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# Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on June 28, 2004

Date of Meeting: December 8, 2003

The Mayor and Council of the city of Tucson met in regular session, in the Mayor and Council Chambers in City Hall, 255 W. Alameda, Tucson, Arizona, at 7:45 p.m., on December 8, 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	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor Ward 6
Robert E. Walkup	Mayor
Kathleen S. Detrick	City Clerk

Absent/Excused:

None

Staff Members Present:

James Keene	City Manager
Mike Letcher	Deputy City Manager
Hector Martinez	Real Estate Division Administrator
Albert Elias	Planning Department Director
Michael House	City Attorney
Geoff Gonzales	City Clerk's Office
Debra Counsellor	Recording Secretary
Cecelia Sotomayor	Recording Secretary

## 2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Zane Anderson, Victory Assembly of God, after which the pledge of allegiance was presented by the entire assembly.

### Presentation

Mayor Walkup asked Council Member Scott to introduce the presenters of the "Public Art on the Eastside of Tucson".

Council Member Scott said the most recent recipient of "Woman of the Year, Woman on the Move" award from the Young Women's Christian Association, Dr. Mary Retterer, president of Pima Community College East Campus, was in the audience, accompanied by Michael Stack. They would give a brief presentation about what is happening on the east campus.

Dr. Retterer said Pima Community College has had a long history with the arts, most of at the west campus. The east campus has ventured slowly into the arts. These campuses have the Pima Painting Club, which is a senior citizens painting club, and the Wonderful Art of the Halls exhibit, which is right before spring break. Approximately two years ago they decided they needed another art instructor because interest was growing, classes were full, and they really wanted to expand what they do and are able to deliver to the citizens of the eastside. They got lucky and found Michael Stack. They went for a faculty member who was not only creative and artistic, but also passionate. Mr. Stack has passion, he has vision, and he has creativity. He came up with an idea for making the east campus a venue for sculpture, the only public venue for sculpture on the eastside. They have recently installed a sculpture exhibit of all local Tucson artists on the east campus. She introduced Mr. Stack and asked him to explain his idea of the concept.

Mr. Stack said public sculpture could trigger disagreement, but it also triggered discourse, and that was the most important thing that Pima Community College offers. The campuses had embarked on a sculpture program that was different than anywhere else in the country and they were entering into a partnership with artists. Tucson had a large resource of artists and Pima Community College entered into a partnership with them, offering them an institutional setting to show their work. They keep full rights to their work, they own, they are not even actually lending it to PCC. The artists are putting their work on the campus to trigger the imagination of the students and the surrounding community. When one piece of sculpture is installed, it can be a lightning rod, so they installed five pieces to show a broad spectrum of art. A lot of times what happens is that art can be labeled a certain way, but the fact is that, just like people in the council chambers, everyone has a different perspective, so they tried to put together five pieces of sculpture from different members of the community. They picked the artist based on their connections to the art community and to the education community. Barbara Jo McCloughlin, has been instrumental in putting a lot of public programs in town. Lori Anderson works on the west campus and did the piece called the "Veteran", which is based on a friend of hers who was receiving treatments that were not working, so he came to Tucson, walked the desert and got straightened out. He is a contributing member of society. Jeff is a very young artist and he does not have the track record to approach a gallery, so Pima College has a venue for him. The college has different artists that are really trying to push the boundaries of art, but also offer a different spectrum. The main

thing the campus was trying to accomplish was to trigger discourse between the students and the community. Many students are too busy to come downtown, especially during a semester and working also, so the college brought the art to them. It has made a major impact on the campus. He said Tucson and the eastside are growing very fast and he hoped the council would look at the east campus. It is a magnet for people; it is beautifully sited and accessible. He hoped if the council was planning to increase any art venues in the city they would at the east campus.

Council Member Scott thanked Mr. Stack and Ms. Retterer for letting the community know that art and culture are available around the city no matter where a person lives. She thanked them for taking the time to let the council know about the exciting things that are happening. The sculpture exhibit is new; it was just started on the campus during the last few months and in order to prepare for the sculptures, pads that would accept a lot of weight had to be installed. The campus has really done a lot to promote a venue for up and coming and already established artists. She wanted the community to know how exciting it was.

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

Mayor Walkup announced that city manager's communication number 621, dated December 8, 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. He asked if there were any reports.

Council Member Scott said the city of Tucson has made a huge difference in the Arizona Youth Softball League, which is a group of girls that has been alive and well in the community for a long time. They used to be the team from that other city when the big city to the north always won, but now the kids and the girls who play in Tucson are the team to beat. They have come along way and they are very proud of where they are. They have reached a point where a hall of fame is being established for them. Council Member Scott attended their hall of fame event where they honored many of those participants and sponsors who are part of the building of this very sensational youth softball league. She received on behalf of the city the first plaque awarded by the Hall of Fame Arizona Youth Softball to the city of Tucson Parks and Recreation. She presented the plaque to Bob Martin, interim director of parks and recreation, because the city of Tucson helped provide the venue.

Bob Martin, interim director of Tucson parks and recreation, said obviously youth are one of the department's main focuses and staff does anything they can do to improve their lives. He was happy to receive the plaque.

Mayor Walkup asked if there were any additional reports.

Vice Mayor Ronstadt said that on Wednesday morning, December 10, 2003, Kris Kringle would be sitting on a billboard at Dodge and Speedway to raise money for the "Shop With a Cop" program. That is a program that has been going on for about three years. Every Christmas police officers take approximately 250 kids who would otherwise not have a Christmas to Super K Mart at Broadway and Kolb. Each child gets \$150 and an officer accompanies him or her while they buy clothing and/or toys. He believed K Mart sold the items to the kids at wholesale prices, or at a significant discount, so they are able

to make that money stretch. Santa Clause was going to be on the billboard for 72 hours straight, hoping to raise \$10,000 for the "Shop With a Cop" program. Vice Mayor Ronstadt knew that he and the Tucson Police Officers would be happy if members of the public went by and helped some underprivileged, but deserving kids with their Christmas this year.

Mayor Walkup recognized Laila Sarah of his office, who also received the award last night as one of the 12 Women on the Move, for her personal time spent in the community in support of youth activities, non-profit functions, and direct support of the Young Women's Christian Association. Mayor Walkup said he was very pleased with that acknowledgement.

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

Mayor Walkup announced that city manager's communication number 622, dated December 8, 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 that report.

##### **A. Tucson Water Department Award**

James Keene, city manager, announced that the Tucson water department had been awarded \$750,000 for water security enhancements in the omnibus appropriations bill that the United States Congress recently negotiated. He thanked the Arizona Congressional Delegation and the members of the mayor and council who helped assist the city in making sure its water supply and delivery systems were more secure.

##### **B. "Zoolights" Event at Reid Park Zoo**

He said the 12th annual "Zoolights" event at Reid Park Zoo opened to the public on December 6, 2003. There was a preview on Friday, the night before, and over 2,300 zoological society members attended. Last Saturday and Sunday evening more than 2,800 guests attended. It was an incredible event and would be open every night from 6:00 p.m. to 8:00 p.m., December 6 through 21, 2003. The zoo was decorated with thousands of twinkling lights and dozens of trees decorated by different community groups. The event is enhanced on Friday, Saturday and Sunday nights with live entertainment, free refreshments and periodic snowstorms at the polar bear exhibit. Of course Santa would be there. Admission is three dollars for adults, one dollar for children. Weekdays it is less crowded and the admission is two dollars for adults and .50 cents for children, but anyone bringing new, unwrapped toys, which is to benefit disadvantaged kids, will receive one free admission for each toy. That concluded his report.

#### **5. CALL TO THE AUDIENCE**

Mayor Walkup announced that this was the time any member of the audience was allowed to address the mayor and council on any issue that was not on the agenda. He said there would also be a call to the audience at the end of the meeting. Speakers would be limited to three-minute presentations. He said he had received one written request to speak and called on that person.

**A. Commendation for Hector Martinez**

Mike Nicksic, urged a resolution of commendation for a very special gentleman from the city manager's office who had spent more than a year moving forward a matter that had confounded many in the community. He was talking about Hector Martinez whose work on the Civano project had been truly monumental.

Mayor Walkup recognized the city manager.

James Keene, city manager, said it was wonderful to hear that kind of compliment from the public and the council would get an opportunity to thank Mr. Martinez later in the meeting.

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

**B. Mayor's Fitness Challenge**

Bill Katzel, said everyone finished the challenge. He had laryngitis. His wife has been in the hospital since the 26th, so he rode the bike and escorted every one of the mayor's fitness challenge team members. For the last five miles out and back they talked and played games. The last five miles were the toughest for everyone. One person became very sick at the side of the road and the ambulance and a police car that was not part of the mayor's fitness challenge were needed. The law librarian was last and her husband asked Mr. Katzel to escort her in, so that was the last finisher. The community should be proud of the mayor's fitness challenge members as everyone finished.

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

**C. Abrams Rezoning**

Ed Sloup, which is at the northwest corner of Escalante and Houghton, said he was against the Abrams rezoning, item number nine on the evening agenda.

Mayor Walkup said that item was a public hearing and he would call on Mr. Slope at the appropriate time. He asked if anyone else wished to address the council. There was no one.

**6. CONSENT AGENDA – ITEMS A THROUGH E**

Mayor Walkup announced that the reports and recommendations from the city manager would be received into and made a part of the record. He asked the city clerk to read the consent agenda.

**A. MEMORANDUM OF UNDERSTANDING: WITH THE TOWN OF MARANA FOR SHARING LAW ENFORCEMENT INFORMATION UTILIZING COPLINK**

- (1) Report from City Manager DEC8-03-617 CITY-WIDE

- (2) Resolution No. 19729 relating to Police; approving and authorizing execution of a Memorandum of Understanding with the Town of Marana for Sharing Law Enforcement Information; and declaring an emergency.
- B. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR TREATING EFFLUENT AND WHEELING RECLAIMED WATER
- (1) Report from City Manager DEC8-03-626 CITY-WIDE AND OUTSIDE CITY
  - (2) Resolution No. 19730 relating to water; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for Treating Effluent and Wheeling Reclaimed Water; and declaring an emergency.
- C. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA TO SUPPORT WATER CONSERVATION RESEARCH
- (1) Report from City Manager DEC8-03-627 CITY-WIDE
  - (2) Resolution No. 19731 relating to water; authorizing and approving the execution of an Intergovernmental Agreement with the University of Arizona to support Water Conservation Research; and declaring an emergency.
- D. RESOLUTION OF SUPPORT: FOR THE DECEMBER 10, 2003 INTERNATIONAL HUMAN RIGHTS DAY OF ACTION
- (1) Report from City Manager DEC8-03-628 CITY-WIDE
  - (2) Resolution No. 19732 relating to International Human Rights Day; expressing support for the December 10<sup>th</sup> International Human Rights Day of Action; and declaring an emergency.
- E. REAL PROPERTY: ACCEPTANCE OF SUNSET VILLA NEIGHBORHOOD PLAY STRUCTURE RECREATION EASEMENT FROM PIMA COUNTY
- (1) Report from City Manager DEC8-03-629 W1
  - (2) Resolution No. 19734 relating to Parks and Recreation; authorizing and accepting the Sunset Villa Neighborhood Play Structure Recreation Easement; and declaring an emergency.

Kathleen S. Detrick, city clerk, announced that page four of the agreement under consent agenda item C, referenced a non-existing agreement in paragraph three. Paragraph three was therefore being deleted and paragraph four would be renumbered.

Mayor Walkup asked the council's pleasure.

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

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

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

## 7. LIQUOR LICENSE APPLICATION(S)

Mayor Walkup announced that city manager's 618, dated December 8, 2003, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

### (b) New License(s)

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| (1) | CHARRO GRILL<br>1765 E. River Road #131<br>Applicant: Robert B. McMahon<br>City #086-03, located in Ward 3<br>Series 12                                | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
| (2) | CATALINA MART<br>SANTA CRUZ RIVER/IRVINGTON<br>1169 W. Irvington Road<br>Applicant: Robert D. Mahlsted<br>City #087-03, located in Ward 1<br>Series 10 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
| *   | (3) CATALINA MART<br>SILVERBELL/GRANT<br>2385 N. Silverbell Road<br>Applicant: Robert D. Mahlsted<br>City #088-03, located in Ward 1<br>Series 10      | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
|     | (4) CATALINA MART<br>HOUGHTON/BROADWAY<br>5 S. Houghton Road<br>Applicant: Robert D. Mahlsted<br>City #089-03, located in Ward 2<br>Series 10          | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |

\* See Page 10

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| (5) | CATALINA MART<br>BEAR CANYON/TANQUE VERDE<br>8845 E. Tanque Verde Road<br>Applicant: Robert D. Mahlstedt<br>City #090-03, located in Ward 2<br>Series 10 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance                                    |   |
| *   | (6)  | CATALINA MART<br>1ST/WETMORE<br>4390 N. 1 <sup>st</sup> Avenue<br>Applicant: Robert D. Mahlstedt<br>City #091-03, located in Ward 3<br>Series 10 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
|     | (7)  | CATALINA MART<br>CAMPBELL/PRINCE<br>3550 N. Campbell Avenue<br>Applicant: Robert D. Mahlstedt<br>City #092-03, located in Ward 3<br>Series 10    | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
|     | (8)  | CATALINA MART<br>PANTANO/GOLF LINKS<br>7910 E. Golf Links Road<br>Applicant: Robert D. Mahlstedt<br>City #093-03, located in Ward 4<br>Series 10 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
|     | (9)  | CATALINA MART<br>KOLB/22ND<br>7090 E. 22 <sup>nd</sup> Street<br>Applicant: Robert D. Mahlstedt<br>City #094-03, located in Ward 4<br>Series 10  | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
|     | (10)   | CATALINA MART<br>PARK/BENSON<br>1001 E. Benson Highway<br>Applicant: Robert D. Mahlstedt<br>City #095-03, located in Ward 5<br>Series 10         | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
|     | (11)   | SUPER STOP #648<br>4301 E. Broadway Blvd.<br>Applicant: Rodney S. Herbert<br>City #096-03, located in Ward 6<br>Series 10                        | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |

\* See page 11

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| (12) | SUPER STOP #649<br>6280 E. Broadway Blvd.<br>Applicant: Rodney S. Herbert<br>City #097-03, located in Ward 6<br>Series 10       | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
| (13) | SUPER STOP #646<br>3902 E. Speedway Blvd.<br>Applicant: Rodney S. Herbert<br>City #098-03, located in Ward 6<br>Series 10       | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
| *    | (14) SUPER STOP #650<br>3050 E. Ft. Lowell Road<br>Applicant: Rodney S. Herbert<br>City #101-03, located in Ward 3<br>Series 10 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |

Person/Location Transfer

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| (15) | SUNFLOWER MARKET<br>7877 E. Broadway Blvd.<br>Applicant: Robert E. Millsap<br>City #085-03, located in Ward 2<br>Series 9 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
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(C) Special Event(s)

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| **  | (1) RIALTO THEATRE<br>318 E. Congress Street<br>Applicant: Jeb B. Schoonover<br>City #T106-03, located in Ward 6<br>Date of Event: December 13, 2003 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| *** | (2) RIALTO THEATRE<br>318 E. Congress Street<br>Applicant: Jeb B. Schoonover<br>City #T107-03, located in Ward 6<br>Date of Event: December 31, 2003 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |

Kathleen S. Detrick, city clerk, announced that the applications 7b(3), Catalina Mart at Silverbell and Grant; and 7b(6), Catalina Mart at First and Wetmore, had received protests and should be considered separately. Also, 7b(14), Super Stop #650 had received protests and should also be considered separately.

Vice Mayor Ronstadt asked that special event applications for 7c(1) and 7c(2) for the Rialto Theatre, should also be considered separately.

\* See Page 11  
\*\* See page 12  
\*\*\* See page 12

It was moved by Vice Mayor Ronstadt, seconded by Council Member Scott, to forward liquor license applications for 7b(1), Charro Grill; 7b(2), Catalina Mart Santa Cruz River/Irvington; 7b(4), Catalina Mart Houghton/Broadway; 7b(5), Catalina Mart Bear Canyon/Tanque Verde; 7b(7), Catalina Mart Campbell/Prince; 7b(8), Catalina Mart Pantano/Golf Links; 7b(9), Catalina Mart Kolb/22<sup>nd</sup>; 7b(10), Catalina Mart Park/Benson; 7b(11), Catalina Mart Super Stop #648; 7b(12), Catalina Mart Super Stop #649; 7b(13), Catalina Mart Super Stop #646; and 7b(15), Sunflower Market, be forwarded to the state department of liquor licenses and control with a recommendation for approval.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

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

## 7. LIQUOR LICENSE APPLICATION(S) – (B) (3)

### (b) New License(s)

(3) CATALINA MART SILVERBELL/GRANT 2385 N. Silverbell Road Applicant: Robert D. Mahlstedt City #088-03, located in Ward 1 Series 10	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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Mayor Walkup asked the council's pleasure.

Council Member Ibarra asked if the protester was present. Seeing no one, he said he lives near the subject location and asked if he should participate in the discussion and vote on the application.

Michael House, city attorney, said if Council Member Ibarra felt that granting the license could affect him in some pecuniary or proprietary manner he should not participate.

Council Member Ibarra said he just wanted to be sure. He said he does not patronize the market, however, he does live within a stone's throw of the location and the owners have always taken care of the store and kept it clean. They are very nice people.

It was moved by Council Member Ibarra, seconded by Council Member Leal, and carried by a voice vote of 7 to 0, to forward liquor license application 7b(3), Catalina Mart Silverbell/Grant, to the state department of liquor licenses and control with a recommendation for approval.

**7. LIQUOR LICENSE APPLICATION(S) – (B) (6)**

(b) New License(s)

(6) CATALINA MART  
1ST/WETMORE  
4390 N. 1<sup>st</sup> Avenue  
Applicant: Robert D. Mahlstedt  
City #091-03, located in Ward 3  
Series 10

Staff Recommendation

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

Mayor Walkup asked the council's pleasure.

Council Member Dunbar asked if the protester was present. Seeing no one, she said she knew that the person who filed the protest had talked to the applicant and they had come to a verbal agreement.

It was moved by Council Member Dunbar, seconded by Council Member Scott, and carried by a voice vote of 7 to 0, to forward liquor license application 7b(6), Catalina Mart First/Wetmore, to the state department of liquor licenses and control with a recommendation for approval.

**7. LIQUOR LICENSE APPLICATION(S) – (B) (14)**

(b) New License(s)

(14) SUPER STOP #650  
3050 E. Ft. Lowell Road  
Applicant: Rodney S. Herbert  
City #101-03, located in Ward 3  
Series 10

Staff Recommendation

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

Mayor Walkup asked the council's pleasure.

Council Member Dunbar said the protest to this application had been withdrawn and asked if anyone else in the audience wished to protest. There was no one.

It was moved by Council Member Dunbar, seconded by Council Member Scott, and carried by a voice vote of 7 to 0, to forward liquor license application for 7b(14), Super Stop #650, to the state department of liquor license and control with a recommendation for approval.

**7. LIQUOR LICENSE APPLICATION(S) – (C) (1)**

(c) Special Event(s)

(1) RIALTO THEATRE  
318 E. Congress Street  
Applicant: Jeb B. Schoonover  
City #T106-03, located in Ward 6  
Date of Event: December 13, 2003

Staff Recommendation

Police: In Compliance  
DSD: In Compliance

It was moved by Vice Mayor Ronstadt, seconded by Council Member West, and carried by a voice vote of 7 to 0, that liquor license 7c(1), Rialto Theatre, be forwarded to the state liquor board with a recommendation for denial.

**7. LIQUOR LICENSE APPLICATION(S) – (C) (2)**

(2) RIALTO THEATRE 318 E. Congress Street Applicant: Jeb B. Schoonover City #T107-03, located in Ward 6 Date of Event: December 31, 2003	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance
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Mayor Walkup asked the council's pleasure.

Vice Mayor Ronstadt said this request was for an event proposed to be on December 31, 2003, and asked that it be continued to December 15, 2003. He noted that the council did not know exactly what the event was, it was just listed as a fundraiser, and the city has had issues with the Rialto in the past. He has worked very closely with them on club crawls. They just had a fundraiser a couple of weeks ago. This one was coming up on the 31<sup>st</sup> and he hoped they would contact his office.

It was moved by Vice Mayor Ronstadt, seconded by Council Member Dunbar and carried by a voice vote of 7 to 0, to continue liquor license application 7c(2), Rialto Theatre, for one week.

**8. PARKS AND RECREATION: RENAMING FIESTA PARK TO MANUEL HERRERA JR. PARK**

Mayor Walkup announced that city manager's communication number 630, dated December 8, 2003, would be received into and made a part of the record. He asked the city clerk to read resolution 19733 by number and title only.

Resolution No. 19733

Relating to Parks and Recreation; authorizing and approving the renaming of Fiesta Park to Manuel Herrera Jr. Park; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

Council Member Leal said he had the pleasure of knowing Manny Herrera and other members of his family for approximately 17 or 18 years and he had a ringside seat at much of their involvement in the Sunnyside Neighborhood. He has seen a lot of the really good work that has come from that family into the southside and into the larger community. He knew that Mr. Herrera had been very involved in trying to make this park come into existence. Council Member Leal, said that to him, it was fitting and appropriate that the council move to recognize Mr. Herrera's work and role in the community by renaming the park the Manuel Herrera Jr. Park.

It was moved by Council Member Leal, seconded by Vice Mayor Ronstadt, that resolution 19733 be passed and adopted.

Council Member Leal said that before the vote he would like to invite any of Mr. Herrera's family to address the council, if they wished.

Yolanda Herrera, said she was extremely happy because this was a surprise to her father. His family and members of the community worked very hard to keep it from him, so this is the first time he had heard about it. She knew that from the look on his face. She said it was an honor for her father and she was happy to have it happen while he was still alive.

Mayor Walkup asked if there was any further discussion. There being none, he asked for the roll call.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Resolution 19733 was declared passed and adopted by a roll call vote of 7 to 0.

Council Member West said she wanted to explain her vote. Mr. Herrera is one of her heroes. She has saved many of his newsletters for their pearls of wisdom. His family is absolutely excellent in every way. They have been involved in the community and have done so much for so many. This was a small thing for the council to do. She said she could not express how much Mr. Herrera meant to her. He and his family are good friends to her and she hoped they could continue to do things together for many years to come. She would vote for the resolution.

Council Member Dunbar said when she saw the Herrera family in the audience she thought they were present to protest a liquor license. She was glad to learn they were there to have the park named for Mr. Herrera.

Council Member Scott said she would vote aye and saluted Mr. Herrera for his consideration for all of the people that will enjoy the park. They will never forget him.

Vice Mayor Ronstadt said the last time he saw Mr. Herrera he reminded him that while the Ronstadt family has been in Tucson for a few generations, his has been here longer. He and his family have certainly left a mark and Vice Mayor Ronstadt was glad to see this item on the agenda.

Mayor Walkup said his contact with Mr. Herrera goes back to his days at Hughes, when they talked about how they could work closer with the schools and the Sunnyside Neighborhood to help young people stay in school and how they could make the area a better, friendlier, place to live. His relationship goes back to those days; but when he was elected mayor he started participating in the All American Award, which recognizes outstanding young people. He thought this was one of the finer things he has ever seen. Because of that he has had a great opportunity to follow some of those young people as

they emerged from high school and decided to go on to a higher education. The mayor is still tracking a young man who told him that when he graduated he wanted to be an engineer. He is a Native American and an outstanding athlete. Mayor Walkup congratulated Mr. Herrera and his family. They have touched a lot of families and a lot of young people that needed assistance. The thought of having a park dedicated to Mr. Herrera with a wonderful plaque was good.

Mayor Walkup asked if Mr. Herrera wished to comment.

Manny Herrera thanked the mayor and council and said he would continue to help people as long as he was able.

## **9. ZONING: (C9-03-14) ABRAMS – ESCALANTE ROAD, SR TO R-1**

Mayor Walkup announced that city manager's communication number 624, dated December 8, 2003, would be received into and made a part of the record. He also announced that this was a request to rezone property located at the southwest corner of Houghton and Escalante Roads. The preliminary development plan proposes 58, one and two-story single-family residences. The zoning examiner and the city manager recommend approval of the request subject to certain standard 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.

Martin Florschinger, president of Florschinger, Saylor, Steel and Baker, said the plan before the council represented the culmination of seven months of work with community groups and neighbors, plus several public hearings and they were in agreement with all 30 of the conditions. They have preserved approximately 35 percent of the site, including all of the major drainage ways and watercourses through the site. They have worked out agreements with the only neighbors to the west regarding additional height and setback restrictions. In general, they were quite happy with the project.

Mayor Walkup asked Mr. Sloup if he wished to speak.

Ed Sloup, expressed his opposition to the proposed rezoning. He lives at the northwest corner of Escalante and Houghton. The subject property is at the southwest corner of Escalante and Houghton. The area is currently undeveloped and is home to two herds of javalina, one pack of coyotes, and multiple small animals. He moved to Tucson, to Escalante and Houghton, in 1999 because he thought it would be nice to live in a relatively undeveloped area. Much to his dismay, southeast Tucson is being developed much like Thornydale has been developed. He quoted from Council Member Scott's "state of the ward" address in 1999: "Already the traffic on Houghton during peak driving times exceeds the design capacity of that route. The unprecedented growth of new families and commerce on the southeast side has increased traffic on Houghton to near the danger point."

Mr. Sloup said Houghton is currently a two-lane highway, the proposed development would add 53 homes. In addition to this development, on Houghton between Broadway and Irvington, 512 homes are in the process of being built, plus he noticed this evening that there is a plan to increase the number of homes by Pulte, south of Civano. Tucson's department of transportation has estimated that each additional ten homes

increases the amount of traffic on Houghton by 550. If one multiplies 50 by 550 it comes to 25,000 additional automobile and truck trips per day, which is unreasonable in view of the current conditions of Houghton Road.

Mayor Walkup asked if there was any further discussion.

Council Member Scott said she appreciated the comments. She hears them on a regular basis from some of her constituents and has for many years. Houghton Road is in need of some very good improvements. It would only take \$53 million and she could see no reason why they could not start today.

It was moved by Council Member Scott, seconded by Council Member Dunbar, and carried by a voice vote of 7 to 0, that in zoning case C9-03-14, staff be directed to prepare an ordinance rezoning the subject property from SR to R-1, subject to the standard conditions recommended by the city manager.

**10. TUCSON CODE: AMENDING (CHAPTER 4) UPDATING PROVISIONS RELATING TO ISSUANCE OF DOG LICENSES AND LATE PENALTIES TO CONFORM TO NEW STATE LAW**

Mayor Walkup announced that city manager's communication number 623, dated December 8, 2003, would be received into and made a part of the record. He asked the city clerk to read ordinance 9916 by number and title only.

Ordinance No. 9916

Relating to Animals and Fowl; changing the age requirement for vaccination and licensing and increasing the license delinquency penalty, amending Chapter 4, Article V, Sections 4-76, 4-81, 4-87 and 4-88; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Ibarra, and seconded by Council Member West, that ordinance 9916 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, Scott, and Leal; Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Absent/Excused: None

Ordinance 9916 was declared passed and adopted by a roll call vote of 7 to 0.

## **11. PUBLIC HEARING: POLICY RECOMMENDATIONS FOR CITY BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced that city manager's communication number 625, dated December 8, 2003, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a hearing with respect to the consideration of policy recommendations for the city of Tucson boards, committees, and commissions. He asked for staff's presentation.

Kathleen S. Detrick, city clerk, said the city has over 100 boards, committees, and commissions. Some were very formally established and some were very informally established. From time to time the mayor and council reviews all of them and in September of 2002, charged the good government subcommittee with the responsibility of reviewing all of the boards, committees and commissions and looking at some of the processes. To assist the subcommittee, staff mailed a survey to the chairpersons of each of the boards, committees, and commissions as well as to all of the staff departments.

The survey asked how many meetings each held within the past year, how many were cancelled due to lack of a quorum, what were the major accomplishments, what kind of staff support was received, et cetera. The survey covered September 2001, through September 2002. Some of the information in the survey was a little over a year old. In January of this year, the subcommittee started reviewing the information contained in the surveys and identified several boards, committees and commissions that had been having problems either getting vacancies filled or holding meetings because they could not get a quorum of the membership and those types of things. A few of the groups did not respond to the survey, so the subcommittee went ahead and in February discussed some of the boards, committees, and commissions, but they wanted to put them on a short list for this meeting. Ms. Detrick notified the chair of each of the groups that they were on that list and that the subcommittee was going to continue discussion in February, which they did.

The subcommittee really wanted to move forward with starting some kind of process. They asked the mayor and council to hold a public hearing as to whether or not a particular board should be disbanded or whether they should be restructured, were they assigned the right functions, a variety of those types of things. The subcommittee also realized that one of the things missing in the entire process was that there was no policy for creating boards and committees. Consequently, committees were created in a variety of ways and in many cases, their tasks, assignments, and even appointment process were unclear. The subcommittee outlined a policy that they would like to have the mayor and council consider. In September, the subcommittee's recommendations were presented to the mayor and council and they decided to hold a public hearing.

Ms. Detrick wanted to explain why each of the groups were on the list, beginning with the budget advisory committee, which was created in 1990 expressly for the purpose of reviewing the 1990-91 recommended budget and continued through the years to do some review of other budgets as well. In 2001, the committee voted unanimously to suspend their activities because they were experiencing increasing numbers of vacancies, appointments that could not be filled, and because they did not believe they had clear direction as to how they could best assist the mayor and council.

The citizens participation advisory committee was created in 1992 to review and look at neighborhood participation in local government and maybe set up a way to communicate with neighborhoods. A lot has changed since 1992 and in fact, nine of the ten scheduled meetings during the survey period were cancelled because the committee did not have a quorum.

The landscape advisory committee was created in the early 1990s and originally consisted of 14 members. However, it was very difficult to fill the positions on that committee so in 1994 the membership was reduced to ten. It continues to be difficult to fill vacancies on the committee. Ms. Detrick noted that staff did not receive a completed survey from the committee until March of this year, which was after the subcommittee had reviewed the results of the survey and made its recommendations.

The metropolitan Tucson commission on urban native American affairs consisted of 22 members with appointments by the mayor and council, Pima County, South Tucson, The San Xavier tribal council, and the Pasqua Yaqui tribal council. This commission has not been able to have a meeting since April of 2000 because they have been unable to get a quorum. In fact, since October of this year the commission does not have sufficient appointments for a meeting even if they wanted to. She thought the subcommittee felt that it was time to look at the functions of the committee and see whether it should be restructured with a more manageable number of members so that it could accomplish its task.

The noise reduction task force submitted its final report to mayor and council in 1999, so it is really a matter of disbanding it since it no longer has a charge.

The performing arts center advisory board has not met since September of 2001 and no further meetings are scheduled because of the renovation of the building. The subcommittee felt this board should be disbanded and then reestablished, if necessary, at such time as the renovations are completed.

The telecommunications policy and advisory committee has had difficulty filling vacancies. However, at the last good government subcommittee, meeting it was decided that the subcommittee would review it a little more thoroughly. This committee was scheduled for consideration at the council's next meeting. Ms. Detrick said it was probably inappropriate to take any action on this group.

The united way service area committee was terminated in 2001, so dissolving it was simply a housekeeping measure. Ms. Detrick said a total of eight boards and committees were submitted for dissolution. The good government subcommittee was also looking at consolidation of some boards because they performed similar functions. A couple of ideas came up in January; one was to combine the functions of the sign code advisory and appeals board with the board of adjustment. That was just a suggestion and further input from the public was needed.

The youth police advisory committee has never been able to meet because they have never had a quorum. Council Member Dunbar discussed this with the metropolitan education commission, which was very active and that commission agreed to absorb the functions of the youth police advisory should the mayor and council wish.

Ms. Detrick said everyone needed to remember that the subcommittee was working diligently on completing the review process of all boards, committees, and commissions. The subcommittee is chaired by Council Member Dunbar included Council Member Ibarra and Vice Mayor Ronstadt. They have a long way to go; this was simply a first step. Very early in the process, the subcommittee recognized that the council needed to establish a consistent practice for creating boards, committees, and commissions. They needed to be done more formally. As she was looking through and gathering information for the survey, she found that some committees were created by motion, some were created by resolution, some were created by ordinance, and some were even created by consensus. It was just not fair to the committee or to the community to not have a more established process. The subcommittee did outline a process. Ms. Detrick said that following the public hearing she hoped the council would provide some direction regarding the boards and committees under consideration and direct staff to return with an appropriate ordinance, which really would establish a policy for the creation of boards in the future, one that would really make the boards process a much better process.

Mayor Walkup announced that the public hearing was scheduled to last for no more than one hour. Speakers would be limited to five-minute presentations. He had received a number of written requests to speak and would call on those people first.

Mike Hebert, said he served for six years on the Budget Advisory Committee and was its chair for the last two to three. It was quite a learning experience, like a class in city government. He was aware from the beginning that there was no process. If the committee had a result, if they studied something and brought it to the council where would it go? The council had no way to respond and each council member, individually, had his or her own idea of what the committee should study on the budget. If there had been a consensus for the committee to study a certain thing, what would they have done?

They had no power or authority, but they had fun. He got the committee to agree to do summary reports on current items on a quarterly basis instead of the annual review. They suggested that if items did come up for budget review that were contested or controversial, or needed more citizen review, that the council send them back to the committee. From the citizens viewpoint the committee would then have a mission, but that did not happen. There was a lack of system for the Budget Advisory Committee. He did not know how it worked for the rest of the committees, but James Keene, city manager, volunteered his time, going over the issues and volunteered Michael House, city attorney, to join them. Everyone on the council was generous with their time and advice, but the committee lacked a system. At this point, probably what the council was doing was correct and he agreed with everything the city clerk said about committees. He suggested there should be a charter change. There could be a citizens group, as there has been, and if there was something that really needed work, a separate audit committee, actual certified public accountants, could go over those items, performance audits on a department or several departments that come back through the citizens committee to the council. Then they would have a reason to have a consensus or advise the committee what to do and it could go forward. As it was, they had no way to make the process work, nor did the council. He was left with the choice of asking people to dissolve the committee, hoping that maybe the council would come back with something.

Mayor Walkup thanked Mr. Hebert for his efforts on the committee.

Yolanda Herrera, president of the sunnyside neighborhood association and spokesperson for southside neighborhood association presidents partnership, expressed concern about the proposal to disband the subject committees. She has mentioned in the past to probably every member of the council and the city manager, to whom she gave a long list of concerns, that she does not think there is enough citizen participation or voice in city government. She thinks some of the commissions and boards give the citizens an opportunity to be heard. She has served on many commissions and committees on behalf of the council. Some of them have helped move the city in a forward and positive direction. She has been to a lot of the mayor and council meetings where the council discussed sign codes and she believed the sign code committee should be kept updated and functioning. The same applied to the landscape committee. The city does have landscaping concerns and of course the citizens participation advisory committee is needed. She would like to have staff look at those before they decide to dissolve them.

William Adams, president of toney park neighborhood association, said he knew that the telecommunications policy and advisory committee had been deleted from the proposal and was being reconsidered. He congratulated the good government subcommittee for doing that. That was one of his concerns. He serves on that board, having been appointed by two council members, Vice Mayor Ronstadt and Council Member Ibarra, so he had real concerns about that committee. He thought what the committee lacked was direction or information from the city council in order for it to give advice on policy regarding telecommunications, the Internet, telephone and so forth.

That is what the committee needed. He was also concerned about the citizens participation advisory committee (CPAC). As the president of a neighborhood association, he said if the council eliminated CPAC, they would be eliminating the voice of neighborhood associations. It had already been changed from citizen and neighborhood services to department of neighborhood resources and the resources had gone down in that aspect. The police had already been cut from the neighborhood associations; the neighborhood enhancement team had been cut almost by three-fourths, so they did not have the resources they had when he first started, more than two years ago. By looking at the list of appointments to CPAC, the problem was that the council was not making appointments. Terms expired and there were no new appointments or re-appointments. He was not faulting anyone, he was just saying that the council needs to pay attention to vacancies. Another thing that could be done to improve the situation would be to make the quorum requirements a percentage of appointed members. For example, if there were supposed to be 15 members on the board, but only ten people were appointed, the quorum should be a percentage of the ten. In other words, if the board was supposed to be 15 people the quorum would be eight, but if the quorum was set according to the actual appointments, a percentage of the ten, it would be less and the committees could meet and have things to do.

Peter Aronson, chairman of the sign code advisory and appeals board, urged the council not to eliminate the board by consolidating it into the board of adjustment and giving them the decision making powers that the sign code board currently had. There were seven members on the sign code board. He spoke with each of them during the past week and two of them were present at this meeting. In the past two years, they had not cancelled any meetings due to lack of a quorum and most of their meetings had full attendance. They had an increased caseload, an average of four to six cases per monthly meeting.

They knew the sign code inside and out. Several of the members had been on the board for two four-year terms each and he thought they really did a good job. They listened to business people in Tucson that had run into difficulties with the sign code in areas that were gray and he thought the board made decisions that were consistent with keeping Tucson a good looking city with a sign code that was enforced uniformly. They felt that putting the task onto the Board of Adjustment will take away some of its expertise and it will not save the city any money because the members are all volunteers and city staff will still have to make the same reports to the Board of Adjustment. Up until 1987, the two functions were carried out by that board and he assumed that because of the increase in the caseload, it was taken out of that board in 1987 and the sign code committee was created. All seven of the sign code committee members feel that it should not be eliminated and they have talked to members of city staff who feel exactly the same way. He urged the council not to eliminate the sign code committee. He thinks its members are doing a very good job; they follow their mandate closely, and he thinks they keep things looking good in Tucson.

Leigh M. Robinson, said she has served on the Sign Code Advisory and Appeals Board for approximately two years in the environmental seat. Over the course of those two years it has been her privilege to observe the time, attention and careful consideration given by the members of the board to the matters that come before it. She believes that they serve a necessary and important function for the city of Tucson in the preservation of the natural scenic beauty of the community. All of the committee members serve without pay and were happy to do so in order to feel that they were contributing a worthwhile service in protecting the interests of the citizens of Tucson. She did not know how much work the board of adjustment did, but the sign code board had plenty of work. She urged the council to recognize the usefulness and significance of the services of the sign code advisory and appeals board to the city of Tucson and vote to continue its valuable contributions in the future with the board as presently constituted.

Rob Kulakofsky, said he was wearing two hats, one for the sierra club, which he would represent first. The sierra club loves plants and they did not think the landscape committee should be disbanded. They thought the mayor and council should look at giving a solid directive to that committee and to all of the other committees. They were very concerned about citizen participation. They thought it was very powerful that the citizens committees had a lot to offer for mayor and council and city staff. Sometimes, looking through the eyes of the citizens, when more people were brought into the mix, the resolve was better. He thought before moving too quickly and disbanding the subject committees, a good solid direction to some of the boards that were not getting enough participation would be advisable.

Mr. Kulakofsky served on the board of adjustment and the last few months they had not had a lot of cases. Part of that was because the word got out that the board was not a pushover. However, in the last few years they had five or six cases, maybe more and some of those cases lasted for two hours. As the council knew they were volunteers and they took a day off work to go to the meetings. They all loved it when they could get out of the meetings a little bit early so they could get on with the day and get some business done. After hearing about what the sign code advisory committee has on their docket each month, he said he would hate to see their cases given to the board of adjustment. Maybe that was selfish, but another reason was that they dealt with the *land use code*. The other

boards, the landscape and sign code committees, dealt with other parts of the code that the board of adjustment was not familiar with. It would be quite a learning curve for the board of adjustment to have to take on that additional knowledge.

Mark Mayer, said he has served some 15 years as a volunteer appointment to various boards, commissions, and committees and their subcommittees. He read the staff recommendation and urged the council to pass on eliminating the landscape advisory committee and the sign code advisory and appeals board. He suggested they go back, look at some of the rest of the boards and commissions, and really look at the ones they would like to maintain and the ones they would not. The recommendation before the council was a very short synopsis, on one sheet, with maybe one sentence for each of the ten committees that were under consideration for elimination. What bothered him was that he did some digging and there was a whole printout, some 18 pages, dealing with the 74 boards, committees and commissions that had information about how often these bodies were meeting, how many seats were vacant, how many members there were and so forth. He was bothered that this information was not included in the council's agenda material, either when it was before the council in study session on September 2, or for this meeting. There were also other details regarding the various costs and staff allocations to the various committees. He thought the full council was deserving of having that information as, more importantly, was the public, to address this issue, because what goes to the subcommittees is not on the web site and it is not easily accessible, as he found out. He thought that was a very important consideration.

Specifically, Mr. Mayer urged the council to pass a motion to not consider eliminating the landscape advisory committee for two reasons. With the really vast support of the citizens for protecting the sonoran desert and the vegetation in the community it seemed incomprehensible to him that the city would consider not having a landscape advisory committee. He asked where the criteria was? Eight of the subject committees had not been meeting regularly and in some cases had not met in a long time; but the landscape advisory committee had been meeting regularly.

However, the survey referred to by the city clerk listed four times that that body had not been able to get a quorum. There were four times that the library board did not make quorum in that same period and there were five times that the citizens' sign code committee, not the one referred to in the recommendation, had not made a quorum. He asked why those two committees were not on the chopping block, but the landscape advisory committee was? He thought that was a good question. It was clear to him that the landscape advisory committee played a vital function in the community and should not be under consideration for elimination.

Regarding the sign code advisory and appeals board, its chairman indicated that they have not had a time without a quorum in a long time. The printouts that were not sent to the council indicated that there were ten meetings with quorums and absolutely no meetings where they did not make a quorum. Mr. Mayer really wondered why that body was being recommended for elimination. In going over the historic documents, he saw where it was first proposed that the sign code advisory and appeals board should be absorbed into the sign code committee. The sign code committee had not made a quorum on five occasions, yet the recommendation was to eliminate the body that made a quorum every time, the sign code advisory and appeals board, and combine it with the committee that has not. He had to ask what was going on, not trying to point a finger at anyone.

In summary, Mr. Mayer thought the council should not consider eliminating those two bodies, the landscape advisory committee and sign code advisory and appeals board as they were functioning bodies, and then they should go back and look at the criteria for eliminating the bodies that had not been functioning. A lot of times he thought fingers were pointed at the citizen volunteers. There have been cases where the citizen volunteers have not upheld their end of the bargain as far as their responsibilities as appointees.

However, there have been times the city administration had not been very supportive of these committees and there were times that the mayor and council had not kept their appointments filled. He thought the issue should be reviewed again and that criteria needed to be established to determine if the eight committees recommended to be disbanded needed to be shored up and what other committees were past their time and needed to be disbanded. He urged the council to keep the landscape advisory committee and the sign code advisory and appeals board and go back and take a real look at the other eight to see what was needed and what was not needed. If they were needed, the mayor and council should give the support necessary to make those committees functional.

George H. Richard, said the chair of the landscape advisory committee was in Chicago on business last Friday, so he took the liberty of e-mailing information to the mayor and each of the council members regarding the many accomplishments of the committee. Originally, in 1990, the committee was facing 14 major objectives and he thought it had accomplished at least half of those. The remainder had not been completed because of a lack of funding on the part of the city's budgetary constraints, which the city is currently operating under. It came as a shock to everyone on the committee that they were slated for removal or to be closed down. Neither he nor the chairman recalled any requests for information regarding what the committee had done, or any of those major items. They understand that the only thing that determined they should be disbanded was lack of attendance, lack of a quorum.

This year two consecutive meetings were cancelled because people were out of town on business or were sick. Otherwise, the seven of ten authorized members of the committee could and had been maintaining business as usual and have done a credible job, in his opinion. He asked that the landscape advisory committee be retained and if the council would like to review in detail more of the items the committee has accomplished, they would be glad to provide that information. He hoped each member of the council had an opportunity to review the e-mail and attachments that he sent them last Friday.

David McKinney, as chairman of the landscape advisory committee agreed with Mr. Richards that it was a very important committee in the goal of making Tucson a beautiful city, the city that it deserves to be. Elimination of the committee would be a mistake and it sounded like the issue at hand was the quorum requirement. The committee was comprised of ten members and in the past year or so, due to local economy, several of its members had to move away to get work. The members were volunteers, local professionals in the field of landscape and related fields, and membership was now down to seven members. If one member was absent, they did not have a quorum. They were constantly trying to get new members, so the problem was with the way the quorum requirement was set up as opposed to the landscape advisory committee. He echoed Mr. Richards' willingness to list the committee's accomplishments. He said it seemed that they really started to make progress this year in communicating with the city, meeting with a

couple of council members and educating them as to what the committee did and what its interests and goals were. With that in mind he urged the council to reconsider disbanding the committee.

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

Bernard Begay, chairperson of the metropolitan-Tucson commission on urban Native American affairs, asked that the council not eliminate the commission, but to instead restructure it, the charter and the membership that is needed for a quorum. There were 22 seats on the commission; therefore, 12 members had to be present for a quorum. There were currently only 11 active members, so they could not get a quorum at all. He said that most vacancies were created by resignations, jobs and job relocations. He forwarded many names to Pima County, the city, and the San Xavier Tohono O'Odham District with no response. He welcomed any suggestions about restructuring the commission.

The fact that the commission had not met was not due to a lack of trying, eight or nine members were really committed to the commission and to working with the city. He wanted to make a correction to the staff report. The last time the commission met was in February of 2003. He said he knew that because that was when he was elected chair and given the honor of taking over the commission.

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

It was moved by Vice Mayor Ronstadt, seconded by Council Member West, to close the public hearing.

Council Member Scott said she would vote no, she thought there were other people that might like to be heard.

Council Member Dunbar said she thought Council Member Scott had a point.

Mayor Walkup said he thought the council had offered everyone in the audience an opportunity to speak and the reason the hearing would be left open would be to continue it to a future council meeting to allow additional people to speak.

Council Member Dunbar noted that mention was made of a sheet that the good government subcommittee started working with, which she displayed. While the city clerk did an excellent job of explaining the issue, she thought some things needed to be clarified. The good government subcommittee was charged last year with the task of reviewing every board and commission. The subcommittee consisted of herself, Council Member Ibarra, and Vice Mayor Ronstadt. The first thing they did was to take the sheets, after the city clerk had sent them out and asked for a report as to what the committees were doing, the quorum requirements and so forth, and gathered information. They found that some committees were not meeting. Some committees had not met in three years because they did not have a quorum. Several people had come forward and spoke about the landscape advisory committee, however, that committee had not sent in a report. The good government subcommittee had no information. Its records showed that that subcommittee was not meeting.

Boards and Commissions were costing the city of Tucson approximately \$300,000 a year. The council was looking for ways to be more efficient and tighten the process. The landscape advisory committee was in fact a committee that was entirely appointed by the city manager. The appointments were very specific, landscape architect, landscape contractor, et cetera and the good government subcommittee held a public hearing and asked the committees that were on the chopping block, as someone said earlier, to come forward. They were surprised when no one from the landscape advisory committee attended and some of the other committees also did not attend that hearing. However, from the comments at this hearing it was apparently that there had been some communication problems. She suggested, since the landscape advisory committee, according to the council's material, was strictly appointed by the city manager, that the council should have the city manager and staff look at what will work best and send a report to the good government subcommittee so they could look at it again. She thought it needed to go back to the good government subcommittee.

Council Member Dunbar said she has said this before, but she knows what it felt like to be on a board or commission. The council charged the subcommittee to do the work, the committee brought a recommendation forward and people were looking at them like they were horrible people, recommending that committees be eliminated with no reason. She said the committee has been working on this issue for the last year, trying to get input from people. The committee was shocked that no one came forward at its hearing, but no one did. Last week they had a meeting and people came forward and they agreed to bring it back to the good government subcommittee, but it needed to have a new focus. She thought that the problem with some of the boards and commissions was that things changed in ten years and Mr. Ebert was correct that they did not have clear direction. The subcommittee was not trying to be mean or cruel, they were trying to be more efficient and they were trying to make sure that when people show up for a commission meeting that they have the quorums. She respected everyone's time and it was frustrating when people serve on a board or a commission and they go to five meetings in a row and there is no quorum.

Mayor Walkup said there was a motion on the floor to close the public hearing that had been seconded. He asked if there was any discussion.

Vice Mayor Ronstadt said the council needed to close the public hearing because it could act on some of the boards. They could also act to send them back to the good government subcommittee and that would necessitate another public hearing. They needed to dispense with some of the business at this meeting and then they could remand committees back to the subcommittee.

Mayor Walkup asked if there was any further discussion.

Council Member West said she brought this to the council on November 6, 2000, because one of her appointees called her and said she had appointed her to a committee, but they never met. When she checked, the committee spokesperson told her that they met when they felt like it, which got to staff's point about the need for a resolution. She thought that the mayor and council had a right to review commissions and boards, they were not all appointed by the mayor and council, some of them were joint appointees.

In the case of the landscape advisory committee, in the beginning there were different categories. People applied to be on the committee and their names came to the mayor and council as a joint appointment. It really was not up to the city manager to decide, it was up to the council, but it was a joint appointment, if it was still being done that way. She was even a little foggy on whether it was or not. She heard at this meeting that the landscape advisory committee existed to protect vegetation in the community, which was not that committee's mission, but maybe should be. Planning and management were stated in its mission, so maybe it was time to change. She would like to see that committee put under the planning department rather than parks and recreation. Some things were occurring on that committee and it had evolved over time. It was established by former Council Member Janet Marcus because the city needed an urban forester. The city still does not have an urban forester, but it still needed one. The city also was in a budget crisis, so it made it very difficult for that part of the mission to go forward.

Council Member West said she knew that there was a difference, obviously, between the sign code committee and the sign code advisory and appeals board. Friends of hers who were with that group before 1987 told her that it was a nightmare when those two groups were together. She knew that the recommendation was to incorporate it into the board of adjustment, but she did not agree with that either. She thought the sign code advisory and appeals board did a good job, they met regularly and maybe it was the sign code committee that the council should consider abolishing and maybe incorporate its functions in with some other body.

Vice Mayor Ronstadt asked with all due respect to Council Member West, who had said some important things, if the council could dispose of the motion to close the public hearing.

Council Member West said she thought they had closed the hearing.

Mayor Walkup said the council should move ahead on the motion to close the public hearing and then act on those committees it believed irrefutably should be terminated. Clearly, the council needed further information, further consideration, and input on some of the committees. He thought the list could be pared down, but once they did that they should look at those committees they did not want to eliminate, get more information, then hold a new public hearing on them. He asked for a vote on the motion.

The motion to close the public hearing was declared carried by a voice vote of 6 to 1, (Council Member Scott voting nay).

Mayor Walkup asked if there was any discussion.

Council Member West said she had some other things she wanted to mention. She asked what was the current function of the citizens participation advisory committee, how were its members chosen, and how often did they meet?

Andrea Ibañez, acting assistant director of neighborhood resources, said the citizen participation advisory committee (CPAC) was formed in October of 1992 and the climate in the city at that time was that citizens had a difficult time interacting with city staff, for whatever reason. The committee's tasks and functions were very specific. They were to review the citizens participation system, make recommendations to mayor and council

regarding public participation, make recommendations to the citizens participation office, which is two generations previous to the current neighborhood resources department, and make recommendations to the city's public participation system user groups. Her understanding of how it worked at that time was that the planning department certainly had some statutory requirements on notifying people about zoning and other issues, but a lot of citizens wanted more information than that.

They wanted to know about lot development options, about liquor licenses, transportation projects and so forth. She thought through the very good work of CPAC, which was very active for a long time. Changes were effected in city departments and a lot of the citizen participation processes and notifications were institutionalized. One of the things the neighborhood resources had been able to do was improve the mailing systems and make them electronically available to city departments. For instance, consultants who worked with transportation notified neighborhood resources and they were able to get the mailing lists out to them immediately. Anyone who had any kind of roadwork in his or her area knew about it. They had in the transportation department a business consultant on hand and that was all part of the bigger process of letting citizens know what was going on and getting feedback from them.

Ms. Ibañez thought the whole dynamics of the city council offices had changed over time and that was attested to by the fact that the council had so many aides working for them, also taking information to the citizens. The citizens participation advisory committee was formed to look at the system and see how it could be improved and what needed to be done. For the most part, they completed a lot of these tasks and neighborhood resources. When it became neighborhood resources in April 2002, they found that there were very few people on the committee. They had not had a quorum for a very long time, they had one meeting, but for about nine months they had not had a meeting. In March and April of 2002 staff put together applications and sent them to all of the neighborhood associations whether they were active or inactive. Applications were sent to the mayor and council offices, distributed to recreation centers, published in the city page, which was active at the time, made announcements on Channel 12, and sent them to all media contacts in the city for publication and it appeared quite a lot in the newspapers. They were published on the city's web page and the department of neighborhood resources web page and despite all that activity, very few responses from neighborhood association leaders were received.

Regarding how the committee was composed, Ms. Ibañez said it is a very odd committee in terms of its appointments. Members were not appointed by council members. There were 13 members, two from each ward and there was a member and an alternate and both had to come from the same neighborhood association. Part of the strangeness was that if the member did not attend a meeting sometimes the alternate did not know, so that individual did not show up. She thought that contributed to some quorum issues. As staff asked for and received applications they found that a few wards had quite a few people who were interested and other wards showed no interest whatsoever. She felt staff had done as much as possible and perhaps it was understood that what the committee had set out to do had been accomplished.

In conclusion, Ms. Ibañez stated that if mayor and council had some other issues that could be addressed by citizens, perhaps there was another forum in which to do so. Staff was actively involved in trying to get a broad based form of dialogue, not just

neighborhood association leaders, who were certainly important and did a phenomenal job in the city, but were just a small band of people. Staff wanted to make it a broader group of people. They were looking into forums that were more publicly based. They worked very closely with pro neighborhoods, which were partners with the city, the county, the united way, and community foundation. Staff was seeing a lot more different faces in that, which was good because they needed to see different faces and hear different voices. Staff was also looking for other ways that were more active citizen engagement over time.

Council Member West said she thought Ms. Ibañez had clarified that the city now had many more neighborhood associations than it had in 1992 and she thought at that time the citizens participation advisory committee was needed. However, as time goes on, things change. Sometimes functions were taken up in other ways. She thought the landscape advisory committee was still a viable organization, it just needed a new mission and it needed to be placed under the planning committee where she believed it could do some more work. The telecommunications policy and advisory committee had also talked to her about having a new focus and she thought their membership had been somewhat limited because of conflicts of interest. Maybe there was a way to work that out. She said she would leave the sign code advisory and appeals board just as it was. In fact she owed them a big one for something they did for her a couple of weeks ago.

Mayor Walkup asked the council's pleasure.

Council Member Ibarra said he would make a motion and hopefully the council could get through this after everyone had been heard. He would go through the list of committees to be eliminated and then address consolidation. After that the council would attach the resolution.

It was moved by Council Member Ibarra to eliminate the budget advisory committee, to refer the citizens participation advisory committee to the good government subcommittee as would the landscape advisory committee, so that the changes Council Member West stated could be made.

Vice Mayor Ronstadt asked that the council address each committee individually.

It was moved by Council Member Ibarra, seconded by Council Member Dunbar, and carried by a voice vote of 5 to 2, (Council Members Scott and Leal voting nay), to eliminate the budget advisory committee.

It was moved by Council Member Ibarra, seconded by Council Member Leal, that the citizens participation advisory committee be referred to the good government subcommittee to review possible changes in terms of how the committee was structured, what its mission was, and who appointed its members.

Mayor Walkup asked if there was any discussion.

Council Member Scott asked citizens participation advisory committee members to attend the meeting of the good government subcommittee, because she heard from every single one of her appointees. None of them had been asked about any of these proposals and there was something wrong with that.

Council Member Dunbar objected and asked for a point of clarification.

Council Member Scott said she was talking about the commission.

Council Member Dunbar said they were talking about citizen participation.

Mayor Walkup said the council was going to address each commission individually and everyone would have a chance to speak. He noted there was a motion on the floor.

Council Member Dunbar said the citizens participation advisory committee had not met in three years.

Mayor Walkup said the motion was to refer the citizens participation advisory committee back to the good government subcommittee and asked for the vote.

Upon hearing dissenting voice votes, Kathleen S. Detrick, city clerk, said it was unclear to her who had voted nay.

Mayor Walkup asked for a roll call.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott, and Leal; Mayor Walkup

Nay: Council Members West and Dunbar; Vice Mayor Ronstadt

Absent/Excused: None

The motion to refer the citizens participation advisory committee back to the good government subcommittee was declared carried by a roll call vote of 4 to 3.

Mayor Walkup asked the council's pleasure.

Vice Mayor Ronstadt apologized for his colleagues who wanted to get a head of steam going. He wanted to comment in general about all of the subject committees. The man who spoke on behalf of the metropolitan Tucson commission on urban Native American affairs made a comment that the commission needed to be reconstituted in some form, and Mr. Ebert had made similar comments about the budget advisory committee. Vice Mayor Ronstadt said one of the things that the subcommittee did in its discussions was in theory eliminate all of the city's commissions and boards. Some had to be left in place either by charter, or ordinance, state law; mandated in some form or other, so those came back. The subcommittee was then left with a list of boards, committees and commissions that had specific tasks, as was mentioned by Ms. Ibañez.

As for the citizens participation advisory committee, he said its time had come and gone. Its mission succeeded and the subcommittee was not saying that they did not want citizens participation, but that committee was not functioning. He did not make any appointments, but representatives from his ward told him that no one wanted to participate. The committee could not get a quorum even after calling its members. People would not show up for meetings because people were uninterested. It was one thing to say it was important to have citizen input, which it was, but it was another thing for the council to feel

good about having committees when they were dysfunctional or not functioning. The council can claim to have a great roster of citizen input, but the committees are not producing anything, they are not functioning. The subcommittee tried to clean that up. Speaking specifically about the commission on urban Native American affairs, he said the subcommittee recognized that it was completely dysfunctional, that the quorum issues were problematic. Every time he made an appointment, his appointee would stay for a while and then realized he or she was wasting their time because the commission was not meeting, and would resign. The subcommittee decided to disband the commission and then go to the Nations and ask how a committee could be set up that would be an effective communication tool between the city of Tucson and the American Indian Nations. That was why the subcommittee wanted to eliminate that commission. They wanted to clear the decks and start from scratch. That was really the goal of the recommendation to eliminate a lot of the subject committees.

The telecommunications policy and advisory committee was created specifically to spend one-time federal grant money. That money was gone, so that commission had no mission. The good government subcommittee recommended the elimination of the committee and reformation because there were issues of e-government and how governments used technology, how it interfaced with the community using technology. That was an important issue and the telecommunication committee members knew it was an important issue. The deck needed to be cleared and a commission that can give advice on policies specifically related to e-government, not one spending on a one-time federal grant, needed to be created. He said there was rationale for clearing the decks and starting over to make the committees function.

Council Member Dunbar said the council had just voted to the send the citizens participation advisory committee, a committee that had not met for three years, back to the good government subcommittee. She and Vice Mayor Ronstadt both voted no; she was the chair of the subcommittee and the council was sending CPAC back to them that the subcommittee was going to send right back. She asked what they were doing?

Mayor Walkup said that was okay, the subcommittee would have a chance to look at it second time. He asked if there was any further discussion.

It was moved by Council Member West and seconded by Council Member Leal that the planning department be directed to work with the landscape advisory committee, that the council also work with that group to revise their mission.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

The motion carried unanimously by a roll call vote of 7 to 0.

Mayor Walkup asked the council's pleasure regarding the metropolitan Tucson commission on urban Native American affairs.

Council Member Ibarra said he thought the chair of the subcommittee had some good ideas and it had a good mission.

It was moved by Council Member Ibarra, seconded by Council Member Leal, that the metropolitan Tucson commission on urban Native American affairs be retained and that the council work with city staff and the good government subcommittee to make adjustments to facilitate their meetings.

Mayor Walkup asked if there was any further discussion.

Council Member Scott said she thought the council was talking about boom boxes at the time the noise reduction task force was established and since then issues of noise from the airport, both the Tucson international airport and Davis Monthan Air Force Base had arisen. She asked if that meant that the council was no longer interested in noise issues.

Council Member Dunbar said they were already disbanded. This was a cleanup item.

Council Member West said they would get a new one.

Council Member Scott noted that the recommendation said just to get rid of the noise reduction task force, not that they would be reconstituted. That was what was wrong. The council was asked to eliminate the task force and only through discussion at the dais was there mention of reconstituting it. That was not in the recommendation.

Mayor Walkup said he thought the council had the power to reconstitute any time it wanted and in any fashion. He thought it was fairly clear and asked if there was any other discussion. There was none.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

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

It was moved by Council Member Ibarra, seconded by Council Member Scott, that there would be no consolidation of the sign code advisory and appeals board and to consolidate the youth police advisory committee with the metropolitan education commission.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

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

It was moved by Council Member Ibarra, seconded by Council Member West, and carried by a voice vote of 7 to 0, to ask staff to return with a resolution setting a policy for future creation of boards, commissions, and committees to ensure a consistent policy for the creation of same.

Council Member Scott asked that all current and future boards, committees and commissions be filled by direct appointment by the elected officials of the governing body, that that be the base of every committee wherever possible so that the mayor and council would have some grasp of who their appointees were, what the committees were doing, and had a direct relationship with the citizenry.

James Keene, city manager, said staff could get the mayor and council a list of all of the existing committees and the process for appointments so that the council could look at the pattern and make sure where adjustments should be made.

Council Member West said she thought that issue should be discussed at a mayor and council study session.

Mayor Walkup said he agreed; he thought that was the better avenue, but Council Member Scott was right that it was the council's responsibility. They already had that responsibility.

Council Member Scott said it came to her attention through one of the presidents of a neighborhood association that notification was the piece that was missing. The committees would have a quorum problem if people did not know what was on the agenda. Knowing what was on the agendas for these individual committees had been a very integral part of neighborhood associations. Neighborhood presidents were not being notified; the information was no longer on the *City Page* and was only very discreetly found by those who had access to only a certain part of the city's information chain. She hoped that at the very least the neighborhood associations would be notified on a regular basis of what was being heard by the various boards, committees, and commissions. They had a vested interest and that was what she believed the council should make a part of the policy, information dissemination.

Mayor Walkup said he was shocked that was not happening and asked staff to respond.

James Keene, city manager, said he thought there were a lot of ways to deal with that issue, but the council might want to consider that their offices know of issues that are important and who their appointees are. He thought there needed to be a way to get

information to the ward office. The council has staff that can make sure that their commissioners are contacted because sometimes just putting stuff out does not necessarily mean that it is automatically connecting with some of those people. Often things are blanketed and they still get missed a lot.

Council Member Scott said that the list that went to her office of what was on record was not correct. The record had sitting members who had left town two years ago. She knew she had replaced those people. The council may know who was on the committees, but when they asked for an updated list it did not match what was on the record. It started with that communication and then the council could disseminate that and facilitate.

Mayor Walkup asked if there was any further discussion.

Council Member Leal said in terms of filling vacancies, since part of the problem had to do with the mayor and council, he thought it would be helpful if vacancies were noticed on Channel 12, as is done when filling vacant positions like the director of the water department. He thought it would be helpful if the boards and commissions vacancies were on Channel 12. He said democracy was worth something.

**12. PUBLIC HEARING: PROPOSED AMENDMENTS TO THE CIVANO DEVELOPMENT AGREEMENT AND INDEMNITY AGREEMENT, AMENDMENTS TO THE CIVANO IMPACT STANDARDS AND TO THE MEMORANDUM OF UNDERSTANDING**

Mayor Walkup announced that city manager's communication number 633, dated December 8, 2003, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a public hearing on proposed amendments to the Civano agreement. Before beginning the public hearing he asked for staff's presentation.

James Keene, city manager, said he knew the council received a very thick packet of materials at a late date, so he thought it was important to show a map and give a brief orientation. He said Albert Elias, director of the planning department, along with Mr. Martinez would give the presentation. He also wanted to acknowledge that Michael McCrory, assistant city attorney, had been working diligently with the community, the developer, and the ward office to bring this item to the mayor and council.

Hector Martinez, real estate division administrator, said this item was before the council at the request of the master developer and majority owner of the undeveloped land at Civano for amendments to the development document, which was made up of the development agreement, the indemnity agreement, the Civano impact standards, and memorandum of understanding. Civano is composed of approximately 818 acres, bounded on the north by Irvington, on the west by Houghton and on the south by Bilby Road. It was made up of Neighborhood one, which was owned by Civano Limited Liability Corporation, better known as Fannie Mae. Neighborhoods two and three, also owned by Fannie Mae, were the parcels that were being considered for purchase by Pulte. They consisted of approximately 285 acres, and there were approximately 50 acres of commercial property outside of neighborhood one, which was owned by Fannie Mae and Case Enterprises. All of those groups would be a party to the agreements that were before the council, should the council choose to accept them. In addition to that, there was one item that would be discussed as a separate agenda item, approximately 49.5 acres on the northeast corner of

Houghton and Bilby, which was part of neighborhoods two and three, the parcel that Pulte was looking to purchase and asking to be rezoned. If the council approved everything, it was understood that Pulte would like to implement some of those changes within the next 12 months or so. Representatives of the applicant, Fannie Mae, and Pulte were present and ready to make a presentation should the council so desire.

Mayor Walkup announced that the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations. He had received a number of written requests from people wishing to speak and asked that they come forward as he called their names. He called first on the applicant's representative.

Mary Beth Savel, representing the Civano community, LLC, as well as the Pulte Home Corporation, said because both items 12 and 13 were related and involved an understanding of the community of Civano and the development documents and changes to those, she would make one presentation on both of those items. She introduced Judith Kilroy, Fannie Mae's project manager for Civano, and Ted Chandler, vice president of Fannie Mae for the western region. From Pulte Home Corporation, Bruce Stokes, division president for Pulte Homes in Southern Arizona was present along with Paula Meade, the director of forward planning, which is a very optimistic title. Additionally, a lot of guests were present who had been very involved in the process from the Civano neighbors association including Simmons Buntin and members of the leadership committee as well as other members of the neighborhood. Ms. Savel said the purpose of her presentation was to do two things. First, under item number 12, to review and make amendments and secondly, three of the critical documents that were involved in the development and regulation of Civano. She knew it was late and that there was a lot of material, so she would talk about the changes to the development documents briefly. If council members had specific questions, she could answer them. Staff, including Mr. Martinez and Mr. McCrory, had also been closely involved, as well as representatives from Pulte and the community of Civano. She said she would try to error on the side of brevity instead of reminiscing about the process at Civano. Ms. Savel said she would also address item number 13, which was the change of rezoning condition and very short and easy to explain.

Before beginning her presentation, Ms. Savel said she wanted to thank some of the many people who had been involved. The process had been very intensive and collaborative for the last 18 months. It involved the Community of Civano, Pulte Homes, and the Civano Neighbors. She gave special thanks to Simmons Buntin and the leadership team who have worked and attended meetings, developed theories, met with neighbors to develop a consensus, done the planning and given input. She thanked city staff, especially Mr. Martinez and Mr. McCrory, who had worked very hard to get on top of the process that is the community of Civano and all of the regulatory documents to figure out what was happening. Mr. Glenn Moyer assisted a lot in the change of rezoning condition and a lot of other department staff had formed the Civano team within the city of Tucson that had been dedicated to figuring out how to manage Civano. Finally, she thanked ward four, Council Member Scott and her staff, which had really worked hard and been available at a moment's notice to have meetings with all of the stakeholders involved in Civano, to resolve issues, create consensus and move the process forward to this meeting. Ms. Savel said they had received the support of the Civano Neighbors Association, which had been very important in this process, giving input in the creativity as well as the technical details of the Civano design and development. The changes that were presented at this meeting came out of the experiences of Civano. She thanked the developers and builders who

have worked with the Civano guidelines over the last six to eight years; the residents of Civano who have lived in the neighborhood and experienced those guidelines on a daily basis; city staff who was charged with the obligation of regulating and overseeing the development of Civano, a challenging experience for all of them; and fortunately for Civano, also Pulte Homes an award winning energy efficient, residential subdivision builder that had brought the benefit of their experience around the nation in building energy efficiency subdivisions to the community of Civano.

Rather than go through the long history of Civano and the city's stake in developing a solar village and the efforts that the city had put into reaching this point, Ms. Savel said it was time to focus on the documents that were necessary to understand Civano. She did not know if the mayor and council realized what an intricately regulated development Civano was. The development was regulated by the city's *General Plan*, the *South Pantano Area Plan*, the *Civano Master Development Plan*, adopted by the city of Tucson in 1991, the *Civano Master Development Plan*, adopted by the Arizona State Land Department in 1992, the Civano 1991 rezoning conditions, the state land department patent conditions, the Civano development agreement, including two subsequent amendments, a clarification and an addendum, the Civano impact system standards, which are the performance criteria for the development of the project, the Civano memorandum of understanding, which was the document that explained how the impact system standards were implemented and monitored, the neighborhood one planned area development, or specific plan, the Civano design guidelines, the Civano Homeowners Association covenants, conditions, and restrictions design guidelines, and then the city's *Land Use Code*, the city's development standards and the city's building, fire and other codes. More than 15 different regulatory mechanisms controlled the development of the community of Civano. This has presented a challenge to city staff, to builders, to developers, and to residents over the years.

So, how did the proposed amendments get to the council for this meeting? The community of Civano and the city began discussing and working on revisions to development documents in early 2000. She came back from her leave of absence from Lewis and Rocca in December of 1999 and this was the first project that Frank Bangs asked her to assist with. She was currently working on it and she hoped to be working on it as it developed out into the future. Pulte became a partner in this project in the year 2002 when they entered into a purchase contract with the community of Civano, proposing to buy 476 residential acres in neighborhoods two and three. Shortly thereafter, Pulte began a lengthy series of discussions with city staff, with the Civano neighbors, and with the community of Civano, outlining their development plans for the project. That culminated in March of 2003 with very specific agreements between Pulte and the Civano neighbors association, focusing on the design, development, and implementation of the impact standards and energy standards for the community of Civano. These had been added to lately, in connection with the 49.5 acres before the council in item 13.

Finally, as part of the review process Pulte asked that certain additional changes be made to the Civano development documents, as Mr. Martinez described them, in order to allow Pulte to close on their deal with the community of Civano and purchase the 476 acres by the end of 2003. So what were the changes? Mr. Martinez and the city manager listed the critical changes in the communication to the mayor and council and she wanted to focus on a couple of them that were particularly important to the neighbors and to the city, and the first one was the appointment of a master developer. In the past, the

community of Civano had a de facto master developer. It was not specifically defined as such in the development documents, but the community of Civano served that role as master developer. What did that mean? First of all, the community of Civano hired an architect who was required to certify compliance by all builders who came in and developed and build in the community of Civano. All of their builder plans must be certified as being in compliance with the Civano impact systems standards, the performance criteria. That was in addition to city staff that also had to review those same plans and insure that they were in conformance with the development criteria. That was one thing that the master developer had done. The second was that under the memorandum of understanding, the developer also provided a monitoring report to the city on a yearly basis, reporting on the successful implementation and completion of all of the Civano impact system standards. That is what the community of Civano had been doing over the last six to eight years and this was what Pulte had agreed to do, going forward if the mayor and council approved the changes at this meeting. Finally, the neighbors, in connection with the monitoring, requested that rather than having the monitoring obligations, as they were currently structured, shift over to the homeowners association after the master developer builds out/sells out, that they get wrapped up, come to closure, and become a voluntary thing. The city staff revised the development documents to allow that to happen. A final monitoring report was to be provided at 75 percent build out, which was when the homeowners association was turned over to the neighbors, and a cleanup or batting cleanup kind of monitoring report at 95 percent residential build out.

Ms. Savel said the second set of critical changes to the development documents involved the master-planning concept. These were critical issues, both to the Civano neighbors and to city staff. She said they had enhanced and beefed up the provisions in the development agreements that provided for master planning of the residential and commercial areas. After Pulte completed the development of the 49.5 acres that were the project in item 13, the development agreement required and Pulte agreed to process the remaining 430 residential acres as part of a planned area development, or specific plan. Additionally, the master developer would be revising the Civano master development plan. That was a document that created the conceptual guidelines and goals for the development of Civano. The mayor and council adopted it in 1991 as part of the rezoning of the property that is currently Civano. It created the development agreement; it created the impact system standards and it created the sale of Civano from the state land department to a private property owner. It was the very early planning document for the community of Civano. Over the years, since 1991 which is now 13 years or more, the adherence to that document kind of veered off.

The city adopted the neighborhood one planned area development, but did not go back and do cleanup on that master development plan and so, in collaboration with the city, the master developer would need to go back to the master development plan, clean it up, make it coherent, make it consistent with the way the development in Civano is now and the way the development in Civano is going forward. That would include residential and commercial development jointly. That was another master planning obligation of the master developer going forward.

The final was an alternative obligation that city staff structured and it related to the commercial property at Civano. Understanding that the Civano master development plan might not get revised right away staff created an option. If the commercial property owners wanted to market, sell, and begin developing the commercial property in Civano that was

along Houghton at the Houghton/Drexel intersection, they could do so, but they still had to go through a master planning process called a commercial master plan. That was important because the neighbors and the city wanted to ensure connectivity of the commercial and residential development so that the commercial development did not just become a series of little strip plazas in the area, but in fact was integrated in the residential development, create pathways, pedestrian access and the rest of the amenities that continue to advance the goals of Civano, so they were important issues. She said she could talk for a long time about Civano and asked if the mayor and council had any specific questions about changes either to the development agreement, the impact system standards, or the memorandum of understanding.

Mayor Walkup said he thought the council was anxiously awaiting input from the public and might call on Ms. Savel for expansions.

Ms. Savel said as far as item 13 was concerned she would be happy to explain that a little bit further if necessary.

Mayor Walkup called on the first speaker.

Paul Huddy, 5233 E. Woodspring Drive, asked if he could ask the city manager a couple of questions before making his statement.

Mayor Walkup said no, this was a public hearing where the council listened to the citizens.

Mr. Huddy said he was a physicist and former director of the Arizona Solar Energy Commission, which funded Civano under the Tucson Solar Village Project quite a few years ago. With respect to this item he thought the council might want to ask if anybody on city staff had compared the subject proposal with the city of Tucson's original proposal to the state for the Tucson solar village project, the requirements of the city's agreements with the state about this project and the terms of the sale of the land by the state land department with what has been done already and what is proposed to be done in the future. With respect to item 13, he wondered if anyone had communicated with the city attorney's office and asked if the mayor and council were to go ahead with this rezoning if it would, as a result of the Tate decision, have virtually no control over the rest of the zoning for the Civano community, thus making it possible to eliminate multiple uses of that development and turn it, in essence, into another urban sprawl subdivision. He asked those questions because he was the director of the solar commission at the time the funding for the project was reconfirmed and the initial contracts prepared. After returning to Tucson, he subsequently served over seven years on the Tucson-Pima County metropolitan energy commission and the Tucson solar village steering committee. He was asked to attend this meeting by a number of people in the subject community to give the council some background and perspective on Civano. He accepted because he thought the mayor and council should be warned that the Tucson solar village project, as manifested in Civano, was not anything like what the metropolitan energy commission, the city of Tucson and Pima County promised to the state of Arizona, to the people of Arizona, or to the people of Tucson and Pima County when they set off down this road. It was supposed to be a model solar energy development. A community that would showcase the best use of solar energy and lead Tucson, in Pima County, in the state of Arizona of the United States in a quantum leap forward in the use of solar energy. He thought the council

should be advised that Civano had not come anywhere close to doing anything like that and that the proposal before the mayor and council would significantly diminish the possibility that would ever happen.

Mr. Huddy said if the current situation or the state of solar energy at Civano that was being proposed at this meeting had been the basis of Tucson's proposal to the state back in 1986, he could assure that it would not only not have been funded, it would have been laughed out of the state capital. People who were unknowledgeable about solar energy said that it cost too much, but the key was not the solar equipment that one puts on a roof, it was the planting of the land, the orientation of the buildings, and the use of passive solar design. He was sure that the council was familiar with the professor of architecture at the University of Arizona who taught his students that job one, step one, was orientation of the house and passive solar design. It did not have to cost anything more, it was simply a matter of good design, but most people do not know that, particularly the people involved with the project since the city took over from the metropolitan energy commission. The proposal accepted by the state and the initial contracts all emphasized that as being central to the solar village project, so as it moved forward the commission lost track of it and he knew exactly where that happened.

He said it was a proposal very much like the subject proposal that former city manager Michael Brown made to the mayor and council in 1994 or 1995 and it was done in very much the same way. No one in the community of interest was notified that it was going to happen. It was a Pearl Harbor sort of thing. The mayor and council voted on that and he recalled Janet Marcus' words very clearly. She told him that she was behind the project 100 percent and if anything went wrong he should just give her a call and she would get to work on it. However, the commission never had a chance to do that because all of the decisions were made behind closed doors without community involvement. They spent on \$120,000 of the \$1 million of state funds to hire a major national professional architectural and environmental firm to plan that land, to put the streets and lots, the orientations, in concrete, as they said they would do. Somebody in the city of Tucson allowed the developer to throw that out with no community input, no input from the knowledgeable community, no input from solar people at all. The result was that the first phase of Civano failed. It accomplished a number of good things, but it had not accomplished its purpose and that aspect of Civano had been lost. It wasn't simply an aspect; it was the primary purpose of Civano being there.

Mayor Walkup asked Mr. Huddy to conclude his remarks.

Mr. Huddy said it was very obvious that if there was anything the mayor and council should take home from this meeting it was the expressed desire of the community, the community involved in the governing of the city of Tucson, and where the Civano project was lost was where the city stopped letting the community become involved. He asked that the mayor and council postpone its decision on this request, ask those questions of city staff and report to the community on the answers. Give the community, in particular the knowledgeable community of interest that proposed this project in the first place and guided this project all the way through the sale of the land and won the funds for the community and protected them when they became vulnerable, an opportunity to be involved in that. He also recommended that the mayor and council reconstitute the Tucson solar village steering committee. Not with new people, but with the original people, in particular, those who were fundamentally involved and had strong background and

experience in solar energy to advise the mayor and council so that they could get the Civano project back on track. Mr. Huddy said the excuse they heard in the first phase was that it was just a beginning and things would be better in the future, but that was not what was happening. Things were getting worse.

Simmons Buntin, spokesperson for the Civano neighbors neighborhood association, said he was speaking in support of moving forward with the requested changes to the guiding document and he would talk a little bit about why he supported them and why the neighborhood association supported them. He wanted to talk about who the Civano neighbors neighborhood association was because those who said the community had not been involved were incorrect. First, Civano neighbors was a city chartered neighborhood association that represented the community of Civano, specifically from Irvington south to Bilby and Harrison, where it draws down by Davis Monthan Air Force Base over to Pantano Wash, so they represented all of the areas in consideration, neighborhoods one, two, and three, as well as the surrounding areas. They operated on a modified consensus approach. That meant that they provided ample opportunity for full membership input and decision-making. That meant that it was a back and forth process and their discussions had been a painful process, but they took pride themselves on having that consensus approach, so that everybody knew what they were talking about. They communicated in a variety of ways including open general and special sessions and meetings, which they have had with Pulte and others. It included open leadership team meetings, there was a town crier newsletter that went out to all of the members, they had a Civano neighbors comprehensive web site with a discussion form, so they had lots of avenues for disseminating information and receiving feedback.

Mr. Buntin said he would talk a little bit about the process of how the proposed amendments reached the point of being before the council, and the neighborhood association's opinion. The association provided numerous opportunities for public input on their official and updated position statement, which he hoped everyone had an opportunity to see. They had an initial and currently updated position statement, and before that they even had a response to the proposed changes to the guiding documents. Through all of that they reached consensus in support with the neighborhoods. What that meant was that in their general meetings, which represented the neighborhood as best they could, they reached consensus to find out if anyone opposed it, including the last updated position statement, which had the unanimous consensus of all of the members of the neighborhood association at the meeting. There were probably people who did not support it, but they have not shared that with the association to the extent that it was in the position statement. Before talking about the points that were still of concern, which he believed were resolved, he reiterated that the success at Civano must be measured differently than success at a traditional subdivision. He thought it was important to realize that Civano was more than energy efficiency, more than solar energy. It was about sustainability and it included lots of facets, including a livable, sort of pedestrian oriented location. It really pained him to hear people say Civano was a failure. People, who have gone out to Civano and walked around, if they had children in school there and if they had the opportunity to work there, realize that Civano was not a failure. It was a grand success, it was on a roll and they were getting there. He thought, and the neighborhood association's consensus was, that the proposed amendments were a good step to moving forward.

Talking about the points, Mr. Buntin said Ms. Savel covered the master developer in good detail. The association was very much in support of having one master developer

and believed that they had one. They talked a lot about integrated planning, specifically to the commercial areas, and he was very pleased to hear that was moving forward, as well as the planned area development for neighborhoods two and three. They believed and reached consensus that it made sense to allow Pulte to develop the Civano two plans for the 49.5 acres and then do a planned area development. Those still needed to be integrated of course and they would be, but the planned area development or other planning documents should be done after that. The master developer would provide for monitoring and reporting on the Civano impact system until 75 percent build out with a final report at 95 percent build out. He said the association certainly supported that. The ten percent non-profit requirement, which had not been talked about at this meeting, was that the developer would make a one time contribution in the amount of roughly \$234,000 to a non profit entity determined by the mayor and council with the opportunity for input from the Civano community. He said if those items were met at this meeting, the association would endorse and support moving forward with the requested changes to the guiding documents. He recognized Hector Martinez, who had done a tremendous job managing this project by doing what Mr. Buntin thought was critical for Civano, which was sort of taking back the night by saying okay, the city had obligations when it comes to Civano. Civano was a unique community and Mr. Martinez took the lead on it. Mr. Buntin heartily endorsed that.

Paul Rollins, chair of the Civano Institute organizing committee said he wanted to address the non-profit provision, 3.1.1.7, of the development agreement. The proposal called for a onetime payment by the developer to remove that provision from the development agreement. It also had a provision about sewer credits, which were to go also to a not-for-profit. Recently he was reviewing the history of Civano for an article he was writing, all the way back to Bruce Babbitt's letters and things from the metropolitan energy commission and the one thing that dominated everything was that Civano was a demonstration project. That above all else was what it was formed for, a demonstration project of renewable energies and sustainable techniques. If there was no provision for how that would be researched and how the people outside of Civano would be educated, then the lessons learned at Civano would be lost. Wisely, a provision was put into the development agreement that called for that money to go to a not-for-profit whose sole purpose would be to research and educate relative to the lessons learned at Civano. Now that the money was going to be paid, he proposed that it go to the Civano Institute and supported that it go through the mayor and council. He was present to support that part of the amendment and said it would ultimately end up with the Civano Institute, which he felt was best suited to carry out the mission specified and the development agreement.

Mr. Rollins said he was in British Columbia with David Case and David Butterfield, the original developers, when they agreed after some discussion to put that ten percent provision in the agreement. They discussed the possibility at that time of Mr. Rollins being involved with that. Over the years the time was not appropriate for it, but he believed it was now. If the seed money could go to the Civano Institute they could go to outside sources for grant funding and continue the institute in a sustained way. He knew that when money was in the air, a lot of people stepped forward and wanted to have their piece of the pie. That was understandable, there were a lot of worthy organizations in Tucson, but he submitted that the money was meant in the beginning to remain a part of the Civano vision and asked that the money go through the mayor and council and ultimately to the Civano Institute.

C. Alan Nichols, P.E., in Civano, Tucson Solar Village, said he sat on the Tucson metropolitan energy commission for eight years. He did serve for over ten years and still does serve on the code committee, which he was allowed to sit on until it naturally expired. All through this project they pushed the energy standards, not only for Civano, but also for the city of Tucson. In the year 2000 they had a paper written by Helmut Frank demonstrating that \$700 million had been avoided in the city of Tucson by passing energy standards for the county and the city. By now that number had reached a billion dollars; 70 percent of that money would have left the community had those energy standards not been passed. At the time those energy standards were passed there was a hue and cry through the building community that this was going to ruin the building market; that house prices were going to go up 30 percent. But after putting pencil to paper, they found that the standards could be met at about one percent. In Civano, the standards were doubled for heating and cooling, and water heating, saying they had to do better by half. Those standards were also challenged and the builders, one by one after begrudgingly accepting them, put pencil to paper and found out that the standards had only increased the cost of housing three to five percent. Those standards had held up very well. Speaking to orientation, he was sure there would be an endless debate that the studies done by Nader and his college students in 1990 of 1960s homes show that orientation was in fact critical. But when the commission did the study and upgraded the housing for Civano's later energy standards, they found that the orientation became less and less important. It was becoming more like a thermos bottle than a long building with a lot of windows. Speaking of the solar, they had required beneficial solar throughout the development of the project and it had only been abused once. All of the developers, including Pulte, had agreed to do solar hot water heating, which was the most effective use of solar energy. Earlier problems with solar hot water heaters were now past and the history of solar water heating went on for well over 20 years in development. Despite all of the efforts to normalize Civano the actions of the council and the citizens of the community of Civano resisted any changes to the standards, because the standards had proven to be very effective. That is why the item was before the council, to make sure that those standards were in place.

Mr. Nichols said four very important key issues to the subject project were just made available. These governing documents, which consisted of 200 pages of legal documents, was just made available. He asked the council to ask the city manager some very important questions. Civano had demonstrated more than 30 percent overall savings of energy. If that was adopted throughout the city, there would not be an energy crises. The same thing went for water. Water consumption had been reduced overall by 30 percent and that was just in landscape standards and lot sizes alone. With reclaimed water it would be more than 60 percent. If reclaimed water could be made economically viable for anyone in Tucson there would not be a water shortage, but it had not been viable because of just the economics of providing individual residential reclaimed water. He asked if Pulte without exception was going to meet the water standards without reclaimed water. Was that in the standards? Would Pulte abide, as they said, with the upgrading of the sustainable energy standard with amendments and changes? Those hearings actually started this Wednesday in development services, where for the first time in about ten years, the energy standards would be upgraded as they were going about nationally. The Civano project was funded as a solar demonstration. All of the current builders were committed to providing solar hot water heating and he would like to know that Pulte in the proposed amendments had again agreed to that term. It was a well-known technology.

Mr. Nichols, speaking to item 13 on the agenda, said transportation is a big component of the sustainability of a community. He said he has the good fortune of moving into a residence home office in Civano at the early part of next year. It is dual zone, commercial below, residence above, and he can have 6 employees. He would like to see it integrated throughout the Civano development, not only in the later phases, but in the early phases as well. He said Civano is about innovation. The one concern is that there is a mono-culture coming and they had agreed at one point to 5 percent of the lots being available for custom builders to come in and build innovative homes. He would like to see that that language is in the proposed amendments because innovation is what the project is all about. He said he is in favor of the project, but he wanted to see that provision in writing. He had heard the good word and he would like to see it.

Valerie Rauluk, current chair of the Tucson-Pima metropolitan energy commission, commended Mr. Martinez and Mr. McCrory, saying they had done an incredible job. In fact, that was really important in terms of the quality of the documents, as the quality of the process throughout the last year and a half had been unbelievably open and collaborative and a model of processes of these sorts. She pointed out that the neighborhood leadership group had been amazing in this whole game as well. The commission reviewed the documents, they quickly reviewed the most recent version and it looked like everything they thought was going to be in the documents was in the documents. They have reviewed the documents and they believed that the revisions of the agreements before the council enhance and sustain the achievements of the current Civano project. She encouraged the council to adopt them. The council had heard about the metropolitan energy commission's historic role. They really initiated the project many years ago and there had been many people on the energy commission that worked on the project. They met monthly, eleven times in the last 12 months, and they had a quorum every time. A standing item on their agenda was Civano, so they looked at the project even before the proposed amendments showed up. They looked at the issues, the impact statements; it was something they had looked at all along. What they saw as good in the proposed documents in terms of enhancements was that the impact standards and monitoring had been enhanced. The sustainable energy standard and applicability of revisions had been affirmed and they were currently in the process of revising some key aspects of the sustainable energy standard. She asked the council to keep in mind that most of that was done in the early 1990s when the idea of having solar energy incorporated into a reduction building environment was unknown. No one knew how it was going to work out, but now a lot of things were known. The community had learned a lot of things.

Ms. Rauluk said she talks to the United States department of energy on a regular basis and knows that they were grateful for the kinds of things the commission had learned about energy and solar because of the Civano project. The commitment to solar energy had been sustained in the revisions to the agreement. A new item had been added, which was in support of solar access. That was something that was not conceived of in the early 90's and it had been added. She noted mention was made about the passive solar aspect and said an isolated comment had been made over the years, as Civano had gone from a vision to a reality that somehow passive solar had been ignored. First of all, passive solar design aspects were in the agreements. She saw them in the recent version, which was just handed to her two hours ago, but the important thing to remember was that there were probably 25 different aspects of passive solar design. One aspect, the house orientation, which seemed to have been a focus of criticism, the commission found that in the practice in Civano and in the country, whole house orientation with passive solar aspect did not

matter when the setup had a cooling load more than a heating load. The whole issue of whole house orientation was a non-issue. There were some design issues related to passive that were important, but frankly, the energy requirements that there be 50 percent less energy, picked up the benefits of that aspect. She advised the council to accept the agreement and move forward. Frankly, they were really looking forward to having the issue settled so that Civano could move on to be even more interesting and exciting to the community.

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

Lee Rayburn, said he would join the long parade in praise of Mr. Martinez, at the same time saying to all of city staff that they had done an incredible job over the past year of really bringing clarity to what was a very broken apart process and he thought they should be commended. That was the theme he wanted to touch on at this meeting. He is a resident of Civano, he has a long history with Civano, and he was speaking in full support of the changes that are going to be made in the development agreement, and as an enthusiastic supporter of Pulte. Pulte signed a document 18 months ago. He first started talking to Pulte about Civano four years ago and he was glad to see they were coming close. They were really taking on the role that he believed they were destined to do. There was no question that Pulte was the best mass production builder in the United States and the closest to the Civano standards. He thought they would take Civano where it needed to go in a very exciting way. Having said all that he was going to make a proposal to the city council. This item consisted of a number of documents, some of which had just been made public. Ms. Savel did a fabulous job of shocking even him about the number of other documents that must somehow be coordinated in moving Civano forward. He had a deep concern that the project was close to having clarity, but was not quite there.

Mr. Rayburn was concerned that despite the best intentions, the Civano project may be going back to its early days when many expectations arose out of the best of intentions and the best of trust, when things were almost clear, but not quite clear enough and out of that lack of clarity came struggles that he did not want to see repeated. He thought everyone wanted to see this project go forward and go forward successfully. He proposed that the city council go ahead and approve Pulte's right to begin development. Everyone recognized that Pulte had been working on the project for 18 months with great diligence and they deserved and needed the right to go ahead. That had to happen, but he asked the council to continue its consideration of the changes in the development agreement for a month, so that some questions could be answered, so that maybe Pulte could put a booklet together that showed what they intended for the look and feel of the new neighborhood that they would be developing, how it would be integrated, and answer some of the questions that had arisen. In some of the documents that were distributed earlier in the day there was language about economic feasibility and he thought many people in Tucson would like to have a discussion about exactly what that meant. He thought many people would like to understand a little better how the commercial and retail would be integrated with the residential. He knew that he was a majority of one in asking for a continuation, but he thought he was doing it out of absolute loyalty to the project and that it would create a win-win situation for everybody. It would be a win for city staff who had labored so hard to get the project to this point and one more month to consider the few small details would be a win for Pulte. In going forward, they would have less community opposition as things became real and some of the problems would be solved in advance.

He thought it was a win for Fannie Mae and the community of Civano for the same reason and a win for the city council. He asked the council to consider that approach.

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

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

Mayor Walkup asked the city clerk to read resolution 19741 by number and title only.

Resolution No. 19741

Relating to development, authorizing the execution of a revised Civano Development Agreement; and declaring an emergency.

Kathleen S. Detrick, city clerk, announced that she had clerical corrections to the development agreement to read into the record. First, it was reported to her that errant word "Drexel" was deleted at the end of section 3.1.1.1, which was on page five of the agreement. The second correction was that the reference "they" was inserted following "above" and before "may" in the fourth line in section 3.1.1.2, which was on page five. The third correction was that section number 3.3 was added for the section on joint responsibilities and the reference to this section was added to the table of contents on page 10. Fourth, the address for Case Enterprises was added on page 17, and lastly, the address for Bruce Tempkin was added on page 18.

Mayor Walkup asked the council's pleasure.

Council Member Scott saluted Mr. Martinez. He came to her office more than 18 months ago and said he had just been given the project and was not sure what to expect. He asked her to help him understand what to start with. Based on the most miniscule, tiny little pieces of information that she provided to him in the most professional way he put together a team within the community and city staff and ran like a professional who had done it all his life. She thanked Fannie Mae, Pulte Homes, Mary Beth Savel, and all of the people who have participated in the public way. All of the meetings had been a real give and take and what the council had before it was a wonderful document that was developed through blood, sweat, and tears. It was a very good and excellent document thanks to the work of city staff, particularly Mr. Martinez.

It was moved by Council Member Scott, seconded by Council Member Dunbar, that resolution 19741 be passed and adopted.

Mayor Walkup asked if there was any further discussion.

Council Member West said she had all kinds of questions about the amendments, but it was late so she would not ask all of them. However, the agreement said that the city would have a project manager and she was really concerned about who that would be. She asked if it would be Mr. Martinez.

Albert Elias, planning department director, said Mr. Martinez would continue to play a role in the project and he would serve as the project manager as the proposed agreements were implemented.

Council Member West said she thought there was a strong need to monitor the development to make sure it stays on track. A couple of speakers had expressed some concerns and she shared those concerns. The subject development was not just an average or ordinary project. It started out as a grand experiment and of course the parties had become more realistic over time and she thought Ms. Rauluk's comments were particularly interesting and would like to have further discussion with her in the future. The other thing that she wondered about was if the wastewater plant at Pantano would be a part of the wastewater bonds.

Mr. Elias said in the bonds that were being considered for the special election in May, a new wastewater treatment plan was not included for this part of the community. All of the bonds were earmarked for improvements to existing infrastructure and conveyance systems, and improvements to both the Roger Road and the Ina Road Treatment Plants.

Council Member West said that was one of the major concerns that she had about the project. There really was a need for a wastewater plant in that part of the community, but she guessed there would be no discussion on that at this meeting. It seemed to her that a lot of the concerns that Mr. Rayburn had were addressed in the agreement. She asked if that was correct and said she thought city staff and Mr. Pulte were going to have to pay particular attention to the system monitoring report. She knew they had worked the agreement out, but that was her major consideration. She planned to support the resolution, but she thought constant vigilance would be needed to make sure that everything was done. She noticed the materials called for prompt review on the part of city staff and asked if that was really going to happen.

Mr. Keene said it absolutely was going to happen. Staff did not want to be back before the council and going through this session again.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Resolution 19741 was declared passed and adopted by a roll call vote of 7 to 0.

**13. PUBLIC HEARING: ZONING (C9-91-14) CIVANO/PULTE - BILBY ROAD, R-2, C-2 AND I-1 ZONING, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION**

Mayor Walkup announced that city manager's communication number 631, dated December 8, 2003, would be received into and made a part of the record. He also

announced that this was the time and place legally advertised for a public hearing on a change of condition of the current *Civano Master Plan*. He asked if the applicant wished to make a brief comment before the public hearing.

Mary Beth Savel, Lewis and Rocca, 0, on behalf of Pulte Home Corporation and the Community of Civano, said they were in support of the staff report as presented to the mayor and council including the conditions imposed upon the change of rezoning condition in exhibit "A", as well as the 28 rezoning conditions imposed on this change in rezoning condition as exhibit "B". This was a change of rezoning condition only; they were not proposing to change the existing zoning on the property, merely to make minor changes to the *Civano Master Plan* to allow the development to occur as proposed by Pulte Home Corporation.

Mayor Walkup announced that the public hearing was scheduled to last for no more than one hour and speakers would be limited to three-minute presentations. He had received three written requests from people wishing to speak and would call on those people first.

Jeff Simms, said he was concerned about some of the connectivity issues between Civano and the property, the residents and the commercial property.

Simmons Buntin, association spokesperson for Civano Neighbors Neighborhood Association, thanked the council for the opportunity to speak on behalf of the association in support of the proposed condition of the rezoning. He wanted to talk a little more about the process and how they got to this point. In relation to what Council Member West said about constant vigilance, he said that was really the foundation for the discussion between the neighbors, Pulte, and the city. While it had been a time consuming process it had really been a process that the neighbors would hold the other builders and developers to. They might not be happy to hear that, but he thought it was an important process.

Pulte came to the neighbors in December of 2002 and since then held a series of meetings with the neighbors rolling up their sleeves to figure out how to get where they wanted to go. He thought it was important to mention how far Pulte had come in its proposal. It had come a long way and that meant a lot to the neighbors, not only because the initial proposal was lacking, but also it showed how willing Pulte was to negotiate and appreciate what Civano was about. The association supported the change of conditions of rezoning if the condition identified in their updated position statement and agreed upon by Pulte was included, which was that the construction of the row of homes on the north edge of the proposed Civano II plat be set aside to coordinate with planning and development of the area to the north.

Mr. Buntin thought that in part addressed the concern about the integration of commercial and in lieu of a planned area development that included commercial and residential was a great solution. He said those were things that were not actually in the ordinance, but were agreements that they worked out. Architectural elevation changes should be made to some of the homes in the proposed Civano II plat to include what he believed were the park point homes and that street trees be planted on the street. That was actually a concern of the residents knowing that they were not going to have the planned area development. He knew this was just a beginning, they had a Pulte working group under the neighborhood association that was committed to moving forward in

discussions with Pulte. They had agreements in place and he believed the mayor and council had an opportunity to see those. They were dated February 11, and they would be involved in the process for neighborhoods two and three beyond and of course in relation to supporting the nine and a half-acre rezoning. They would continue to push Pulte to meet the original vision of Civano. It was something they had worked with Pulte on and they would continue to do that. He thought this was a great opportunity to see a bit of a paradigm shift for a national builder to see how they could really move into a mold and see if that could work. He did not think anyone could do that if Pulte couldn't and he believed they could. He was happy to support that and recognized the community for the process.

Alan Nichols, PE, said transportation reduction was one of the goals of this project and one way to achieve transportation reduction was the integration of home offices in the community. He knew that there were more than 30 home offices already in the development, single proprietor type offices and the development was also growing in numbers of professional offices that were lived in and work in residences where more than one employee could be on the premises. That worked perfectly for his business. There was a notion that commercial did not work in Civano. He said retail did not work unless it was on a main highway, but professional offices were attracting people to that office and they came seeking that office. They did not need the visibility from the street. In zoning, the notion of the home office, the work office, where more than one employee could be on the premises needed to be kept in the planning. It was important for integrating the work into the community with professional offices like engineering offices, doctors, lawyers, those types of businesses where they are looking for that person and not just driving by, seeing a sign. That was not in the first development, but it did need to be in the development of Civano.

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

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

Mayor Walkup asked the city clerk to read ordinance 9919 by number and title only.

Ordinance No. 9919

Relating to zoning: amending rezoning conditions in the area located at the northeast corner of Bilby Road and Houghton Road in case C9-91-14, Civano/Pulte – Bilby Road, R2 and C-2 zoning; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Scott, seconded by Council Member Dunbar, that ordinance 9919 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, Scott and Leal; Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Absent/Excused: None

Ordinance 9919 was declared passed and adopted by a roll call vote of 7 to 0.

Council Member Scott said the subject project was wonderful, the only one of its kind on the planet.

Mayor Walkup thanked everyone and said the council looked forward to being invited for a tour.

**14. PUBLIC HEARING: (SE-03-03) AVENTIS BIO SERVICES -- 12<sup>th</sup> STREET SPECIAL EXCEPTION LAND USE**

Mayor Walkup announced that city manager's communication number 620, dated December 8, 2003, would be received into and made a part of the record. He also announced that on November 26, 2003 the applicant withdrew this request and asked for a motion to accept that request.

It was moved by Council Member Leal, seconded by Council Member Ibarra, and carried by a voice vote of 7 to 0, to accept the applicant's request to withdraw the request for special exception land use in zoning case SE-03-03.

**15. PUBLIC HEARING: ZONING (C9-91-13B) LA COLONIA SEIS - CAMPBELL AVENUE, R-2/C-1 TO OCR-1 ZONING (7<sup>TH</sup> STREET PORTION ONLY, SOUTHEAST CORNER OF CAMPBELL AVENUE AND SIXTH STREET) CITY MANAGER'S REPORT**

Mayor Walkup announced that city manager's communication number 632, dated December 8, 2003, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a hearing with respect to a request to include 7<sup>th</sup> Street between Campbell Avenue and Norris Avenue in the rezoning site for C9-03-18 La Colonia Seis – Campbell Avenue. He asked if the applicant or a representative was present and if so, did they wish to make a presentation.

Frank Bangs, representing the applicant, La Colonia Seis, LLC, said Jim Horvath, the principal of La Colonia Seis, and Raul Reyes, project architect, were present also. He said this was the same rezoning case the council heard in November and the purpose of this case was to clarify where the southern boundary of the rezoned project is. The staff report described what was happening and nothing had changed since November, it was the same development. Since then the applicant had been working diligently with the council's staff on the development plan and they should be within a week or more of its approval. At the same time they had been working with the Sam Hughes Neighborhood Association and finalizing some documents, specifically the parking management security plan and the sign regulations for the development. He was happy to report that they were just about finished with those and the association would also address that. He introduced Mr. Horvath.

Jim Horvath, thanked the Sam Hughes Neighborhood Association members for being realistic and open minded, especially those neighbors closest to the project. He thanked the board members for their wisdom and support, a big thanks to those who participated on the zoning committee and said he was confident that their tireless efforts and hours of discussion would result in a first class project. Even those people who did not support the rezoning demonstrated a strong sense of community, which he respected. He gave special thanks to Mary Zulli, Paul Mackey, Ted Hindracher, Simon Washington, and John Schwartz. He appreciated their leadership and participation. He thanked city staff, James Keene, Albert Elias, Hector Martinez, Ernie Duarte, Craig Gross, Glenn Moyer, and the planning staff for their foresight and assistance. He hoped the Sam Hughes at the corner development would be the outstanding example of mixed-use urban development that all of those people envisioned. He thanked the mayor and council for their support and interest in the project, especially Vice Mayor Ronstadt and his aides.

Mayor Walkup announced that the public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations. He called on the first speaker.

John S. O'Dowd, noted he had addressed the council and the zoning examiner four or five times during this process and each time he had been consistent and continued to oppose the rezoning. He thought there were flaws in the process that needed to be considered, the main one being this public hearing. He did not think the council had jurisdiction to hear this item. He did not believe a defect in a hearing notice, referring to the hearing on the original rezoning, could be cured or remedied by a hearing on a part of that rezoning. He thought the proper procedure was to re-advertise the entire rezoning case. Taking it apart and having a separate hearing on the 7<sup>th</sup> Street portion was in effect saying that there were two rezoning cases. That was not the case, there was one rezoning application, it was improperly noticed and it should have been noticed a second time for the entire application. Instead, this hearing was being held on an improper notice because it did not adequately inform nor could it adequately serve to remedy the original defect.

His second point was that one of the conditions that the mayor and council put in the transfer of 7<sup>th</sup> Street to the developer was that "consent of the adjacent owners be obtained by the developer." That was right in the offer that was part of the ordinance and that had not been done. Two people who owned property right on 7<sup>th</sup> Street, south between Norris and Campbell did not consent. He spoke to one of those people earlier in the day and that person did not want to consent.

He believed that putting a parking lot in front of his duplex would devalue his property, would in effect allow people to be parking there and allow the possibility of the tailgate parties and such because the developer in this case had asked for extensions for several event situations where the retail and bars could be open late in the evening. He thought the council must follow its own ordinance, which said that the transfer was subject to the approval or consent and those consents must be obtained. He thought the council needed to have some kind of policy on participation by the city manager in the process of the neighborhood deciding whether or not to approve a rezoning. In this case the city manager appeared at several crucial neighborhood meetings. He spoke as an official of the city and was a resident of the neighborhood. When he spoke to the residents he should have recused himself from participating after making his position as a neighbor and

taking a position in the neighborhood meetings. That kind of situation should be avoided because many of the neighbors took the fact that he was appearing as some kind of endorsement by the city, but he was wearing two hats and that should not occur.

Mr. O'Dowd pointed out that no appraisal was done on the value of the street. Mr. Martinez opined that maybe it was worth \$43,000 above the \$17,000 and that the city transportation department said. That department did all of the city's appraisals and should have done so in this case. It was not a \$53,000 guess by Mr. Martinez. Mr. Martinez took the amount Mr. Horvath paid per square foot for the 3.2 acres and multiplied it by the 29,000 square feet of the street and he came up with about a \$300,000 value. His method was crude, he was not an appraiser, but he thought the city should have had an appraisal before transferring this matter. They had a city policy and it was a violation of city policy not to do that. He believed even if the city kept the street and rented the spaces to university students at \$400 a month, \$20,000 a year could be raised to give to kids, for example, who needed KIDCO. Those kinds of programs were being cut and the city should not be giving away its property. He noted his time was up and said there was a historic structure on the subject site and some representations were made that some effort would be made to preserve it. There was no effort to save it. He said it was a real pity that the city's historic sites were being destroyed and that developers, city council members, and city bureaucrats could not be found that wanted to preserve them. In the parts of the city where there were older buildings, demolition permits should not be issued without some inquiry as to the age and historic significance of the building.

Mary Zulli, said she hoped this was the last time she would ever have to address the mayor and council on this rezoning case. The Sam Hughes Neighborhood Association had been working from the beginning with Vice Mayor Ronstadt and city staff to try to come to an agreement that everyone in the city could live with. They were especially happy that Albert Elias, planning department director, was able to get involved in the case before he became director of the planning department. The support of the mayor and council as well as city staff had really allowed some leeway in knowing that the residents' interests would be protected even as they were taking some chances with the subject development. As a result she thought they had come to a kind of development that the neighborhood was willing to live with, could grow with and expand with in the sense that the subject block until now had been lost to them. She thought they were going to be getting it back and she was very pleased with that. She wanted to make a couple of points for the record. Unfortunately, some of the comments that were made at the zoning hearing had been lost and she would like them to be on the record. One of those points was that the board authorized her request that the little sliver being discussed at this meeting be zoned P1. The reason she wanted that done was to some extent symbolic. The OCR-1 designation had worried a lot of people. People were very concerned that should some notice not be given to the neighborhood later, the use of that property could change significantly. It was very important to the association that while the street was shut off to vehicular traffic it should remain a thoroughfare for pedestrians, bicycles, and even for cars. She said the openness of that space was important to the neighborhood and they would like to be on the record, that was the case. She also wanted to emphasize that the part of the memorandum of understanding that suggested any major change to the development plan be noticed to both the Sam Hughes Neighborhood Association as well as the Rincon Heights Association should be part of the rezoning conditions. It was very important to them, knowing that neighborhood associations were not always as organized as they could be and so on. It was very important that notice be given in enough time so

that those people who lived closest as well as the rest of the neighbors would have time to input what they needed, especially given that OCR-1 had so many possible uses. That was very important to the association.

Ms. Zulli thanked all of the members of the mayor and council, city staff, and the developer, for working as long and as hard as they had to create something that she hoped would become a model for urban development in Tucson in the years to come.

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

Paul Mackey, said he had not intended to speak, but when comments were made before the zoning examiner there was a malfunction of the recording and there are no minutes of that hearing. At that hearing he made some specific remarks. The zoning examiner's communication said Mr. Mackey expressed concerns regarding signage and notification to Sam Hughes and Rincon Heights Neighborhood Association. He said it was more than concern. He was conveying specific information from the neighborhood association. As referred to by Ms. Zulli, the board had taken a position requesting that the 7<sup>th</sup> Street portion be considered for P1 zoning. He reiterated that it was not just a concern; he was conveying a specific action by the neighborhood association and the same thing applied to signage. Regarding notification, he suggested that a specific condition be added to the rezoning conditions, so it was not just a concern. Ms. Zulli just referred to it and what the neighborhood would like to see. He hoped a motion would be made to that affect, as an additional rezoning condition that the property owner would notify the Sam Hughes Neighborhood Association and the Rincon Heights Neighborhood Association in a timely manner of any proposed major change in the approved development plan. The reason for that was quite simple. They were dealing with a new zoning category, there was apprehension about what it would mean in the future and this was viewed as a condition that would reassure a number of people that if something was going to take place, they would be notified in a timely manner and have a chance to participate. They have had a number of situations in this whole process about notification, which he would not go into, but it would be an additional condition that would help people feel more comfortable with what was taking place. One of the reasons also was that there was another OCR-1 neighborhood plan rezoning project pending and they would like to see this one more or less as standard criteria in OCR-1 situations simply because there were so many possibilities with it.

Mr. Mackey said in Sunday's paper there was an item that said the city told neighborhoods, developers, and others to resolve their differences before they came to the council. He said it would be nice if that happened. He knew there had been comments by Council Member Scott about it earlier; but one of the things that was disturbing was that in this process, when they had the meeting with 300 people, Vice Mayor Ronstadt and the city manager, the city manager told them not to worry about the neighborhood plan, that when they got to the rezoning process the neighborhood would be fully involved every step of the way. Mr. Mackey said the problem was that no sooner was the plan amendment approved, but piggy-backed on it was the item about 7<sup>th</sup> Street. He said they did not mind if neighborhood association developers had to work these things out, but they wanted to have a level playing field. They did not want it tilted in one direction by an action of the city that addressed an area that normally would become one of discussion. They did have to spend some time with the developer, the developer was amenable to that, but they did have to go back and talk about landscaping in the area of 7<sup>th</sup> Street, bike paths, pedestrian

paths and so forth. The city should have had a role in that. They simply should not have said the city would do that and then left it to the neighborhood to have to work out the details. He suggested that in the future the whole process of alley vacation and things like that be clarified and made known as to how that works so that the residents don't find themselves in these situations.

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

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

Mayor Walkup asked the city clerk to read ordinance 9918 by number and title only.

Ordinance No. 9918

Relating to zoning: amending zoning district boundaries in the area located at the southeast corner of Campbell Avenue and Sixth Street in Case C9-03-18B, La Colonia Seis – Campbell Avenue, R-2 to OCR-1; and setting an effective date.

Mayor Walkup asked the council's pleasure.

Vice Mayor Ronstadt said he had a lot of questions, but he would hold off and just make a couple of comments. When the council took action in November on this item it approved a development plan and the development plan covered the entire property. It regulated and dictated what can and cannot happen on the entire property. That was essentially the guiding document for the development of the whole property. It included the sliver of property being discussed in this item and the concerns that had been expressed about the use of the property have already been addressed in the development plan that was supported by the council and obviously by the neighbors and the developer. He thought beyond that the proposed project was essentially what the council approved unanimously in November.

It was moved by Vice Mayor Ronstadt, seconded by Council Member Dunbar, to approve the request for rezoning as recommended by the zoning examiner; pass and adopt ordinance 9918 and include the requirement that the developer or property owner be required to notify any neighborhoods within a one-mile radius of the project.

Vice Mayor Ronstadt said if things or names changed, which most likely would not happen, but could, everyone in that area would be notified.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Ordinance 9918 was declared passed and adopted by a roll call vote of 7 to 0.

## **16. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

Mayor Walkup announced that city manager's communication number 619, dated December 8, 2003, would be received into and made a part of the record. He asked if there were any appointments by any member of the council.

Council Member Scott announced her personal reappointments of Al Wiruth to the Board of Adjustment; Marie Richard to the Citizen Transportation Advisory Committee; Cynthia Schiesel to the Citizens Police Advisory Review Board; Dan Santa Maria to the Citizens Sign Code Committee; Pamela Beilke to the Environmental Services Advisory Committee; Jean Baker to the Gay Lesbian Bisexual and Transgender Issues; Frank Salbego to the Greens Committee; Lynne Gillette to the Metropolitan Energy Commission; Thomas Curley to the Minority Women Business Enterprise Commission; Alan Lurie and Frank Thompson to the Planning Commission; Chris Cunningham to the Public Arts Commission; Mark Bahti and Mike Tone to the Rio Nuevo Citizens Advisory Committee; Dorothy Finley to the Tucson Convention Center Commission; and Wayne Braastad to the Tucson Rodeo Grounds/Parade Citizens Oversight Committee.

Mayor Walkup asked if there were any additional appointments.

Council Member West announced her personal appointments of Elizabeth Bottka-Smith to the Citizen Police Advisory Review Board; Joe Salazar to the Rodeo Ground/Parade Citizens Oversight Committee; Don Windmiller to the Small Business Commission; Carmen Pettiti to the Minority & Women Business Enterprise Commission; Robert Janseen to the Community Development Advisory Committee; Carmen Villa-Prezelski and Michael Crawford to the Rio Nuevo Citizen's Advisory Committee; Shannon McBride Olson to the Planning Commission; Joy Lyndes to the Tucson-Pima Metropolitan Energy Commission; Irene Ogata to the Citizens' Water Advisory Committee; and Clayton Hamilton to the Telecommunications Policy and Advisory Committee.

## **17. CALL TO THE AUDIENCE**

Mayor Walkup announced that this was the time any member of the public was allowed to address the mayor and council. Speakers would be limited to three-minute presentations. He asked if anyone wished to address the council.

### **A. Renaming of Fiesta Park**

Yolanda Herrera said it was definitely an emotional moment for her family when the council under item 8 renamed Fiesta Park to Manuel Herrera Park, after her father. She thanked Mayor Walkup and staff for helping to realize this honor. Her father asked her to extend his appreciation and thanks. Her family extended their thanks for bestowing this honor on their father who was instrumental in creating the park from a dumping site to a park for generations of not only Herreras, but for future generations of children within the

Sunnyside Neighborhood Association community. She also thanked each of the council members for their wonderful comments about her father.

**B. Quorum Requirements for Boards and Commissions**

William Adams said he wanted bring up the issue of quorums for a future agenda. There had been discussions earlier about making quorum requirements a percentage of people that are appointed.

Council Member Leal said the city attorney had advised that that was illegal.

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

**18. ADJOURNMENT: 11:18 p.m.**

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held on December 15, 2003, at 2:00 p.m., in the mayor and council chambers of city hall, 255 W. Alameda.

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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 8<sup>th</sup> day of December, 2003 and do hereby

certify that it is an accurate transcription of the magnetic tape record of said meeting.

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MANAGEMENT ASSISTANT

KSD:GG:DD:mjv  
Pr agnst tp:lr