



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
On May 24, 2004 _____

Date of Meeting: September 15, 2003

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, Tucson Arizona, at 2:03 p.m. on Monday, September 15, 2003, 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
Carol West
Kathleen Dunbar
Shirley C. Scott
Steve Leal
Fred Ronstadt
Robert E. Walkup
Kathleen S. Detrick

Council Member Ward 1
Council Member Ward 2
Council Member Ward 3
Vice Mayor Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor
City Clerk

Absent/Excused:

None

Staff Members Present:

James Keene
Mike Letcher
Ernie Duarte
Todd Sander
Officer Jeannie Nagore

City Manager
Deputy City Manager
Development Services Director
Chief Information Officer
Tucson Police Department

Michael House

City Attorney

Suzanne Mesich
Debra Counseller
Ceci Sotomayor

City Clerk's Office
Recording Secretary
Recording Secretary

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend DeeDee Azhikakath of St. Mark's United Methodist Church after which the pledge of allegiance was presented by the entire assembly.

Presentations

Mayor Walkup announced the presentation of the 2003 Energy Star Award to the Community Services Department for the Santa Rita Building.

Todd Sander said the Energy Star Award is a joint award that is given by the Department of Energy and the Environmental Protection Agency. It was awarded in recognition of a great example of city staff combining fiscal and environmental conservation. The Santa Rita building at the Community Services Department was eligible to receive the award. Emily Nottingham, community services director, and staff from the Operations Department brought together a team that made good use of design, made some operational changes, and saved about ten thousand dollars during the past year or so in energy costs.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 490, dated September 15, 2003, would be received into and made a part of the record. He also announced that this was the time for mayor and council members to report on current events and asked if there were any reports.

A. Arizona Municipal Tax Code Commission

Council Member West announced that she was elected vice chair of the Arizona Municipal Tax Code Commission at its regularly scheduled meeting on September 12, 2003.

B. "Kids Day"

Council Member Dunbar invited everyone to "Kids Day," on Saturday, September 20, 2003, from 9:00 a.m. to 1:00 p.m. at Doolen Middle School. The police department would be present to do identification of children with photos and there would be fun things for the children.

C. Four-Way Stop

Council Member Ibarra thanked James Glock, transportation director, for the four-way stop at Elvira and 12th Avenue. He was at the neighborhood association meeting last week and the residents were excited about it. Transportation staff did a great job and should be commended.

Mayor Walkup asked if there were any further reports. There were none.

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

Mayor Walkup announced that city manager's communication number 491, dated September 15, 2003, would be received into and made a part of the record. He also announced that this was the time for the city manager to report on current events and asked for his report.

James Keene, city manager, reported that last Friday the first Annual Dan Felix Memorial Golf Tournament was held at Dell Urich and Randolph Golf Courses with teams from the city and the county. The tournament is designed to raise funds for the Dan Felix Foundation and he thought that at least six thousand dollars had been raised. The purpose of the tournament is to raise funds to aid low-income citizens in their access to recreational opportunities in the city. This was the first shoot-out between the city and the county, the city of Tucson won and received a lovely trophy, which would be displayed at city hall, and staff would do their best to keep it each year. He said he made no meaningful contributions to that victory.

Mayor Walkup asked if the city had received another award for the snake bridge and was advised that it had not.

5. CALL TO THE AUDIENCE, for persons desiring to speak

Mayor Walkup announced that this was the time any member of the public was allowed to address the mayor and council on any issue that was not listed on the agenda. Speakers would be limited to three-minute presentations. He said he had received two requests from people wishing to address the council and would call on them first. He advised that there would also be a call to the audience at the end of the meeting.

A. Use of Rodeo Grounds Fees

Mike Harrelson, said he is vice chair of the Rodeo Grounds Oversight Committee, owner of the Desert Thunder Pro Rodeo, which was going into its ninth year at the Rodeo Grounds, and the events manager for Citadel Broadcasting. He does events such as the Martina McBride concert at Hi Corbett Field and other events sponsored by one of the radio stations, which take place at various city facilities. He was concerned about the fees that were increased across the board by the parks and recreation department. He wondered why some of his events were done because the fees for the Rodeo Grounds went from \$400 per day to \$960. The Rodeo Grounds Oversight Committee approved a percentage surcharge like the Tucson Convention Center had; they also approved the concession of one to five percent of an event.

This year at the Rodeo Grounds facility when someone rents the entire facility for the weekend, under the umbrella of the parks and recreation booth structure fees, they are asked to pay \$60 a day for what they put into the Rodeo Grounds. For example, bringing in the professional rodeo in October cost him \$85,000. He paid for everything, all of the events, the stock, and the use of the facility because he rented the entire grounds. On the top of the

event he put in for, because of the fee structure, he had to charge the vendors \$60 dollars a day. For example, he charges most of his local vendors, because they are small business people, \$120 to \$140 for the weekend. It is nice to have entertainment for event attendees while they wait. Under the new fee structure, he is charged \$60 a day, meaning he is charged \$120. That means he is charged \$120 dollars a weekend on a booth price that he pays \$125 for, he is already risking \$95. The city takes \$120 so he gets five. That is what was happening under the facility guidelines. He thought the city needed to look at the overall Rodeo Grounds as a facility, even though it is under the parks umbrella, break it out and look at how those fees affect that facility to bring in events such as his. He understood that when events are held at parks the booth fees should be justified, but when someone rents the entire facility for a weekend, the booth prices have an impact. The city is taking another \$2500 away from him. There is also the issue that under the professional rodeos the rodeo insurance liability is set at a million dollars. He would be submitting items for that, it was not a standard national average; the standard national average is one million dollars. That, because of September 11, 2001, has cost him an additional \$4500. It really should only be one million.

Mayor Walkup asked Mr. Harrelson to meet with his staff.

Mr. Harrelson said he had called the mayor's office, but had not heard back. He had talked to Council Members Ibarra and Ronstadt and he had meetings scheduled with the other council members to discuss the issue.

B. Freedom Ride

Matt Hogel, which is on the campus for the Arizona School for the Deaf and Blind, said he wanted to talk about the decision not to use city funds to help bring the immigrant workers Freedom Ride to the city. He thought the decision was made last week. The memorandum that he was able to get a copy of said that city funds could only be expended for a public purpose that provides a benefit to city residents with the amount of the expenditure and does not merely promote the interests of a particular group. He hoped the council was familiar with the immigrant workers Freedom Ride. He does not think it is an interest of just a particular group. It is about human rights and human rights benefit everyone and are in everyone's interest, especially considering the demographic background of Tucson. The event is a national campaign so on the web site there is nothing that really pertains to the city of Tucson, but because of Tucson's demographics in no other city in the country would it be more appropriate to use city funds for the event. He hoped the council would discuss it and vote on it.

Mayor Walkup said the council would take the matter under consideration, although it would not be at this meeting because the issue was not on the agenda.

Mr. Hogel pointed out that the event was scheduled to be in Tucson on September 24, 2003, so it was urgent.

Council Member Ibarra asked if the item could be voted on at the agenda committee meeting.

Michael House, city attorney, asked if he meant could the committee vote to put the matter on the agenda for next week.

Council Member Ibarra said the commitment would be that the agenda committee would vote to put it on the September 22 council meeting if there were four votes to do so.

Mayor Walkup asked if anyone else wished to address the council.

C. Pima County Open Space Bond Issue

Beryl Baker, wanted to talk about the Pima County open space bond issue. It was moving very quickly through committees and a number of people from the municipal Tucson area were participating in that process. A number of people in the city had presented parcels to be considered within the city. Probably most of the parcels are on the city's own open space wish list. It appeared to her that if the city did not become part of the bond process, the efforts of city residents and those stepping forward to represent the city's interests might be for naught. The city might lose its opportunity to have parcels included in the bond and the opportunity to start complying with the federal mandate concerning endangered species. She asked the council to move forward quickly to get the city involved with the Pima County proposed bond election and not keep putting it off because things are moving quickly. She would appreciate it.

Mayor Walkup asked if anyone else wished to address the council. There was no one.

6. CONSENT AGENDA – ITEMS A THROUGH K

Mayor Walkup announced that the city manager's reports and recommendations dated September 15, 2003, 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 items.

A. INTERGOVERNMENTAL AGREEMENT WITH PIMA COUNTY COMMUNITY COLLEGE FOR PROVISION OF WIDE-AREA NETWORK CONNECTIVITY

- (1) Report from City Manager SEPT15-03-504 CITY-WIDE
- (2) Resolution No. 19681 relating to telecommunications; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Pima County Community College District for provision of wide-area network connectivity across the City of Tucson Institutional Network; and declaring an emergency.

B. BOARDS, COMMITTEES AND COMMISSIONS: RENEWAL OF THE COUNTY/CITY COMMISSION ON ADDICTION, PREVENTION AND TREATMENT

- (1) Report from City Manager SEPT15-03-489 CITY-WIDE

- (2) Resolution No. 19677 relating to City Boards and Commissions; renewing the County/City Commission on Addiction, Prevention and Treatment, amending Resolution 19047; and declaring an emergency.
- C. SURPLUS PROPERTY: REQUEST FOR DONATION OF PROCEEDS FROM BICYCLE SALE
- (1) Report from City Manager SEPT15-03-488 CITY-WIDE
 - (2) Resolution No. 19678 relating to procurement; approving and authorizing the transfer of Two Thousand Three Hundred Forty-five Dollars (\$2,345.00) received from the sale of surplus equipment, in equal amounts, to Bootstraps to Share (dba BICAS), TCPC/Tucson Safe Kids, and the Brad P. Gorman Memorial Bikeway Fund (The Brad Fund); and declaring an emergency.
- D. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR A NATIONAL FORENSIC SCIENCES FORMULA GRANT
- (1) Report from City Manager SEPT15-03-493 CITY-WIDE
 - (2) Resolution No. 19679 relating to law enforcement; approving and authorizing execution of a Grant Agreement with the Arizona Criminal Justice Commission for a National Forensic Sciences Formula Grant; and declaring an emergency.
- E. FINAL PLAT: (S01-037) BALBOA-LAGUNA, LOTS 1 TO 36 AND COMMON AREAS "A", "B", AND "C"
- (1) Report from City Manager SEPT15-03-492 W3
 - (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. TUCSON CODE: AMENDING (CHAPTER 20) BY UPDATING CITY TRAFFIC ORDINANCES
- (1) Report from City Manager SEPT15-03-495 CITY-WIDE
 - (2) Ordinance No. 9893 relating to motor vehicles and traffic; eliminating the requirements that copies of ordinances designating special restrictions and speed limit reductions be kept on file with the City Clerk; adding a new provision for Bicycle Control Signals; amending the Tucson Code by amending Sections 20-146, 20-146.1, and 20-146.2; adding a new Section 20-122.1; and declaring an emergency.
- G. FINANCE: SALE OF WATER SYSTEM REVENUE BONDS, SERIES 2000-C (2003)

- (1) Report from City Manager SEPT15-03-486
 - (2) Ordinance No. 9885. An Ordinance relating to finance; authorizing the issuance and sale of City of Tucson, Arizona, Water System Revenue Bonds, Series 2000-C (2003), in the principal amount of \$16,300,000; providing for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2003 Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent for the Series 2003 Bonds; authorizing the preparation and delivery of an official statement with respect to the Series 2003 Bonds; ordering the sale of the Series 2003 Bonds; authorizing the execution and delivery of a continuing disclosure undertaking with respect to the Series 2003 Bonds; and declaring an emergency.
- H. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT MATCHING FUNDS
- (1) Report from City Manager SEPT15-03-502 CITY-WIDE
 - (2) Resolution No. 19680 relating to law enforcement; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Juvenile Accountability Incentive Block Grant Matching Funds; and declaring an emergency.
- I. TUCSON CODE: AMENDING (CHAPTER 17) RELATING TO REGISTRATION OF DOMESTIC PARTNERSHIPS
- (1) Report from City Manager SEPT15-03-505 CITY-WIDE
 - (2) Ordinance No. 9898 relating to human relations; adopting the "Domestic Partnership Ordinance" by amending Chapter 17 of the Tucson Code to add a new Article IX, Registered Domestic Partnerships, (Sections 17-70 through 17-77); providing definitions and procedures for registering and terminating Domestic Partnerships; establishing fees for registration and termination; setting forth rights of Registered Domestic Partners; limiting liabilities; declaring severability; providing an effective date; and declaring an emergency.
- J. BOARDS, COMMITTEES, AND COMMISSIONS: RENAMING THE SOLID WASTE ADVISORY COMMITTEE TO THE ENVIRONMENTAL SERVICES ADVISORY COMMITTEE, AND BROADENING THE SCOPE OF THE COMMITTEE
- (1) Report from City Manager SEPT15-03-506 CITY-WIDE
 - (2) Resolution No. 19682 relating to Environmental Services; changing the Solid Waste Advisory Committee's name to Environmental Services Advisory Committee (ESAC); broadening ESAC'S advisory scope to include all

Environmental Services Department programs and services; and declaring an emergency.

K. GRANT APPLICATION: TO THE GILA RIVER INDIAN COMMUNITY IN SUPPORT OF THE ARIZONA STATE MUSEUM'S POTTERY PROJECT

- (1) Report from City Manager SEPT15-03-507 CITY-WIDE
- (2) Resolution No. 19683 relating to finance; authorizing and approving a Grant Application to the Gila River Indian Community in support of the Arizona State Museum's Pottery Project; and declaring an emergency.

Kathleen S. Detrick, city clerk, advised that on item G, as reported by Mr. Douthitt during study session, the award is to ABN AMRO Financial Services, Inc. and the resolution would be updated to reflect that.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Ibarra, seconded by Council Member West, that consent agenda items A through K be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Consent agenda items A through K were declared passed and adopted by a roll call vote of 7 to 0.

7. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that city manager's communication number 498, dated September 15, 2003, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

New License(s)

- | | |
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| <p>(1) GEE'S GARDEN RESTAURANT
1145 N. Alvernon Way
Applicant: Dudley Gee
City #061-03, located in Ward 6
Series #12</p> | <p><u>Staff Recommendation</u>
Police: In Compliance
DSD: In Compliance
Bus. License: Denied</p> |
| <p>(2) COACH'S DELI</p> | <p><u>Staff Recommendation</u></p> |

1745 E. River Road #165
Applicant: Timothy E. Hibsman
City #063-03, located in Ward 3
Series #12

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance

Person Transfer

- * (3) BEST WESTERN EXECUTIVE INN
333 W. Drachman
Applicant: Panagiotis Lembessis
City #064-03, located in Ward 3
Series #6

Staff Recommendation
Police: In Compliance
DSD: In Compliance
Bus. License: Denied

Person/Location Transfer(s)

- ** (4) QUICK STOP
1002 W. Congress Street
Applicant: Dharmendra T. Patel
City #062-03, located in Ward 1
Series #9

Staff Recommendation
Police: In Compliance
DSD: Denied
Bus. License: In Compliance

Special Event(s)

- (1) TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T067-03, located in Ward 1

Staff Recommendation
Police: In Compliance
DSD: In Compliance

- (2) RIALTO FOUNDATION
Rialto, Congress Street between 5th & 4th
5th Avenue between Congress & Broadway
Applicant: Jeb B. Schoonover
City #T081-03, located in Ward 6

Staff Recommendation
Police: In Compliance
DSD: In Compliance

- (3) UPTOWN OPTIMIST CLUB
3400 E. Camino Campestre,
Hi Corbett Stadium
Applicant: Thomas F. Hogan
City #T082-03, located in Ward 6

Staff Recommendation
Police: In Compliance
DSD: In Compliance
Parks & Rec.: In Compliance

Kathleen S. Detrick, city clerk, advised that the applicant for liquor license city #064-03, Best Western Executive Inn, had requested that his application be continued until September 22, 2003. It currently had a recommendation for denial from the business license division. Liquor license application #062-03, Quick Stop, also has a recommendation for denial from the development services department, so it should be considered separately.

It was moved by Council Member West, seconded by Vice Mayor Scott, and carried unanimously by a voice vote of 7 to 0 that liquor license applications for city #061-03;city

#063-03; city #T067-03; city #T081-03; and city #T082-03 be forwarded to the state department of liquor licenses and control with a recommendation for approval.

*Continued to September 22, 2003 at the request of the applicant

**See page 10

7. LIQUOR LICENSE APPLICATION – (b)(4)

Person/Location Transfer(s)

(4) QUICK STOP 1002 W. Congress Applicant: Dharmendra T. Patel City #062-03, located in Ward 1 Series #9 Action must be taken by: September 29, 2003	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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Mayor Walkup called on Council Member Ibarra.

Council Member Ibarra called on the applicant.

Dharmendra Patel, the applicant, said he wanted approval of his license and noted this was his first time before the mayor and council.

Council Member Ibarra asked Development Services to come forward first and then the applicant could respond.

Ernie Duarte, development services director, stated that the basis for Development Services' denial is that there are two current *Sign Code* violations at the property. Removal of the denial of the liquor license can be changed with the abatement of those two violations. So if the applicant secured the building permits for those *Sign Code* violations, Development Services can reverse their decision on the liquor license application.

Mr. Patel stated that as far as the signage goes, as soon as he received the first letter, he was going to act on it, but he just wasn't given enough time. He does not have any signs on the premises. He took down all the banners. Before this, he had not received any notices that he could not have signs. From what he knew, he could have signs on the building, but not off the building. That is why whenever the beer companies would give them signs, they would put them up. He stated that as soon as he got the letter, he took them down.

Council Member Ibarra stated he understood the sign situation with Mr. Duarte. However, the protest letters he received from Lillian Lopez-Grant, Menlo Park Neighborhood, and from former Council Member Hector Morales, were more in terms of the business itself; how it is out of control, the trash, the people that hang out there, and the amount of negative activity that is now overflowing from their property onto the neighborhood. Council Member Ibarra said he was going to make a recommendation of denial, not so much in terms of development services, but more for the fact that the liquor store is

becoming a negative haven that is now flowing into the neighborhood, and they just can't have that anymore.

Council Member Ibarra asked Mr. House how to structure an appropriate motion to forward the recommendation of denial to the state liquor board.

Michael House, city attorney, said he understood this was a person/location license, and therefore, the issues would be the personal qualifications of the applicant, or whether the license at this location is necessary to serve the need and convenience of the area. Therefore, Council Member Ibarra's rationale for recommending denial should be set forth either in terms of the applicant's qualifications or that there is not a need for a liquor license at this location.

That being the case, Council Member Ibarra said his motion would be to recommend denial, because there is not a need for this particular facility in a place that is already inundated with liquor licenses, specifically in Menlo Park.

It was moved by Council Member Ibarra, seconded by Council Member West, that in liquor license city #062-03, the council forward a recommendation of denial to the state liquor board.

Mayor Walkup asked if there was further discussion and hearing none, called for the vote.

The motion carried by a voice vote of 7 to 0.

8. ELECTIONS: CANVASSING RETURNS AND DECLARING RESULTS OF THE PRIMARY ELECTION HELD SEPTEMBER 9, 2003

Mayor Walkup announced that city manager's communication number 494 dated September 15, 2003, would be received into and made a part of the record. He requested the city clerk to read resolution no. 19684 by number and title only, without objection.

Resolution No. 19684

Relating to elections: canvassing the returns and declaring the results of the Primary Election held in the City of Tucson, Arizona, September 9, 2003.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Leal, seconded by Council Member Ronstadt, that resolution no. 19684 be passed and adopted.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Resolution no. 19684 was declared passed and adopted by a roll call vote of 7 to 0.

9. ZONING: (C9-03-05) COSTCO – GRANT ROAD, R-3 TO P, CITY MANAGER’S REPORT

Mayor Walkup announced that city manager’s communication number 496, dated September 15, 2003, would be received into and made a part of the record. He also announced that this was a request to rezone property north of Grant Road, south of Pantano Wash, approximately 800 feet west of the Wilmot Road alignment. The preliminary development plan is for an expansion of the parking lot serving the existing retail/commercial use. The zoning examiner and the city manager recommend approval subject to certain conditions. He asked if the applicant or a representative was present and if so, were they aware of and amendable to the proposed standard conditions.

Michelle Tella (ph) representing WRG Design, Phoenix, Arizona, said they were the civil engineers for the project and on behalf of the applicant and property owner they concurred with all of the recommendations and asked for council’s approval of the request.

Mayor Walkup asked the council’s pleasure.

Council Member West said she could not tell from the materials whether the apartments had vehicle access to the proposed parking lot. It seemed to her that that would not be advisable.

Ernie Duarte, development services director, said the apartments would not have vehicular access to the subject parking lot.

It was moved by Council Member West, seconded by Council Member Leal, and carried unanimously by a voice vote of 7 to 0 that in zoning case C9-03-05, an ordinance be prepared rezoning the subject property from R-3 to P, subject to the standard conditions recommended by the city manager.

10. ZONING: (SE-03-06) HOME DEPOT – ORACLE ROAD, OCR-2 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT

Mayor Walkup announced that city’s manager’s communication number 497, dated September 15, 2003, would be received into and made a part of the record. He also announced that this was a special exception land use request to allow construction of a large retail establishment located on the block bounded by Oracle Road on the west, Limberlost Drive on the south, Neffson Drive on the east and Wetmore Road on the north. The zoning examiner and city manager recommend approval subject to certain conditions. He asked if the applicant or representative was present and if so, were they aware of and amenable to the proposed standard conditions.

Thomas Sayler-Brown, applicant, Sayler-Brown Bolduc Architects, 1001 N. Alvernon, said they were.

Mayor Walkup asked the council's pleasure.

Council Member Dunbar asked Mr. Sayler-Brown to give a brief presentation.

Mr. Sayler-Brown said the property's boundaries are Wetmore, Limberlost, Oracle Roads, and Neffson Drive. The developer worked from the very beginning, in December, with the neighborhood association and the adjacent property owners to come up with a solution that they would be able to live with comfortably. That included an invitation to the neighbors to help select an architectural style that would fit into the neighborhood. They met nine or ten times throughout the year and a very good relationship was established with them. The Home Depot is located in the southeast corner of the site. There are adjacent retail uses, other uses, office, retail, and restaurant uses on the perimeter. There are plenty of trees and plantings to make the development a very attractive shopping center. He displayed a rendering of the Home Depot building and said the rest of the shopping center would be designed in keeping with the subject design, which takes a lot of local Tucson architectural elements and incorporates them, scaling them to fit the large retail.

Council Member Dunbar said it was important to point out that the subject property was zoned for commercial use and a 20-story office complex could be built. Although the zoning was there and the developer did not have to meet with the neighbors they had done eleven meetings were held with the neighborhood. Her office had 16 meetings, even to the point where one Saturday, neighborhood representatives drove around Tucson looking for ideas and architecture that they liked and appreciated, took them to Mr. Sayler-Brown and he actually incorporated some of those ideas into the new Home Depot. People have really worked together on this project. She complimented and thanked Ms. Robins who chaired the neighborhood association meetings and other people who were involved. There were a lot of tears at the first meeting, but currently everyone is happy with the project. She also pointed out that the neighborhood had a list of 27 conditions and Home Depot and Bourn Partners, everyone came forward and agreed on those conditions. People worked together instead of fighting. They hammered it out until everyone agreed even to the point that there will be no left-hand turns from Home Depot onto Limberlost, into the neighborhood. Her office held firmly to that condition and she knew the neighbors had also because there can be traffic in, but when people are leaving they cannot make a left-hand turn through the neighborhood.

Kathleen S. Detrick, city clerk, said it was her understanding that Council Member Dunbar wanted to modify condition number 17 as it was presented with the addition of one sentence. The final sentence will read, "Additionally, forklifts may be operated at the lumber loading area on the east side of the large retail establishment building from 6:00 a.m. to 10:00 p.m."

Council Member Dunbar said that was correct. It just moved the time from 7:00 a.m. and allowed an extra hour. She noted that the neighborhood and everyone else agreed to that.

It was moved by Council Member Dunbar, seconded by Vice Mayor Scott, to approve the request for a special exception land use with the modification as read by the city clerk to condition number 17.

Mayor Walkup asked if there was any discussion.

Council Member Leal said he wanted to expand on what Council Member Dunbar said. He thought it was to the neighbors' credit to jump in and participate and not be intimidated about dancing with a really big partner. He also thought Home Depot should be complimented. He had watched them for some years and they not only responded to the city raising the bar; they raised the bar on themselves. He did not see a lot of big multi national corporations that have that kind of caring or dexterity. He really appreciated how they acted and what they had come up with.

Mayor Walkup agreed. He said this experience went back several years when they had some really good meetings. The whole affair started with El Con when the council said Home Depot could look good and be functional. He was very pleased with the organization and with the neighbors who saw fit to listen and negotiate. That is the kind of cooperation that all of the council members hope to have throughout the city.

The motion to approve the request for a special exception land use with the modification to condition number 17, which reads, "Additionally, forklifts may be operated at the lumber loading area on the east side of the large retail establishment building from 6:00 a.m. to 10:00 p.m." was declared carried unanimously by a voice vote of 7 to 0.

11. ZONING: (C9-02-24) MIRAMONTE HOMES – BROADWAY BOULEVARD, RX-1 TO R-1, ORDINANCE ADOPTION

Mayor Walkup announced that city manager's communication number 499, dated September 15, 2003, would be received into and made a part of the record. He asked the city clerk to read ordinance no. 9894 by number and title only.

Ordinance No. 9894

Relating to zoning: amending zoning district boundaries in the area located on the southeast corner of Houghton Road and Broadway Boulevard in Case C9-02-24, Miramonte Homes – Broadway Boulevard, RX-1 to R-1; and setting an effective date.

Mayor Walkup asked the council's pleasure.

Council Member West noted there had been 11 written protests to the subject rezoning, but she believed some of them had been removed.

Ernie Duarte, development services director, said the protests had been removed, which reduced the protest level to about 16% and staff would be incorporating updated protest levels in future communications regarding ordinance adoptions.

Council Member West said she would appreciate that because when the council reads the staff report it is sometimes bewildering. The report will say a simple majority vote is needed when the number of protests is over the limit. She thought updates would be good and they would help the council members. She wanted to point out some things that the developer did that she thought had accommodated some of the protests and one was dedication of 150 feet of conservation easement along the north property line. There were some concerns about view sheds and some of the configurations of the homes were changed. There are one-story homes along the adjoining property lines, which she thought had helped and she wanted to thank the property owners for remaining involved in the case.

It was moved by Council Member West, seconded by Council Member Leal, that ordinance no. 9894 be passed and adopted.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Ordinance no. 9894 was declared passed and adopted by a roll call vote of 7 to 0.

12. ZONING: (C9-02-14) GENESEE – SILVERBELL ROAD, SR/SH TO R-1, ORDINANCE ADOPTION

Mayor Walkup announced that city manager's communication number 500, dated September 15, 2003, would be received into and made a part of the record. He asked the city clerk to read ordinance no. 9895 by number and title only.

Ordinance No. 9895

Relating to zoning: amending zoning district boundaries in the area located on the west side of Silverbell Road, south of Introspect Drive in Case C9-02-14, Genesee – Silverbell Road, SR/SH to R-1; and setting an effective date.

Mayor Walkup asked the council's pleasure.

Council Member Ibarra said he thought the traffic problem on Silverbell between Camino Del Cerro and Grant Road were going to have to be addressed. A significant

number of housing developments had been approved for that area and the street is very congested at all hours of the day. He did not know what could be done as Silverbell is designated as a scenic route, but he looked forward to any recommendations staff could provide.

It was moved by Council Member Ibarra, seconded by Council Member Leal, that ordinance no. 9895 be passed and adopted.

Mayor Walkup asked if that portion of Silverbell is two lanes or four lanes.

Council Member Ibarra said two lanes with a turn lane, but farther north, it is two lanes with no turning lane. After Introspect Drive, it is two lanes and the difficulty is that it is a scenic route and not many adjustments can be made. He was looking for some flexibility. He knew the mayor heard the same thing.

Mayor Walkup agreed and asked for the roll call.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Ordinance no. 9895 was declared passed and adopted by a roll call vote of 7 to 0.

13. ZONING: (C9-02-26) MONTEREY HOMES – GOLF LINKS ROAD, SR TO R-1, ORDINANCE ADOPTION

Mayor Walkup announced that city manager's communication number 501, dated September 15, 2003, would be received into and made a part of the record. He asked the city clerk to read ordinance no. 9896 by number and title only.

Ordinance No. 9896

Relating to zoning: amending zoning district boundaries in the area located at the northeast corner of Golf Links Road and Bonanza Avenue in Case C9-02-26, Monterey Homes – Golf Links Road, SR to R-1; and setting an effective date.

Mayor Walkup asked the council's pleasure.

It was moved by Vice Mayor Scott, seconded by Council Member Ibarra, that ordinance no. 9896 be passed and adopted, amending condition number 20, "The applicant

shall install a traffic signal at Bonanza and Golf Links or donate a proportionate contribution to a full signal.”

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Ordinance no. 9896 was declared passed and adopted by a roll call vote of 7 to 0.

14. ZONING: (C9-01-03) ASSISTANCE LEAGUE – ALVERNON WAY, R-3 TO C-1, ORDINANCE ADOPTION

15.

Mayor Walkup announced that city manager’s communication number 503, dated September 15, 2003, would be received into and made a part of the record. He asked the city clerk to read ordinance no. 9897 by number and title only.

Ordinance No. 9897

Relating to zoning: amending zoning district boundaries in the area located on the southwest corner of Fairmount Street and Alvernon Way in Case C9-01-03, Assistance League – Alvernon Way, R-3 to C-1; and setting an effective date.

Mayor Walkup asked the council’s pleasure.

It was moved by Council Member Ronstadt, seconded by Council Member West, that ordinance no. 9897 be passed and adopted.

Mayor Walkup asked if there was any discussion.

Council Member Leal asked if on the Fairmount side of the parking lot the traffic could go west, or was there a right-turn only exit from the parking lot, forcing the traffic back to Alvernon so that it cannot go through the neighborhood.

Ernie Duarte, development services director, said the exit onto Fairmount Avenue is designed in such a way that it forces traffic to go east toward Alvernon.

Council Member Leal thanked staff for that.

Mayor Walkup said he was impressed every time a council member asks staff a question like that and gets a straight answer. He thanked Council Member Leal for being aware of such things and asked if there was any further discussion. There was none.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Ordinance no. 9897 was declared passed and adopted by a roll call vote of 7 to 0.

15. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup asked if there were any appointments.

Vice Mayor Scott announced her personal appointment of Lynn Gillette to the Metropolitan Energy Commission and Larry Roberts to the Stormwater Advisory Committee.

Mayor Walkup asked if there were any other appointments. There were none.

16. RECONSIDERATION OF RESOLUTIONS 19673, 19674, AND 19675, ADOPTED SEPTEMBER 8, 2003, TO ENABLE AN EARLIER EFFECTIVE DATE

Mayor Walkup announced that city manager's communication number 508, dated September 15, 2003, would be received into and made a part of the record. He asked the city clerk to comment.

Kathleen S. Detrick, city clerk, advised that the subject resolutions were adopted at the mayor and council meeting of September 8, 2003, but there were an insufficient number of council members there to enact the emergency clause. She asked for a motion to reconsider them in order to enact an earlier effective date.

It was moved by Vice Mayor Scott, seconded by Council Member Ibarra, and carried unanimously by a voice vote of 7 to 0 to reconsider resolutions no. 19673, 19674, and 19675.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Ibarra, seconded by Council Member Leal, that resolutions no. 19673, 19674, and 19675 be passed and adopted.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Resolutions no. 19673, 19674 and 19675 were declared passed and adopted by a roll call vote of 7 to 0 with the emergency clause.

17. CALL TO THE AUDIENCE, for persons desiring to speak

Mayor Walkup announced that this was the time for any member of the public to address the mayor and council on any issue. Speakers would be limited to three-minute presentations. He asked if anyone wished to address the mayor and council. There was no one.

18. ADJOURNMENT: 2:49 p.m.

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held on Monday, September 22, 2003 at 7:30 p.m., in the Mayor and Council Chamber of City Hall, 255 W. 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 15th day of September, 2003, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:SM:DA:DP:mjv
Pr agnst tp:dmp