



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 5, 2010.

Date of Meeting: April 27, 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 5:56 p.m., on Tuesday, April 27, 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
Karin Uhlich	Council Member Ward 3 (electronic attendance)
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:

Vacant	Council Member Ward 2
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Staff Members Present:

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

- * **City Clerk Note:** The minutes of April 27, 2010, as approved by the Mayor and Council, contained a clerical error on page 12. Within the text of the document, deleted text is ~~strikethrough~~ and new text is **bold**. RWR:DR:yl 12/06/10

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Chewee Hughley, Church of Our Faith-Fellowship, after which the Pledge of Allegiance was led by Vice Mayor Scott.

Presentations:

- a. Mayor Walkup proclaimed April 27, 2010, to be “Outstanding Teen Citizen Day”. Matt Kopec, Metropolitan Education Commission Youth Advisory Council Executive Director, accepted the proclamation. Ten outstanding teen citizens were recognized.
- b. Mayor Walkup presented the “Crystal Apple Youth Award” to Luisa Diaz of Project MORE.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 166, dated April 27, 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 invited everyone to a trail building, trash cleanup, and bufflegrass removal event on May 1, 2010, at “A” Mountain. The event was hosted by the Southwest Conservation Corp Youth Crew and Recreational Equipment Inc (REI) volunteers.
- b. Council Member Fimbres announced a community event was scheduled to learn more about Proposition 100 on April 28, 2010, at Rigo’s Mexican Restaurant.
- c. Council Member Kozachik issued an invitation to the Second Saturday Event held the evening of May 8, 2010, in Downtown Tucson.

Council Member Kozachik also called on Arizona Governor Jan Brewer to send Tucson Public Safety eight-million dollars of the twenty-million dollar Federal Stimulus money she spoke about in her January State of the State Address.

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

Mayor Walkup announced City Manager’s communication number 167, dated April 27, 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.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 168, dated April 27, 2010, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

There were no applications presented at the meeting.

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. Irene Chavez, Ward 1 resident, spoke about the denial of her claim of damage to her car after contact with a pothole in the City limits. She asked Mayor and Council for reconsideration.

Council Member Romero asked the City Attorney to follow up on Ms. Chavez's request.

- b. Joe Sweeney urged a boycott of Mexico by American tourists. He asked for an investigation into Don Bourn's properties purchased from the City as unjust enrichment. He also said since Senate Bill 1070 was in effect, he urged the Council to allow the City Manager to apply for federal funding for border enforcement.

Mayor Walkup asked the City Attorney when Senate Bill 1070 went into effect.

Mike Rankin, City Attorney, stated the bill went into effect ninety days after the close of the legislative session.

- c. Keith Van Heyningen, Rita Ranch, spoke about the direct relationship of Arizona Senate Bill 1070 and the Federal Immigration and Nationality Act of 1996. He also spoke in opposition of the Rio Nuevo project.
- d. Gabriela Saucedo, a naturalized citizen, spoke in support of Senate Bill 1070 and of her disappointment in her representatives for their lack of support.
- e. Michael Cole spoke about Mexico's laws regarding foreign peoples in their country.
- f. Mary DeCamp thanked the Mayor and Council for their service. She also spoke about the Support the Troops concept and asked everyone to keep in mind the human aspect of wars.

- g. Curtis Dutiel asked Mayor and Council to consider Bob Goodman’s suggestion of increasing business license fees to increase revenues rather than a Pawnshop Tax. He also spoke of his concerns of possible racial profiling in the enforcement of Senate Bill 1070.
- h. Mark Spear spoke about photo enforcement, specifically red light cameras, and studies showing the reductions in crashes and violations by adding one second to the yellow light duration.

7. CONSENT AGENDA – ITEMS A THROUGH AA

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. ZONING: (D08-0015) DESIGNATING THE DEVELOPMENT PLAN FOR RITA RANCH COMMERCE CENTER LOT NUMBER 33, MASTERCRAFT, AS A PROTECTED DEVELOPMENT RIGHT PLAN

- 1. Report from City Manager APR27-10-170 WARD 4
- 2. Resolution No. 21518 relating to zoning: designation of the development plan for Rita Ranch Commerce Center Lot #33, Mastercraft, D08-0015 as a protected development right plan; and declaring an emergency.

B. ZONING: (D05-0041) DESIGNATING THE DEVELOPMENT PLAN FOR AGM CONTAINER CONTROLS AS A PROTECTED DEVELOPMENT RIGHT PLAN

- 1. Report from City Manager APR27-10-171 WARD 3
- 2. Resolution No. 21519 relating to zoning: designation of the development plan for AGM Container Controls (D05-0041) as a protected development right plan; and declaring an emergency.

C. ZONING: (S05-182) DESIGNATING THE FINAL AND TENTATIVE PLAT FOR THIRD STREET LOFTS/INDIGO MODERN AS PROTECTED DEVELOPMENT RIGHT PLANS

- 1. Report from City Manager APR27-10-172 WARD 6
- 2. Resolution No. 21520 relating to zoning: designation of the Final and Tentative Plat for Third Street Lofts/Indigo Modern (S05-182) as protected development right plans; and declaring an emergency.

- D. ZONING: (S08-125) DESIGNATING THE TENTATIVE PLAT FOR YAVAPAI COURT AS A PROTECTED DEVELOPMENT RIGHT PLAN
1. Report from City Manager APR27-10-173 WARD 3
 2. Resolution No. 21521 relating to zoning: designation of the Tentative Plat for Yavapai Court (S08-125) as a protected development right plan; and declaring an emergency.
- E. TRANSPORTATION: ACQUISITION OF RIGHT-OF-WAY FOR TWO BUS PULLOUTS AT CRAYCROFT ROAD AND 29TH STREET
1. Report from City Manager APR27-10-175 WARD 4
 2. Resolution No. 21522 relating to transportation; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property needed for two Regional Transportation Authority (RTA) Bus Pullouts at Craycroft Road and 29th Street; and declaring an emergency.
- F. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR A REGIONAL TRAFFIC SIGNAL TECHNICAL SUPPORT CONTRACT
1. Report from City Manager APR27-10-176 CITY-WIDE AND OUTSIDE CITY
 2. Resolution No. 21523 relating to Intergovernmental Agreements; Amendment One to the Intergovernmental Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson for the Regional i2 Traffic Signal System Technical Support Contract; and declaring an emergency.
- G. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE BROADWAY BOULEVARD/OLD SPANISH TRAIL PELICAN PROJECT
1. Report from City Manager APR27-10-174 WARD 2
 2. Resolution No. 21524 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the Broadway Boulevard/Old Spanish Trail Pelican Project; and declaring an emergency.

H. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE MAIN AVENUE/18TH STREET PEDESTRIAN REFUGE PROJECT

1. Report from City Manager APR27-10-178 WARDS 5 AND 6
2. Resolution No. 21525 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the Main Avenue/18th Street Pedestrian Refuge Project; and declaring an emergency.

I. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE LEFT TURN PHASING INSTALLATIONS PROJECT

1. Report from City Manager APR27-10-179 CITY-WIDE
2. Resolution No. 21526 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the Left Turn Phasing Installations Project; and declaring an emergency.

J. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE HUGHES ACCESS/ALVERNON WAY BIKE LANE PROJECT

1. Report from City Manager APR27-10-180 WARD 5
2. Resolution No. 21527 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the Hughes Access/Alvernon Way Bike Lane Project; and declaring an emergency.

K. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE SCHOOL HAWK SIGNALS PACKAGE 1 PROJECT

1. Report from City Manager APR27-10-181 WARDS 1, 3, 5, AND 6
2. Resolution No. 21528 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the School HAWK Signals Package 1 Project; and declaring an emergency.

L. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE HARRISON ROAD/IRVINGTON ROAD SIGNALIZATION PROJECT

1. Report from City Manager APR27-10-177 WARD 4
2. Resolution No. 21529 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the Harrison Road/Irvington Road Signalization Project; and declaring an emergency.

M. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE FORT LOWELL ROAD SIDEWALK PROJECT

1. Report from City Manager APR27-10-182 WARD 3
2. Resolution No. 21530 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the Ft. Lowell Road Sidewalk Project; and declaring an emergency.

N. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE LIBERTY AVENUE BIKE BOULEVARD PROJECT

1. Report from City Manager APR27-10-183 WARD 5
2. Resolution No. 21531 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the Liberty Avenue Bike Boulevard Project; and declaring an emergency.

O. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE UNIVERSITY BOULEVARD/THIRD STREET BIKE BOULEVARD PROJECT

1. Report from City Manager APR27-10-184 WARDS 1 AND 6
2. Resolution No. 21532 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the University Boulevard/Third Street Bike Boulevard Project; and declaring an emergency.

P. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE GLENN STREET NEIGHBORHOOD IMPROVEMENT PROJECT

1. Report from City Manager APR27-10-185 WARD 3
2. Resolution No. 21533 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the Glenn Street Neighborhood Improvement Project; and declaring an emergency.

Q. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE BIKE LANES PACKAGE 3 PROJECT

1. Report from City Manager APR27-10-186 CITY-WIDE
2. Resolution No. 21534 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding Bike Lanes Package 3 Project; and declaring an emergency.

R. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE OAKTREE DRIVE/DREXEL ROAD PEDESTRIAN REFUGE PROJECT

1. Report from City Manager APR27-10-187 WARD 1
2. Resolution No. 21535 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the Oaktree Drive/Drexel Road Pedestrian Refuge Project; and declaring an emergency.

S. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT FOR OFFICER PETER A. TRUSKO

1. Report from City Manager APR27-10-191 CITY-WIDE
2. Approval of Officer Trusko's request for the first one-year extension of five potential extensions in accordance with Tucson City Code Section 10-15 is recommended.

T. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE SPEEDWAY BOULEVARD/ARCADIA AVENUE HAWK PROJECT

1. Report from City Manager APR27-10-192 WARD 6
2. Resolution No. 21536 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) regarding the Speedway Boulevard/Arcadia Avenue HAWK Project; and declaring an emergency.

U. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-127) LOZOYA SUBDIVISION, LOTS 1 TO 5 AND COMMON AREAS "A" AND "B"

1. Report from City Manager APR27-10-199 WARD 1
2. Resolution No. 21537 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements and approving the final plat in Case No. S08-127, for Lozoya Subdivision Lots 1 to 5 and Common Areas "A" and "B"; 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.

V. INDUSTRIAL DEVELOPMENT AUTHORITY: APPOINTMENT TO THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF TUCSON

1. Report from City Manager APR27-10-198 CITY-WIDE
2. Resolution No. 21538 relating to the Industrial Development Authority of the City of Tucson; appointing Gerald C. Anderson to the Board of Directors of the Industrial Development Authority of the City of Tucson, to fill the vacancy created by Randi Dorman's resignation, for a term expiring March 12, 2013; re-appointing Christopher F. Carroll, whose previous term expired on March 9, 2009, and has been serving under an expired term, to the Board of Directors of the Industrial Development Authority of the City of Tucson, for a new six-year term beginning on March 12, 2009, and expiring March 12, 2015; and declaring an emergency.

- W. APPROVAL OF MINUTES (CONTINUED FROM THE MEETING OF APRIL 20, 2010)
1. Report from City Manager APR27-10-193 CITY-WIDE
 2. Approval of minutes for the regular meeting of the Mayor and Council held on December 15, 2009.
- X. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO TUCSON CITY COURT (CONTINUED FROM THE MEETING OF APRIL 20, 2010)
1. Report from City Manager APR27-10-197 CITY-WIDE
 2. Resolution No. 21514 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment #04 to the Intergovernmental Agreement between the Pima County Superior Court and the Tucson City Court for providing jurors to the Tucson City Court; and declaring an emergency.
- Y. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COMMUNITY COLLEGE FOR EDUCATIONAL PROGRAMS FOR TUCSON FIRE AND POLICE DEPARTMENTS (CONTINUED FROM THE MEETING OF APRIL 20, 2010)
1. Report from City Manager APR27-10-195 CITY-WIDE
 2. Resolution No. 21516 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima Community College for Educational Programs for Tucson Fire and Police Departments; and declaring an emergency.
- Z. ASSURANCE AGREEMENT AND FINAL PLAT: (S07-033) STARR PASS VISTAS VILLAGE 2, LOTS 1 TO 43 AND COMMON AREAS "A", "B-1" TO "B-4" AND "C-1" TO "C-2" AN RCP SUBDIVISION (CONTINUED FROM THE MEETING OF APRIL 20, 2010)
1. Report from City Manager APR27-10-196 WARD 1
 2. Resolution No. 21515 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements and approving the final plat in Case No. S07-033, for Starr Pass Vistas Village 2 Lots 1 through 43 and Common Areas "A", "B-1" through "B-4", and "C-1" through "C-2" an RCP Subdivision; 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.

AA. TRANSPORTATION: ABANDONMENT OF THE PRINCE ROAD RAILROAD CROSSING WITH UNION PACIFIC RAILROAD (CONTINUED FROM THE MEETING OF APRIL 20, 2010)

1. Report from City Manager APR27-10-194 WARD 3
2. Ordinance No. 10779 relating to transportation; authorizing and approving the abandonment of the Prince Road Railroad Crossing with the Union Pacific Railroad; and declaring an emergency.

It was moved by Vice Mayor Scott, duly seconded, that Consent Agenda Items A through AA be passed and adopted and the proper action taken.

At that time audio was lost with Council Member Uhlich.

Mike Rankin, City Attorney, suggested the Council wait until Council Member Uhlich could be heard again, as her vote would make a difference for the emergency clause.

Mayor Walkup agreed and indicated Council Member Kozachik had a concern on one of the items.

Council Member Kozachik said they did not have an opportunity during the study session to ask if items could be pulled from the consent agenda for discussion. He said he wished to discuss Item Y. He asked Mr. Rankin if it was appropriate to discuss the item while waiting for Council Member Uhlich.

Mr. Rankin said it was up to the Council, they could certainly pull the item and consider it separately at that time.

Mayor Walkup agreed.

Council Member Kozachik stated the item was in respect to continuing education for paramedics. He said the materials indicated that thirty-three thousand dollars was the cost for fiscal year 2011, with an initial fifty-three hundred dollars per student. He asked what percentage of the course costs was recovered under ambulance transport billing, as it was noted a portion of the cost was recovered under that billing.

Patrick Kelly, Tucson Fire Chief, stated they did not know what the specific percentage was. He said they knew the total amount they recovered through the ambulance billing. He explained they did not break it out as to how much was associated with the paramedic training because it was ongoing through out the year. He said the ambulance recovery fees, at 10.2 million for the current year and a projected fifteen-million for the next year, went back into the general fund as general revenue and the Fire Department did not offset the paramedical costs by that.

Council Member Kozachik apologized and said he had not been able to hear the Chief's response.

Chief Kelly restated they did not break out a percentage of what that would be. He said they could actually take all of it out of the revenue and put it against the Fire Department budget, but it would be like robbing Peter to pay Paul at that point.

Council Member Kozachik said his concern was the materials indicated a portion of the cost was recovered, so were they certain they were not recovering all the costs through the ambulance transport fees.

Chief Kelly stated they did not spend ten-million dollars dealing with training, so they brought in much more than it cost them for the paramedics. He said they more than covered the cost of the training.

Council Member Uhlich informed the Mayor and Council that she had not lost reception and had heard everything being discussed, but did not know why she was not being heard.

Mayor Walkup said Vice Mayor Scott had made a motion.

* ~~Council Member~~ **Vice Mayor** Scott repeated her motion for clarification.

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

Nay: None

Absent/Excused: Council Member Ward 2 (Vacant)

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

8. PUBLIC HEARING: BINGO LICENSE – RINCON COUNTY MOBILE HOME PARK #2, 3411 S. CAMINO SECO # 299, CITY NUMBER 198

Mayor Walkup announced City Manager's communication number 188, dated April 27, 2010, was received into and made part of the record. He also announced it was the time and place legally advertised for a public hearing on a request for a bingo license at Rincon Country Mobile Home Park #2 located at 3411 S. Camino Seco #299.

Mayor Walkup asked if the applicant Kay Cameron or a representative was present. No one responded.

Mayor Walkup asked if any one in the audience wished to speak on the item. No one responded.

It was moved by Council Member Romero, duly seconded, to close the public hearing.

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

Nay: None

Absent/Excused: Council Member Ward 2 (Vacant)

The motion to close the public hearing was passed by a roll call vote of 6 to 0.

It was moved by Vice Mayor Scott, duly seconded, to forward the application to the State Tax Commission with a recommendation for approval.

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

Nay: None

Absent/Excused: Council Member Ward 2 (Vacant)

The motion to forward the Bingo License application to the State Tax Commission with a recommendation for approval was declared passed by a roll call vote of 6 to 0.

10. ZONING: (C9-09-03) MERIDIAN ENGINEERING – SANTA CRUZ LANE, R-1 TO P-I AND I-1, CITY MANAGER’S REPORT, DIRECT ORDINANCE ADOPTION

(Note: This item was taken out of order.)

Mayor Walkup announced City Manager's communication number 189, dated April 27, 2010, and the report from the Zoning Examiner were received into and made part of the record. He also announced it was a request to rezone the property located on the southeast corner of Santa Cruz Lane and Thirty-fourth Street.

Mayor Walkup asked if the applicant or a representative was present and if they were agreeable to the proposed requirements.

Mike Grassinger, The Planning Center, said they were agreeable to the conditions.

Mayor Walkup asked the City Clerk to read Ordinance 10781 by number and title only.

Ordinance No. 10781 relating to zoning: amending zoning district boundaries in the area located at the southeast corner of Santa Cruz Lane and 34th Street in Case C9-09-03, Meridian Engineering – Santa Cruz Lane, R-1 to P-I and I-1; and setting an effective date.

Council Member Romero thanked Ted Hayworth, President of Meridian Engineering and Mark Sutton, Vice President of Meridian Engineering for working closely with the Ward 1 Council Office and with the neighbors in the area. She said it took some time because there were some concerns from neighbors in the area and from her office. She stated they were environmental concerns, so Mr. Hayworth and Mr. Sutton walked with them through the process. They held meetings above and beyond those required for the rezoning and she wanted to thank them for making it a win-win situation. She also thanked her council aide Mac Hudson for making the project possible. She said the conditions stated the developer would make a contribution of eighty thousand dollars for frontage along the river for Parks and Recreation’s future development of a river park. She said the developer would also install necessary pavement, curbs and sidewalks along Thirty-fourth Street as well as provide irrigation in compliance with the commercial water-harvesting ordinance. She said included in the conditions was a ninety-one thousand dollar contribution towards a 3.6 acre off site in-lieu habitat restoration, an option which Mr. Kendall Kroesen, Tucson Audubon Society, and other neighbors worked on. She asked if Mr. Hayworth or Mr. Sutton would like to add any comments.

Mr. Hayworth said the system had worked. He said once Council Member Romero, her staff, and the City staff realized the project was going to be Meridian’s home, and the property would not be flipped but provide jobs for the citizens of Tucson,

the experience was positive. He said he thought they would all be proud of what they saw there in five years.

Council Member Romero said these were local businessmen who had more than one hundred employees and would be good neighbors to the residents on Thirty-fourth Street. They extended the sewer connections so that the residents could also connect to the sewer system.

Council Member Romero asked Mr. Kendall Kroesen, Tucson Audubon Society, who was instrumental in the project if he would like to say a few words.

Mr. Kroesen, Manager of Habitat Restoration Projects for the Tucson Audubon Society, said he was encouraged by the City's exploration of the in-lieu fee mechanism as a way of protecting Tucson's environmental resources. He said Tucson Audubon Society did riparian habitat restoration mostly along the Santa Cruz River. He stated a certain amount of the restoration was paid for through a similar in-lieu mechanism run by the Army Corp of Engineers. He said, if a development had a detrimental effect on riparian resources, an arrangement was put in place where if the effect could not be addressed on site, the developer could pay a fee and have someone like Tucson Audubon Society do habitat restoration or improvement in another location in-lieu of the resources lost. He said it was useful when there were developments where there were significant environmental resources that could not be preserved on the site but could be replicated or made up for at another location. The Meridian project provided a situation for the City to explore using that kind of arrangement. It turned out there was a bit of City land just south of the site with similar resources to those that would be lost, and could be made significantly better using that sort of mechanism. He felt the City was right in using the option in the project, and maybe it was something the City could codify in the future.

Council Member Romero thanked Mr. Kroesen, staff, The Planning Center, Mr. Hayworth, Mr. Sutton, and she looked forward to having Meridian Engineering as neighbors.

It was moved by Council Member Romero, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance No. 10781.

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

Nay: None

Absent/Excused: Council Member Ward 2 (Vacant)

Ordinance No. 10781 was declared passed and adopted by a roll call vote of 6 to 0.

11. ZONING: (C9-09-02) KINO HEALTH CAMPUS PLANNED AREA DEVELOPMENT (PAD) – AJO WAY, P-I AND R-1 TO PAD-18, CITY MANAGER’S REPORT, DIRECT ORDINANCE ADOPTION

(Note: This item was taken out of order.)

Mayor Walkup announced City Manager's communication number 190, dated April 27, 2010, and the report from the Zoning Examiner were received into and made part of the record. He also announced it was a request to rezone the property located on the southwest corner of Ajo Way and Country Club Road.

Mayor Walkup asked if the applicant or a representative was present and if they were agreeable to the proposed requirements.

Robin Large, The Planning Center, said she would be happy to answer any questions they might have.

Mayor Walkup asked the City Clerk to read Ordinance 10782 by number and title only.

Ordinance No. 10782 relating to zoning: amending zoning district boundaries in the area located at the southwest corner of Ajo Way and Country Club Road in Case C9-09-02, Kino Health Campus Planned Area Development – Ajo Way, P-I and R-1 to Planned Area Development-18 (PAD-18); and setting an effective date.

Council Member Fimbres said he wanted to publicly thank Pima County Board of Supervisors, especially Chairman Valadez, Pima Community College, and City staff for making it all happen.

It was moved by Council Member Fimbres, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance No. 10782.

Mayor Walkup asked if there was any discussion.

Council Member Kozachik said in the materials, it indicated there was a potential widening of I-10 to increase the right of way from three to four hundred feet in width, which could impact the pad development and also an interchange. He asked if there could be any Proposition 207 implications from the widening.

Mike Rankin, City Attorney, said the widening of the roadway would not trigger a Proposition 207 claim, as it did not fall into the scope of the land use law.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ward 2 (Vacant)

Ordinance No. 10782 was declared passed and adopted by a roll call vote of 6 to 0.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

(Note: This item was taken out of order.)

Mayor Walkup announced City Manager's communication number 169, dated April 27, 2010, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Vice Mayor Scott, duly seconded to approve the appointment of William Jones to the Board of Appeals as a public representative.

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

Nay: None

Absent/Excused: Council Member Ward 2 (Vacant)

The motion to approve the appointment of William Jones to the Board of Appeals was declared passed by a roll call vote of 6 to 0.

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

Council Member Fimbres announced his personal appointment of Sean Hammond to the Citizen's Transportation Advisory Committee.

9. MAYOR AND COUNCIL: PRESENTATIONS BY APPLICANTS FOR THE WARD 2 COUNCIL OFFICE

Mayor Walkup announced City Manager's communication number 200, dated April 27, 2010, was received into and made part of the record. He also announced it was the time to hear presentations by the applicants for the Ward 2 Council Office.

Mayor Walkup said they were excited to have eight applicants. He stated the applicants would have precisely five minutes for their presentations and he would call them in alphabetical order. He said there would be no questions at the end of the applicant's presentations. He informed the applicants that in the following week, Council Members would contact them if they had any questions and applicants could visit or call the Mayor and Council Members if they would like. He said they wanted to be sure they were selecting the very best person to represent Ward 2 and the rest of the City.

Council Member Kozachik explained, when Council voted on the process at the prior meeting, they did incorporate the option to ask questions. He said he did understand in order to keep the process moving along and to keep it balanced, and he realized it could get out of hand if they had a series of questions for each individual after they spoke. He said what he would like to do was offer a couple of questions that he was particularly interested in hearing from the applicants and open it up to the rest of the Council if they had any as well. He said, the two questions for the applicants were to describe the work they had done in Ward 2 with the neighborhoods, and describe some of the budget issues that the Council was facing and what their approach would be towards the issues. He said, after they finished, they needed to define the voting process they would go through the following week, as it was something they did not resolve at the last meeting.

Mayor Walkup asked if any other members had questions they would like to have included.

Council Member Uhlich said she wanted to note, that as the Mayor had indicated, if she had follow-up questions she certainly would be in contact with candidates. She appreciated that each member of the Council was interested in different elements regarding service. She looked forward to having a colleague join them very soon. She stated rather than asking specific questions at that time, she was very interested in hearing and receiving what each applicant had identified as their priority as a message to the Council and the public in the presentations. She said she looked forward to hearing everyone's presentations, to further conversation, and follow-up as appropriate. She thanked candidates for their courage, commitment to service, and she looked forward to hearing more.

Council Member Romero thanked the applicants for submitting their information. She said when she first thought of the process, which Mayor and Council approved unanimously, she wanted to make sure they were as fair and equitable as possible, that they gave anyone the chance to apply but also gave the opportunity for the community to

submit their points of view to the Mayor and Council. She said they had received an overwhelming amount of input from community members and she was very happy to see the interest of the community was present and that they would be choosing someone at the next meeting to fill the hole on the dais left by Council Member Glassman. She invited the applicants to call or come by her office. She said she was looking forward to the presentations.

Roger Randolph, City Clerk, announced that eight applicants were scheduled to speak that evening. He reminded Mayor and Council that Judith Clinco had given her presentation at Call to the Audience on April 20, 2010. He also announced that Richard Livingood and Ken Morgan were unable to attend the meeting, but they had provided written comments for the Mayor and Council to review. He said there were still eleven applicants for the position.

The following individuals made presentations to Mayor and Council regarding their applications to fill the Ward 2 Council Member vacancy:

Paul Cunningham
Kestutis Eidukonis
Michael J. Fox
Richard Grinnell
Lori Oien
William Polson

Council Member Kozachik asked the City Attorney what the process was regarding the voting process scheduled for the following week.

Mike Rankin stated the item would appear on the Regular Session agenda the following week for the Council to approve a resolution naming the Ward 2 Council Member filling the vacancy left by Council Member Glassman. He said how Council conducted the voting was up to them. He explained, as with any other item, the Council could offer motions. He stated it would take four votes of the six members of the governing body to appoint the Ward 2 Council Member.

Council Member Kozachik asked if Council would decide that issue at the dais the following week. He asked the City Attorney what the Council should do, so not show up without an established process.

Mr. Rankin stated it was ultimately the Council's process, if they were not comfortable in proceeding with a decision at the meeting, they could continue conversations at that point. He said, if there were four votes for a particular applicant then that person could be named as the Ward 2 Council Member. He explained, as a number of Council Members had indicated, they were free to make contact with the candidates and ask questions to get additional information.

Mayor Walkup asked if there was further discussion. There was none.

13. ADJOURNMENT: 7:45 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 4, 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 27th day of April 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:jr:ces