



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on September 21, 2010.

Date of Meeting: April 6, 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 5:42 p.m., on Tuesday, April 6, 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
Rodney Glassman	Vice Mayor, Council Member Ward 2
Karin Uhlich	Council Member Ward 3
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:

Mike Letcher	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Yolanda Lozano, City Clerk's Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup, assisted by Council Member Scott, presented Certificates of Appreciation to the members of the Dietz Neighborhood Association for maintaining the medians in their neighborhood.
- b. Mayor Walkup proclaimed April 11 to April 17, 2010 to be "Environmental Education Week." Carol Zimmerman accepted the proclamation.
- c. Mayor Walkup proclaimed April 11 to April 17, 2010 to be "National Public Safety Telecommunications Week."

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 126, dated April 6, 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. Vice Mayor Glassman announced the Ward 2 Council Office was distributing over ten thousand copies of the children's book entitled, "Jeremy Jackrabbit Harvests the Rain" on rainwater harvesting to local elementary schools. He congratulated his wife, Sasha, who was a partner on the project and thanked the community sponsors that made the distribution of the book possible.
- b. Council Member Romero announced and invited everyone to participate in the first ever "Cyclovia Tucson" on April 18, 2010. She said the word, "Cyclovia," meant "temporary closure of a network of streets to cars, and opening the streets to those who biked, walked, and skated."
- c. Council Member Uhlich announced she was excited and that a good portion of the "Cyclovia" route went through Ward 3 and reiterated Council Member Romero's announcement. She also reported that the Jefferson Park Neighborhood's garden tour, a fundraiser to help with their preservation efforts, was on April 18, 2010.
- d. Council Member Scott invited everyone to attend the "At Bat for Habitat," Softball Tournament at the Golf Links Sports Complex, benefiting Habitat for Humanity on April 24, 2010.

- e. Council Member Fimbres announced the “Susan G. Koman Race for the Cure” at Reid Park was on April 11, 2010. He also announced the untimely passing of Mary Alice Eckstrom, a phenomenal community servant.
- f. Council Member Kozachik announced a boxing event at the Tucson Convention Center, showcasing five local boxers, was on April 10, 2010. He also announced that Downtown Saturday Nights, now called “Second Saturdays”, were resuming and beginning on May 8, 2010.

(Note: This item was returned to after Item 11.)

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

Mayor Walkup announced City Manager’s communication number 127, dated April 6, 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.

Mike Letcher, City Manager, thanked the Mayor and Council for the direction given to staff in preparing the budget. He also thanked the Labor Council for their work on health insurance and contributions towards the structural deficit, and Cindy Bezaury, Human Resources Department Director; Curry Hale, Human Resources Department; Marie Nemerguth, Budget and Internal Audit Program Director; and Kelly Gottschalk, Chief Financial Officer, for the work they did to get the City to its current point in the budget.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 128, dated April 6, 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. Mercado y Carneceria Mexicana, Ward 5
4550 S. 6th Ave.
Applicant: Jose Luis Cornejo-Gracia
Series 10, City 9-10
Action must be taken by: April 18, 2010

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

Public Opinion: Written Arguments Opposed Filed
 Written Arguments in Favor Filed

This item was considered separately.

2. 47 Scott, Ward 6
47 N. Scott Ave.
Applicant: Travis James Reese
Series 12, City 10-10
Action must be taken by: April 19, 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)

c. Special Event(s)

1. Comite de Festividades Mexicanas, Ward 1
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City T16-10
Date of Event: May 1, 2010 - May 2, 2010
(To celebrate 5 de Mayo)

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

2. The Centurions of St. Mary's Hospital, Ward 5
2500 E. Ajo Way
Applicant: Chip Yetzer
City T17-10
Date of Event: May 15, 2010
(Fundraiser for St. Mary's Hospital)

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

3. Our Lady of Lavang Parish, Ward 5
800 S. Tucson Blvd.
Applicant: Anton Trung Tran
City T20-10
Date of Event: April 24, 2010 - April 25, 2010
(Vietnamese Fundraising Festival)

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

4. Coyote Task Force, Inc., Ward 6
54 E. Pennington St.
Applicant: Debbie Tingley
City T25-10
Date of Event: April 17, 2010
(Gallery Show of Artwork)

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

5. Coyote Task Force, Inc., Ward 6
54 E. Pennington St.
Applicant: Debbie Tingley
City T26-10
Date of Event: May 9, 2010
(Mother's Day Brunch)

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

6. Most Holy Trinity Parish, Ward 1
1300 N. Greasewood Rd.
Applicant: Kathleen M. Hernandez
City T27-10
Date of Event: April 17, 2010
(2010 Parish Festival)

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

7. Arizona Media Arts Center (AZMAC), Ward 6
127 E. Congress St.
Applicant: Michelle Lynne Schnaible
City T28-10
Date of Event: April 16, 2010 - April 17, 2010
(Fundraising for AZ International Film Festival - A Program of AZMAC)

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

8. Tucson Kitchen Musicians Association, Ward 1
140 N. Main Ave.
Applicant: Susan Marie Liechti
City T30-10
Date of Event: May 1, 2010 - May 2, 2010
(Tucson Folk Festival)

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

9. The Junior League of Tucson, Ward 6
900 S. Randolph Way
Applicant: Kelly Garrett Herrington
City T31-10
Date of Event: April 23, 2010
(Fundraiser)

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

10. Satori Inc., Ward 3
3727 N. 1st Ave.
Applicant: Phyllis L. Gold
City T32-10
Date of Event: May 1, 2010
(Annual Fundraiser/Raffle & Live Auction)

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

11. Arizona Theatre Company, Ward 6
330 S. Scott Ave.
Applicant: Daniel M. Uroff
City T33-10
Date of Event: May 5, 2010
(Promotional/Lort Conference Reception)

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

12. Ben's Bells Project, Ward 6
816 E. University Blvd.
Applicant: Jeannette Louise Mare-Packard
City T34-10
Date of Event: April 24, 2010
(Fundraiser "Celebrate Kindness Day")

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

13. Opening Minds through the Arts (OMA) Foundation, Ward 6
330 S. Scott Ave.
Applicant: Donn A. Poll
City T35-10
Date of Event: May 8, 2010
(Annual Fundraiser Event)

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

14. Borderlands Theater, Ward 6
526 S. Stone Ave.
Applicant: Charles Barclay Goldsmith
City T37-10
Date of Event: May 1, 2010
(Annual Fundraiser)

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

Public Opinion: Written Argument in Favor Filed

15. Reid Park Zoological Society, Ward 6
995 S. Lakeshore Lane
Applicant: Diana T. Whitman
City T38-10
Date of Event: April 29, 2010
(Fundraiser for Reid Park Zoo)

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 5b2 and 5c1 through 5c15 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

- b. Liquor License Application(s)

New License(s)

1. Mercado y Carneceria Mexicana, Ward 5
4550 S. 6th Ave.
Applicant: Jose Luis Cornejo-Gracia
Series 10, City 9-10
Action must be taken by: April 18, 2010

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

Public Opinion: Written Arguments Opposed Filed
 Written Arguments in Favor Filed

Roger W. Randolph, City Clerk, announced the item to be considered separately was Item 5b1, Mercado y Carneceria Mexicana, located in Ward 5.

Council Member Fimbres asked to hear from one person in support of and one person in opposition to the license. He stated the applicant was present and asked if they wanted to make any comments.

Thomas Aguilera, Aguilera Law Group, representing the Applicant said there were some folks present that were in support of the license. He said they had been in contact with Melinda Jacobs, Ward 5 Council Administrative Assistant and she confirmed that all of the one hundred five signatures and nine letters received in support of the application were within the one-mile radius.

Mr. Aguilera said one thing that was brought to his attention, by Council Member Fimbres, was the fact that there a few licenses in that area and there could be a saturation issue. Mr. Aguilera said the way the corridors of Sixth Avenue and Twelfth Avenue ran, it seemed to him that driving around Sixth Avenue was different, versus driving on Twelfth Avenue. He said the licenses on Sixth Avenue were more like liquor stores and the license in question was for a market, which would sell beer and wine; it was not a liquor store.

Mr. Aguilera said the Applicant, Jose Luis Cornejo, was present, as were supporters from the neighborhoods. He asked them to stand up so that they could be acknowledged.

Council Member Fimbres asked the individual opposing the license to come forward.

Annabelle Nuñez said she was a member and a resident in the Ward 5 area and the business was located in the National City Neighborhood Association (NCNA). She said she was before Mayor and Council many times before regarding liquor licenses in her area. She said the NCNA met with the applicant on March 24, 2010, to discuss some of the issues and concerns they had, and it was not just the NCNA, but also the Southside Neighborhood Association Presidential Partnership (SNAPP). She asked those in attendance who agreed with the protest to stand, which also included members from the Cherrybell Neighborhood, as well as, Luz Social Services Agency.

Ms. Nuñez expressed some of the concerns she and the neighbors in the area had. She commented that the Mayor and Council obviously received their letters of protest and that she also included a bibliography of studies that related to access of alcohol sales in the neighborhood. She said it was documented that crime increased when there was easy access to alcohol, and indicated there were at least sixteen outlets, if not more, that had access to liquor by way of restaurants, liquor stores, drive-thru's, and markets fronting as liquor vendors. She said she recently saw that there was a church across the street, and was not clear if the church was there before or after the application was filed. She said it was difficult to tell when the actual protest period was over, because the applicant did not place the sign in a visible place. It was placed on the door, but during business hours, the door remained open; so it was difficult for the neighbors to see that

there was an application in process. Therefore, a lot of the neighbors were unaware of the liquor application.

Ms. Nuñez reiterated that the location had a denial in the past from the Arizona State Liquor Board, due to saturation issues. She spoke about crime in the area that took place in 2007, where a person was on the phone outside of the business, was shot and murdered in broad daylight. She said in 2008, two blocks down the street from the business; another shooting took place where four individuals were shot and one died. Four blocks down the street at another business, she said there was another shooting where another individual was murdered. She said all of that was only within a four or five-block area, along the South Sixth Avenue corridor.

Ms. Nuñez said that when they met with the applicant, they brought up the fact about beer skips, and the applicant did not quite understand what that was. The applicant indicated to them that he would lock the doors. She said the applicant did not understand that the doors could not be locked during business hours, and if he did not understand the legalities of having a license, that was a concern to them. The applicant did not quite understand or indicate to them that he understood what the quality of life issues were. She said she and many others had resided in the area for twenty, thirty and forty years, and were concerned about the applicant not being able to articulate how having the license would best serve the community. She said they understood that it was an economic need, but he indicated it was because of competition.

Ms. Nuñez said they spoke about placing signs on the business, but the only signs that were seen had been for phone cards and others unrelated to groceries. There were never any signs, marketing groceries, as they indicated they were a grocery store, that they had certain products on sale. She said in the past, when they met with other applicants, they indicated they would comply with many of their issues and concerns, but once the license was granted, that did not happen. She said all of a sudden the beer signs appeared and the establishments were either restaurants or grocery stores, but it was always about the beer and what beer was on sale. Ms. Nuñez asked the Mayor and Council to reconsider and recommend a denial to the Arizona State Liquor Board.

Council Member Fimbres thanked Ms. Nuñez and said that based on the information given to them beforehand, he recommended that the application be forwarded to the Arizona State Liquor Board with a “no recommendation” since there were one hundred twenty-five signatures and eight letters of support, but, he said, there were also protests of the license and the neighborhood leadership did not support the license.

It was moved by Council Member Fimbres, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 to the Arizona State Liquor Board with a no recommendation.

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. Alan Willenbrock said spoke regarding Rio Nuevo’s financial status, his appointment to the Rio Nuevo Multipurpose Facilities District Board by Governor Jan Brewer and the letter of support from Council Member Fimbres.
- b. Donna Watson, Tucson Forward, spoke in opposition to the F-35’s and her concerns about the economic impact to the Tucson community.
- c. Donald Pitt urged the Mayor and Council to gather all the right positive and negative facts that the F-35’s would have in Tucson, and to distribute that information to the community.
- d. Anne Gomez expressed her concerns if the F-35’s made Tucson their home and the negative impacts it would have on the community.
- e. Jean DeJong spoke in opposition to the F-35’s flying over the City.
- f. Gary Hunter spoke about the economic impacts the City faced if the F-35’s came to Tucson.
- g. Lyle Cartwright spoke in opposition to the F-35’s and the damage it would cause to a person’s hearing.
- h. Pete Simon spoke about his plans and ideas for the Rio Nuevo projects and asked the Mayor and Council to review them.
- i. Hugh Fox asked the Mayor and Council to have Davis-Monthan Air Force demonstrate fly-by’s of the F-35’s for a couple of weeks so that the community would know what the effects of the F-35’s would be.

7. CONSENT AGENDA – ITEMS A THROUGH I

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

A. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA BOARD OF REGENTS FOR CONSTRUCTION OF A BUS PULLOUT AT EUCLID AVENUE NORTH OF SIXTH STREET

- 1. Report from City Manager APR6-10-133 WARD 6

2. Resolution No. 21502 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Board of Regents, University of Arizona, for construction of a bus pullout at Euclid Avenue North of Sixth Street; and declaring an emergency.
- B. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT FOR OFFICER ARMANDO G. ABRAMS
1. Report from City Manager APR6-10-135 CITY-WIDE
 2. Approval of Officer Abram's request for the first one-year extension of five potential extensions in accordance with Tucson City Code Section 10-15 is recommended.
- C. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR THE EVALUATION OF THE CITY'S KIDCO PROGRAM
1. Report from City Manager APR6-10-136 CITY-WIDE
 2. Resolution No. 21503 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the University of Arizona to complete an evaluation of the City's KIDCO program; and declaring an emergency.
- D. GRANT APPLICATION AMENDMENT: TO THE FEDERAL TRANSIT ADMINISTRATION FOR NEW STARTS SYSTEMS GRANT
1. Report from City Manager APR6-10-132 CITY-WIDE
 2. Resolution No. 21504 relating to Transportation; authorizing and approving the submission of an application for a Grant Amendment to Federal Transit Administration (FTA) Section 5309 New Starts Systems Application for Federal Fiscal Year 2009, Grant No. AZ-03-0063; and declaring an emergency.
- E. AGREEMENT: WITH PIMA COUNTY FOR GRANTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT NEIGHBORHOOD STABILIZATION PROGRAM 2 (CONTINUED FROM THE MEETING OF MARCH 23, 2010)
1. Report from City Manager APR6-10-134 WARDS 1, 4, 5, AND 6
 2. Resolution No. 21505 relating to Housing and Community Development; authorizing and approving the execution of the NSP2 Consortium Funding Agreement between the City of Tucson and Pima County for the Neighborhood Stabilization Program 2 (NSP2) funds, and declaring an emergency.

F. APPROVAL OF MINUTES

1. Report from City Manager APR6-10-131 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on October 27, 2009.

G. FINAL PLAT: (S09-072) 3333 W. MOCKINGBIRD LANE LOTS 1 TO 3

1. Report from City Manager APR6-10-138 WARD 1
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.

H. DEVELOPMENT AGREEMENT AMENDMENT: WITH 5151 EAST, LLC AND TUCSON RETAIL, LLC FOR DEVELOPMENT OF THE "SINCLAIR" PARCEL AT 36TH STREET AND KINO PARKWAY

1. Report from City Manager APR6-10-139 WARD 5
2. Resolution No. 21506 relating to development; approving and authorizing the execution of a Third Amendment to the Development Agreement between the City of Tucson, 5151 East, LLC, and Tucson Retail, LLC for the Development of the "Sinclair" Parcel.

Roger W. Randolph, City Clerk, announced that the City Attorney wanted to make a comment regarding Item H.

Mike Rankin, City Attorney, stated that the Development Agreement Amendment had been revised to correct some scrivener's errors and substituted a fully executed signature page with no substantive changes.

I. TUCSON CODE: AMENDING (CHAPTER 22) TUCSON SUPPLEMENTAL RETIREMENT SYSTEM

1. Report from City Manager APR6-10-142 CITY-WIDE
2. Ordinance No. 10775 relating to Tucson Supplemental Retirement System; amending the Tucson Code, Chapter 22, Section 22-36 Accumulation of credited service; Section 22-39, Disability Retirement; setting an effective date and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, that Consent Agenda Items A through I, including the corrections to Item H, be approved 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, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Consent Agenda Items A through I, including the corrections to Item H, were declared passed and adopted by a roll call vote of 7 to 0.

8. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE LAND USE CODE; AFFECTING THE LOCATION OF CHARTER SCHOOLS IN SINGLE FAMILY RESIDENCES

Mayor Walkup announced City Manager's communication number 130, dated April 6, 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 the proposed amendment to the Tucson Code, Chapter 23, the *Land Use Code* prohibiting a single family residence on less than one acre from being occupied as or converted into a State regulated Charter School. He said before beginning the public hearing staff wanted make a brief statement.

Ernie Duarte, Planning and Development Services Department Director, said this was a follow up item that was brought before the Mayor and Council in November 2009. He said in October 2009, the Arizona Revised Statutes were amended to exempt Charter Schools from zoning regulations, same as public schools. He said the bill did not require amendments to the City's *Land Use Code (LUC)*. However, there was one optional provision that stated a county or municipality may adopt zoning regulations that would prohibit a Charter School from operating in an existing single family residence that was located on property of less than one acre. He said the proposal amended the *LUC* to enact that provision. He said the item had been reviewed by the *LUC* Committee and the City's Planning Commission in a public hearing.

Mayor Walkup announced the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone wishing to be heard on this item.

Robert Reus said he had rearranged his afternoon and put off his dinner so he could address the Mayor and Council on important information during the Call to the Audience. He said it was an insult to him and everyone else who had already left without being able to speak, and that the Mayor and Council should be ashamed of themselves for that.

An unidentified speaker also commented about not being able to speak during the Call to the Audience. She said Mayor Walkup was calling speakers in the order the cards were received, but stated that was not true as she was present much earlier than that. She said as a stress reduction expert, she had very pertinent information about the affects of noise on the ability of children to learn and on longevity of people who lived near airports.

Mayor Walkup assured the unidentified speaker that he called on the speakers in the order he received them, and said there were cards filled out at ten in the morning.

Mayor Walkup asked if there was anyone else wishing to speak

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

Mayor Walkup asked if there was any discussion.

Council Member Kozachik said he had a question regarding page two of the document they received. It read that applicants who wished to locate a charter school in a residence on less than one acre may seek a modification to proposed performance criteria through the special exception *LUC*. He said that in the Ordinance it read that a single-family residence, on less than one-acre, shall not be occupied as or converted into. He asked if that was a clarification of language that needed to be addressed.

Mr. Duarte said that was an item that came up during the public hearing before the Planning Commission. He said it had been City policy to allow some avenues of relief for applicants that did not meet the performance criteria, and in this case, the avenue of relief was the special exception process. He stated that came into play if there was a proposed charter school that wanted to go into a facility that was on one acre or less and had neighborhood support that wanted them and worked out those issues. He said it provided an avenue for someone to take advantage of the special exception provision.

Council Member Kozachik said he understood, but the language in the Ordinance said it shall not be occupied. He asked if that was a contradiction.

Mike Rankin, City Attorney, replied that Council Member Kozachik was reading the language correctly, but by engaging in the special exception process, they could get relief from that provision and that was how it worked.

Mayor Walkup asked the City Clerk to read Ordinance 10772 by number and title only.

Ordinance No. 10772 relating to planning and zoning; amending certain portions of the Land Use Code, Chapter 23, Article III, Development Regulations, Division 5, Performance Criteria, Section 3.5.3, Civic Use Group; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10772.

Upon roll call, the results were:

Aye: Council Members Romero, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Ordinance 10772 was declared passed and adopted by a roll call vote of 7 to 0.

9. PUBLIC HEARING: ZONING (C9-04-20) OASIS BOTTLED WATER – 22ND STREET, R-2 TO I-1, REACTIVATION, TIME EXTENSION, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 141, dated April 6, 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, time extension, and a change of conditions on property located at the southeast corner of 22nd Street and Neff Street. He asked if the applicant was present, and if he had any comments before beginning the public hearing.

William Cowie, Urban Engineering, Inc., said he had no comments.

Mayor Walkup announced the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone wishing to be heard on this item. There was no one.

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

Mayor Walkup asked the City Clerk to read Ordinance 10773 by number and title only.

Ordinance No. 10773 relating to Zoning; Amending Ordinance No. 10247; amending zoning district boundaries in the area located at the southeast corner of 22nd Street and Neff Street in case C9-04-20, Oasis Bottled Water, southeast corner of 22nd Street and Neff Street, R-2 to I-1; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, to reactivate the rezoning case and pass and adopt Ordinance 10773.

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, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Ordinance 10773 was declared passed and adopted by a roll call vote of 7 to 0.

10. ZONING: (C9-08-10) COT WATER - GOLF LINKS ROAD, SR TO C-2 ZONING, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 140, dated April 6, 2010, was received into and made part of the record. He asked the City Clerk to read Ordinance 10774 by number and title only.

Ordinance No. 10774 relating to zoning: amending zoning district boundaries in the area located on the northeast corner of Golf Links and Houghton Roads in Case C9-08-10, COT Water – Golf Links Road, SR to C-2; and setting an effective date.

Roger W. Randolph, City Clerk, announced a three-fourths majority vote was required to approve the rezoning ordinance.

It was moved by Council Member Scott, duly seconded, to approve the request for rezoning as recommended by the Zoning Examiner and pass and adopt Ordinance 10774.

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, Uhlich, Scott, Fimbres, and Kozachik; Vice Mayor Glassman and Mayor Walkup

Nay: None

Ordinance 10774 was declared passed and adopted by a roll call vote of 7 to 0.

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 129, dated April 6, 2010, was received into and made part of the record. He asked if there were any personal appointments to be made.

Council Member Uhlich announced her appointment of James Benjamin to the Tucson Greens Committee.

Council Member Fimbres announced his appointment of Ralph Armenta to the Planning Commission and Retired Judge, Robert Clark, to the Independent Audit and Performance Commission.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(This item was revisited.)

Vice Mayor Glassman announced his resignation from the Mayor and Council to seek a seat on the State Senate. As everyone knew, he committed, months ago, to stay on the Council, to work with his colleagues to ensure that they could move forward with budget recommendations to the City Manager which had been accomplished during the Study Session. He said he had great confidence in the decisions made by the Mayor and Council and was excited for the City's future.

Vice Mayor Glassman stated he looked forward to building new relationships with everyone as he moved forward in making Arizona an even greater state. He expressed his sincerest gratitude and thanks to the Mayor and Council, City staff and the residents, for working so hard to make the City of Tucson a spectacular place to live.

Vice Mayor Glassman also thanked his wife, Sasha, for her support in allowing him to serve the residents of the community, and he thanked the constituents of Ward 2 for electing him as Council Member. He again expressed his sincerest gratitude to the Mayor and Council, Mike Letcher, City Manager, Michael Rankin, City Attorney, the former City Manager, Mike Hein and the many department heads and City staff he worked with.

12. ADJOURNMENT: 6:57 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 13, 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 6th day of April 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:ds:sac