extending the period of compliance for zoning district boundaries in the area located at the southwest corner of Hawthorne Street and Wilmot Road in Case C9-05-18, Blythe - Hawthorne Street, R-1 to O-2 and setting an effective date.

Ordinance 10858 was declared passed and adopted by a roll call vote of 7 to 0.

9. ZONING: (SE-10-102) AT&T – TUCSON BOULEVARD, C-2, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 537, dated December 7, 2010, was received into and made part of the record. He also announced this was a Special Exception Land Use request for property located at the northwest corner of Tucson Boulevard and Water Street. The Zoning Examiner and staff recommend approval subject to certain conditions. He asked if the applicant or representative was present and if they were agreeable to the proposed requirements.

The applicant replied they were agreeable to the proposed requirements.

Mayor Walkup asked the City Clerk to read Ordinance 10857 by number and title only.

Ordinance No. 10857 relating to zoning; a special exception land use - wireless communication facility use - SE-10-102 AT&T Tucson Boulevard located at the northwest corner of Tucson Boulevard and Water Street, 650 feet north of Grant Road; approving with conditions the construction of a 14 foot extension to an existing monopole in the C-2 zone; and setting an effective date.

Council Member Uhlich asked staff what the rationale was for not having the pole designed in a way where palm trees and saguaros were sometimes used for mitigation in similar structures. She also asked staff to describe, in general, the mitigation that was contemplated.

Peter Gavin, Zoning Examiner, explained it was an existing pole, which had been in place since 1995, before the *Federal Communication Act* was in effect, and before the City had a Cellular Communications Ordinance. He said the request was to extend the existing tower by fourteen feet. He also said there were existing power poles and trees in the area, and the two story storage building to the north also provided height. He said the tower could not be hidden. The proposal was to add an extension onto the tower, and was what he looked at. Regardless, if the extension was denied, the forty-six foot tower would remain.

Mr. Gavin said neutral colors would be used, so there was not that much reflection off of the metal tower. He said he hoped people would not see it as much, but noted it was quite visible both from Water Street and Tucson Boulevard. He said the main point was that it was an existing tower.

It was moved by Council Member Uhlich, duly seconded, and passed by a roll vote of 7 to 0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10857.

10. MAYOR AND COUNCIL: SELECTION OF VICE-MAYOR

Mayor Walkup announced City Manager's communication number 545, dated December 7, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution 21665 by number and title only.

Resolution No. 21665 relating to the Vice-Mayor of the Mayor and Council; selecting a Vice-Mayor.

It was moved by Council Member Uhlich, duly seconded, and carried by a roll call vote of 7 to 0, to pass and adopt Resolution 21665 naming Richard Fimbres as Vice Mayor.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 534, dated December 7, 2010, was received into and made part of the record. He asked if there were any personal appointments to be made.

There were none.

12. ADJOURNMENT: 7:15 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, December 14, 2010, 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 7th day of December 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:sac:ccs