



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 6, 2006.

Date of Meeting: April 25, 2006

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 5:44 p.m. on Tuesday, April 25, 2006, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Pro-Tempore Leal, and upon roll call, those present and absent were:

Present:

José J. Ibarra
Carol W. West
Karin Uhlich
Shirley C. Scott
Nina J. Trasoff
Steve Leal

Council Member Ward 1 (arrived 6:20 p.m.)
Council Member Ward 2 (left 6:34 p.m.)
Council Member Ward 3
Council Member Ward 4
Council Member Ward 6
Mayor Pro-Tempore, Vice Mayor,
Council Member Ward 5

Absent:

Robert E. Walkup

Mayor

Staff Members Present:

Mike Hein
Michael Rankin
Kathleen S. Detrick
Mike Letcher

City Manager
City Attorney
City Clerk
Deputy City Manager

Kathleen S. Detrick, City Clerk, announced Suzie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Lee Norris May, Prince Chapel African Methodist Episcopal Church, after which the pledge of allegiance was led by Council Member Scott.

Presentations

- a. Mayor Pro-Tempore Leal proclaimed April 23 through April 30, 2006 to be “Days of Remembrance.” Glenn Howell, Chair of the Human Relations Commission, accepted the proclamation.
- b. Mayor Pro-Tempore Leal presented certificates to students from the University of Arizona Office of International Student Programs and Services proclaiming them Honorary Citizens of Tucson.
- c. Mayor Pro-Tempore Leal proclaimed April 25 to be “Outstanding Teen Citizen Day.”
- d. Mayor Pro-Tempore Leal, along with Council Member Scott, presented the Crystal Apple Youth Award and “Outstanding Teen Citizen Awards.”
- e. Council Member Scott presented the “Ward IV Outstanding Constituent Service Awards.”

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro-Tempore Leal announced City Manager’s communication number 201, dated April 25, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member West invited the public to attend a forum on the Regional Transportation Plan presented by the League of Women Voters to be held at Eastside City Hall on April 29, 2006.

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

Mayor Pro-Tempore Leal announced City Manager’s communication number 202, dated April 25, 2006, would be received into and made a 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 Hein, City Manager, reported:

- a. At the request of Mr. Hein, David Modeer, Tucson Water Department Director and Jim Glock, Transportation Director reported on the Grant and Silverbell Roads water line rupture that occurred earlier in the afternoon.
- b. The Community Services Department accepted applications for the Section 8 program for the first time in three years. Applications were accepted via the Internet, as well as by mail.
- c. Tucson Firefighter Battalion Chief Sharon McDonough was chosen by *Working Mother Magazine* as one of four women nationally to be named "2006 Working Mother of the Year."

8. ZONING: (C9-05-24) YOUNG - TANQUE VERDE ROAD, SR TO R-1, CITY MANAGER'S REPORT (CONTINUED FROM THE MEETING OF MARCH 7, 2006)

(Note: This item was taken out of order)

Mayor Pro-Tempore Leal announced that Item 8 would be taken out of order due to Council Member West needing to leave early.

Kathleen S. Detrick, City Clerk, announced this item had been continued from the meeting of March 7, 2006.

Mayor Pro-Tempore Leal announced City Manager's communication number 195, dated April 25, 2006, would be received into and made a part of the record. This was a request to rezone property located on the south side of Tanque Verde near Orange Avenue. The Zoning Examiner and City Manager recommended approval subject to certain conditions. He asked if the applicant or a representative were present and if they were aware of and agreeable to the proposed requirements.

Don Laidlaw, Laidlaw Consulting, said he was aware of and agreeable to the proposed requirements.

Mayor Pro-Tempore Leal asked if there was any further discussion.

It was moved by Council Member West, duly seconded, and carried by a voice vote 6 to 0 (Mayor Walkup absent/excused), to approve the rezoning request as recommended by the Zoning Examiner.

5. LIQUOR LICENSE APPLICATIONS

Mayor Pro-Tempore Leal announced City Manager's communication number 194, dated April 25, 2006, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License

1. Sushi Hama, Ward 3
3971 N. Oracle Rd.
Applicant: Ramon Rafael Tovar
Series 12, City 19-06
Action must be taken by: May 1, 2006
Staff has indicated the applicant is in compliance with city requirements.
2. Go! Go! Mart, Ward 6
2200 E. Broadway Blvd.
Applicant: Paulette Acosta
Series 10, City 20-06
Action must be taken by: May 6, 2006
Staff has indicated the applicant is in compliance with city requirements.
3. R & D Union Inc., Ward 5
4701 E. 29th St.
Applicant: Raj Agarwal
Series 10, City 21-06
Action must be taken by: May 8, 2006
Staff has indicated the applicant is in compliance with city requirements
Public Opinion: Protest and support letters filed
Considered separately
4. Rockin' Baja Lobster, Ward 2
7131 E. Broadway Blvd.
Applicant: Kenneth L. McGovern
Series 12, City 22-06
Action must be taken by: May 8, 2006
Staff has indicated the applicant is in compliance with city requirements
Public Opinion: Protest filed
Considered separately

c. Special Event

1. CODAC Behavioral Health Services, Inc., Ward 2
4644 E. Fort Lowell
Applicant: Holly Ann Algreen
City T23-06
Date of Event: May 6, 2006
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protest filed
Considered separately
2. Borderlands Theater, Ward 6
40 W. Broadway
Applicant: Charles Barclay Goldsmith
City T27-06
Date of Event: May 6, 2006
Annual Fundraiser
Staff has indicated the applicant is in compliance with city requirements.
3. Casa Adobes Rotary, Ward 3
4502 N. First Ave.
Applicant: Thomas Peter Firth
City T28-06
Date of Event: May 6, 2006
Annual Fundraiser
Staff has indicated the applicant is in compliance with city requirements.
4. Tucson Kitchen Musicians' Assn., Ward 1
140 N. Main Ave.
Applicant: Elise Grecco
City T29-06
Date of Event: May 6 & 7, 2006
Tucson Folk Festival
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 5 to 0 (Mayor Walkup and Council Member West absent/excused), to forward liquor license applications 5b1, 5b2, and 5c2 through 5c4 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. New License

3. R & D Union Inc., Ward 5
4701 E. 29th St.
Applicant: Raj Agarwal
Series 10, City 21-06
Action must be taken by: May 8, 2006
Staff has indicated the applicant is in compliance with city requirements
Public Opinion: Protest and support letters filed

Kathleen S. Detrick, City Clerk, announced Item 5b3, a request for a new license, would be considered separately. The license had protest and support letters filed and was located in Ward 5. Staff indicated the applicant was in compliance with City requirements.

Thomas Aguilera, Law Offices of Thomas Aguilera, representing applicant Raj Agarwal, stated he also represented Item 5b4 Rockin' Baja Lobster, but did not see a protest for that application on the agenda.

Ms. Detrick said the Clerk's Office was informed that a protester may be in the audience and that was why Rockin' Baja Lobster was being considered separately.

Mr. Aguilera said he would be speaking for R & D Union at that time. He said R & D Union had been at that location for thirteen years which was on the corner of Twenty-ninth Street and Swan Road. He stated that Vice Mayor Leal's office had been speaking with the owners Raj and Darshan Agarwal. Mr. and Mrs. Agarwal have owned the store there for many years and also owned the land. They rent the land to a company called R & D Union, Inc. and they were the only shareholders

Mr. Aguilera stated there were two issues at stake and they were asking for a Series 10 license and, because it would be a new issuance, it was about public convenience. They had submitted over one hundred signatures in support of the issuance. A year ago his client had submitted an application but withdrew it. Over the last year Mr. Agarwal asked him if he should resubmit the application. Mr. Aguilera wanted to know why Mr. Agarwal would want to submit another application when they knew there had been some interaction between the neighborhood association and his client about the wisdom of putting a liquor license on the corner. Mr. Agarwal told him that every day customers would ask him if they could purchase a six-pack of beer.

Mr. Aguilera said this was not a store that was interested in putting beer signs up. They had talked to the neighborhood associations about that and a representative from the Ward 5 office. He and Mr. Aguilera had looked at a couple of places down the way that the neighborhood association showed his client. They were covered with signs that the

neighborhood associations did not like. They were also concerned about security cameras outside. The store has four corners on the building that would make it easy to install cameras.

Mr. Aguilera said they already had an age verification cashier system. If you punch in the customer's driver's license number and it does not come up as the right age, the cash register would not operate. There was an electronic age verification device on the cash register because there are tobacco sales.

Mr. Aguilera said staff had about twenty-two untimely protests. Twenty of them were from the Mayor and Council comment line. Out of those twenty protests, eighteen were lodged yesterday. They were not only untimely but they protested the license because it stated the location was too close to a playground. Under Title IV they don't have that prohibition. There was certainly a prohibition for being too close to schools and churches. The Development Services Department stated they were within the requirements of the City. They were not within three hundred feet of a school or a church.

Mr. Aguilera said there were some timely protests. Pat Martin's group and neighborhood associations that were active in the area had given Council some protests. He noted that there were fifty one licenses in the area but Mayor and Council could only count nineteen within the mile. That was in the staff report. Mr. Aguilera said there was one error on the staff report. It said his clients were not licensees currently. They were licensees and had been for many years owning 7-11 stores and convenience markets, not in Ward 5, but in Pima County. So that was in error on the staff report.

Mr. Aguilera said one of the other things the neighborhood association had concerns about was that from 3:00 p.m. to 5:00 p.m. children from schools around the area may frequent the store to get sodas. Having two cashiers on shift was something the neighborhood association raised with Mr. and Mrs. Agarwal. There already were two cashiers on shift during the day, so keeping a second cashier on or having a different shift was not an issue. If the license was granted the applicant would comply with the request. Mr. and Mrs. Agarwal had been there for thirteen years and knew the neighbors. Mr. Agarwal had the reputation of being a very honest businessman in the area for many years. The applicant had a great relationship with the neighborhood association. They had differences of opinion with the neighborhood association but not with the community at large and that would be evident with a speaker that would come in and show support.

Mr. Aguilera said the last thing he wanted to bring to Mayor and Council's attention was the reliability and capability issues. In regards to the liquor license questionnaire, he did not know if the Mayor and Council had seen it, but he thought staff had. He and Mr. Agarwal went back and took a detailed look at everything that happened from 1999 to 2004. There were some alleged violations.

Mr. Aguilera said in 1999, there was a consent decree where the applicant failed to answer. He consented to the fines. A few years later there were a couple of violations

alleged and again the applicants consented to the fines. But if the Mayor and Council read the Arizona Department of Liquor Licenses and Control notes on the case, the consent decree stated that the licensee had taken extraordinary measures to train his staff and had gotten rid of the staff who were not in compliance. Later, in 2004, the employee who was cited had the citations dismissed in court. Often licensees consent to fines. That was just a thing that happened. The actual allegations against the employee for violations under Title IV were actually adjudicated and dismissed. Mr. Aguilera wanted those facts brought to the Mayor and Council's attention.

Mr. Aguilera said the Agarwal's were a couple that came from India, had worked hard and had proven over the thirteen years that they were a good tax paying model business. They wanted to augment their business by what the community had asked them to do, provide them the opportunity to have a one stop shop on that corner. The community was growing. It was an issue Mr. Leal and he had gone over for many years. Mr. Aguilera said he did not take every application that came his way. He had known Mr. and Mrs. Agarwal for many years and he believed them to be capable and reliable. He also thought the public convenience would be met by having a license at that location. Mr. Aguilera stated he would be available for questions.

Mayor Pro-Tempore Leal asked Mr. Aguilera if he had another person to come forward to speak within his context.

Annie Mae Washington said she lived across the street from the place and stated it was very convenient for her to go to the store because she had no means of transportation for herself or her grandson. It was very convenient and it would be good to have.

Mayor Pro-Tempore Leal asked if there was a representative of the Tucson Police Department present and if they had anything to add.

Officer Jeannie Nagore said she had nothing to add and the Police Department forwarded a recommendation of approval at that time.

Mayor Pro-Tempore Leal said the Council had received probably eleven protests from the neighborhood associations, the Weed and Seed Coalition, and various individuals. It was clear that the owners had been thoughtful and had attempted to be a part of the community. It was evidenced by their pulling their application back in 2004. The area in question, the Twenty-ninth Street Corridor, had worked really hard to get a Weed and Seed grant there to get agreements with apartment owners, which was almost unheard of, to try and get rid of crime and get stability in the area. One of the additional things they had labored under was a large collection of licenses, probably more than the area could endure in a stable way.

Mayor Pro-Tempore Leal said Council knew that a petition was submitted, as Mr. Aguilera mentioned, there were one hundred and five people on the petition. Records showed sixty eight of them lived in the area and thirty seven did not. A lot of the testimony was valid about the character of the owners. That would be more germane if

the topic before Council was a person to person transfer where they would look at the fitness and suitability of the people.

Mayor Pro-Tempore Leal stated the issue Council had was one of convenience and the research City staff had done and brought to Council showed nineteen licenses within a mile. The neighbors had considered that to be a concentration and that abundance of licenses in that area created a pre-existing convenience. It was not as though inconvenience existed and the granting of the license would create convenience where there was none. It was for those reasons Council should not lose sight of the work that the Police Department and neighbors had been at for sometime. The issue of convenience was not the issue there because there were nineteen pre-existing licenses. Mayor Pro-Tempore Leal said he could not make a motion. He asked the remaining Council to make a motion of denial be forwarded to the state.

Council Member Trasoff said it was difficult because the applicants were good, decent people who worked very closely with their community and wanted to have the opportunity to grow their business. She thought it was important to point out that the protests, though there were only eleven of them, many of them represented large groups of constituents in those areas and they were genuinely concerned. The protests she read did not have negative words regarding the applicants, just the saturation of licenses in the area and concern for the community, neighborhood, and for the children. That was why she would make the motion. It was with mixed feelings because as business people she respected them and what they were trying to do. But in looking out for the best interest of the community she felt she needed to vote against the request.

Mayor Pro-Tempore Leal said before Council voted were there any protesters in the audience that wished to speak.

Vickie Mesimer, President, Myers Neighborhood Association, said they protested the liquor license for R & D Union for the following reasons. They were very active in the Twenty-ninth Street Corridor community, five neighborhoods that had worked together for over three years to fight crime and to improve their area of Tucson. She said she could quote the 2005 Police Statistics Report. In their Corridor aggravated and simple assaults were 22% higher than the rest of Tucson, domestic violence related crimes were 69% higher, prostitution was 161% higher, drug and liquor crimes were 63% higher and weapons crimes were 63% higher than the rest of Tucson.

Ms. Mesimer said they had worked hard to obtain a Weed and Seed Grant from the United States Department of Justice. Now they had funding for the first year with additional police programs for prevention and enforcement and several preventive programs for youth. They also had domestic violence education, support for families, and programs to assist elderly to stay in their homes.

Ms. Mesimer stated that they were supported in those activities by many businesses in their area. Myers Neighborhood, on its own and with support of Rebuilding

Together Tucson, had businesses in their neighborhood that did home repair, painting, and yard work for the elderly and handicapped neighbors.

Ms. Mesimer said they had revised their list and map of number of liquor licenses to forty-seven liquor licenses in their Weed and Seed area, which covered 2.7 square miles from Country Club to Craycroft and Twenty-second Street to Golf Links or Aviation. It was saturated and did not need the forty-eighth liquor licenses.

Ms. Mesimer said Mayor and Council might remember back in 2004 the same applicant applied for a liquor license. Myers Neighborhood opposed it at the Mayor and Council hearing. They did not stop at opposition, they suggested at the hearing that there were several services and products not available in their area, which would bring new and different customers. They did not have frozen yogurt ice cream, cappuccino, sporting supplies, picnic foods and supplies, which would seem natural with two parks two blocks from the store. No innovative changes had been made by the store owner during the last two years.

Ms. Mesimer reminded Mr. Agarwal after September 11, 2001, when he was threatened by phone and rifle shots to his propane tanks to blow up the corner and windows of five cars parked on his lot were broken overnight, that neighbors who worked evenings and night shifts would check for activities on his site on their way to and from work.

Ms. Mesimer said the Mayor and Council recommended denial of the 2004 liquor application. A few weeks after the Mayor and Council meeting Mr. Agarwal withdrew his application to the state. They had continued prior to that time and after that time to encourage neighbors to patronize his business, as they do for all of their neighborhood businesses.

Ms. Mesimer added there were several arrows on the map included in the application. One church on Fairwell within a mile was not included. They believed there were twenty-nine liquor licenses within one mile of the store not ten. There were six within a half of mile of his outlet and one in one half mile plus one block. She said they were very concerned about the history of underage sales violations. The latest fine in 2005 showed a pattern of reoccurring violations. The neighborhood does not want a licensee with that record in their neighborhood. She asked Council to deny the license because it was not required for public need and convenience. They had saturation and would not serve in the best interest of their community.

Mayor Pro-Tempore Leal stated in the interest of time the remaining speakers should only address things that had not been brought up by the prior speaker.

Bob Crane representing the Naylor Neighborhood, which was adjacent to the store. Naylor Neighborhood boundaries were Twenty-second Street to Twenty-ninth Street and Columbus to Swan. It also included Naylor Middle School and the Columbus Library. He stated that Twenty-ninth Street was a high crime area, although it was not as

bad as it had been because police had been helping them with the Weed and Seed Program. He stated a lot of problems had come from the many liquor stores in the area. The middle school kids go right by the applicant's store going home from school. He stated they did not need any more liquor stores in the area and wished there were less. The Naylor Neighborhood would request a no vote on that application.

Diane Campbell, Alvernon Heights Neighborhood Association President said she was also an active member of the Twenty-ninth Street Corridor and the Weed and Seed Coalition. She said everything had been said and brought up. She mentioned they would have been better represented, but most of the neighborhood association's community businesses were at a meth workshop hosted by the Tucson Police Department.

Marisa Lopez, representing Child and Family Resources, stated they were in support of the Twenty-ninth Street Coalition.

Sergeant Joe Ramirez was there representing the Twenty-ninth Street Coalition.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 5 to 0 (Mayor Walkup and Council Member West absent/excused) that liquor license application 5b3, R & D Union Inc. be forwarded to the Arizona State Liquor Board with a recommendation for denial.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

New License

4. Rockin' Baja Lobster, Ward 2
7131 E. Broadway Blvd.
Applicant: Kenneth L. McGovern
Series 12, City 22-06
Action must be taken by: May 8, 2006
Staff has indicated the applicant is in compliance with city requirements
Public Opinion: Protest filed

Kathleen S. Detrick, City Clerk, announced Item 5b4, Rockin' Baja Lobster, a request for a new license, would be considered separately. The license had a protest that was filed after the end of the protest period, however, the protester indicated they would be present at the meeting. She stated that Mr. Aguilera would be representing the applicant. Ms. Detrick asked if the protester was present and no one answered. She therefore stated there were no protests for the Rockin' Baja Lobster item. Staff indicated the applicant was in compliance with City requirements and was located in Ward 2.

Council Member Ibarra asked again if the protester was present. There was no one.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 5 to 0 (Mayor Walkup and Council Member West absent/excused). Liquor license application 5b4, Rockin' Baja Lobster, be forwarded to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

c. Special Event

1. CODAC Behavioral Health Services, Inc., Ward 2
4644 E. Fort Lowell
Applicant: Holly Ann Algreen
City T23-06
Date of Event: May 6, 2006
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Protest filed

Kathleen S. Detrick, City Clerk, announced Item 5c1, CODAC Behavioral Health Services, Inc., a request for a Special Event license, would be considered separately. A protest was filed. Staff indicated the applicant was in compliance with City requirements and was located in Ward 2.

Council Member Ibarra asked again if the protester was present. There was no one.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 5 to 0 (Mayor Walkup and Council Member West absent/excused) that special event application 5c1, CODAC Behavioral Health Services, Inc. be forwarded to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA – ITEMS A THROUGH J

Mayor Pro-Tempore Leal 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. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR FISCAL YEAR 2006 FUNDING OF THE TUCSON-PIMA COUNTY HISTORICAL COMMISSION
 1. Report from City Manager APRIL25-06-196 CITY-WIDE AND OUTSIDE THE CITY

2. Resolution No. 20328 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for Fiscal Year 2006 for joint funding of the Tucson-Pima County Historical Commission; and declaring an emergency.
- B. GRANT AGREEMENT: WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR TUCSON CITY COURT'S PROBATION UNIT
1. Report from City Manager APRIL25-06-197 CITY-WIDE
 2. Resolution No. 20327 relating to transportation; authorizing and approving the grant agreement with the Governor's Office of Highway Safety for purchase of notebook computers in support of Tucson City Court's Probation Unit; and declaring an emergency.
- C. TUCSON CODE: CHAPTER 7, TECHNICAL AMENDMENTS TO THE ADULT ENTERTAINMENT ENTERPRISES AND ESTABLISHMENTS ORDINANCE
1. Report from City Manager APRIL25-06-199 CITY WIDE
 2. Ordinance No. 10270 relating to business licenses; amending the Tucson Code, Chapter 7, Article X by adding Section 7-211(e) relating to criminal background checks for applicants for adult entertainment licenses; and declaring an emergency.
- D. SURPLUS PROPERTY: DONATION OF TWELVE TRAFFIC CABINETS AND ONE 1989 SUN TRAN BUS TO OLD PUEBLO TROLLEY
1. Report from City Manager APRIL25-06-200 CITY-WIDE
- E. FINAL PLAT: (S05-160) ANTIGUA VILLAGE CONDOMINIUM SUBDIVISION
1. Report from City Manager APRIL25-06-198 WARD 2
 2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- F. ASSURANCE AGREEMENT: (S04-107) EL RANCHO MERLITA SUBDIVISION, LOTS 1 TO 16, AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager APRIL25-06-205 WARD 2
 2. Resolution No. 20330 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. S04-107 of a final plat for the El Rancho Merlita Subdivision, Lots 1 to 16 and Common Areas “A” – “C”; and declaring an emergency.
- G. FINAL PLAT: (S04-107) EL RANCHO MERLITA SUBDIVISION, LOTS 1 TO 16, AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager APRIL25-06-204 WARD 2
 2. City Manager recommends that, after 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.
- H. RIO NUEVO: APPROVING AN EXPENDITURE OF FUNDS BY THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR IMPROVEMENTS TO THE RIALTO THEATRE
1. Report from City Manager APRIL25-06-206 WARD 6
 2. Resolution No. 20331 relating to the Rio Nuevo Multipurpose Facilities District; approving an expenditure of funds by the Rio Nuevo Multipurpose Facilities District for the improvement of the Rialto Theatre; and declaring an emergency.
- I. APPROVAL OF MINUTES
1. Report from City Manager APRIL25-06-207 CITY-WIDE
 2. Approval of minutes for the regular meeting of the Mayor and Council held on March 28, 2006.
- J. REAL PROPERTY: DEVELOPMENT AGREEMENT WITH RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT AND BP POST INVESTORS, LLC FOR THE POST DEVELOPMENT PROJECT (CONTINUED FROM THE MEETING OF APRIL 18, 2006)
1. Report from City Manager APRIL25-06-208 WARD 6

2. Resolution No. 20320 relating to Rio Nuevo Multipurpose Facilities District; approving and authorizing a Development Agreement with BP Post Investors, L.L.C., and the Rio Nuevo Multipurpose Facilities District for the development of the Post Development Project; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, that Consent Agenda Items A through J be passed and adopted and the proper action taken.

Mayor Pro-Tempore Leal asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, Uhlich, Scott, and Trasoff; and
Mayor Pro-Tempore Leal

Nay: None

Consent Agenda Items A through J were declared passed and adopted by a roll call vote of 5 to 0 (Mayor Walkup and Council Member West absent/excused).

7. CALL TO THE AUDIENCE

Mayor Pro-Tempore Leal announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for thirty minutes. He asked if there was anyone in the audience who wished to address the Council.

- a. Michael Toney spoke about rap music being played outside El Minuto Restaurant, plants being butchered on the corner of Congress and Scott Streets, the excavation of a pit house east of the Tucson Water building and an annexation on River Road.
- b. Bill Katzel stated the League of American Bicyclists designated the Tucson/Eastern Pima County Region as the recipient of the first ever Regional Gold Level Bicycle Friendly Community Award.

8. ZONING: (C9-05-24) YOUNG - TANQUE VERDE ROAD, SR TO R-1, CITY MANAGER'S REPORT (CONTINUED FROM THE MEETING OF MARCH 7, 2006)

(Note: This item was taken out of order and considered after Item 4)

9. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Pro-Tempore Leal announced City Manager's communication number 203, dated April 25, 2006, would be received into and made a part of the record.

Mayor Pro-Tempore Leal asked for a motion to approve the appointment in the report.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 5 to 0 (Mayor Walkup and Council Member West absent/excused), to appoint Steve Nuñez to the Pima County/City of Tucson Commission on Addiction Prevention and Treatment.

Mayor Pro-Tempore Leal asked if there were any personal appointments. There were none.

10. ADJOURNMENT 7:10 p.m.

Mayor Pro-Tempore Leal announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 2, 2006, 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 25th day of April 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:kad/plp