



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 9, 2010.

Date of Meeting: May 18, 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 5:37 p.m., on Tuesday, May 18, 2010, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Council Member Ward 3 (arrived at 5:38 p.m.)
Shirley C. Scott	Vice Mayor, Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor La'Tresa Jester, Gideon Missionary Baptist Church, after which the Pledge of Allegiance was presented by the entire assembly.

No presentations were made.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 229, dated May 18, 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 reported on Mission Manor Elementary School's "All American Awards" ceremony honoring Sunnyside School District students. She also reported on an event she attended in the Rose Neighborhood, celebrating the completion of a pedestrian bridge funded by Pima County bond money.
- b. Council Member Cunningham invited the public to attend the Ward 2 Open House so he could get to know the community as much as possible.
- c. Vice Mayor Scott thanked the Groves-Lincoln Neighborhood Association, Lakeside Neighborhood Association and others involved in cleaning graffiti over the weekend.
- d. Council Member Fimbres thanked the City Manager, Mike Letcher, and the Budget and Internal Audit Program Director, Marie Nemerguth, for their presentation of the budget at the El Pueblo Senior Center.

Council Member Fimbres also reported on several events scheduled to take place in Ward 5; the Tucson Veterans stand-down to assist homeless veterans; and Pima County's dedication of a community park in honor of Willie Blake, a neighborhood community activist of Western Hills and Kino Weed and Seed Coalition.

- e. Council Member Kozachik reminded voters that the polls closed at 7:00 p.m. He also reminded the public about the "Bodies Exhibit" and invited everyone to attend.

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

Mayor Walkup announced City Manager's communication number 230, dated May 18, 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 231, dated May 18, 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. Gooch's Grill, Ward 6
1118-20 E. 6th St.
Applicant: Amy Beth Fair
Series 12, City 17-10
Action must be taken by: May 24, 2010

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

2. El Herradero Supermarket, Ward 3
1310 W. Prince Rd.
Applicant: Ernesto Rascón
Series 10, City 18-10
Action must be taken by: May 24, 2010

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

Public Opinion: Written Arguments Opposed Filed

This item was considered separately.

3. BJ's Restaurant & Brewhouse, Ward 6
5510 E. Broadway Blvd.
Applicant: Derek Martin Osborne
Series 12, City 19-10
Action must be taken by: May 30, 2010

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

Public Opinion: Written Argument in Favor Filed

4. Don's Bayou, Ward 2
8991 E. Tanque Verde Rd.
Applicant: Donald Jerome Garrot Jr.
Series 12, City 24-10
Action must be taken by: June 4, 2010

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

Public Opinion: Written Argument in Favor Filed

5. El Barrio Market, Ward 5
1001 S. 6th Ave., Ste. 101
Applicant: Jose Luis Tornero
Series 10, City 25-10
Action must be taken by: June 6, 2010

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

Public Opinion: Written Argument Opposed Filed
 Written Argument In Favor Filed

This item was considered separately.

NOTE: State law provides that for a new license application, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Person Transfer(s)

6. Pappoule’s, Ward 3
4500 N. Oracle Rd.
Applicant: Maria Sklias
Series 7, City 20-10
Action must be taken by: May 30, 2010

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

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant’s capability, qualifications and reliability. (A.R.S. Section 4-203)

Person/Location Transfer(s)

7. Sports Bar of Howard Johnson, Ward 1
1010 S. Freeway Rd.
Applicant: Nitin S. Patel
Series 7, City 22-10
Action must be taken by: May 28, 2010

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

Public Opinion: Written Argument Opposed Filed

This item was considered separately.

8. Cost Plus World Market, Ward 6
5975 E. Broadway Blvd., Ste. 1
Applicant: Andrea Dahlman Lewkowitz
Series 7, City 23-10
Action must be taken by: May 30, 2010

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

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

- c. Special Event(s)

NOTE: There are no special event(s) scheduled for this meeting.

- d. Agent Change/Acquisition of Control/Restructure

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

It was moved by Council Member Uhlich, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b3, 5b4, 5b6, and 5b8 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

- b. Liquor License Application(s)

New License(s)

2. El Herradero Supermarket, Ward 3
1310 W. Prince Rd.
Applicant: Ernesto Rascón
Series 10, City 18-10
Action must be taken by: May 24, 2010

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

Public Opinion: Written Arguments Opposed Filed

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Item 5b2, El Herradero Supermarket, located in Ward 3.

Council Member Uhlich asked if the applicant or representative was present.

Ernesto Rascón, the applicant, acknowledged he was present.

Council Member Uhlich asked Mr. Rascón about the market he had adjacent to the property and asked him to explain his plans with regard to his current and new locations. She said it was her understanding that they would be closing the current location in order to move to the new location.

Mr. Rascón confirmed that was correct. He said the new location at 1310 W. Prince Road used to be the Save-A-Lot and the location already had a liquor license. He said his lease at his current location, 1020 W. Prince Road, was due to expire at the end of June 2010. He said he would be closing his current location once the application for the new location was approved.

Council Member Uhlich asked Mr. Rascón, for the record, his assurance that the current license at 1020 W. Prince Road would close and he would be operating out of the new location.

Mr. Rascón confirmed that was correct.

Council Member Uhlich commented that the Flowing Wells Neighborhood Association had not filed an opposition to the application, but had two residents who wrote in with concerns. She asked if either of those individuals were present, which she did not believe they were. She asked Mr. Rascón if he had an opportunity to make contact with them.

Mr. Rascón stated he tried to make contact with one of the individuals; left a message but did not receive a return call. He did not make contact with the other individual as he did not have a phone number.

Council Member Uhlich stated she appreciated Mr. Rascón's efforts and said she would have her staff continue to work with him to ensure they made contact with the individuals. She wanted to ensure that the residents who had concerns understood the phasing of the liquor license at the new location.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b2, El Herradero Supermarket, to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

5. El Barrio Market, Ward 5
1001 S. 6th Ave., Ste. 101
Applicant: Jose Luis Tornero
Series 10, City 25-10
Action must be taken by: June 6, 2010

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

Public Opinion: Written Argument Opposed Filed
 Written Argument In Favor Filed

Roger W. Randolph, City Clerk, announced the next item to be considered separately was Item 5b5, El Barrio Market, located in Ward 5.

Council Member Fimbres said he believed the applicant, Jose Luis Tornero, was present, and said the liquor request was for a new series 10 license (beer and wine) for El Barrio Market. He asked the applicant to come forward. He also said Angie Quiroz, President of the Santa Rita Park Neighborhood Association, was present to speak in support of the application.

Angie Quiroz, Santa Rita Park Neighborhood Association (SRPNA) President, stated the SRPNA was in support of the liquor license request.

Jose Luis Tornero, the applicant, expressed his appreciation for their support. He said there was one written protest filed and he tried to contact the representative regarding the Catholic School several times, but did not get a return call. He said he would continue to try to reach her to see what her concerns were.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b5, El Barrio Market, to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

Person/Location Transfer(s)

7. Sports Bar of Howard Johnson, Ward 1
1010 S. Freeway Rd.
Applicant: Nitin S. Patel
Series 7, City 22-10
Action must be taken by: May 28, 2010

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

Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, City Clerk, announced the final item to be considered separately was Item 5b7, Sports Bar of Howard Johnson, located in Ward 1.

Council Member Romero asked if the applicant was present. Not seeing the applicant, she stated she touched base with the neighborhood directly behind the Howard Johnson in Ward 1, and they had no opposition to the liquor license application.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b7, Sports Bar of Howard Johnson, to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Walkup also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review a matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during the “call to the audience.”

- a. Audra Spiker spoke in support of funding for the JobPath Program.
- b. Robert Medler, Tucson Metropolitan Chamber of Commerce, spoke about his concerns with the Pawn Shop Ordinance.

(Note: Call to the audience was revisited after the Consent Agenda.)

7. CONSENT AGENDA – ITEMS A THROUGH K

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. FINAL PLAT: (S09-069) QUICKTRIP #1492 LOTS 1 AND 2
 - 1. Report from City Manager MAY18-10-235 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.
- B. REAL PROPERTY: FOURTH AMENDMENT TO THE LEASE AGREEMENT WITH ST. JOHN THE EVANGELIST PARISH FOR THE DEVELOPMENT OF ST. JOHN’S PARK
 - 1. Report from City Manager MAY18-10-236 WARD 1

2. Resolution No. 21546 relating to Real Property; authorizing and approving the fourth amendment to the lease of certain real property between the City of Tucson and St. John the Evangelist Roman Catholic Parish, Diocese of Tucson, for St. John's Park; and declaring an emergency.

C. APPROVAL OF MINUTES

1. Report from City Manager MAY18-10-234 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on December 7, 2009.

D. TUCSON CODE: AMENDING THE TUCSON CODE TO ALLOW PROHIBITION OF DOGS AT STREET FAIRS

1. Report from City Manager MAY18-10-244 CITY-WIDE
2. Ordinance No. 10789 relating to Street Fairs; amending regulation of street fairs by providing definitions; prohibiting animals within the boundaries of a street fair when signs are posted providing notice; providing exemptions for service animals, working animals and event animals; providing penalties; by amending Chapter 7, Article XIII, Section 7-300 and renumbering it as Section 7-301; and by creating new Sections 7-300, 7-302, and 7-303; and declaring an emergency.

E. FINANCE: AUTHORIZING THE SALE OF CERTIFICATES OF PARTICIPATION FOR CAPITAL IMPROVEMENTS, SERIES 2010 (CONTINUED FROM THE MEETING OF MAY 4, 2010)

1. Report from City Manager MAY18-10-245 CITY-WIDE
2. Resolution No. 21513 relating to real and personal property; authorizing the execution and delivery of a Ground Lease, an Equipment Lease, a Lease-Purchase Agreement, and a continuing disclosure undertaking; acknowledging and approving the execution of a Certificate Purchase Agreement and Amendments and supplements to a declaration of irrevocable trust and the sale and delivery of one or more series of Certificates of Participation in the Lease-Purchase Agreement pursuant thereto; and declaring an emergency.

F. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO THE CURRENT PAWN SHOP ORDINANCE

1. Report from City Manager MAY18-10-246 CITY-WIDE

2. Ordinance No. 10790 relating to Pawnbrokers, Secondhand dealers and Scrap metal dealers; Amending Chapter 7, Article V of the Tucson Code to establish new reporting requirements and to impose a fee on certain transactions; removing Scrap metal dealers from the Secondhand dealer regulations; Amending Chapter 19, Article I by adding a new Division 6 imposing an occupational license tax on certain Secondhand dealers and Pawnbrokers; establishing an effective date; and declaring an emergency.

(This item was considered separately at the request of Council Member Kozachik.)

G. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA GAME AND FISH DEPARTMENT FOR THE URBAN FISHING PROGRAM

1. Report from City Manager MAY18-10-238 CITY-WIDE
2. Resolution No. 21549 relating to parks and recreation; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Game and Fish Department for the continuation of the Urban Fishing Program; and declaring an emergency.

H. ZONING: (S08-049) DESIGNATING THE TENTATIVE PLAT FOR SETTLER'S TRACE AS A PROTECTED DEVELOPMENT RIGHT PLAN

1. Report from City Manager MAY18-10-237 WARD 6
2. Resolution No. 21550 relating to zoning: designation of the Tentative Plat for Settler's Trace (S08-049) as a protected development right plan; and declaring an emergency.

I. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH THE TUCSON HISPANIC CHAMBER OF COMMERCE FOR SPACE LOCATED AT 823 EAST SPEEDWAY

1. Report from City Manager MAY18-10-239 WARD 6
2. Ordinance No. 10787 relating to real property; authorizing and approving the lease agreement for 823 East Speedway Boulevard with the Tucson Hispanic Chamber of Commerce; and declaring an emergency.

J. ASSURANCE AGREEMENT AND FINAL PLAT: (S07-085) BLUE SKY SUBDIVISION, LOTS 1 TO 42 AND COMMON AREAS "A" AND "B", A RESIDENTIAL CLUSTER PROJECT

1. Report from City Manager MAY18-10-243 WARD 4

2. Resolution No. 21554 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements and approving the final plat in Case No. S07-085, for Blue Sky Subdivision, Lots 1-42, Common Area "A" (Drainage, Recreation & Utility), Common Area "B" (Landscape), A Residential Cluster Project; 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.

K. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR A JOINT HOUSING PROGRAM

1. Report from City Manager MAY18-10-241 CITY-WIDE
2. Resolution No. 21553 relating to Housing and Community Development; authorizing and approving the execution of Intergovernmental Agreement Amendment #1 between the City of Tucson and Pima County to increase funding under the "Housing Opportunities for People with AIDS" (HOPWA) Grant; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, and carried by a roll call vote of 7 to 0, that Consent Agenda Items A through K, with the exception of Item F, which was considered separately, be passed and adopted and the proper action taken,.

7. CONSENT AGENDA – ITEM F

F. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO THE CURRENT PAWN SHOP ORDINANCE

1. Report from City Manager MAY18-10-246 CITY-WIDE
2. Ordinance No. 10790 relating to Pawnbrokers, Secondhand dealers and Scrap metal dealers; Amending Chapter 7, Article V of the Tucson Code to establish new reporting requirements and to impose a fee on certain transactions; removing Scrap metal dealers from the Secondhand dealer regulations; Amending Chapter 19, Article I by adding a new Division 6 imposing an occupational license tax on certain Secondhand dealers and Pawnbrokers; establishing an effective date; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the item to be considered separately was Consent Agenda Item F, at the request of Council Member Kozachik.

Council Member Kozachik commented that the Mayor and Council had talked about the Ordinance for several weeks and the concerns that had been expressed. He said

he understood and applauded the intent, which was cost recovery, stating it was needed. However, he expressed his concerns with the Ordinance; especially that it would hit all customers in second hand stores for the behavior of a small percentage of their customers. He said the Ordinance would hit customers who were going into these stores at a time in which they needed the cash the most for selling their possessions. He also expressed concerns that the Ordinance failed to include all the businesses involved in second hand trade. He said, most importantly, he was concerned that it would hit local businesses at a time when they were struggling to stay afloat.

It was moved by Council Member Kozachik, duly seconded, to table the Ordinance and continue working on it until a more acceptable solution to all parties involved could be achieved.

Vice Mayor Scott said, as a point of order, when the word ‘table’ was used, it meant that it never came back. If Council Member Kozachik wished to continue the item, she said the language had to reflect that. She asked the City Attorney if that was correct.

Michael Rankin, City Attorney, said as he heard the motion, he heard “while it continues to be worked on,” so he thought Council Member Kozachik was contemplating the possibility of something different coming back.

Council Member Kozachik changed his motion to read that they would “continue” the conversation.

Council Member Uhlich expressed her concerns about how they recognized and balanced costs associated with public safety and law enforcement. She said she did not feel there was a lack of willingness to pay a fair share. She suggested that instead of pausing, they should look at other areas where the City was trying to achieve cost recovery, and gave examples of other areas within the City where this had been achieved. She asked staff if that was a process that could be continued in the budgeting for the current and subsequent fiscal years.

Mike Letcher, City Manager, replied that one of the things that would be looked at, as described by Council Member Uhlich, was to make sure that when the City incurred costs, the burden of that cost be shared, as opposed to spreading it out to other taxpayers. He commented that other cities already had this tax in place. The City was looking to update fees because of the financial situation they were in, so staff would continue to look at every opportunity to diversify fees and maximize revenues.

Council Member Uhlich emphasized she would keep an open mind on the issue for other proposals that might come forward that identified and spread the cost in a more fair way. She hoped the stakeholders would be engaged more broadly. She said to delay this particular item further delayed the broader discussion to be handled in a fair and appropriate manner. She was in favor of moving forward with the item as the Chief and stakeholders had shaped.

Council Member Romero commented about her concerns that the stakeholders had not participated as well as she would have liked. Since then, Roberto Villaseñor, Police Chief, went back and had several meetings with stakeholders and changed his position based on the input given by the stakeholders and businesses involved. She commented on cost recovery efforts throughout many City departments and explained what they were. She also spoke about reasons why she thought they should move forward with the Ordinance.

Vice Mayor Scott asked the Police Chief if there was any way part of the Ordinance could provide for businesses to come forward and prove hardship as a direct result of the Ordinance, such as a hardship clause.

Roberto Villaseñor, Police Chief, replied that issue was taken into consideration when drafting the Ordinance. It was for that reason that he suggested they not charge a license fee for businesses that had less than one thousand transactions per year. They would only be subject to the transaction fee of one dollar per transaction. The fee would not be charged until January, to allow time to determine how the Ordinance was working and time to save for the licensing fee.

Vice Mayor Scott asked if the Police Chief could explain some of the exemptions from the itemizations required on transactions.

Police Chief Villaseñor said they took into consideration suggestions from the industry to raise the value floor from ten dollars to fifty dollars for those items, and they wanted to concentrate on serialized items, such as electronics. At the suggestion of the industry, exempted would be CD's, household furniture, not to include serialized items such as appliances.

Vice Mayor Scott asked the City Attorney if there was language that referred to hardships and the process to go through an appeal.

Mr. Rankin said it did not. The hardship was built into the threshold that would need to be met before being subject to the annual licensing fee.

Vice Mayor Scott pointed out that in addition to the information provided by several of her colleagues, the cost to other citizens in the community to have such a department within the City's Police Department was nearly seven hundred thousand dollars per year in order to accommodate the need to have such an entity and review transactions. She asked for clarification on what this would bring to the City.

Police Chief Villaseñor replied it was an estimated three hundred forty-four thousand dollars for the first year.

Vice Mayor Scott acknowledged it was about half. She said she disagreed with those who criticized the City, saying this would be another unfriendly business gesture. She commented the Police Department had to do a lot of paperwork and hire a lot of

people to monitor this industry, because there were serious infractions that apparently occurred within the industry.

A substitute motion was made by Vice Mayor Scott, duly seconded, to pass and adopt Consent Agenda Item F.

Council Member Kozachik asked about his original motion.

Mr. Rankin clarified that the substitute motion would be voted on first before the initial motion.

The substitute motion to pass and adopt Consent Agenda Item F was passed by a roll call vote of 5 to 2 (Council Member Kozachik and Mayor Walkup dissenting.)

6. CALL TO THE AUDIENCE

(Note: This item was taken out of order)

- c. Richard DeBernardis, founder of El Tour de Tucson, spoke about his concerns and impacts of the negative comments they had received regarding Arizona's new Immigration Law, SB 1070. He commended the Mayor and Council for their stand to oppose the Bill.
- d. Matt High, representing Target, thanked the Mayor and Council for their vote on the Pawn Shop Ordinance.
- e. Michael Birrer, Tucson Ministry Fellowship, thanked the City for the Mayor's Proclamation for a "Week of Prayer." He also encouraged everyone to participate in the "Global Day of Prayer."

8. PUBLIC HEARING: BINGO LICENSE – CONGREGATION ANSHEI ISRAEL, 5550 EAST 5TH STREET, CITY NUMBER 199

Mayor Walkup announced City Manager's communication number 233, dated May 18, 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 bingo license at Congregation Anshei Israel located at 5550 East 5th Street. He asked if the applicant or representative was present and if they had any comments before beginning the public hearing.

Barbara Neuman, the applicant, was not present.

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

Council Member Cunningham asked for a point of clarification. He asked the City Attorney if he was able to vote on the item, as he was a member of the Congregation.

Michael Rankin, City Attorney, replied that just being a member of the Congregation did not disqualify him or cause a conflict.

It was moved by Council Member Kozachik, duly seconded, and carried by a roll call vote of 7 to 0, to forward the Bingo License application to the State Tax Commission with a recommendation for approval.

9. INTERGOVERNMENTAL AGREEMENT: WITH THE TOWN OF MARANA FOR THE EXTENSION OF 2000-2005 WATER SERVICES

Mayor Walkup announced City Manager's communication number 247, dated May 18, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution 21555 by number and title only.

Resolution No. 21555 relating to Water: authorizing and approving the execution of an amendment to and extension of the 2000-2005 Water Service Intergovernmental Agreement with the Town of Marana; and declaring an emergency.

Council Member Fimbres asked the Director of Tucson Water if he had any statements to make before making a motion.

Jeff Biggs, Tucson Water Director, stressed that he was very mindful of the continued policy that the Mayor and Council had given them as far as the appraisal for the Tucson Water system in the Town of Marana. He said nothing in the proposed amendment altered that policy direction.

It was moved by Council Member Fimbres, duly seconded, and carried by a roll call vote of 7 to 0, to pass and adopt Resolution 21555.

10. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE TOWN OF ORO VALLEY REGARDING WATER SERVICE IN THE AREA OF ORACLE ROAD AND MAGEE AND HARDY ROADS

Mayor Walkup announced City Manager's communication number 240, dated May 18, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution 21551 by number and title only.

Resolution No. 21551 relating to Water: authorizing and approving the execution of Amendment Number One (1) to extend the 2004 Intergovernmental Agreement with the Town of Oro Valley regarding water service in the area of Oracle Road and Magee and Hardy Roads; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, to pass and adopt Resolution 21551.

Council Member Kozachik had a question for Mr. Biggs. He said the agreement expired in May 2009, and asked what the implication would be for not passing the resolution.

Jeff Biggs, Tucson Water Director, explained the agreement had been extended for six years, and they hoped to extend it for another six years to give them more time in the Town of Oro Valley to have further discussion on the possibility of the Town acquiring the City's water system within that southern boundary of the Town.

Council Member Kozachik asked if they were talking about the Town of Oro Valley buying the City's water supply, the pipes, or both, and if the infrastructure had been appraised.

Mr. Biggs said the infrastructure had not been appraised; it would be part of the process.

Resolution 21551 was passed by a roll call vote of 7 to 0.

11. REAL PROPERTY: ACQUISITION OF A WATER PIPELINE EASEMENT BETWEEN TUCSON WATER'S SIERRITA FOOTHILLS ISOLATED SYSTEM AND THE MIRABELL WATER COMPANY SYSTEM

Mayor Walkup announced City Manager's communication number 242, dated May 18, 2010, was received into and made part of the record. He asked the City Clerk to read Resolution 21552 by number and title only.

Resolution No. 21552 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn, if necessary, a pipeline easement for an emergency interconnect between Tucson Water's Sierrita Foothills isolated system and the Mirabell Water Company system; and declaring an emergency.

It was moved by Vice Mayor Scott, duly seconded, and carried by a roll call vote of 7 to 0 to pass and adopt Resolution 21552.

12. PERSONNEL MATTERS: REAPPOINTMENT OF THE CITY ATTORNEY

Mayor Walkup announced City Manager's communication number 248, dated May 18, 2010, was received into and made part of the record. He asked the City Clerk to read Ordinance 10786 by number and title only.

Ordinance No. 10786 relating to the City Attorney; appointing the City Attorney; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, and carried by a roll call vote of 7 to 0 to pass and adopt Ordinance 10786.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 232, dated May 18, 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 personal appointments of Karen Clifton and Katherine Kent to the Small, Minority and Women-Owned Business Commission and Mike Verbout and Don Ijams to the Core Tax and Permanent Override Review Committee.

Vice Mayor Scott announced her personal appointment of Janet Marcotte to the Economic and Workforce Development Selection Committee in the non-profit category.

Council Member Fimbres announced his personal appointments of Mark Bilbo and Sandra Otero to the Small, Minority and Women-Owned Business Commission and Jan Leshner and Neal Cash to the Core Tax and Permanent Override Review Committee.

14. ADJOURNMENT: 6:34 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 25, 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 18th day of May 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:sac: