



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on September 21, 2010.

Date of Meeting: March 23, 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 5:40 p.m., on Tuesday, March 23, 2010, all members having been notified of the time and place thereof.

1. ROLL CALL

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

Present:

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

Absent/Excused:

None

Staff Members Present:

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Rabbi Samuel Cohon, Temple Emanu-El, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed April 24, 2010, to be “Independent Living Day.” Joe Chitty with the Arizona Paralyzed Veterans of America and Wendy Dewey with the Direct Center for Independence accepted the proclamation.
- b. Mayor Walkup proclaimed March 27 to April 4, 2010 to be “Days of Fasting and Prayer for Tucson’s Economic Recovery.” Senior Pastor Zane Anderson of the Victory Worship Center accepted the proclamation, along with his wife.
- c. Mayor Walkup and Council Member Romero presented Certificates of Appreciation to students of Brichta Elementary School for their public service using research and science to conserve resources and protect the environment.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 111, dated March 23, 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 Uhlich encouraged her colleagues to participate in the Cash Bus Promotion by distributing information to bus riders regarding Earned Income Tax Credits and free tax preparation assistance through the United Way sponsored by the Ward 3 Office and Sun Tran Community Information and Referral on March 25, 2010, at the Ronstadt Center. She also acknowledged United Way representatives.
- b. Vice Mayor Glassman announced the Water Project Festival was held from March 26-28, 2010, at Himmel Park, Sabino Canyon, Armory Park Center and Downtown. He also announced the American Heart Association’s, “Let’s Get Walking Day” on April 7, 2010.
- c. Council Member Romero announced the 2010 Census kick-off event, “Count Me,” was held on March 26, 2010, at C. E. Rose Elementary School where they spoke to children about the importance of being counted and asked them to encourage their parents to fill out and return the Census form. She also announced the Caesar Chavez March and Rally was held on March 27, 2010.
- d. Council Member Fimbres announced the 21st Annual Educators Banquet of the League of United Latin American Citizens was held April 1, 2010, and the Southern Arizona Veterans Administration (VA) Health Care System, “Former Prisoners of War (POW) Recognition Day,” was held on April 9, 2010 at the VA.

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

Mayor Walkup announced City Manager’s communication number 112, dated March 23, 2010, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Letcher, City Manager, thanked the Mayor and Council for their direction regarding the City’s budget deficit.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 113, dated March 23, 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. Hanson’s Good To Go, Ward 1
1715 W. Irvington Rd.
Applicant: Daniel Walter Ryan
Series 10, City 7-10
Action must be taken by: March 29, 2010

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

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/Location Transfer(s)

2. El Molinito, Ward 5
5380 E. 22nd St.
Applicant: Wayne Lee Hallquist
Series 6, City 8-10
Action must be taken by: April 5, 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)

1. Santa Cruz Catholic Church, Ward 5
1220 S. 6th Ave.
Applicant: Rebecca Marie Lujan
City T15-10
Date of Event: April 17, 2010 - April 18, 2010
(Annual Fiesta de la Familia)

Staff has indicated the applicant is in compliance with city requirements.
2. Fiesta Grande of Hollywood, Inc., Ward 1
Grande Ave., between Speedway Blvd. & St. Mary's Rd.
Applicant: Erica M. Dahl-Bredine
City T21-10
Date of Event: April 10, 2010 - April 11, 2010
(Neighborhood street fair to build community)

Staff has indicated the applicant is in compliance with city requirements.
3. Knights of Columbus Council #12696, Ward 2
8800 E. 22nd St.
Applicant: William Dean Woodruff
City T22-10
Date of Event: April 16, 2010
(Fundraiser for St. Augustine Catholic High School)

Staff has indicated the applicant is in compliance with city requirements.
4. Artsake Foundation, Ward 6
Congress St., between 4th Ave. & 6th Ave.; 5th Ave., between Toole &
Broadway Blvd.
Applicant: Jeb Bley Schoonover
City T23-10
Date of Event: April 17, 2010
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.
5. Blessings From the Heart, Ward 6
110 E. Pennington St.
Applicant: Debbie Thomas Uthe
City T24-10
Date of Event: April 16, 2010
(To raise money for the non-profit)

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

6. The EDMC Education Foundation - The Art Institute of Tucson, Ward 1
140 N. Main Ave.
Applicant: Julie A. Pulliam
City T29-10
Date of Event: April 12, 2010
(Fundraiser)

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 Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2 and 5c1 through 5c6 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

- b. Liquor License Application(s)

New License(s)

1. Hanson's Good To Go, Ward 1
1715 W. Irvington Rd.
Applicant: Daniel Walter Ryan
Series 10, City 7-10
Action must be taken by: March 29, 2010

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

Roger Randolph, City Clerk, announced the item to be considered separately was Item 5b1, Hanson's Good to Go, located in Ward 1.

Council Member Romero invited the Midvale Park Neighborhood Association (MPNA) President to speak. She said one of the issues the MPNA had was that there was not enough time for them to submit an official statement in opposition of the liquor license application.

Christina Cruz, Midvale Park Neighborhood Association President (MPNA), explained they did not have time to submit their official statement because the timeframe fell in between their meetings. She indicated it was not fair to represent the neighborhood without having a formal vote. She continued saying the MPNA had an extensive interview process, for all new establishments requesting liquor licenses within the community, at which they discussed and addressed neighborhood concerns. She said they had supported all new establishments' liquor license applications that had come to the MPNA and had also been able to establish expectations, in writing, that were reasonable to both the community and the establishment and were on file with the Ward 1

Council Office. She noted that the process had been extremely successful in maintaining a quality of life in the community while allowing businesses to run a safer and successful operation.

Ms. Cruz said the Applicant did not contact the neighborhood or the homeowners surrounding the establishment, which some shared a common wall. She explained without being able to address and resolve serious concerns of the community, it was impossible to support a liquor license application at that time. She stated Midvale Park was bordering on over-saturation of liquor licenses already issued. She said given the location, the obvious lack of concern shown by the applicant, and prior violations stated on the liquor license application, the MPNA respectfully requested that the Mayor and Council either table the application until the applicant discussed concerns with the neighborhood or forward the liquor license application with the recommendation of denial to the Arizona State Liquor Board.

Ms. Cruz said one example of the concerns the neighborhood had was the common wall shared with a homeowner. She said the wall made it easy for someone fleeing the market to jump into either the resident's back or front yard. She said something like that could have been easily resolved by planting cactus or putting up some wrought iron; but they did not have the opportunity to speak to the Applicant because there was no contact made with the neighborhood. She explained there were other concerns, such as, did they keep their coolers locked and what type of ongoing education did they provide their employees regarding the sale of liquor to minors. She commented that graffiti was a major problem in Midvale Park so they wanted to know if the Applicant was aware of that, what their policy was regarding graffiti and were they going to support the community in graffiti abatement, which the MPNA took very seriously. She mentioned there was no line of vision when vehicles exited on to Midvale Park Road heading south. She asked what kind of camera location they had to be able to help the Tucson Police Department when a beer run or some other violent crime happened. She said those were some of the MPNA's concerns that were not being answered and without those answers they were left with one conclusion, to request the Mayor and Council's support and deny the liquor license application.

Council Member Romero asked the City Clerk if there was any possibility of postponing the liquor license application so the Applicant could have a conversation with the Midvale Park residents.

Mr. Randolph stated action needed to be taken on the license by March 29, 2010.

Mike Rankin, City Attorney, said there was no meeting in the interim so they would not have an opportunity to reschedule before the deadline passed.

Council Member Romero said the applicant did not make any effort to contact the MPNA and she knew that they actually reviewed applications and were not automatically denied. She stated the MPNA liked to sit down with businesses and restaurants and talk about their issues and form a relationship with them. She said since there was no

initiation by the Applicant to work with the neighborhood, especially when they were located on the southwest corner of Irvington Road and Midvale Park Road and were right next door to residents facing north, she suggested that they deny the application.

Vice Mayor Glassman said he wanted to thank Ms. Cruz for the advocacy she did for her neighborhood association. He joined Council Member Romero in saying it was too bad the Applicant did not contact the MPNA because he knew how hard they worked to communicate with everyone that came to the community.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward Item 5b1 to the Arizona State Liquor Board with a recommendation for denial.

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. Joseph Sweeney spoke of his concerns regarding illegal immigrants and the cost to the community. He also urged the Mayor and Council to allow the City Manager to apply for available 287(g) funding.
- b. Jeanie Bergen, Channel 12, spoke in support of Channel 12. She emphasized the positive stories presented about Tucson and its support of local businesses and charities.
- c. Gene Einfrank, Channel 12, introduced several other Channel 12 employees. He spoke in support of Channel 12 and the information their stories provided for area events and for the City's website.
- d. Terri Quinn, Channel 12, thanked Mayor and Council and expressed how proud she was of the programs she helped create for the citizens of Tucson. She asked for the Mayor and Council's continued support.
- e. Andy Marshall, Teamsters Local Union 104 Principal Executive Officer, urged the Mayor and Council to consider and approve the transition of Sun Tran and Sun Van to the Regional Transportation Authority (RTA).

7. CONSENT AGENDA – ITEMS A THROUGH G

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. APPOINTMENT TO THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY

1. Report from City Manager MAR23-10-116 CITY-WIDE
2. Resolution No. 21498 relating to the Industrial Development Authority of the City of Tucson; appointing Emily Nottingham to the Board of Directors of the Industrial Development Authority of the City of Tucson, to fill the vacancy created by Nancy Lutz, for a term expiring March 12, 2015; and declaring an emergency.

B. APPROVAL OF MINUTES

1. Report from City Manager MAR23-10-115 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on October 20, 2009.

C. REAL PROPERTY: VACATION AND SALE OF ELMWOOD STREET RIGHT OF WAY FROM ALVERNON WAY EAST TO LONGFELLOW AVENUE

1. Report from City Manager MAR23-10-117 WARD 6
2. Ordinance No. 10769 relating to real property; vacating and declaring Elmwood Street right of way from Alvernon Way east to Longfellow Avenue to be surplus property; authorizing the sale thereof to adjacent owners; and declaring an emergency.

D. AGREEMENT: WITH PIMA COUNTY FOR GRANTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT NEIGHBORHOOD STABILIZATION PROGRAM 2

1. Report from City Manager MAR23-10-119 WARDS 1, 4, 5, AND 6

This item was continued to the meeting of April 6, 2010, at the request of staff.

E. TRANSPORTATION AND FINANCE: ACCEPTING AND UTILIZING PRIVATE DONATIONS FOR POTHOLE REPAIRS

1. Report from City Manager MAR23-10-121 CITY-WIDE
2. Resolution No. 21501 relating to Transportation and Finance; authorizing and directing the Transportation Director to enter into agreements accepting private donations for pothole repairs; authorizing and directing the Director of Finance to accept such donations to be used exclusively for pothole repairs; and declaring an emergency.

This item was considered separately at the request of Council Member Fimbres.

F. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR OPERATION OF SOLAR ONE STOP SHOP

1. Report from City Manager MAR23-10-122 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21500 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Operation of a Solar One Stop Office; and declaring an emergency.

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

G. INTERGOVERNMENTAL AGREEMENT: WITH VARIOUS OUTSIDE AGENCIES FOR USE OF AMERICAN RECOVERY AND REINVESTMENT ACT JUSTICE ASSISTANCE GRANT PROGRAM AWARD

1. Report from City Manager MAR23-10-120 CITY-WIDE
2. Resolution No. 21499 relating to Intergovernmental Agreements; authorizing and approving execution of an Intergovernmental Agreement between the City of Tucson, Pima County, the City of South Tucson, and the towns of Oro Valley, Sahuarita, and Marana for 2009 American Recovery and Reinvestment Act Edward Byrne Justice Assistance Grant Program Award, superseding Resolution 21462; and declaring an emergency.

This item was considered separately at the request of Council Member Fimbres.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through G, with the exception of Item D, which was continued to the Mayor and Council meeting of April 6, 2010, and Items E, F, and G, which were considered separately, be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Items A through G, with the exception of Item D, which was continued to the Mayor and Council meeting of April 6, 2010, and Items E, F, and G, which were considered separately, were declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM E

E. TRANSPORTATION AND FINANCE: ACCEPTING AND UTILIZING PRIVATE DONATIONS FOR POTHOLE REPAIRS

1. Report from City Manager MAR23-10-121 CITY-WIDE
2. Resolution No. 21501 relating to Transportation and Finance; authorizing and directing the Transportation Director to enter into agreements accepting private donations for pothole repairs; authorizing and directing the Director of Finance to accept such donations to be used exclusively for pothole repairs; and declaring an emergency.

Roger Randolph, City Clerk, announced the first item to be considered separately was Item E, at the request of Council Member Fimbres.

Council Member Fimbres asked if the City could be under potential liability with the proposal.

Mike Rankin, City Attorney, said the way the Resolution was structured, consistent with direction from the Mayor and Council, it established a program that did two things. He said, first, it approved the private agreements along the same lines of one previously approved by Mayor and Council with a private organization, The Hartford Group, where they paid for City crews to fill potholes. The second thing was that it provided a mechanism through the Finance Department where private contributions, whether through a neighborhood association or individuals, would go to a dedicated account which would be used exclusively for pothole repairs. He said, in either instance, the repairs would be done through the City so it was not a scenario where they were creating a program under which private individuals were going out to do the pothole repairs themselves. So, the answer was no to Council Member Fimbres' question.

It was moved by Council Member Fimbres, duly seconded, that Consent Agenda Item E be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Item E was declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM F

F. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR OPERATION OF SOLAR ONE STOP SHOP

1. Report from City Manager MAR23-10-122 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21500 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Operation of a Solar One Stop Office; and declaring an emergency.

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

Council Member Kozachik commented on the letter the Mayor and Council received in their meeting materials from the Assistant City Manager regarding the General Services Department being awarded a United States Department of Energy Solar America Cities Grant for almost three hundred fifty thousand dollars. He said the letter stated, among other things, that the grant provided for the establishment of a regional solar one-stop shop. Also in the materials was a timetable or a budget for the grant package that totaled one hundred ninety thousand dollars. He said the first line item was the hiring of a regional solar coordinator. He asked if the delta between the one hundred ninety thousand dollars and the three hundred fifty thousand dollars was the salary for the coordinator. He asked what accounted for the difference between the amount of the grant and the amount that was being reflected in the deliverables.

Ron Lewis, General Services Department Director, said the Solar Cities Grant #2 required, as part of the contract they had with the Department of Energy, a solar one-stop shop regional resource for all things solar. He said the City partnered with Pima County on it and part of the hundred ninety thousand dollars included the salary of the regional coordinator, who was a County employee. He explained the County had a match requirement by the Department of Energy as well. He said it was another eighty eight thousand dollars, so if there was any delta in what the County actually hired the individual for compared to the grant, they would still have to match eighty eight thousand dollars of their own money to that.

Council Member Kozachik asked for confirmation that the agreement sunsetted after two years and there was no ongoing obligation for the City after that.

Mr. Lewis answered affirmatively.

Council Member Kozachik stated that it seemed to him if a salary of one hundred fifty thousand dollars, out of a grant of three hundred fifty thousand dollars was being allocated, why the City could not work as effectively with an organization such as Tucson Regional Economic Opportunities (TREO) that was already involved in regional

activities and use the entire three hundred fifty thousand dollars to pump into solar for the area. He said his concern was that it was a City grant and that there were other options to more effectively use the money for, instead of giving away one hundred fifty thousand dollars for a salary and not involving TREO.

Mr. Lewis said he understood and needed to step back a bit to give some background. He stated in the original competition for the Solar Cities Grant #1, one of the things the Department of Energy was looking for was a regional partnership type approach to promoting solar. He said the City partnered with Pima Association of Governments (PAG) at that time. He explained when the City applied for the next solar grant application, there was less competition as it was only open to those who received the first grant, so the City again approached PAG, but they declined because of their own budget and staffing issues.

Mr. Lewis said the City then went to the next regional level, which was Pima County, who had a broader base in the region. That was how the City ended up in a partnership with Pima County. He said the City actually submitted for five different areas in the grant application and were only awarded three. One of those was the County one-stop shop. The other two were City activities.

Mr. Lewis said the City's portion of the grant basically paid Bruce Plenk, Solar Energy Coordinator, who had been with the City for a couple of years on the first grant and would continue for a couple of years with the second grant. He said Tucson also had a match of about forty-four thousand dollars that the City had to provide. He said part of the City Energy Manager's salary was covering that match.

Council Member Kozachik asked for confirmation that the grant was a continuation of an existing program.

Mr. Lewis answered affirmatively.

It was moved by Council Member Kozachik, duly seconded, that Consent Agenda Item F be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion.

Vice Mayor Glassman thanked Mr. Plenk for the work he was doing on behalf of Tucson. He said the Ward 2 Council Office had been working on the Solar City Initiative and the passion that Mr. Plenk exuded in regards to infusing solar into the community in every way possible was something contagious. He thanked him again for his hard work.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Item F was declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM G

G. INTERGOVERNMENTAL AGREEMENT: WITH VARIOUS OUTSIDE AGENCIES FOR USE OF AMERICAN RECOVERY AND REINVESTMENT ACT JUSTICE ASSISTANCE GRANT PROGRAM AWARD

1. Report from City Manager MAR23-10-120 CITY-WIDE
2. Resolution No. 21499 relating to Intergovernmental Agreements; authorizing and approving execution of an Intergovernmental Agreement between the City of Tucson, Pima County, the City of South Tucson, and the towns of Oro Valley, Sahuarita, and Marana for 2009 American Recovery and Reinvestment Act Edward Byrne Justice Assistance Grant Program Award, superseding Resolution 21462; and declaring an emergency.

Roger Randolph, City Clerk, announced the final item to be considered separately was Item G, at the request of Council Member Fimbres,

Council Member Fimbres asked if the grant potentially freed up any of the City's designated general fund money directed towards the project.

Roberto Villasenor, Chief of Police, answered negatively. He said the grant needed to be agreed upon by all the participants as to what the uses were for and was primarily for technological assistance. He said the grant allowed them to purchase a new CAD (Computer Aided Dispatch) RMS (Records Management System) plus some equipment for the crime lab, which was agreed upon in the submittal of the grant and could not be revised at that point.

It was moved by Council Member Fimbres, duly seconded, that Consent Agenda Item G be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Item G was declared passed and adopted by a roll call vote of 7 to 0.

8. ZONING: (SE-09-55) AT&T - MARTIN AVENUE, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 118, dated March 23, 2010, was received into and made part of the record. He also announced it was a Special Exception Land Use request for property located on the east side of Martin Avenue near the southwest intersection of Campbell Avenue and Thirty Fourth Street. He stated the Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant or a representative was present and if they were agreeable to the proposed requirements.

The Applicant indicated agreement.

Mayor Walkup asked the City Clerk to read Ordinance 10770 by number and title only.

Ordinance No. 10770 relating to zoning; a special exception land use – wireless communications use; approving with conditions the construction of a 65 foot tall tower concealed within an artificial palm tree in the C-1 zone – case SE-09-55 AT&T – Martin Avenue; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10770.

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

Upon roll call, the results were:

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

Nay: None

Ordinance 10770 was declared passed and adopted by a roll call vote of 7 to 0.

9. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO THE CURRENT PAWN SHOP ORDINANCE (CONTINUED FROM THE MEETING OF MARCH 9, 2010)

Roger Randolph, City Clerk, announced, as directed during Study Session, Item 9 was being to the Mayor and Council meeting of April 13, 2010, to be held in the Mayor and Council Chambers.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 114, dated March 23, 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 Council Member Fimbres, duly seconded and carried by a voice vote of 7 to 0, to approve the appointments of Philip A. Carhuff, as Architect, to the Board of Appeals; Michael C. Elsner to the City Magistrates Merit Selection Committee; Terry Byron to the Veterans' Affairs Committee; and the reappointments of Freda Johnson to the City Magistrates Merit Selection Committee; Elaine Hill and Mary Lou Fragomeni-Nuttall, property owners, to the Fort Lowell Historic Zone Advisory Board; and E. Wendell Hague to the Veterans' Affairs Committee.

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

Council Member Uhlich announced her personal appointments of Kathleen Williamson to the Pima County/Tucson Women's Commission and Joseph Maher to the Planning Commission.

Council Member Fimbres announced his personal appointment of Carlos Lozano to the Tucson-Pima County Historical Commission.

11. ADJOURNMENT: 6:52 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 6, 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 23rd day of March 2010 and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:jr:sac