



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on December 7, 2010.

Date of Meeting: June 22, 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, June 22, 2010, all members having been notified of the time and place thereof.

1. ROLL CALL

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

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Vice Mayor, Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

Mike Letcher	City Manager
Michael Rankin	City Attorney
Suzanne Mesich	Assistant City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Leondra Price, Office of Equal Opportunity Programs, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 303, dated June 22, 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 the 13th Annual El Día de San Juan Festival. She congratulated the youth participants in the first session of the Southwest Conservation Core Learn and Serve Program and invited citizens to see their work at the River Park Inn.
- b. Council Member Cunningham announced the following events: the Kolb/Sabino Canyon Road Task Force meeting, grand re-opening of the Ott Family YMCA, the National Law Enforcement Aviation Convention hosted by the Law Enforcement Aviation Unit, the Little League World Series and a “shredding” event in Ward 4.
- c. Council Member Fimbres announced a series of free financial workshops hosted by the Ward 5 Office on the topics of Basic Banking, Understanding Money and Credit, Your Credit Report and Budgeting for Financial Success. He also announced the passing of Gary Clark, co-founder of the Observer Newspaper and initial organizer of Tucson’s Pride Week.
- d. Council Member Kozachik reported on his attendance of the Tucson-Pima Arts Council (TPAC) awards. People honored included Albert Elias and family, Richard and Mary Fimbres, and Beth Walkup. He also announced the Rio Nuevo Multipurpose Facilities District Board was hosting a public meeting to discuss their budget and the hotel.

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

Mayor Walkup announced City Manager’s communication number 304, dated June 22, 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 the report.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 305, dated June 22, 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)

Location Transfer(s)

1. Peter Piper Pizza, Ward 6
5925 E. Broadway Blvd., #101
Applicant: Donald Robert Baxla
Series 7, City 33-10
Action must be taken by: July 8, 2010

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

NOTE: State law provides that for a location transfer, Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

c. Special Event(s)

1. Tucson's Young Professionals, Ward 1
140 N. Main Ave.
Applicant: Jeffrey Ell
City T46-10
Date of Event: August 6, 2010
(Promote Community Event Downtown)

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

2. Coyote TaskForce, Inc., Ward 6
54 E. Pennington St.
Applicant: Debra Tingley
City T47-10
Date of Event: July 24, 2010
(Gallery Art Show at Cafe 54)

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

3. Show Baseball, Inc., Ward 5
2500 E. Ajo Way
Applicant: Marc Mauseth
City T48-10
Date of Event: July 3, 2010 - July 4, 2010
(4th of July Celebration Fundraiser for youth baseball)

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

4. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Colleen J. LaFleur Yock
City T49-10
Date of Event: July 15, 2010
(Fundraising Event - Twilight Thursday Art Reception)

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

5. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon Way
Applicant: Colleen J. LaFleur Yock
City T50-10
Date of Event: August 19, 2010
(Fundraising Event - Twilight Thursday Art Reception)

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

6. Tenorio Escobar Inc., dba Cilantro's Colombian Grill, Ward 5
4525 S. Park Ave.
Applicant: Ruby Tenorio
City T51-10
Date of Event: July 17, 2010
(To celebrate Colombian Independence on July 17, 2010)

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

d. Agent Change/Acquisition of Control/Restructure

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

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 and 5c1 through 5c6 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

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

- a. Shannon Cain gave the second installment of her performance piece entitled, *“Tucson, the Novel: An Experiment in Literature and Civil Discourse.”*
- b. Melanie Nelson spoke in support of Job Path and what it has for those participants in the program.
- c. Joe Sweeney spoke in support of Access Tucson, and the boycotting of Mexico.

7. CONSENT AGENDA – ITEMS A THROUGH T

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. TUCSON CODE: AMENDING (CHAPTER 2) RELATING TO THE WORKERS’ COMPENSATION SUPPLEMENT PROGRAM
 - 1. Report from City Manager JUN22-10-307 CITY-WIDE
 - 2. Ordinance No. 10807 relating to salary paid to augment workers’ compensation benefits for City employees; Tucson Code Chapter 2, Administration, Article I, In General, amending Section 2-13. Salary of employee during injury or sickness; salary paid to augment workers’ compensation; lien; setting an effective date and declaring an emergency.
- B. ZONING: (D08-0035) DESIGNATING THE DEVELOPMENT PLAN FOR ACADEMY OF TUCSON, AS A PROTECTED DEVELOPMENT RIGHT PLAN
 - 1. Report from City Manager JUN22-10-308 WARD 2
 - 2. Resolution No. 21570 relating to zoning: designation of development plan for Academy of Tucson (D08-0035) as a protected development right plan; and declaring an emergency.
- C. ZONING: (S08-085) DESIGNATING THE TENTATIVE PLAT FOR KIPPES TOWN HOMES AS A PROTECTED DEVELOPMENT RIGHT PLAN
 - 1. Report from City Manager JUN22-10-309 WARD 2

2. Resolution No. 21571 relating to zoning: designation of the Tentative Plat for Kippes Town Homes (S08-085) as a protected development right plan; and declaring an emergency.
- D. REAL PROPERTY: APPROVING A GROUND LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC FOR A WIRELESS CELLULAR ANTENNAE AT SWAN ROAD AND MALVERN STREET
1. Report from City Manager JUN22-10-310 WARD 6
 2. Ordinance No. 10808 relating to real property; authorizing and approving the Ground Lease Agreement between the City of Tucson and New Cingular Wireless PCS, LLC, for a wireless cellular antennae located at South Swan Road and East Malvern Street, Tucson, Arizona; and declaring an emergency.
- E. APPROVAL OF MINUTES
1. Report from City Manager JUN22-10-314 CITY-WIDE
 2. Approval of minutes for the regular meeting of the Mayor and Council held on January 20, 2010.
- F. TUCSON CODE: AMENDING (CHAPTER 10A) RELATING TO THE FILING OF ANNUAL REPORTS FOR ALL BOARDS, COMMITTEES AND COMMISSIONS
1. Report from City Manager JUN22-10-312 CITY-WIDE
 2. Ordinance No. 10810 relating to Boards, Committees and Commissions, requiring each board, committee, and commission to file an annual report with the City Clerk by March 1st of each year summarizing its previous year's activities, unless exempted by Mayor and Council; amending Tucson Code Section 10A-139; and declaring an emergency.
- G. FINANCE: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE
1. Report from City Manager JUN22-10-315 CITY-WIDE
 2. Resolution No. 21572 relating to finance; authorizing the write-off of certain uncollectible accounts, and declaring an emergency.
- H. GRANTS: GRANT AGREEMENT WITH THE GILA RIVER INDIAN COMMUNITY FOR DISTRIBUTION OF GAMING MONIES TO PLANNED PARENTHOOD ARIZONA
1. Report from City Manager JUN22-10-316 CITY-WIDE

2. Resolution No. 21573 relating to grants; approving and authorizing submission of a grant application to the Gila River Indian Community in Support of Planned Parenthood Arizona; and declaring an emergency.

I. WATER: FISCAL YEAR 2011 WATER EFFICIENCY PROGRAM RECOMMENDATIONS

1. Report from City Manager JUN22-10-317 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21574 relating to Water; approving and authorizing the Citizens' Water Advisory Committee (CWAC) FY 2011 Water Efficiency Program Funding Recommendations; and declaring an emergency.

This item was considered separately.

J. TUCSON CODE: AMENDING (CHAPTER 22) ARTICLE V LEAVE BENEFIT PLAN (CONTINUED FROM THE MEETING OF JUNE 15, 2010)

1. Report from City Manager JUN22-10-331 CITY-WIDE
2. Ordinance No. 10812 relating to Leave and other Benefits: the Tucson Code, Chapter 22, Pensions, Retirement, Group Insurance, Leave Benefits and other Insurance Benefits, Article V, Leave Benefit Plan, Section 22-95 Sick leave incentive program providing for incentive payment and personal leave days; amending Section 22-95 Subsections (a) through (d) and adding Section 22-95 Subsection (e) and declaring an emergency.

K. HUMAN RESOURCES: AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO SUBMIT AN APPLICATION FOR THE FEDERAL GOVERNMENT EARLY RETIREE REINSURANCE PROGRAM

1. Report from City Manager JUN22-10-321 CITY-WIDE
2. Resolution No. 21575 relating to early retiree health insurance; approving and authorizing submission of an application to participate in the Federal Government Early Retiree Reinsurance Program; and declaring an emergency.

L. FINAL PLAT: (S10-014) REPLAT OF LOTS 4 AND 5 OF ALBERTSON'S AT EL RIO PLAZA

1. Report from City Manager JUN22-10-320 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.

M. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR WEEKDAY EVENING BUS SERVICE EXPANSION

1. Report from City Manager JUN22-10-323 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21580 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 2 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Weekday Evening Bus Service Expansion; and declaring an emergency.

N. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE WEEKEND BUS SERVICE EXPANSION PROJECT

1. Report from City Manager JUN22-10-324 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21579 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 2 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Weekend Bus Service Expansion; and declaring an emergency.

O. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE BUS FREQUENCY AND AREA EXPANSION PROJECT

1. Report from City Manager JUN22-10-325 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21582 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 2 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Bus Frequency and Area Expansion (Overcrowding Relief-Plugs); and improvements; and declaring an emergency.

P. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR EXPRESS BUS SERVICE EXPANSION IMPROVEMENTS

1. Report from City Manager JUN22-10-326 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21581 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 2 to the Intergovernmental Agreement for Transportation Funding between the Regional Transportation Authority of Pima County and the City of Tucson for Regional Transit Service Improvements: Project 49 – Express Bus Service Expansion Improvements; and declaring an emergency.

Q. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE SUN VAN PARATRANSIT SERVICE EXPANSION PROJECT

1. Report from City Manager JUN22-10-327 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21583 relating to Transportation; authorizing and approving Amendment No. 2 to the Intergovernmental Agreement for Transportation Funding between the Regional Transportation Authority of Pima County and the City of Tucson for Regional Transit Service Improvements: Project 47-Special Needs Transit for Elderly and Disabled Citizens-Sun Van Paratransit Service; and declaring an emergency.

R. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR FIXED-ROUTE BUS SERVICES AND ADA PARATRANSIT CERTIFICATION

1. Report from City Manager JUN22-10-328 OUTSIDE CITY
2. Resolution No. 21577 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the City of Tucson and Pima County for the Provision of Fixed-Route Bus Service (Sun Tran), ADA Paratransit Service (Sun Van), ADA Paratransit Eligibility Determinations, Fare Certification, and Fare Sales for Designated Areas of Pima County; and declaring an emergency.

S. INTERGOVERNMENTAL AGREEMENT: WITH THE TOWN OF MARANA FOR FIXED-ROUTE BUS SERVICE

1. Report from City Manager JUN22-10-329 OUTSIDE CITY
2. Resolution No. 21576 relating to Intergovernmental Agreements; authorizing and approving an Intergovernmental Agreement between the City of Tucson and The Town of Marana for the Provision of Fixed-Route Bus Service (Sun Tran) for Designated Areas of Marana; and declaring an emergency.

T. INTERGOVERNMENTAL AGREEMENT: WITH THE CITY OF SOUTH TUCSON FOR FIXED-ROUTE BUS SERVICES AND ADA PARATRANSIT CERTIFICATION

1. Report from City Manager JUN22-10-330 OUTSIDE CITY
2. Resolution No. 21578 relating to Intergovernmental Agreements; approving and authorizing the Intergovernmental Agreement between the City of Tucson and the City of South Tucson for the Provision of Fixed-Route Bus Service (Sun Tran) and ADA Paratransit Service (Sun Van); ADA Paratransit Eligibility Determinations, Fare Certification, and Fare Sales for Designated Areas of South Tucson, and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Consent Agenda Items A through T, with the exception of Item I, which was considered separately.

7. CONSENT AGENDA – ITEM I

I. WATER: FISCAL YEAR 2011 WATER EFFICIENCY PROGRAM RECOMMENDATIONS

1. Report from City Manager JUN22-10-317 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21574 relating to Water; approving and authorizing the Citizens' Water Advisory Committee (CWAC) FY 2011 Water Efficiency Program Funding Recommendations; and declaring an emergency.

Suzanne Mesich, Assistant City Clerk, announced the item to be considered separately was Item I.

Council Member Cunningham stated he was concerned with increases in the Marketing Program budget and the Rainwater Harvesting and Gray Water Demonstration Sites budget. He said with the Rainwater Harvesting Ordinance that went into effect on June 1, there was the need to train those in construction on how to comply with the Ordinance.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to move \$40,000 from the Marketing budget to the Rainwater Harvesting and Gray Water Demonstration Site budget in order to give the City of Tucson more opportunities to harvest rainwater, educate builders on how to effectively implement these systems and still give the Marketing budget an increase of over double its current amount.

It was moved by Council Member Cunningham, duly seconded and passed by a roll call vote of 7 to 0, to pass and adopt Consent Agenda Item I, as amended.

8. PUBLIC HEARING: POTENTIAL AMENDMENTS TO THE TUCSON CHARTER

Mayor Walkup announced City Manager's communication number 322, dated June 22, 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 to provide the public with an opportunity to present recommendations and comments to the Mayor and Council regarding amendments to the Tucson Charter. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Steve Leal spoke about his thoughts regarding eliminating the staggered elections and salaries for the Mayor and Council, mayoral parity and checks and balances with the City Charter in the hiring process of department heads.

Matt Kopec, on behalf of Mark Stegeman, Ph.D., read a statement that Mr. Stegeman prepared regarding the position of the Director of Tucson Water.

Curtis Dutiel stated he agreed with some of Mr. Leal's comments regarding eliminating staggered elections for the Mayor and Council, removing them from odd years and moving them to a single cycle. He proposed that the positions that were up for re-election in 2011 serve two year terms and in 2013, implement the full-time City Council and pay. He also stated he agreed with the comments made in Mr. Stegeman's statement.

Robert Clark stated he too was in agreement with the comments made thus far. He said he had perused all of the material he could find and the one thing that concerned him was in the area of mayoral parity. He said nothing he had seen, in written materials, provided any protection should something happen to the Mayor as to how that would be dealt with.

Council Member Cunningham asked the City Attorney to address Mr. Clark's concern.

Michael Rankin, City Attorney, stated he could or it could be discussed at the end of the public hearing. He said there were provisions in the Charter that the Vice Mayor would serve in the Mayor's absence or disability of the Mayor. He stated there were also provisions in the Charter about filling a vacancy in the event of the death or incapacity of the Mayor.

Ed Verburg, Tucson Mountains Association (TMA), stated that the group the Mayor and Council put together to recommend changes to the City Charter was a great group. He commended them for now listening to the community regarding their concerns. He shared some experiences of the TMA working with local, county, state and federal governments, both at the staff and executive levels. He spoke about the TMA's suggestions regarding department heads or superintendents for water and streets that they asked be added to the list of positions the Mayor and Council should have a voice in hiring and discharging.

Ron Shoopman, on behalf of Michael Cairo, read an email prepared by Mr. Cairo regarding the changes to the Tucson Charter. He stated the American Federation of State, County and Municipal Employees (AFSCME) supported the changes; change in governing authority, city management and accountability.

Bill Roe spoke about working together for the betterment of the City of Tucson. He commented about governance and the need for changes to the City Charter and stated he was in support of them.

Paul Green, Tucson Audubon Society Executive Director, spoke in support of the proposed Charter changes. He said he had a concern regarding why the City was different from a non-profit, especially when it came to the degree of responsibility of the Council and City Manager.

Laura Penny, Non-Profit Executives Together, spoke in support of the recommendations put forward by the Coalition.

Si Schorr spoke about his thoughts and experiences with the hiring and firing of City Managers of the past. He commented he would like to see the Mayor and Council move ahead with the changes.

Sara Smallhouse stated she lived in the County, but cared deeply about what happened in the City of Tucson. She spoke in support of the Charter changes and said great governance was one of the basic mainstays of the Tucson Regional Economic Office (TREO) blueprint on bringing and continuing prosperity to the City.

Richard Underwood commented about the number of City Managers the City of Tucson has had. He spoke about what it meant to be a leader and said he supported the changes to the Charter.

Luke Knipe spoke about a comment that was made earlier regarding the difference between the City and a non-profit. He said board members of non-profits were not elected officials as were the Mayor and Council. He said as a voter, he cherished his right to vote, what that power meant, and that his vote had power to determine what the Mayor and Council did as they represented the voters of the City of Tucson not the interests of revenue sources of the leadership council. He asked that the Mayor and Council make decisions that represent voters and consider their interests.

Jeff Rogers reiterated his thoughts made earlier during the Study Session. He asked that the Mayor and Council reject the false analogy about corporations to non-profits to the university, stating that the City was none of the three, but rather a government which was different. He stated this was a democracy; while there might be some similarities, it was not the same. He asked that the Mayor and Council adopt the recommendations he proposed earlier in the day.

Brian Flagg stated the important part of the Charter changes was that he thought the Mayor and Council should have the maximum input in the hiring and firing of department heads including water and transportation. He said he felt the Mayor and Council needed to take into consideration what the voters were saying and wanting and not just that of the leadership council. He asked that the Mayor and Council not rush through the process and stand up for the interest of all those that voted them in.

Jim Hannley, El Rio Neighborhood Association President, gave a brief description of his neighborhood and the challenges they faced. He said his Neighborhood and the Southern Arizona Leadership Council did not have the same interests. He asked

that the Mayor and Council consider if the recommendations brought forth were working to ensure that the City of Tucson had the revenue needed to conduct the business of government. He said he supported ward only elections and implored the Mayor and Council to not relinquish their authority over the City.

Karolyn Kendrick stated she agreed that the City Charter needed changing and actually agreed with many of the changes being proposed. She said her disagreement was to the process used; a broadly based effort by people who did not live in Tucson.

Collette Altaffer spoke about her disagreement in the process used to come up with the proposed changes for the City Charter. She urged the Mayor and Council to do the right thing and require the Southern Arizona Leadership Council to collect the petition signatures needed to place the proposed Charter changes on the ballot, which might delay the issues for a year, but would strengthen the democratic process.

Bruce Dusenberry stated he did not know why it was “us against them.” He said it was not the business community, donors and managers, against the citizens; everyone was in it together. He said it was about a governmental structure that made the City more effective. He said he supported the changes that were based upon best practices around the country.

Joseph Miller, Midvale Park Neighborhood Association (MPNA), stated they were all concerned about what happened within the City of Tucson. He said what the Leadership Council did regarding the proposed changes was a fantastic first step. Unfortunately, he said, the City had to concern themselves with people of Tucson first, listening to the citizens of the City. He spoke about the MPNA’s concerns and recommended that the Mayor and Council work more closely with the leadership of the neighborhood associations who truly cared about moving the City forward.

Tom Prezelski stated he liked where the discussion about the Charter changes was headed, but did not like where it began. He said he did not like that the City allowed a group of “colonial overlords” to drive the process. He said there were people who were leaders in the City and had a constituency that should be heard.

Pancho Medina, read a letter on behalf of Angela Quiroz, President of the Santa Rita Neighborhood Association, regarding her concerns of the process used in making significant changes to the City Charter and the affects to the citizens of Tucson.

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

Mayor Walkup announced that during the Study Session it was discussed that the Mayor and Council would take the next two weeks to listen to constituents in various ways to receive input. The next meeting this topic was to be discussed was July 7, 2010.

9. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE LAND USE CODE; RELATING TO THE DEVELOPMENT TIME LINES AND EXPIRATION DATES

Mayor Walkup announced City Manager's communication number 318, dated June 22, 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 proposed amendment to the Tucson Code, Chapter 23, the *Land Use Code* that would address the lengthening of expiration time lines for development plans and subdivision plats. He said before beginning the public hearing, staff wanted to make a brief statement.

Ernie Duarte, Planning and Development Services Director, stated this item was the first of two public hearings on proposed text amendments to the *Land Use Code (LUC)*. He said it was in response to the Mayor and Council's direction to initiate a series of amendments that would help businesses in the development community. He stated this text amendment lengthened the expiration dates of tentative plats, development plans and site plans from one year to three years. The effect being that approved plans in the future would have a longer approved shelf life and eliminate the cost and time associated with re-drawing and re-reviewing plans that were not dealt with within one year.

Mr. Duarte stated that these projects would also be exempt for any new *LUC* requirements adopted during that time frame. He said the proposed text amendment had significant stakeholder input. The *LUC* Committee supported the text amendment and the Planning Commission reviewed and held a public hearing on behalf of the Mayor and Council and forwarded a recommendation of approval. He said, if approved, the text amendment would sunset in January 2012 and allowed staff time to review the effectiveness of the amendment and bring it back to the Mayor and Council for an extension if appropriate. He stated, additionally, pursuant to the Mayor and Council's direction, staff was also reviewing this portion of the *LUC* to possibly extend the approval period to five years.

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

David Godlewski, Southern Arizona Home Builders Association (SAHBA) Government Liaison, made some brief comments and stated he appreciated the efforts by the Mayor and Council to take a look at the issue at hand. He said he felt it was beneficial and represented the land use patterns and development realities that Tucson was facing. He stated staff had done a great job reaching out to all of the stakeholders. He encouraged the Mayor and Council to move forward with the text amendment.

It was moved by Vice Mayor 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 10813 by number and title only.

Ordinance No. 10813 relating to planning and zoning; amending certain portions of the Land Use Code, Chapter 23, Article IV, Subdivisions, Division 1, Generally, Section 4.1.7, Expiration dates; Article V, Administration, Division 3, Special Development Applications, Section 5.3.8, Development Plan; and amending certain portions of the Development Compliance Code, Chapter 23A, Article II, Review Procedures, Division I, General Zoning Review Procedure, Section 23A-33.1, Subdivision plat process, and Section 23A-34, Development plan review; and declaring an emergency.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt Ordinance 10813.

Mayor Walkup asked if there was any discussion.

Council Member Cunningham asked staff if there was some way to include those people whose plats had expired within that last five or six months.

Mr. Duarte stated there was a provision in the *LUC* that allowed staff to retroactively review and approve previously approved and unexpired development plans and tentative plats. He said the means in which they did that was called Protective Development Rights (PDR) and last spring, PDRs were granted to about seventy-seven projects by the Mayor and Council.

Council Member Uhlich asked staff to describe the steps the plats and plans had been through to get this extension approval.

Mr. Duarte stated staff was looking at prospectively applying this approval period to plans that came in after the evening's meeting assuming the Mayor and Council approved the Ordinance. These development plans, tentative plats and site plans had gone through an extensive review by not only City agencies, but outside agencies including utility companies and Pima County and varied anywhere between three to six months. He said in more complex projects, it was nine months to a year long. Mr. Duarte said it was an extensive process to review tentative plats, development plans and site plans.

Council Member Uhlich stated she appreciated the recommendation letter from the Planning Commission (PC) and trusted their decision, but in the past, the Mayor and Council were provided with copies of the minutes from the public hearing held at the PC level. She asked if those minutes were available online or if there was a way her staff could review them, as she was interested in seeing who spoke before the Commission.

Mr. Duarte stated that he would make sure the minutes from the meetings with the PC related to these specific actions were included in future agenda items. These particular minutes were not ready, nor had they been approved by the PC.

Ordinance 10813 was declared passed and adopted by a roll call vote of 7 to 0.

10. PUBLIC HEARING: TUCSON CODE (CHAPTER 23) AMENDING THE LAND USE CODE; OFF STREET LOADING ZONES AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 313, dated June 22, 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 *Land Use Code* amendment relating to off street loading zones. He announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations

There were no speakers

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

Mayor Walkup asked the City Clerk to read Ordinance 10811 by number and title only.

Ordinance No. 10811 relating to planning and zoning; amending certain portions of the *Land Use Code*, Chapter 23, Article III, Development Regulations, Division 4, Off-street loading, Section 3.4.4 Design Criteria by adding a new section 3.4.4.1.C; and declaring an emergency.

It was moved by Vice Mayor Scott, duly seconded, to pass and adopt Ordinance 10811.

Mayor Walkup asked if there was any discussion.

Council Member Cunningham stated since the City was very subtly changing how dumpsters were installed, he wanted to remind Tucsonans that it was very important that all trash be bagged so that refuse did not fall on the ground when emptied.

Ordinance 10811 was declared passed and adopted by a roll call vote of 7 to 0.

11. ZONING: (C15-10-01) CORAZON DEL PUEBLO ANNEXATION DISTRICT, COUNTY CR-3 AND CB-2 TO CITY R-1 AND C-2, CITY MANAGER'S REPORT AND DIRECT ORDINANCE

Mayor Walkup announced City Manager's communication number 311, dated June 22, 2010, was received into and made part of the record. He also announced this was a request to establish original City Zoning for property located east of Craycroft Road, north of Interstate 10. He stated the Zoning Examiner and staff recommended authorization of the rezoning. He asked the City Clerk to read Ordinance 10809 by number and title only.

Ordinance No. 10809 relating to zoning: establishing original City zoning, from County CR-3 and CB-2 to City R-1 and C-2, in the area located one-quarter mile east of Craycroft Road, immediately north of Interstate 10 which was annexed to the City of Tucson by Ordinance 10351 adopted December 5, 2006; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll vote of 7 to 0, to approve the request for Original City Zoning as recommended by the Zoning Examiner and pass and adopt Ordinance 10809.

12. FINANCE: FIXING AND LEVYING THE PRIMARY AND SECONDARY PROPERTY TAXES FOR FISCAL YEAR 2011

Mayor Walkup announced City Manager's communication number 319, dated June 22, 2010, was received into and made part of the record. He asked the City Clerk to read Ordinance 10788 by number and title only.

Ordinance No. 10788 relating to taxation; fixing, levying, and assessing primary and secondary property taxes for the City of Tucson upon the assessed valuation of the property within the City of Tucson subject to taxation, each in a certain sum upon each one hundred dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget, less the amounts estimated to be received from other sources of revenue and unencumbered balances from the previous fiscal year; providing funds for various purposes, all for the fiscal year ending June 30, 2011; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and carried by a roll vote of 7 to 0, to pass and adopt Ordinance 10788.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 306, dated June 22, 2010, was received into and made part of the record. He asked for a motion to approve the appointment in the report.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to appoint Murray Baker to the Veterans' Affairs Committee (VAC) representing the Tucson Jewish War Veterans.

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

Council Member Cunningham announced his personal appointments of Amy McCoy to the Citizens Water Advisory Committee (CWAC), Ruth Wojcik to the Board of Adjustments (BAJ) and John Hingle to the Environmental Services Advisory Committee (ESAC).

14. ADJOURNMENT: 7:34 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, July 7, 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 22nd day of June 2010, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:yl:sac