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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on June 28, 2011.

Date of Meeting: March 8, 2011

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 5:46 p.m., on Tuesday, March 8, 2011, 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	Council Member Ward 4
Steve Kozachik	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Richard G. Fimbres	Vice Mayor, Council Member Ward 5
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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 Stacy Semas, City Clerk's Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup introduced representatives of the United States Secret Services, Phoenix Field Office, who presented plaques to the Tucson Police and Fire Departments in honor of their response and support during President Obama's visit to Tucson in January.
- b. Mayor Walkup proclaimed March 14 to March 20 to be "Fix a Leak Week." Ivey Schmitz, Tucson Water Deputy Director, accepted the proclamation.
- c. Mayor Walkup proclaimed March 8 to be "This is My Tucson Day." Doug Martin and Rick Vaughan accepted the proclamation.
- d. Mayor Walkup proclaimed March 25 to be "Women in Government Day." Alison Hughes, Pima County/Tucson Women's Commission Executive Director, accepted the proclamation.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 92, dated March 8, 2011, 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 the Ward 1 Tucson Means Business Forum and invited the community to the St. Patrick's Day Parade and the University of Arizona's Book Fair.
- b. Council Member Cunningham reported on the Ward 2 Fifth Annual Business Roundtable, and the Fifth Annual Neighborhood Legislature Meeting. He also congratulated the organizers of the Inaugural Desert Cup, and reported on "Wildcats in the Community Day."
- c. Council Member Kozachik reported on the search for two hundred volunteers to work the "Festival of Books" and on the free CPR training on "Save a Life Saturday".
- d. Mayor Walkup reported on a presentation he made to the Congress of Mayor's, on Mayor's Accord of Civility, and presented a "Civility Pin" to members of the Council. He also urged the community to pledge to exhibit and encourage the kinds of personal qualities emblematic of a civil society.

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

Mayor Walkup announced City Manager’s communication number 93, dated March 8, 2011, 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.

There was no report.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager’s communication number 94, dated March 8, 2011, 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. Kampai, Ward 6  
4689 E. Speedway Blvd.  
Applicant: Rebecca Ann Parisi  
Series 12, City 2-11  
Action must be taken by: March 18, 2011

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

2. Hensley & Company, Ward 4  
9337 E. Old Vail Rd.  
Applicant: Robert M. Delgado  
Series 4, City 4-11  
Action must be taken by: March 21, 2011

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

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

Person Transfer(s)

3. First Avenue Beverage, Ward 3  
3149 N. 1st Ave.  
Applicant: Richard Oscar Berger  
Series 9, City 1-11  
Action must be taken by: March 12, 2011

Tucson Police Department and Planning and Development Services have indicated the applicant is in compliance with city requirements.

Revenue Investigations has indicated the applicant is not in compliance with city requirements.

This item was considered separately.

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)

c. Special Event(s)

1. Kokopelli Winery, Ward 6  
SE corner of 4th Ave. & 5th St.  
Applicant: Dennis M. Minchella  
City T8-11  
Date of Event: April 1, 2011 - April 3, 2011  
(Wine Festival/4th Avenue Street Fair)

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

2. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Amanda Ivy Reed  
City T11-11  
Date of Event: March 28, 2011  
(Crush Seminar)

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

3. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Amanda Ivy Reed  
City T12-11  
Date of Event: April 1, 2011  
(Crush Wine Food Art Festival)

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

4. Tucson Breakfast Lions Club, Ward 5  
4823 S. 6th Ave.  
Applicant: Wayne Francis Locke  
City T13-11  
Date of Event: April 1, 2011 - April 2, 2011  
(Fundraiser)

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

5. Rialto Theatre Foundation, Ward 6  
Cushing St. & S. Meyer Ave.  
Applicant: Douglas William Biggers  
City T15-11  
Date of Event: March 26, 2011  
(Fundraiser for KXCI Community Radio)

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

Public Opinion: Written Argument in Favor Filed

d. Agent Change/Acquisition of Control

1. Bunny Ranch, Ward 6  
3650 E. Speedway Blvd.  
Applicant: Thomas Robert Aguilera  
Series 6, City AC3-11  
Action must be taken by: March 28, 2011

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

2. Cactus Moon Cafe, Ward 6  
5470 E. Broadway Blvd.  
Applicant: Davis C. Ryle  
Series 6, City AC4-11  
Action must be taken by: March 27, 2011

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

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Fimbres absent/excused), to forward liquor license applications 5b1 and 5b2, 5c1 through 5c5, and 5d1 and 5d2 to the Arizona State Liquor Board with a recommendation for approval.

**5. LIQUOR LICENSE APPLICATIONS**

b. Liquor License Application(s)

Person Transfer(s)

3. First Avenue Beverage, Ward 3  
3149 N. 1st Ave.  
Applicant: Richard Oscar Berger  
Series 9, City 1-11

Action must be taken by: March 12, 2011

Tucson Police Department and Planning and Development Services have indicated the applicant is in compliance with city requirements.

Revenue Investigations has indicated the applicant is not in compliance with city requirements.

Roger W. Randolph, City Clerk, announced the item to be considered separately was item 5b3, First Avenue Beverage, located in Ward 3.

Council Member Uhlich stated it was her understanding from the staff report that the applicant was unable to come into compliance with Revenue Investigation's requirements. She asked if there was a staff representative who could attest to that.

Kelly Gottschalk, Chief Financial Office, said that was correct; the applicant had outstanding taxes due for the liquor license.

Council Member Uhlich confirmed the application was a desire to transfer the license, and said she hoped the proprietors succeeded in working out some kind of arrangement to come into compliance.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Fimbres absent/excused), to forward liquor license application 5b3 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 and the call to the audience would last thirty minutes.

- a. Mikki Niemi commented on the budget for the Modern Streetcar Project.
- b. Keith Van Heyningen spoke about the City's budget and the Federal Government's debt. He also voiced his opposition to the Modern Streetcar Project.
- c. Shannon Cain gave her eighteenth installment of "*Tucson, the Novel: An Experiment in Literature and Civil Discourse.*"
- d. Phillip Gaylord spoke in opposition to the City's Pawn Shop Ordinance. He also spoke in support of Rosemont Mine.
- e. Michael Toney spoke in opposition to the Rosemont Mine and commented on the Rio Nuevo Lease Purchase Agreement with the Tucson Convention Center.
- f. John Carson Sr. spoke in support of Regional Transportation Authority (RTA) Projects and the Udall Park Master Plan.

**7. CONSENT AGENDA – ITEMS A THROUGH H**

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. APPROVAL OF MINUTES**

1. Report from City Manager MAR08-11-100 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of November 16, 2010

**b. REAL PROPERTY: AUTHORIZATION TO ACQUIRE REAL PROPERTY AT 1221 EAST BROADWAY UNDER THE ADVANCED ACQUISITION PROGRAM (CONTINUED FROM THE MEETING OF FEBRUARY 15, 2011)**

1. Report from City Manager MAR08-11-96 WARD 6
2. Resolution No. 21688 relating to real property; authorizing the City Manager to acquire by negotiation certain real property located at 1221 East Broadway Boulevard under the Advance Acquisition Program; and declaring an emergency.

**c. REAL PROPERTY: APPROVING A GROUND LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC FOR A WIRELESS CELLULAR ANTENNAE AT TANQUE VERDE ROAD AND INDIAN RUINS ROAD**

1. Report from City Manager MAR08-11-99 WARD 2
2. Ordinance No. 10881 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 Tanque Verde Road and Indian Ruins Road, Tucson, Arizona; and declaring an emergency.

**d. REAL PROPERTY: APPROVING A GROUND LEASE AGREEMENT WITH NEW CINGULAR WIRELESS (AT&T) FOR A WIRELESS CELLULAR ANTENNAE AT 5720 SOUTH HOUGHTON ROAD**

1. Report from City Manager MAR08-11-98 WARD 4
2. Ordinance No. 10882 relating to real property; authorizing and approving the Ground Lease Agreement between the City of Tucson and New Cingular Wireless PCS, LLC (AT&T), for a wireless cellular antennae located at Fire Station #17, 5720 South Houghton Road, Tucson, Arizona; and declaring an emergency.

**e. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-037) MOSAIC COURT, LOTS 1 TO 48, AN RCP PROJECT, AND COMMON AREAS “A”, “B”, “C” AND “D”**

1. Report from City Manager MAR08-11-102 WARD 4

2. Resolution No. 21700 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of installation of all required improvements related to subdivisions and approving the Final Plat in Case No. S08-037, for Mosaic Court, lots 1 through 48, an RCP Project, Common Areas "A", "B", "C" and "D"; 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.
- f. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPROVEMENTS TO 22ND STREET FROM KINO PARKWAY TO TUCSON BOULEVARD
1. Report from City Manager MAR08-11-105 WARD 5
  2. Resolution No. 21701 relating to Intergovernmental Agreements; approving and authorizing the execution of Amendment No. 3 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the 22nd Street Corridor Project; and declaring an emergency.
- g. TUCSON CODE: AMENDING (CHAPTER 12) REQUIRING REPORTING OF INDEPENDENT EXPENDITURES IN CITY ELECTIONS
1. Report from City Manager MAR08-11-106 CITY WIDE
  2. Ordinance No. 10885 relating to Elections; amending the Tucson Code Chapter 12, Section 12-110; Reporting of Independent Expenditures; and declaring an emergency.
- h. FINANCE: APPROVAL OF PROJECTS TO INCLUDE WITH APPLICATION FOR QUALIFIED ENERGY CONSERVATION BONDS ALLOCATION
1. Report from City Manager MAR08-11-107 CITY WIDE
  2. Resolution No. 21702 relating to Qualified Energy Conservation Bonds; authorizing and approving projects to be included in a submission to the Arizona Department of Commerce for Qualified Energy Conservation Bonds Allocation; and declaring an emergency.

It was moved by Council Member Romero, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Fimbres absent/excused), that Consent Agenda Items a – h be passed and adopted and the proper action taken.

**11. HUMAN RESOURCES: ADOPTION OF THE MEET AND CONFER LABOR ORGANIZATION AND EMPLOYEE ASSOCIATION ORDINANCE**

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

Mayor Walkup announced City Manager's communication number 101, dated March 8, 2011, was received into and made part of the record. He asked the City Clerk to read Ordinance 10880 by number and title only.

Ordinance No. 10880 relating to labor organizations and employee associations; establishing a procedure for election of organizations and associations to represent certain groups of City employees; establishing Meet and Confer and Meet and Discuss processes; amending the Tucson Code Chapter 14; Retitling Chapter 14; adding sections 14-1 through 14-17, and repealing Ordinance No. 9321; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Fimbres absent/excused), to pass and adopt Ordinance 10880.

**8. PUBLIC HEARING: FEDERAL TRANSIT ADMINISTRATION GRANT APPLICATION UNDER THE SURFACE TRANSPORTATION PROGRAM FOR FEDERAL FISCAL YEAR 2011**

Mayor Walkup announced City Manager's communication number 97, dated March 8, 2011, 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 Federal Transit Application. He said staff would make a brief presentation before beginning with the public hearing.

Jim Glock, Department of Transportation Director, gave background information on the Federal Transit Administration Grant Application. He stated the funds would be used for the construction of the Cushing Street Bridge associated with the Modern Streetcar.

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

No one spoke.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Fimbres absent/excused), to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 21699 by number and title only.

Resolution No. 21699 relating to Transportation; authorizing and approving the submission of a Federal Transit Administration (FTA) Surface Transportation Program (STP) Fund Capital Grant Application for Federal Fiscal Year 2011, through Grant AZ-95-X014; and declaring an emergency.

Council Member Romero recognized the work of the Department of Transportation and City Manager's staff, and thanked them for their work in making the project possible.

It was moved by Council Member Romero, duly seconded, to pass and adopt Resolution 21699.

Council Member Kozachik asked the Department of Transportation Director about the total project cost, and if there would be any other additional costs.

Mr. Glock replied there would be no additional costs.

Resolution 21699 was declared passed and adopted by a roll call vote of 6 to 0 (Vice Mayor Fimbres absent/excused).

**9. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE *LAND USE CODE*; RELATING TO THE MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS**

Mayor Walkup announced City Manager's communication number 104, dated March 8, 2011, was received into and made part of the record. He also announced this was the time legally advertised for a public hearing on a proposed amendment to the *Land Use Code* relating to motor vehicle and bicycle parking requirements with the intent of resolving regulatory barriers to midtown development. He said staff would make a brief presentation before beginning the public hearing.

Ernie Duarte, Planning and Development Services Department Director, gave a brief background on the proposed Ordinance, amending the motor vehicle and bicycle parking requirements.

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

Ian Johnson, Tucson/Pima County Bicycle Advisory Committee (TPCBAC) member, spoke in opposition to the proposed amendment. He asked the Mayor and Council to urge the Land Use Code Committee (LUCC) to adhere more closely to the Association of Pedestrian and Bicycle Professionals (APBP) standards recommended for bicycle parking.

Jerry Shapins, Landscape Advisory Committee (LAC) member and Living Streets Alliance representative, spoke in opposition to the proposed amendment, relating to bicycle parking.

Kylie Walzak, Tucson/Pima County Bicycle Advisory Committee (TPCBAC) member and Living Streets Alliance representative, spoke in opposition to the proposed amendment, relating to bicycle parking requirements.

Colby Henley spoke in opposition to the proposed changes to bicycle parking requirements, specifically the change from fifty to seventy five feet.

Emily Yetman spoke in opposition to the proposed amendment, relating to bicycle parking requirements.

Daniel Majewski, Living Streets Alliance representative, spoke in opposition to the proposed amendment, relating to bicycle parking requirements.

Ruth Beeker, Land Use Code Committee (LUCC) member, spoke in support of the proposed Ordinance, amending the motor vehicle and bicycle parking requirements.

B. J. Bartlett spoke in opposition to the proposed amendment, relating to bicycle parking requirements.

Jason Wong, Land Use Code Committee (LUCC) member, spoke in support of the proposed Ordinance, amending the motor vehicle and bicycle parking requirements.

Rich Rodgers spoke in support of the proposed Ordinance, amending the motor vehicle and bicycle parking requirements.

Karen Berchtold, Tucson/Pima County Bicycle Advisory Committee (TPCBC) Chair, spoke in opposition to the proposed amendment, relating to bicycle parking requirements.

Raul Reyes spoke in support of the proposed Ordinance, amending the motor vehicle and bicycle parking requirements.

An unidentified speaker spoke in support of the proposed Ordinance, amending the motor vehicle and bicycle parking requirements.

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

Council Member Romero stated that she had some prepared statements and suggested that the public hearing remain open.

Council Member Scott withdrew her motion.

Jake Struble spoke in support of the proposed Ordinance, amending the motor vehicle and bicycle parking requirements.

Council Member Romero said she remembered giving direction to Ernie Duarte, regarding parking. She said the Council was concerned that motor vehicle parking was too excessive in its requirements to urban development in the City, and wanted to see that change. She expressed her appreciation to City staff, the LUCC, the Planning

Commission (PC), and others for their work, which brought them to the proposed Ordinance. She said she remembered past conversations the Council had about the elimination of the need for so much parking, but did not recall the Council asking for the elimination of short term parking for bicycles.

Council Member Romero said she thought the proposal was introduced to the TPCBAC and they approved what they saw because it maintained the national standards and was going through the process that they wanted to see. She voiced concerns about the bicycle parking restrictions and not maintaining the APBP standards.

It was moved by Council Member Romero, duly seconded, to keep the public hearing open to allow time for other stakeholders to review the proposed changes, and asked that the item be brought back to a full vote in two weeks.

Council Member Cunningham asked for clarification on the fifty-foot location requirements.

Mr. Duarte said the *Code*, as it currently exists, called for fifty-feet. In the course of their outreach with the business community and the LUCC stakeholder process, the recommendation was to move the bicycle-parking requirement to seventy-five feet. He stated that during the PC public hearings, they clearly heard from the bicycle community those seventy-five feet provided challenges. As such, the proposal before the Mayor and Council recommended keeping the parking requirement at fifty feet, with a process in place that would allow it to be moved up to seventy-five feet, provided certain criteria was met.

Mayor Walkup said he supported the motion to keep the public hearing open. He noted that changing the vehicle parking was something he waited for twelve years to happen. He voiced his support for the bicycle community's request that Tucson maintains the national standards. He also applauded the LUCC and the PC for their work on the proposed Ordinance.

Council Member Scott thanked the LUCC for their work on the proposed Ordinance, and commented on the extraordinary process, involving stakeholder input.

Council Member Kozachik asked the TPCBAC Chair if the redlines in the proposed Ordinance represented the standards that the bicycle community was seeking, and if they would support the proposed changes if the exemption on the bicycle requirement was written off.

Ms. Berchtold said the fifty-foot requirement was definitely a priority, but she did not feel she could comment on the other items without seeing the list. She said she would be happy to further review the proposed amendments.

Council Member Kozachik asked staff for clarification on the second exception, listed on page thirty-seven, relating to the downtown parking district and the Fourth Avenue Business District.

Adam Smith, Planning and Development Services Department (P&DSD) Lead Principal Planner, replied the provision of six hundred feet that Council Member Kozachik was referring to was actually a reduction of what was currently allowed in the downtown area and Fourth Avenue Business District. It was currently fifteen hundred feet, which meant that in the downtown area and Fourth Avenue Business District, parking could be provided within six hundred feet of the use.

Council Member Kozachik commented on the Modern Streetcar that was taking up parking spaces along several areas of the corridor, and said it was intended to catalyze development along that same route. He asked if any of the new requirements permitted the required density in order for the Modern Streetcar to generate its return on investment.

Mr. Duarte replied the changes would incentivize and facilitate development and redevelopment along the Modern Streetcar line, in particular where the stops would occur; but said he was not aware of the specific location of the stops.

Council Member Kozachik referred to three stop locations, and said he wanted to make sure they did not put businesses out of compliance once the stops went in.

Mr. Duarte said he did not think that was the case. He explained that many businesses, in similar situations, that might be losing parking or had under-performing sites, had already approached P&DSD and were waiting for changes to take hold so they could reinvest and redevelop sites that did not meet the current parking standards.

Council Member Kozachik asked Council Member Romero if the redlined items represented the standards the bicycle community was after.

Council Member Romero replied that some of the redlined items referred to national standards. She commented that some of the issues the bicycle community was concerned about were regarding reduced parking. She recommended that the stakeholders look at the proposed *Code* changes, so that they could include the national standards in an effort to move towards the platinum level status as a bicycle friendly community.

Council Member Kozachik expressed concerns that the redlined items seemed very excessive to him.

Council Member Romero said the bicycle community wanted to make sure they met the national standards.

Discussion was held regarding the redlined items that were recommended, the national standards, and having an additional two weeks to review them.

Mr. Smith clarified that the APBP recommendation, in regards to the number of bicycle parking spaces required, was broken up into two categories. He said there was a basic formula and another set of formulas for urbanized multi-modal areas, and said the two tables differed.

Michael Rankin, City Attorney, suggested that staff takes what was redlined and identifies for the Council what the source was, and then, the Mayor and Council could decide whether that was a reasonable standard to apply and incorporate into the code.

Mayor Walkup asked what was done with bicycle barn; the number of barns per parking lot requirement of the old *Code*.

Mr. Duarte replied that there were provisions in proposal before the Mayor and Council that capped the number of long term parking requirements, in an effort to avoid situations encountered throughout the community with large volumes of un-utilized or under-utilized bicycle barns as Mayor Walkup described.

Council Member Scott said she read where the current conversation had to do with the intent to resolving regulatory barriers to mid-town development. She asked, if and when the proposal/ordinance passed, did it apply unilaterally to midtown or was it across the board, east, west, north south, to all City boundaries.

Mr. Duarte responded it would have City-wide affect.

Council Member Cunningham asked if there was a motion that could be made, at the evening's meeting, to at least get the vehicular parking portion approved and then come back on the bicycle parking.

Mr. Rankin stated he did not think, as a practical matter, that that could be done because it was so embedded within the *Code* and trying to separate out sections would inevitably cause mistakes to occur.

The motion to continue the public hearing for two weeks was carried by a voice vote of 6 to 0 (Vice Mayor Fimbres absent/excused).

Roger W. Randolph, City Clerk, announced, for the record, that the motion was to continue the public hearing to the Mayor and Council meeting of March 22, 2011, and the public hearing would be held in the Mayor and Council Chambers, 255 West Alameda.

**10. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE *LAND USE CODE*; RELATING TO LOADING AREA REQUIREMENTS**

Mayor Walkup announced City Manager's communication number 103, dated March 8, 2011, 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 *Land Use Code* relating to loading areas and loading area design criteria. He said staff would make a brief presentation before beginning the public hearing.

Ernie Duarte, Planning and Development Services Department Director, gave a brief background on the proposed Ordinance amending the *Land Use Code* relating to loading areas and loading area design criteria.

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

No one spoke.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Fimbres absent/excused), to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10884 by number and title only.

Ordinance No. 10884 relating to planning and zoning; amending certain portions of the Tucson Code by amending the *Land Use Code* to revise, Chapter 23, Article III, Development Regulations, Division 4, Off Street Loading and to Article III, Development Regulations, Division 7, Landscaping and Screening Regulations respectively; and declaring an emergency.

Council Member Kozachik asked staff for clarification of Item B on Page 7 and the effects it had on the recent Temporary Revocable Easement (TRE) signed between the City, Rialto and the Rio Nuevo Board.

Craig Gross, Planning and Development Services Department Deputy Director, said that particular area was in the Downtown Core and was treated separately and would not affect the TRE.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 6 to 0 (Vice Mayor Fimbres absent/excused), to pass and adopt Ordinance 10884.

**11. HUMAN RESOURCES: ADOPTION OF THE MEET AND CONFER LABOR ORGANIZATION AND EMPLOYEE ASSOCIATION ORDINANCE**

(NOTE: This item was taken out of order and discussed after Item 7.)

**12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 95, dated March 8, 2011, 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 Cunningham, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Fimbres absent/excused), to approve the appointment of Corey Haselhorst to the Design Review Board (DRB) in the Registered Landscape category; and Jon Mirto to the Tucson-Pima County Historical Commission in the Architect or Architectural Historian category.

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

There were none.

**13. ADJOURNMENT: 7:54 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, March 22, 2011, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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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 8th day of March 2011, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:sac:ccs