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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on February 1, 2005

Date of Meeting: January 4, 2005

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, January 4, 2005, 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:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

Michael D. Letcher	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Liz Rodriguez Miller	Assistant City Manager

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor Gale Rawson, Water of Life Metropolitan Community Church, after which the pledge of allegiance was presented by the entire assembly.

### **Presentations**

- a. Mayor Walkup proclaimed January 4, 2005 to be CyraCom International Day. Michael Greenbaum, President and CEO of CyraCom International accepted the proclamation.

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

Mayor Walkup announced City Manager's communication number 5, dated January 4, 2005, would be received into and made a 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 West announced Ward 2 was hosting a Crime Prevention Workshop, that would focus on preventing crime in neighborhoods and businesses and would be held January 9, 2005 from 2:00 p.m. to 4:30 p.m. at the Udall Senior Center located on Tanque Verde Road.
- b. Council Member Ronstadt thanked those who donated food, toys and diapers to Ward 6 for distribution to the needy during the holiday season. Ward 6 would continue to be a drop off point for the Southern Arizona Diaper Bank and the Community Food Bank. He also announced Ward 6 was displaying art from local artists and he would like to see Ward 6 as a destination for the public whom appreciates local art.
- c. Council Member Scott congratulated Peter Gavin on the arrival of his new healthy baby son, Zach Gavin.
- d. Mayor Walkup announced the 2005 State of the City Address would be held January 7, 2005 at 12:00 p.m. at the new Marriott Starr Pass Resort and Spa.

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

Mayor Walkup announced City Manager's communication number 6, dated January 4, 2005, would be received into and made a part of the record. He asked for the City Manager's report.

Michael D. Letcher, City Manager, reported:

- a. The Department of Urban Planning and Design hired Irene Ogata as the new Urban Landscape Manager.
- b. The first issue of the “*Current Issues Update*” was distributed to the members of the Mayor and Council and would be produced periodically by the City Manager’s Office to report on emerging issues, topics of interest and status updates on upcoming items at Mayor and Council meetings. This edition included the schedule of the 2006 Budget and information about the water annexation policies that would be heard on the February 25, 2005 meeting. Also included in the issue was an article noting there would be a change on the initial recommendation that was made on the United Way Earned Income Tax Credit Program. In addition, Tucson Fire Chief Dan Newburn clarified some points in an article regarding a recent news story on Tucson Fire Department call response times.
- c. Congratulations to Nicole Gavin, wife of Peter Gavin and mother to the new Gavin baby.

## 5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 2, dated January 4, 2005, would be received into and made a part of the record. He asked the City Clerk to read the liquor license agenda.

### b. New Licenses

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| 1. | Sonora Quik-Stop Market, Ward 3<br>2756 N. Stone Avenue<br>Applicant: Muhammad Duqmaq<br>Series 10, City 095-04<br>Action must be taken by: January 13, 2005<br>Public Opinion: Protests Filed | Staff Recommendation<br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance |
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Considered separately.

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| 2. | Eclectic Pizza, Ward 2<br>7065 E. Tanque Verde Road<br>Applicant: Mark H. Smith<br>Series 12, City 096-04<br>Action must be taken by: January 15, 2005 | Staff Recommendation<br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance |
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#### Person Transfer

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| 3. | Fiesta Lanes, Ward 3<br>501 W. River Road<br>Applicant: Wesley R. Becker<br>Series 6, City 098-04<br>Action must be taken by: January 22, 2005 | Staff Recommendation<br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance |
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#### Person/Location Transfer

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| 4. | Fox Theater, Ward 1<br>27 W. Congress Street<br>Applicant: Herbert R. Stratford IV<br>Series 7, City 097-04<br>Action must be taken by: January 20, 2005 | Staff Recommendation<br><br>Police: In Compliance<br>DSD: In Compliance<br>Revenue: In Compliance |
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Kathleen S. Detrick, City Clerk, announced under Item 5b there were four requests for licenses. Application 5b1, Sonora Quik-Stop Market was a new license request and had protests filed. The license would need to be considered separately. The last three applications had recommendations for approval.

Mayor Walkup called on Council Member Ronstadt.

It was moved by Council Member Ronstadt, duly seconded, and carried by a voice vote of 7 to 0, that liquor license applications 5b2, 5b3, and 5b4 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

Ms. Detrick, announced liquor license application 5b1, Sonora Quik-Stop Market, was to be considered separately. The license is located in Ward 3 and the applicant and protestor were both present.

Mayor Walkup recognized Vice Mayor Dunbar.

Vice Mayor Dunbar asked the applicant, Muhammad Duqmaq, to come forward and state the reason he was applying for the liquor license.

Muhammad Duqmaq said he was applying for the license to support his family.

Vice Mayor Dunbar advised Mayor and Council that Mr. Duqmaq had not previously visited the Ward 3 office to talk about the license. Also the check he wrote to the City for the liquor license was returned for insufficient funds and he had to bring a replacement cashier's check. When the City Clerk's Office called to ask about his application, his phone was disconnected. She added in the last three years, there had been over fifteen thousand police calls within a three-block radius.

Mr. Duqmaq replied the same day he wrote the check he went to Tucson Medical Center because he had a heart attack. He added he had a big family, could not pay his rent, and received very little from Social Security to support his family.

Vice Mayor Dunbar stated there were several people in the audience from the neighborhood and Richard Sands would speak for the neighborhood.

Richard Sands introduced himself as an officer of the Keeling Neighborhood Association. At the December 1, 2004 neighborhood meeting, the association unanimously voted to protest the granting of the number ten liquor license to the Quik-Stop Market at 2756 North Stone Avenue. The area of Keeling Neighborhood is just over one-half square mile and surrounded by twenty-five businesses that sell alcoholic beverages. He said this was believed to be one of the highest concentrations of liquor sales surrounding a residential neighborhood in the City and there was no need for an additional business that sold liquor. He elaborated on the profound impact from the sale of liquor. The location of the Quik-Stop Market was in the boundaries of the Oracle Crime Zone and the neighborhood association requested that the liquor license be denied.

Vice Mayor Dunbar stated she denied every liquor license request in that area since she has been in office. Based on the fact they were not able to contact Mr. Duqmaq, the problem with his check, and the number of police calls within a three-block area, she made a recommendation for denial.

It was moved by Vice Mayor Dunbar, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b1, Sonora Quik-Stop Market, be forwarded to the Arizona State Liquor Board with a recommendation for denial.

## **6. CONSENT AGENDA ITEMS A THROUGH I**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. ASSURANCE AGREEMENT: (S04-022) BC PRESIDIO SUBDIVISION, LOTS 1 TO 5
  - 1. Report from City Manager JAN4-05-3 WARD 3
  - 2. Resolution No. 19990 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in case no. S04-022 of a final plat for the BC Presidio Subdivision, Lots 1 to 5; and declaring an emergency.

- B. FINAL PLAT: (S04-022) BC PRESIDIO SUBDIVISION, LOTS 1 TO 5
1. Report from City Manager JAN4-05-4 WARD 3
  2. The City Manager recommends that, after the approval of the assurance agreement, 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.
- C. INTERGOVERNMENTAL AGREEMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR THE REMOVAL OF THE SCHOOL FLASHER AT 22ND STREET AND TYNDALL AVENUE
1. Report from City Manager JAN4-05-8 WARD 5
  2. Resolution No. 19991 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Tucson Unified School District for the removal of the school flasher at 22<sup>nd</sup> Street and Tyndall Avenue; and declaring an emergency.
- D. INTERGOVERNMENTAL AGREEMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR A TRAFFIC SIGNAL AT LA CHOLLA BOULEVARD AND 36TH STREET
1. Report from City Manager JAN4-05-9 WARD 1
  2. Resolution No. 19992 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Tucson Unified School District for a traffic signal at the intersection of La Cholla Boulevard and 36<sup>th</sup> Street; and declaring an emergency.
- E. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR LOW-INCOME UTILITY SERVICES BILL ASSISTANCE (CONTINUED FROM THE MEETING OF DECEMBER 20, 2004)
1. Report from City Manager JAN4-05-10 CITY-WIDE & OUTSIDE CITY
  2. Resolution No. 19988 relating to water; authorizing and approving the execution of an Intergovernmental Agreement with Pima County for a second amendment to Low-Income utility bill assistance program; and declaring an emergency.
- Item E was considered separately at the request of Council Member Scott.

F. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR ASSIGNMENT OF A DEPUTY SHERIFF TO THE SOUTHERN ARIZONA LAW ENFORCEMENT TRAINING CENTER

1. Report from City Manager JAN4-05-11 CITY-WIDE
2. Resolution No. 19993 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for reimbursement costs for Deputy Sheriff assigned to Southern Arizona Law Enforcement Training Center; and declaring an emergency.

G. WATER: EXCHANGE OF WATER RIGHTS AT MARTIN AND SANTA CRUZ FARMS FOR GROUNDWATER PUMPING CREDITS

1. Report from City Manager JAN4-05-15 CITY-WIDE & OUTSIDE CITY
2. Resolution No. 19994 relating to water; approving and authorizing the conversion from Type 1 groundwater rights at Tucson Water's Martin and Santa Cruz Farms in Avra Valley to Service Area rights; and declaring an emergency.

H. APPROVAL OF MINUTES:

1. Report from City Manager JAN4-05-14

I. PETITION: RESPONSE TO PETITION FROM ISABEL CONTRERAS DOE REGARDING THE DEVELOPMENT OF RIO NUEVO

1. Report from City Manager JAN4-05-17 CITY-WIDE

It was moved by Council Member Ibarra, duly seconded, that Consent Agenda Items A through I, with the exception of Item E which would be considered separately, be passed and adopted and the proper action taken.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Items A through I, with the exception of Item E, were declared passed and adopted by a roll call vote of 7 to 0.

E. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR LOW-INCOME UTILITY SERVICES BILL ASSISTANCE (CONTINUED FROM THE MEETING OF DECEMBER 20, 2004)

1. Report from City Manager JAN4-05-10 CITY-WIDE & OUTSIDE CITY
2. Resolution No. 19988 relating to water; authorizing and approving the execution of an Intergovernmental Agreement with Pima County for a second amendment to Low-Income utility bill assistance program; and declaring an emergency.

Kathleen S. Detrick, City Clerk, stated that Consent Agenda Item E was removed at the request of Council Member Scott.

Mayor Walkup recognized Council Member Scott.

Council Member Scott said she would like to see this item pass, but had some information that there were legal questions lingering regarding the low income subsidy that came out of the Water Department and this gave her pause. She wanted to move that this be passed with the caveat that this be considered a loan until all of the legal issues have been resolved.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 19988 with the caveat that this be considered a loan from the General Fund.

Council Member Ibarra said they all wanted to pass this, but in reference to the loan there were still some outstanding legal questions that were discussed earlier at Study Session with this aspect and the water aspect. He asked Michael Rankin, City Attorney, for clarification.

Mr. Rankin said, with respect to the Resolution and the Intergovernmental Agreement, the money being proposed to be added to this fund was coming from the General Fund. As discussed at the Study Session, there were no legal concerns or issues with the assistance fund being funded through the General Fund. The lingering questions discussed today were other fee revenues being used to assist the assistance fund. This particular item was talking about the three hundred thousand dollars coming from General Fund monies, which were not the same legal concerns.

Mayor Walkup recognized Council Member West.

A substitute motion was made by Council Member West, duly seconded, to pass and adopt the City Manager's recommendation.

Mayor Walkup announced there was a substitute motion and a second. He asked if there was discussion on the substitute motion.

Council Member Ronstadt said he appreciated the intent of the original motion, however the real issues would be discussed during the next budget process. He noted six hundred thousand dollars was set aside from the General Fund specifically for this program and was done to make sure there were no legal questions. This was an important revenue source to ensure those who had problems with their environmental service fee and water bills had somewhere to go for assistance. Issues that would be addressed at the next budget year should not cloud this item. This was very clear; it was above the board and should be passed.

Council Member West stated she felt a commitment to the low income public, and during last year's budget process money was set aside for this purpose.

Council Member Leal said with regard to a commitment to low income folks, it should be remembered that there was a million-dollar fund intended for low income children to have access to Park and Recreation fees. That plan was undermined and six hundred thousand dollars of the million dollars was taken for a lifeline for low income people for solid waste. Six hundred thousand dollars as a lifeline for solid waste should be recognized as a token gesture and not as a commitment. In all probability, five million dollars was needed to have a meaningful, legitimate and adequate lifeline for the number of people who unfortunately live below the poverty level in Tucson. He appreciated Council Member Scott's intention to have utility money used for the solid waste lifeline, then have the three hundred thousand dollars reimbursed to the General Fund and then it could be sent where it really needed to go-to the low income children in Parks and Recreation. He was going to begrudgingly support the motion because it was cynical and unfortunate to bid poor children against low income families for a lifeline rate. But those who need a lifeline in solid waste would have even less than they have. He pointed out that this was not a good situation, but would be worse if it was not voted for.

Council Member West requested the verbatim transcript for budget discussion of the four hundred thousand dollars allocated to parks and recreation scholarships versus the six hundred thousand dollars to fund a low income assistance program for the environmental services fee. The issue was being clouded tonight and it was very unfair to those watching the meeting. The layoff of Solid Waste employees to free up five million dollars for an adequate lifeline was not affordable. She stressed she wanted the verbatim because there was a major disagreement in this Council on how all that came about.

Council Member Leal pointed out there was a series of conversations and more than one meeting on the subject. It would not be resolved from just one verbatim.

Council Member Ronstadt agreed with Council Member Leal that the answer may not come from just one verbatim. During the budget process, the Parks Department said they needed four hundred thousand dollars to pay for low income children's access to programs. That was the amount set aside. The money was used on track with that four hundred thousand dollars. It was just over two hundred thousand dollars at a little more than half way through the fiscal year. The Parks Department said they needed four

hundred thousand dollars. The majority of the Council said they would fund what was asked for and the remaining six hundred thousand dollars was set aside for a low income program for solid waste.

Mayor Walkup recognized Council Member Ibarra.

Council Member Ibarra added this Mayor and Council majority never anticipated so many people to ask for assistance. In fact, they never thought they were going to need to take this money out, but it caused so much of an issue in the community that they were going to have to keep tapping into the funds. The Council had to look at the bigger issue of having gone into this issue with the garbage tax prematurely and it turned into disarray with serious problems expected in the next year. The Council needed to immediately get a handle on the garbage tax issue, "Pay as You Throw", the enterprise fund, the low income billing, and the combination of utility departments with water. If not, it would return as a bigger problem. He hoped this would be addressed immediately at the beginning of the year. His biggest worry was that it was going to fall through because it looked like it was going that way.

Vice Mayor Dunbar asked David Modeer, Tucson Water Director, for a point of clarification. She asked if, during the budget cycle, six hundred thousand dollars was put aside for the low income assistance.

Mr. Modeer agreed.

Vice Mayor Dunbar asked if this was the other half of the six hundred thousand dollars, because Council Member Ibarra said expenses were over. She wondered if the second half of the six hundred thousand was being allocated.

Mr. Modeer stated that only the first half of the six hundred thousand was being allocated. In the budget, internal monies were set aside in the Water Department budget and the Environmental Services budget to handle the program that had been set up several years ago for low income assistance in the water program. The Water Department had gone through those budgeted funds and was requesting a transfer of three hundred thousand dollars out of the six hundred thousand dollar fund set aside in the General Fund to continue the existing program through the balance of this fiscal year.

Vice Mayor Dunbar asked Mr. Modeer, regarding the statement Council Member Ibarra made that they were over budget, if they were on target for where they thought they should be.

Mr. Modeer stated the six hundred thousand dollars was set aside to fund the low income assistance program in the environmental services area. The way the current program was being administered, it would not overrun that six hundred thousand dollars.

Vice Mayor Dunbar thanked Mr. Modeer.

Mayor Walkup recognized Council Member Ronstadt.

Council Member Ronstadt said Vice Mayor Dunbar had already addressed the issue that even though they set aside the six hundred thousand dollars they would only use half that amount through the fiscal year; so in fact, they planned well. Anyone who looked at this objectively would realize that the Environmental Services Department has operated well. Things promised to the constituents have happened and they were on track to move forward with “Pay as You Throw” within the next year.

Mayor Walkup recognized Council Member Scott.

Council Member Scott asked why this kind of money was put aside in the General Fund and not the Environmental Service Department since it was an anticipated need.

Mr. Modeer thought the issue went back to the interpretation from the City Attorney. Such programs must have some linkage to the cost-of-service, in either water or environmental services, the two enterprise funds. It was the opinion of the City Attorney’s Office that that linkage did not exist in the environmental services area.

Mr. Rankin clarified that if the funding of the assistance program was kept separate from the fee mechanism, one did not call to question the integrity of the fee structure itself, which needed to remain a cost recovery and cost of service fee structure.

Council Member Scott commented on the analogy one of the Council Members brought to the table. Water was able to get through the fee structure because the initial amount of water that was provided as free was being paid for. Garbage use to be free and it could not be construed to be the same kind of set up. She did not understand the difference between the two and asked for a better definition. There was free water and free garbage pickup. Everyone paid for water and there was a way to do that through the system. She wanted to clarify why it could not be done through solid waste.

Michael D. Letcher, City Manager, recommended, since the issue was so complex, that the City Attorney provide a legal opinion to clearly articulate the reason they could not have this as part of the water utility or the solid waste utility. He would also provide a history regarding the million dollars and the four hundred thousand and six hundred thousand dollars. They would articulate what Assistant City Manager Liz Miller mentioned earlier about the two hundred and thirty and provide the memo within the next week or so to the Council on this issue and direct them if further discussion was needed.

Council Member Leal asked when the opinions were completed regarding the solid waste argument versus the water argument, if it would include an analysis that would look at the issue of how “Pay as You Throw” would fare on either of those arguments.

Mr. Rankin said the way he took the direction from the Study Session conversation was to include some analysis about how the whole fee structure analysis

would be different under a “Pay as You Throw” model. Information would be provided on that as well.

Mayor Walkup recognized Council Member Ibarra.

Council Member Ibarra remembered there was a motion made by Vice Mayor Dunbar to have the “Pay as you Throw” program up and running by July 1, 2005. He made a commitment to apologize to Council Member Ronstadt if the “Pay as You Throw” program was in place by July 1, 2005.

Mayor Walkup asked for a vote on the substitute motion.

Ms. Detrick stated this was a substitute motion made by Council Member West and seconded by Council Member Ronstadt to pass and adopt Item E which included Resolution 19988 as presented by the City Manager.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup

Nay: None

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

## **7. 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 any items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said there were a number of speakers.

- a. Michael Toney welcomed Michael D. Letcher and addressed the Mayor and Council with concerns regarding the University of Arizona Science Center Memorandum of Understanding and urged Council Member Ibarra to place this topic on the Study Session for discussion.
- b. Servant Elder John Garwood of the Church Without Walls brought his message of peace to the Mayor and Council.
- c. Servant Bishop Chicago of the Church Without Walls thanked the Mayor and Council for unlocking the bathrooms at Catalina Park.
- d. Tiffany Butler of the Church Without Walls thanked the Mayor and Council for unlocking the bathrooms at Catalina Park.

- e. Felix Maldonado spoke in opposition to rezoning case: (C9-89-39) Perillo – Golf Links Road.
- f. Linda Bohlke, representing American Federation of State, County and Municipal Employees (AFSCME), spoke in opposition to the Utility Services consolidation and urged the effective date be delayed.
- g. Jorge Vasquez Soto spoke in opposition to Environmental Services employees having to work Saturdays and holidays.
- h. Wanda Felix spoke in opposition to Environmental Services employees having to work Saturdays and holidays.
- i. Roy Rodriguez spoke in opposition to Environmental Services employees having to work Saturdays and holidays.
- j. Vlad Slomberg spoke in opposition to Environmental Services employees having to work Saturdays and holidays and the Utility Services consolidation.
- k. Steve Valencia spoke in opposition to Environmental Services employees having to work Saturdays and holidays and the Utility Services consolidation.
- l. Daniel Benitez spoke in opposition to Environmental Services employees having to work Saturdays and holidays and the Utility Services consolidation.

Council Member West requested Eliseo Garza, Environmental Services Director, David Modeer, Tucson Water Director, and Michael D. Letcher, City Manager, meet with the AFSCME representatives to explain the Utility Service consolidation.

Council Member Leal requested a future agenda item be scheduled regarding weekends and holiday working hours for Environmental Services employees.

Vice Mayor Dunbar requested an analysis of the actual hours worked by Environmental Services employees and a list of other departments who have employees that work weekends and holidays.

Mayor Walkup stated that this issue would be addressed and policies regarding overtime would be reviewed for all workers in order to treat everyone fairly and justly.

## **8. PUBLIC HEARING: RINCON HEIGHTS ESTATES ANNEXATION DISTRICT**

Mayor Walkup announced City Manager's communication number 12, dated January 4, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the Rincon Heights Estates Annexation District. The public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup announced that no cards had been received. He asked if anyone wanted to speak.

No one requested to speak.

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

Mayor Walkup declared the public hearing closed.

Mayor Walkup recognized Council Member Scott.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0 to proceed with the Rincon Heights Estates Annexation District.

**9. ZONING: (C9-04-18) CUSHMAN – ANKLAM ROAD, R-2 TO O-1, CITY MANAGER’S REPORT**

Mayor Walkup announced City Manager’s communication number 1, dated January 4, 2005, would be received into and made a part of the record. He said this was a request to rezone property located on the south side of Anklam Road west of Silverbell Road. The Preliminary Development Plan was to convert a single-family residence to office space and construct additional offices. The Zoning Examiner and the City Manager recommended approval, subject to certain conditions. Mayor Walkup asked if the applicant was present.

The applicant, Carl Winters, was present and agreed with the proposed conditions.

Mayor Walkup recognized Council Member Ibarra.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 7 to 0, to approve the request for rezoning in Case C9-04-18 as recommended by the Zoning Examiner.

**10. ZONING: (C9-02-05) SARNOFF AUTOMOTIVE – BOWLINE ROAD, C-1 TO C-2, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 13, dated January 4, 2005, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10103 by number and title only.

Ordinance 10103 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Bowline Road and Sarnoff Drive in case C9-02-05, Sarnoff Automotive – Bowline Road, C-1 to C-2; and setting an effective date.

Mayor Walkup recognized Council Member West.

Council Member West asked if the applicant was present. She asked the applicant if he had an outdoor compressor because there was concern about the noise. She was pleased that the hours of operation were limited and asked if the vehicles were road tested.

The applicant, Brian Combs, stated the compressor was located indoors and the vehicles would be road tested on Twenty Second Street to stay away from the residential areas.

Council Member West stated that was the answer she was looking for.

It was moved by Council Member West, duly seconded, to pass and adopt Ordinance 10103.

Mayor Walkup asked if there were any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Ordinance 10103 was declared passed and adopted by a roll call vote of 7 to 0.

**11. ZONING: (C9-89-39) PERILLO – GOLF LINKS ROAD, C-2 ZONING, CHANGE OF PRELIMINARY DEVELOPMENT PLAN - ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 16, dated January 4, 2005, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10104 by number and title only.

Ordinance 10104 relating to zoning: amending certain conditions and the Approved Preliminary Development Plan as established by Ordinance 9676 for the property located at the northwest corner of Golf Links Road and the Pantano Wash in case C9-89-39, Perillo – Golf Links Road, C-2 zoning; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to approve the request for a change of the Preliminary Development Plan and pass and adopt Ordinance 10104.

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

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Ordinance 10104 was declared passed and adopted by a roll call vote of 7 to 0.

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

Kathleen S. Detrick, City Clerk, announced there was a request for an appointment to the City Magistrates-Merit Selection Commission, however, the individual was not eligible for reappointment so this would be continued to the next meeting.

Mayor Walkup recognized Council Member Scott.

Council Member Scott announced her personal appointment of Margie Hildebrand to the Public Art and Community Design Committee.

**13. ADJOURNMENT 6:52 p.m.**

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, January 11, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. 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 4th day of January, 2005, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:cs/sl