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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
On May 6, 2008

Date of Meeting: December 11, 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 5:45 p.m. on Tuesday, December 11, 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:

Regina Romero	Council Member Ward 1
Rodney Glassman	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Vice Mayor, Council Member Ward 6
Robert E. Walkup	Mayor

Absent / Excused: None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Karen Dayton, City Clerk's office, after which the Pledge of Allegiance was led by P.A.S.S. Alternative High School, American Government Class.

Kathleen S. Detrick, City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

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

Mayor Walkup announced City Manager's communication number 670, dated December 11, 2007, was received into and made a 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 thanked the Mayor and Council and City staff for the assistance they provided the Ward 1 office during its transition. She also invited the public to an open house at the Ward 1 office on January 9, 2008.
- b. Council Member Glassman thanked the Mayor and Council and City staff for the assistance they provided the Ward 2 office during its transition. He also invited the public to an open house at the Ward 2 office on January 11, 2008.

Council Member Glassman also congratulated Council Member Romero on her Women on the Move award nomination.

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

Mayor Walkup announced City Manager's communication number 671, dated December 11, 2007, was 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.

No report was given.

## 5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 672, dated December 11, 2007, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

### b. Liquor License Applications

#### New License(s)

1. Target #1863, Ward 2  
9615 E. Old Spanish Trail  
Applicant: Joseph Cordovana  
Series 10, City 85-07  
Action must be taken by: December 28, 2007  
Staff has indicated the applicant is in compliance with city requirements.  
Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

#### Person Transfer(s)

2. Food City #171, Ward 5  
2000 E. Irvington  
Applicant: Michael Joseph Basha  
Series 9, City 86-07  
Action must be taken by: December 22, 2007  
Staff has indicated the applicant is in compliance with city requirements.

### c. Special Event(s)

1. Tucson Rodeo Committee, Inc., Ward 5  
4801 S. 6th Ave.  
Applicant: Gary Gene Williams  
City T94-07  
Date of Event: February 16 to 24, 2008  
(To Stage the Annual Tucson Rodeo - La Fiesta de los Vaqueros)  
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

1. Wild Oats Natural Marketplace, Ward 6  
3360 E. Speedway Blvd.  
Applicant: Jeffrey Howard Roff  
Series 9, City AC9-07  
Action must be taken by: December 15, 2007  
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2, 5c1, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

**5. LIQUOR LICENSE APPLICATIONS**

b. Liquor License Applications

New License(s)

1. Target #1863, Ward 2  
9615 E. Old Spanish Trail  
Applicant: Joseph Cordovana  
Series 10, City 85-07  
Action must be taken by: December 28, 2007  
Staff has indicated the applicant is in compliance with city requirements.  
Public Opinion: Written Arguments Opposed Filed

Kathleen S. Detrick, City Clerk, announced the application to be considered separately was item 5b1, Target #1863, located in Ward 2. Staff indicated the applicant was in compliance with City requirements; however, written arguments opposing the application had been filed.

Fanaye Taye, current store manager for the Target on Old Spanish Trail, said she had been the manager at Target there for the past two years, and the store had been open since 2004. Target had customers who inquired why they did not sell liquor, and Target would like to sell liquor at the store for the customers' convenience. Target had five other stores in Tucson that sold liquor. Target did not sell beer, only wine. Target had strict policies on how they sold liquor. Anyone under forty years of age was carded. Alcohol could only be purchased at the front registers and not at any other outlet, such as the Lawn and Garden area.

All Target employees were trained. They had to be over nineteen years old. If the employee was under nineteen, their register would shut off, and a supervisor had to complete the transaction. Wine would be located in the rear section of the store, which was the market area, and would not be located near the toy or clothing section, or any

other vicinity. This Target was one of the busiest stores in Arizona. The store was one hundred forty-two thousand square feet, with six thousand square feet allocated for market. The liquor would be in sixty square feet of the six thousand square feet. Target had cameras in that area of the store to monitor the liquor area. The police and other City departments had found Target to be in compliance with liquor policies. The request for the liquor license was for customer service and convenience, and was in response to several requests Target had received.

Zach McLaughlin, District Team Leader of the eight Target stores in Tucson, said he had been with Target for almost ten years. He started as a cashier, and had worked his way through the ranks, and had seen the growth of Target. Currently, Target had thirty-eight Target stores in Arizona that carried a liquor license and had not had liquor violations or problems with the police since Target instituted the licenses in February 2004. Mr. McLaughlin said the reason Target was requesting the liquor license was to serve the convenience of the customers in their stores and to the community. Target had received multiple calls at its district office inquiring why Target did not sell wine at the store on Old Spanish Trail.

Target had been a good neighbor and member of the community in Tucson. It had contributed to local charities. Since 1946, Target had given five percent of its income back to communities. That was pre-tax dollars Target received from its stores. In 2007, Target would give back almost three million dollars to communities over the entire country to non-profit organizations and schools. Target typically classified and donated its funds in three categories. Target gave money to early childhood reading from birth to nine years, to prevention of family violence, and to the arts. Besides all the grants Target had given to schools, it also gave twenty thousand dollars back to the local Tucson community. Mr. McLaughlin further exemplified. Tucson Mariachi Conference received five thousand dollars. Make Way for Books received three thousand dollars. Arizona Blind and Deaf Children's Foundation received one thousand dollars. Arizona State Museum at the University of Arizona received two thousand five hundred dollars. The Tucson Boys and Girls Club received five thousand dollars. Casa De Los Ninos received three thousand dollars. Lastly El Rio Health Center Foundation received two thousand dollars.

Mr. McLaughlin clarified that with the license Target was applying for they would only carry wine in the store. There was no liquor or beer, just wine. The three million dollars, he mentioned previously, was per week across the country.

Council Member Glassman clarified the license Target was applying for would provide Target with the ability to sell both beer and wine. He confirmed with Mr. McLaughlin that Target only planned to sell wine at this time.

Joyce Joosten, Vice-President of Harrison East-South Neighborhood Association, said she appreciated the opportunity to speak with the Mayor and Council on behalf of the neighborhood. The neighborhood had quite a history with Target, and she said she had been very active in that process.

The community, schools, and neighborhood associations had advocated for Target and supported the store based upon certain understandings. The neighborhood's understandings and concerns were that Target would not sell liquor. It was not Target's corporate policy at the time, so it was considered a moot issue. Corporate policy changed. Target applied for a liquor license after it was granted the Big Box ordinance, and the liquor license was denied.

Ms. Joosten said one of the neighborhood's concerns was that Target was essentially a department store not a grocery store. The neighborhood members, specifically the teenagers, went to Target to browse, and to purchase items they liked, such as CD's, video games, and clothes. Target had turned into a neighborhood center, a mini-mall of the community and for that the neighborhood was grateful. Just as the neighborhood would not support the sale of retail liquor at the mall, the neighborhood did not believe this was an appropriate place to sell liquor. The store's primary business was not the sale of food and beverage, but rather the sale of department store items.

A representative from Target stated at the October 2007 meeting at the Ward 2 office that liquor sales were a very small portion of Target's business in its stores. This was one of the reasons Target was denied its application previously. Target had been a good neighbor in the respect they employed a large number of teenagers and young adults. Target had assured the neighborhood it would have separate registers for the sale of liquor, so young people would not come in contact with liquor. Target also stated it would put adults at entrances to prohibit shoplifting. Based on the information given by Ms. Taye, Ms. Joosten said her understanding was Target's policy was "to bring someone up."

Ms. Joosten said this area was a neighborhood of schools and churches surrounding the Sahuarita corridor. Because of this, it would never be a Grant and Tanque Verde, or a Broadway and Craycroft. With that in mind, neighbors could purchase liquor at current establishments north, south, east, and west from the location. There was no lack of convenience to obtain liquor in the community. The neighborhood could always obtain what it desired. Ms. Joosten stated Arizona statute said the applicant bares the burden of public convenience, and the statute required the license be in the best interest of the community served. Additionally, the sale of liquor was incidental to Target's primary business.

Ms. Joosten stated this shopping center was a neighborhood center that attracted young people with goods and services including employment due to the neighborhood dynamics of schools, churches, and residences. The neighborhood believed, as mentioned in the numerous protest letters received, that the community's best interest would not be served by supporting the application. She said for this reason, the neighborhood believed the applicant had not provided the burden of proof and did not feel Target was entitled to have the application at this time.

Betty Karkosky, representing the Hidden Vista Homeowners Association, thanked Mayor Walkup for his help with the numerous problems the association had as a result of the Spanish Trail crossing. She asked Mayor Walkup to convey her appreciation to Annemarie Medina of the Mayor's staff for resolving a problem that Ms. Karkosky had recently. She also congratulated Mayor Walkup on his re-election.

Ms. Karkosky said she lived behind the stores, and there had been numerous crimes. There had been teenagers who had been sitting on her property, which was ten feet behind the wall into the retention basin. There were six teenagers with skateboards, liquor, and marijuana. She said she had a very big German Shepherd. Ms. Karkosky told the teenagers to leave and was verbally abused. Then her dog appeared over the wall, and the teenagers left. However, the neighborhood had other problems, which she would discuss. Target stated when they built the store, there would be no liquor sold. The neighborhood did not want liquor sold. Ms. Karkosky said Target planned to use the law, in effect, to have a nineteen year-old to supervise a sixteen-year-old selling liquor.

She said she had done some research. She had gone into Fry's, Albertsons', and Bashas'. Albertsons' had a liquor service manager, and she spoke to him for quite some time. Albertsons' did not use the law. They had more mature people at the counters. The liquor area service manager supervised Albertsons' liquor. The liquor area was in full view of their restrooms, the company's break room, and the pharmacy. The liquor area was always monitored by people. Ms. Karkosky said Fry's had three managers in the liquor department or wherever they put the liquor, the wine, and beer. Fry's had a big display of wine and was monitored at areas where people were always present.

She had a picture Target gave the neighborhood that showed they would have soda with the wine. She said that was not appropriate. Teens shopped for soda. All other stores kept everything separate from their wine and liquor, and that was the way it should be. Ms. Karkosky said a new daycare center was going to open across from the street from the complex. It would have children from kindergarten through third grade, and the daycare would be open from 6:00 a.m. to 6:30 p.m. Harrison Road had been widened and the speeding was unbelievable. All that was needed was a drunk driver to go down Harrison Road and kill someone.

There were a number of disabled children in the neighborhood and there were speeders going through the neighborhood that just did not care. The Intermountain Agency was also in the neighborhood. The children that the agency supervised were wards of the state. There were children with Fetal Alcohol Syndrome, with drug abuse histories and those who were mentally incapacitated. That spoke to what was in the neighborhood and what the neighborhood should and should not have. The abuse of these children and the condition of the children spoke for why the neighborhood did not want liquor in the neighborhood.

Council Member Glassman said this was an unfortunate situation because the developer who developed the property and made promises to the neighbors was from Phoenix and was no longer an owner in the property. He said he believed everything he

had heard in the past week and a half, which he had heard from the neighbors, that Target was a good neighbor. At the same time, there were concerns from neighbors in the area. He had the opportunity to meet with Mothers Against Drunk Driving (MADD) and the Target officials. There was a letter in the agenda materials that spoke about the precautions and the belief that the word stated by Target in regards as to how Target was going to ensure safety in the area seemed to appear reasonable and thoughtful.

It was moved by Council Member Glassman, duly seconded, forward the liquor license 5b1 to the Arizona Liquor Board with no recommendation.

Mayor Walkup asked if there was any further discussion.

Council Member Leal said he had a management question for the Target representative. He asked if Target contacted the police department anytime there was an infraction in the store involving a legal issue. He wondered if that was only done in some cases.

Ms. Taye asked if Council Member Leal's question was in reference to the liquor.

Council Member Leal responded his question was regarding any criminality.

Ms. Taye responded affirmatively that Target contacted the police department.

Council Member Leal said he heard that Wal-Mart on Valencia who had the highest incidents of criminality either in Tucson or anywhere else had made a policy of no longer contacting the police department in an effort to reduce its numbers. He said he did not know if that was an ethic from big retailers or just Wal-Mart. He said he was glad to hear Ms. Taye's resource, and he also appreciated the good citizenship Target's policy reflected.

Ms. Taye said they took safety seriously at Target, and Target had a good relationship with the Tucson Police Department.

Council Member Glassman said during the time investigating this application, he did learned Target was very serious about security. Additionally, he said he believed none of the Target stores in Tucson with liquor licenses had any liquor-related infractions since the time they received their liquor licenses.

Council Member Scott said this highlighted the need citywide for opportunities for children to do something besides hangout at retail spaces. It highlighted the citywide issues that there were not enough facilities throughout the city to accommodate the needs of young people.

Mayor Walkup asked for a voice vote. The motion to forward liquor license application 5b1 to the Arizona State Liquor Board with no recommendation was carried by voice vote of 7 to 0.



**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. Speakers were limited to three-minute presentations.

- a. Ron McLaughlin spoke against subsidized retirement living condition.
- b. Michael Toney had spoke against the tax incremental financing (TIF) extension to fund the University of Arizona and said downtown infrastructure and green space were not being taken care of.

**7. CONSENT AGENDA – ITEMS A THROUGH H**

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

**A. PIMA COUNTY BOND FUNDS: MEMORANDUM OF COMMITMENT WITH PIMA COUNTY FOR THE WIRELESS INTEGRATED NETWORK PROJECT**

1. Report from City Manager DEC11-07-673 CITY-WIDE
2. Resolution No. 20844 relating to regional communication; authorizing and approving a Memorandum of Commitment between the City of Tucson and Pima County for the Pima County Wireless Integrated Network Project; and declaring an emergency.

**B. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE MARTIN LUTHER KING PROJECT**

1. Report from City Manager DEC11-07-674 WARD 6
2. Resolution No. 20848 relating to Intergovernmental Agreements; approving and authorizing execution of an amended Intergovernmental Agreement between the City of Tucson and Pima County for the provision of 2004 Affordable Housing Bond Funds for the HOPE VI Martin Luther King Revitalization Plan; and declaring an emergency.

**C. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE BARRIO VIEJO NEIGHBORHOOD REINVESTMENT PROJECT**

1. Report from City Manager DEC11-07-675 WARD 6

2. Resolution No. 20845 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Barrio Viejo Neighborhood Reinvestment Project (Ward 6); and declaring an emergency.
- D. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE PALO VERDE NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager DEC11-07-676 WARD 6
  2. Resolution No. 20850 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Palo Verde Neighborhood Reinvestment Project (Ward 6); and declaring an emergency.
- E. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE MIDTOWN NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager DEC11-07-677 WARD 6
  2. Resolution No. 20849 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Midtown Neighborhood Reinvestment Project (Ward 6); and declaring an emergency.
- F. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE OLD PASCUA NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager DEC11-07-678 WARD 3
  2. Resolution No. 20846 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Old Pascua (San Ignacio Pascua Yaqui) Neighborhood Reinvestment Project (Ward 3); and declaring an emergency.
- G. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE MIRACLE MANOR NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager DEC11-07-679 WARD 3

2. Resolution No. 20847 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Miracle Manor Neighborhood Reinvestment Project (Ward 3); and declaring an emergency.

H. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE LATIN AMERICAN SOCIAL CLUB

1. Report from City Manager DEC11-07-682 WARD 4
2. Resolution No. 20851 relating to Finance; approving and authorizing the allocation of Two Hundred Fifty Dollars (\$250) from the Ward 4 Community Support Fund, Account No. 001-183-1898-268, to the Latin American Social Club to purchase bicycles for their annual Grand Christmas Party to be held on December 16, 2007; and declaring an emergency.

This is a request by Council Member Scott. Allocation of funds is as follows: Council Member Scott - \$250.00

It was moved by Council Member Glassman, duly seconded, that Consent Agenda Items A through H be passed and adopted and the proper action taken.

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 Romero, Glassman, Uhlich, Scott, and Leal; Vice Mayor Trasoff and Mayor Walkup

Nay: None

Consent Agenda Items A through H were declared passed and adopted by a roll call vote of 7 to 0.

**8. MAGISTRATES: APPOINTMENT OF A LIMITED SPECIAL CITY MAGISTRATE**

Mayor Walkup announced City Manager's communication number 681, dated December 11, 2007, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10485 by number and title only.

Ordinance No. 10485 relating to City Magistrates; appointing a Limited Special Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

Lori Oien, representing the City Magistrates Merit Selection Commission (CMMSC) stated the commission had interviewed three candidates for the Special Limited Magistrate position. There were initially five candidates, but two had redacted their names for various reasons. The information and candidates' resumes that CMMSC examined during the interview process were reviewed during executive session and were not something the CMMSC could share with the Mayor and Council or with the rest of the public. She said, as the CMMSC was a volunteer group appointed by the Mayor and Council, CMMSC had given its time to the Mayor and Council and the community and requested the Mayor and Council to adhere to the ranking order that the CMMSC had presented to the Mayor and Council.

Ms. Oien asked the Mayor and Council to consider this request for the diligent work that CMMSC had done and for the body of information that CMMSC had reviewed during executive session, which she could not divulge. She asked if the Mayor and Council had any general questions.

Council Member Scott asked if the candidates lived in the City of Tucson or in the general area of Pima County.

Ms. Oien responded she did not believe it was a requirement, but she thought some candidates lived within City limits. She added that the presiding Judge Riojas expressed to CMMSC it was not a requirement to have an attorney apply this position. This was one of the few positions it was acceptable if the person was not be an attorney, Ms. Oien said she thought most of the Limited Special Magistrates were not attorneys.

Council Member Glassman said he believed none of the applicants submitted lived in the City.

Vice Mayor Trasoff said her original question was not that they lived in the City, but if the applicants lived in the region or area.

Lori Oien said stated, to her knowledge, they did.

Vice Mayor Trasoff said the resumes showed nothing related to Arizona.

Lori Oien said she believed that Mr. Zlatow lived in Oro Valley.

Council Member Scott said these were always very difficult decisions because of the qualifications of the people who came before the Mayor and Council and the diligent work done by the CMMSC.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10485, appointing Jeffrey Zlatow as the Limited Special Magistrate.

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

Upon roll call, the results were:

Aye: Council Members Romero, Glassman, Uhlich, Scott, and Leal; Vice Mayor Trasoff and Mayor Walkup

Nay: None

Vice Mayor Trasoff stated that the other candidate's background impressed her. The fact that he was willing to put himself through the process, she said she thought he would have been a true asset and she hoped he would apply when this kind of position was open again.

Ordinance 10485, appointing Jeffrey Zlatow as the Limited Special Magistrate, was declared passed and adopted by a roll call vote of 7 to 0.

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

Mayor Walkup announced City Manager's communication number 680, dated December 11, 2007, was received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to appoint Molly Tylutki to the Social Services Agencies Serving Children and Youth Metropolitan Education Commission.

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

Council Member Scott announced her appointments of Lynne Gillette from Ward 4 to the Tucson Pima County Metropolitan Energy Commission and Donna Rochester to the Gay, Lesbian, Bisexual, and Transgender Issues. She also announced her reappointment of Rudolph Lopez to the Citizens Transportation Advisory Committee.

Council Member Glassman announced his appointments: Roger Watson to the Landscape Advisory Committee; Emery Nicoletti to the Tucson Commission on Gay, Lesbian, Bisexual, and Transgender Issues; John Hingle to the Environmental Services Advisory Committee; Michael Crawford and Carmen Villa-Prezelski to the Rio Nuevo Citizen's Advisory Committee; Joseph Higgins to the Small Business Commission; and Sammy Hamed to the Public Education and Government Television Channel Task Force.

**10. ADJOURNMENT:** 6:27 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, December 18, 2007, 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 11th day of December 2007, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:ags:sp:kad