



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on August 2, 2005

Date of Meeting: June 21, 2005

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:41 p.m. on Tuesday, June 21, 2005, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

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

Absent/Excused: None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Michael D. Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Ben Larson-Wolbrink, Campus Christian Center, after which the pledge of allegiance was presented by the entire assembly.

Presentations

- a. Mayor Walkup presented the Governor's Heritage Award to Marty McCune for the Rio Nuevo Public Outreach Program.
- b. Mayor Walkup, assisted by Council Member Ronstadt, presented a copper plaque to Major Michael A. Ryan as an extraordinary citizen for heroic action in Iraq.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 342, dated June 21, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Dunbar announced Ward 3 would host a town hall on Methamphetamines, an epidemic in our community on June 29, 2005 at Salpointe High School. The doors would open at 6:00 p.m. with the town hall held from 6:30 p.m. to 8:30 p.m.
- b. Council Member Scott acknowledged the success of Rita Ranch's fifth annual Family Fun Day, held at the end of May at Purple Heart Park with five thousand to six thousand in attendance. Council Member Scott also reported on a recent trip to Denver with the National League of Cities. The committee she chaired worked on federal budget issues, including Community and Development Block Grants and Hope VI. She also announced the Ward 4 fifth annual Back to School Bash would be held Saturday, August 13, 2005, from 7:00 a.m. to noon at the Clements Center with everything free of charge.
- c. Council Member Ronstadt reported the City of Tucson had a pay subsidy program in place that guaranteed current salary levels to City employees who were deployed. It was one way the Mayor and Council recognized and expressed gratitude for their efforts. Council Member Ronstadt also requested young citizens continue to send pictures of the elephants Connie and Shaba to 3202 East First Street, Tucson, AZ 85716. These pictures would be a part of the fundraising packets used to raise business donations. He also said the Tucson Zoological Society was accepting donations for the Zoo School and had set up a separate account for the elephants.

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

Mayor Walkup announced City Manager's communication number 343, dated June 21, 2005, would be received into and made a part of the record. He announced this was the time scheduled to allow the City Manager to report on current events, and asked if there were any reports.

Mike Hein, City Manager, reported:

- a. Van Tran driver Edward Trujillo recently took top honors in the Van Tran Rodeo competition testing the driving skills and knowledge of traffic rules and regulations of Van Tran drivers. Mr. Trujillo would represent Van Tran and compete against other paratransit companies' drivers in the national competition next May in Orlando, Florida.
- b. Friday, June 24, 2005 would be Human Resources Director, Teri Traaen's last day with the City of Tucson. All wished her well as she continued her career as the General Manager of Human Resources for the City of Scottsdale.

10. CITY MAGISTRATES: APPOINTING A CITY MAGISTRATE

(Note: Item 10 was taken out of order)

Mayor Walkup announced City Manager's communication number 350, dated June 21, 2005, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10167 by number and title only.

Ordinance No. 10167 relating to City Magistrates; appointing Theodore C. Abrams as City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.

Council Member Leal said when Judge Abrams came forward initially, he knew him from other walks of life. It had been his pleasure to hear comments from many people as to what a good job Judge Abrams had done. Council Member Leal thought the Council had done well when they hired him the first time and that night he wished to make a motion to hire him not with hope, but with gratitude for his service.

It was moved by Council Member Leal, duly seconded, to pass and adopt Ordinance 10167.

Vice Mayor Dunbar stated she also wished to compliment Judge Abrams on an excellent job. There was a bit of controversy last time and she was glad he had proved her wrong. Judge Abrams received glowing remarks from City Court and everyone was very proud of him. Vice Mayor Dunbar thanked him.

Council Member West said she too had known the Judge for a very long time and wanted him to know how very proud she was of him. The people coming into court were often in very difficult situations and she thanked him for being a compassionate, temperate judge.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

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

Nay: None

Ordinance 10167 was declared passed and adopted by a roll call vote of 7 to 0.

Mayor Walkup also commended Judge Abrams on a job well done. There had been glowing reports from people that he had served in the community and all the Council agreed he had done a superb job. Mayor Walkup said he expected the Judge to continue to serve the community as he had in the past and thanked him.

11. CITY MAGISTRATES: APPOINTING A SPECIAL CITY MAGISTRATE

(Note: Item 11 was taken out of order.)

Mayor Walkup announced City Manager's communication number 351, dated June 21, 2005, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10168 by number and title only.

Ordinance No. 10168 relating to City Magistrates; appointing Pamela Katzenberg as Special City Magistrate to serve upon call by the Chief Executive Officer of the Court; fixing compensation and declaring an emergency.

It was moved by Council Member Ronstadt, duly seconded, to pass and adopt Ordinance 10168.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

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

Nay: None

Ordinance 10168 was declared passed and adopted by a roll call vote of 7 to 0.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 338, dated June 21, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License

1. Royal Sun Restaurant, Ward 1
1015 N. Stone Avenue
Applicant: Patricia Ellen Alvin
Series 12, City 36-05
Action must be taken by: June 23, 2005
Revenue Division has indicated the applicant is not in compliance with city requirements.
Considered separately.
2. Asadero Y Taqueria Sonora, Ward 5
3398 S. 6th Avenue
Applicant: Jesus Badillo
Series 12, City 39-05
Action must be taken by: July 1, 2005
Development Services Department has indicated the applicant is not in compliance with city requirements.
Considered separately.
3. El Pescado Feliz, Seafood Restaurant, Ward 3
840 E. Fort Lowell Road
Applicant: Oscar Rembao
Series 12, City 40-05
Action must be taken by: July 4, 2005
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

1. Southern Arizona Association for the Visually Impaired (SAAVI), Ward 3
3767 E. Grant Road
Applicant: Michael O. Gordon
City T47-05
Date of Event: July 8, 2005
Fundraising
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, that liquor license applications 5b3 and 5c1 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. New License

1. Royal Sun Restaurant, Ward 1
1015 N. Stone Avenue
Applicant: Patricia Ellen Alvin
Series 12, City 36-05
Action must be taken by: June 23, 2005
Revenue Division has indicated the applicant is not in compliance with city requirements.

Kathleen S. Detrick, City Clerk, announced the first liquor license to be considered separately was application 5b1, Royal Sun Restaurant. The license is located in Ward 1.

Council Member Ibarra asked Scott Douthitt to come forward and explain why the applicant was not in compliance.

Scott Douthitt, Director of Finance, stated two reasons the applicant was not in compliance. The applicant owed the City of Tucson money from a prior business entity and the business was currently operating without a license. The Revenue Department had made repeated attempts to contact the applicant, the latest attempt being the previous week.

Council Member Ibarra asked if the applicant was present. She was not.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b1, Royal Sun Restaurant, be forwarded to the Arizona State Liquor board with a recommendation for denial.

5. LIQUOR LICENSE APPLICATIONS

b. New License

2. Asadero Y Taqueria Sonora, Ward 5
3398 S. 6th Avenue
Applicant: Jesus Badillo
Series 12, City 39-05
Action must be taken by: July 1, 2005
Development Services Department has indicated the applicant is not in compliance with city requirements.

Kathleen S. Detrick, City Clerk, announced liquor license application 5b2, Asadero Y Taqueria Sonora, was the final application to be considered separately. The license is located in Ward 5.

Council Member Leal asked staff why the applicant was not in compliance.

Walter Tellez, Zoning Administrator for Development Services Department, said their recommendation was based on the outside patio indicated on the north end of the building. It had not been approved on any plans submitted for permits, but was included in the liquor license area. Staff matched approved plans with applications. If the plans did not match, then Development Services recommended denial until the plans were revised.

Council Member Leal asked Mr. Tellez if the applicant had been made aware of this some time ago.

Mr. Tellez said Development Services had been sending letters.

Council Member Leal said it was a troubling indicator when the City had clearly explained the problem to the individual and, in spite of that, they continued to carry forward their intentions. It showed an indifference to the law that they were willing to take a chance and see if they could get what they wanted, irrespective of the rules. He thought it told a great deal about the applicant and advised the Council they should recommend for denial, because the applicant should not be given the significant authority of a liquor license in the state of Arizona.

Council Member Leal asked if the applicant was present. No one came forward.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b2, Asadero Y Taqueria Sonora, be forwarded to the Arizona State Liquor board with a recommendation for denial.

6. CONSENT AGENDA ITEMS A THROUGH K

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

A. ECONOMIC DEVELOPMENT: TRANSFER OF MANAGEMENT AUTHORITY AND GRANTEE AUTHORITY OF THE TUCSON PIMA ENTERPRISE ZONE AND THE TUCSON EMPOWERMENT ZONE TO TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC.

1. Report from City Manager JUNE21-05-341 CITY-WIDE AND OUTSIDE CITY

2. Resolution No. 20107 relating to Economic Development; authorizing and approving the transfer of the management authority of the Tucson Pima Enterprise Zone and the Tucson Empowerment Zone, and all rights associated with the BusinessLINC program and the Tucson Locator.com website from the City of Tucson to Tucson Regional Economic Opportunities, Inc., an Arizona non-profit corporation; authorizing City staff to pursue the transfer of the grantee authority of Foreign Trade Zone Number 174, from the City of Tucson to Tucson Regional Economic Opportunities, Inc., an Arizona non-profit corporation; and declaring an emergency.

B. FINANCE: TRANSFER OF FUNDS FROM THE WARD 5 OFFICE BUDGET TO THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC) FOR THE 17TH ANNUAL YOUTH LEADERSHIP CONFERENCE

1. Report from City Manager JUNE21-05-352 WARD 5
2. Resolution No. 20111 relating to finance; authorizing and approving the transfer of five thousand (\$5,000.00) dollars from the Ward 5 Office budget to the Contingency Fund for use by the League of United Latin American Citizens (LULAC) to help support the seventeenth Annual Youth Leadership Conference; and declaring an emergency.

Item B was considered separately at the request of Council Member West.

C. PARKS AND RECREATION: AFFIRMING THE CITY'S INTENTION TO CONTINUE TO HOUSE ELEPHANTS AT THE REID PARK ZOO

1. Report from City Manager JUNE21-05-353 CITY-WIDE
2. Resolution No. 20112 relating to Parks and Recreation; affirming the intention to continue to house elephants at the Reid Park Zoo (RPZ) consistent with the American Zoo and Aquarium Association (AZA) Elephant Species Survival Plan; and declaring an emergency.

Item C was considered separately at the request of Council Member Ronstadt.

D. FINANCIAL PARTICIPATION AGREEMENT: WITH TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC. FOR ECONOMIC DEVELOPMENT SERVICES

1. Report from City Manager JUNE21-05-345 CITY-WIDE
2. Resolution No. 20109 relating to Financial Participation Agreements; authorizing and approving Fiscal Year 2006 Financial Participation Agreement with Tucson Regional Economic Opportunities, Inc.; and declaring an emergency.

E. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR UNDERGROUND STORAGE TANK INSPECTIONS

1. Report from City Manager JUNE21-05-346 CITY-WIDE
2. Resolution No. 20108 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with the Arizona Department of Environmental Quality for Underground Storage Tank Delegation Contract Renewal; and declaring an emergency.

Item E was continued at the request of staff.

F. LICENSE AGREEMENT: WITH PIMA COUNTY FOR ACCESS TO THE GIS INTERNET PORTAL

1. Report from City Manager JUNE21-05-340 CITY-WIDE
2. Resolution No. 20110 relating to Information Technology; authorizing the Information Technology Director to sign and execute License to Use Agreements between the City of Tucson and Pima County for access to the GIS internet portal for the sharing of development plans and subdivision plats; and declaring an emergency.

G. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH CAFE POCA COSA FOR PROPERTY LOCATED AT 120 EAST PENNINGTON STREET (CONTINUED FROM THE MEETING OF JUNE 14, 2005)

1. Report from City Manager JUNE21-05-348 WARD 6
2. Ordinance No. 10160 relating to real estate; authorizing and approving the lease of certain City-owned real property located at 120 East Pennington Street to Cafe Poca Cosa; and declaring an emergency.

H. ELECTION: CALLING A PRIMARY ELECTION ON SEPTEMBER 13, 2005 AND A GENERAL ELECTION ON NOVEMBER 8, 2005

1. Report from City Manager JUNE21-05-349 CITY-WIDE
2. Ordinance No. 10169 relating to elections; pursuant to the provisions of Chapter IV, Section 1(20) and Chapter XVI, Section 6, of the Tucson Charter, and of Arizona Revised Statutes, Section 16-204, calling the September 13, 2005 City primary election and the November 8, 2005 City general election.

I. FINANCE: TRANSFER OF FUNDS FROM THE WARD 1 OFFICE BUDGET TO THE PARKS AND RECREATION DEPARTMENT FOR THE SENIOR SOFTBALL LEAGUE

1. Report from City Manager JUNE21-05-354 WARD 1
2. Resolution No. 20113 relating to finance; authorizing and approving the transfer of one thousand, two hundred sixteen dollars (\$1,216.00) from the Ward 1 Office budget to the Parks and Recreation Department for the Senior Softball League softball field rental fees; and declaring an emergency.

Item I was considered separately at the request of Council Member West.

J. FINANCE: TRANSFER OF FUNDS FROM THE WARD 3 OFFICE BUDGET TO THE TUCSON POLICE DEPARTMENT FOR NEIGHBORHOOD RESOURCE GUIDES ON METHAMPHETAMINE LABS

1. Report from City Manager JUNE21-05-355 WARD 3
2. Resolution No. 20114 relating to finance; authorizing and approving the transfer of six thousand, two hundred fifty dollars (\$6,250.00) from the Ward 3 Office budget to the Tucson Police Department to purchase Neighborhood Resource Guides on Methamphetamine Labs; and declaring an emergency.

Item J was considered separately at the request of Council Member West.

K. FINANCE: TRANSFER OF FUNDS FROM THE MAYOR'S OFFICE BUDGET TO JOB PARTNERSHIP, JUNIOR ACHIEVEMENT, AND THE TUCSON POLICE DEPARTMENT FOR VARIOUS PROJECTS

1. Report from City Manager JUNE21-05-356 CITY-WIDE
2. Resolution No. 20115 relating to finance; authorizing and approving the transfer of five thousand dollars (\$5,000.00) from the Mayor's Office budget to be disbursed to Job Partnership, Junior Achievement and the Tucson Police Department; and declaring an emergency.

Item K was considered separately at the request of Council Member West.

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

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

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

Nay: None

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

B. FINANCE: TRANSFER OF FUNDS FROM THE WARD 5 OFFICE BUDGET TO THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC) FOR THE 17TH ANNUAL YOUTH LEADERSHIP CONFERENCE

1. Report from City Manager JUNE21-05-352 WARD 5
2. Resolution No. 20111 relating to finance; authorizing and approving the transfer of five thousand (\$5,000.00) dollars from the Ward 5 Office budget to the Contingency Fund for use by the League of United Latin American Citizens (LULAC) to help support the 17th Annual Youth Leadership Conference; and declaring an emergency.

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

Council Member West stated the City had just come through the second cycle of the biannual budget process. All City departments were required to return unused operating funds to the General Fund. Now, some of her colleagues had set precedent by deciding they were above that requirement and could designate where their unspent ward office expense funds were to be used. These funds were taxpayer money that should not be used on the whims of elected officials. Council Member West had no quarrels with the entities that were the beneficiaries of the funds. The problem was how the agencies were acquiring the funds. Council Members could either give personal checks to the entities or bring the entities forward during the budget process, perhaps during CDBG (Community Development Block Grants), instead of trying to hide them on the Consent Agenda. Council Member West said she was going to vote no on each of the requests. The City was still in a tight budget situation. The money should have gone back to the general fund. She stated Council Members should follow what was in place as other people in city government were forced to do.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Item B be passed and adopted and the proper action taken.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

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

Nay: Council Member West

Consent Agenda Item B was declared passed and adopted by a roll call vote of 6 to 1.

C. PARKS AND RECREATION: AFFIRMING THE CITY'S INTENTION TO CONTINUE TO HOUSE ELEPHANTS AT THE REID PARK ZOO

1. Report from City Manager JUNE21-05-353 CITY-WIDE
2. Resolution No. 20112 relating to Parks and Recreation; affirming the intention to continue to house elephants at the Reid Park Zoo (RPZ) consistent with the American Zoo and Aquarium Association (AZA) Elephant Species Survival Plan; and declaring an emergency.

Kathleen S. Detrick, City Clerk, stated Consent Agenda Item C was removed at the request of Council Member Ronstadt.

Council Member Ronstadt recognized three elephant keepers from the Reid Park Zoo. He had the opportunity to be in the paddock with them as they took care of the animals and he wanted to reiterate that the City had a very dedicated Zoo staff who spent a lot of time and effort making sure the animals were as comfortable as possible. He wanted to thank them for their service to the Zoo, to the elephants, and to the community in general.

It was moved by Council Member Ronstadt, duly seconded, that Consent Agenda Item C be passed and adopted and the proper action taken.

Council Member Leal said he thought the Council had a good discussion at Study Session about various ways to move forward. He was glad they were going to attempt to move forward as a community. He did not have serious qualms with the motion that Council Member Ronstadt had made, but he thought there were still some risks for the overall project and the community by not giving more definition as to how they would come together as a community. Neither, what he suggested, or what Council Member Ronstadt suggested, locked in any exactitude, but were springboards for discussion. He felt more confident that there was a greater likelihood of coming together as a community if they started looking at the City and the County combined putting in three million dollars; two million dollars private fund raising and the balance as certificates of participation. He knew some details would need to be looked at. He felt it brought those that needed to be at the table in at the front end, so the Council would not end up in crisis mode later on, doing some expedient things which would put the Zoo project and other

City systems at risk. For those reasons, Council Member Leal said he felt more comfortable moving forward that way, as opposed to the way delineated in the staff write up.

It was moved by Council Member Leal, duly seconded, to substitute the motion to include the specific funding plan.

Mayor Walkup asked if there was any discussion on the alternate motion. He called on Council Member Scott.

Council Member Scott indicated she was sympathetic to the notion that there should have been more concrete structure. She said if she understood the thrust of the discussion at Study Session, the conversation centered more on the Resolution allowing the City Manager and City staff to come up with a financial strategy to address the issue without any concrete commitment. She understood Council Member Leal's issue, and she too would like to have seen some sort of cap on what the City would commit. There was a number of eight and a half million for the first phase of the elephant enclosure. No figure was offered, except what Council Member Leal was offering, to make this more definitive. She, like some of her colleagues, had talked to the County side and they were not on board at this time. She believed it was a financial strategy they were voting on in general with less of a concrete structure, so she was sympathetic to the idea of the cap or the number of dollars the City was proposing. She asked Mr. Hein if there was a permanent dollar amount that the City was committing to at that time.

Mike Hein, City Manager, stated that there was no cap in the resolution that would freeze the upper limit of the financial potential liability to the community. They tried to craft a resolution that would meet the obligations and the minimum requirements of the American Zoo and Aquarium Association, which it did. He indicated staff was open to suggestions, but they were trying to meet the obligation with the minimum level of commitment necessary while being given the opportunity to explore a broad range of financial opportunity to fund the capital. But, it did not cap it. What the staff had done was give an original estimate of eight point five million dollars. They took it to private contractors locally, asked them to review it, and it was reaffirmed. The next step was to reach out to the community, perhaps to the College of Architecture and seek further refinement to make sure they were in the ballpark.

Council Member Scott stated it was not a dollar amount, even though within the resolution it mentioned certificates of participation. She also asked Mr. Hein if those did not have a dollar amount.

Mr. Hein said in the resolution they suggested a variety of alternatives that could be explored. The mixture had not been decided contingent upon a feasibility study and a market study. Because the certificates of participation were mentioned in regard to raising fees in Zoo admissions, clearly staff would want to look at the potential market effect of any increase in the rates. They were unfamiliar with the membership structure as far as how many members there were. Also, if there could be a surcharge where a

portion of an increased membership fee was dedicated toward the elephants and also the ramifications on the programming activities of the membership activities in other categories. Mr. Hein stated then there would be a dollar amount associated with certificates of participation.

Council Member Scott said the resolution also mentioned proposing and funding the project through bonds. The City's participation, if it went with Council Member Leal's substitute motion, would include a dollar amount, the potential certificate of participation dollar amount, and this bond potential. The City was saying in the resolution that it would look at various modes and various opportunities, but at this time any one or combination had not been determined. She asked Mr. Hein if that was correct.

Mr. Hein said it was correct.

Council Member Ibarra said that he thought the entire Council supported the issue one hundred percent. He said the question became what kind of commitment would they make right now. They had known about the issue since March, so he asked were they going to just say they support the issue, or would they figure out a plan and bring it back by February 2006. Otherwise, as Council Member Leal was asking, would they make a commitment and say there were five areas for them to look at right now. The plan would then get back to Mayor and Council immediately so they would not have to wait until February 2006. He felt better making a commitment now because they cannot wait and give false expectations. He thought one of the problems was they waited until now to address the issue when they knew about it in March. He did not think it would be right to keep the community waiting and come up with a plan in February 2006. Council Member Ibarra respected his colleagues, who did want to wait until 2006 and thought the big issue was that they were all on board with helping out, but he felt the community deserved a plan now.

Council Member West agreed that a plan would be good, but it was completely unrealistic. Furthermore, by the hundreds of letters they received, the public understood this was a big commitment and that the City was going to have to find a funding plan for it. They had three years in which to do it. She stated the other point of asking the County to fund the project was unconscionable. They had not officially asked the County if they wanted to help. The County was already helping the City with the libraries, and it seemed to Council Member West that was enough.

Mayor Walkup asked for a roll call.

Ms. Detrick asked Mr. Leal to restate his substitute motion.

Mr. Leal said his motion, regarding the composition on how to solve the funding problem for the Zoo, was to have the City and the County contribute a million and a half each, have the private sector contribute two million, and certificates of participation be looked at for the balance. He wanted an analysis to look at what kind of a change would have to happen in entrance fees and membership fees to cover the debt service on the

approximate three and a half million. Council Member Leal stated the motion did not say that was what they would end up with, it simply said it was probably the most sober composition that brings the community together to solve the problem.

Upon roll call, the results were:

Aye: Council Members Ibarra, Scott, and Leal

Nay: Council Members West, and Ronstadt;
Vice Mayor Dunbar and Mayor Walkup

The substitute motion failed by a roll call vote of 3 to 4.

Council Member Ronstadt wanted to clarify the primary motion. The motion made a significant and serious commitment to the community. It followed through on the overwhelming number of comments, letters, phone calls and e-mails that had been received to preserve both the African and Asian elephants here in Tucson. Also, to create a facility to house them safely, healthily and with the hope of future animals. He did not believe it was appropriate to be restrictive. They all recognized what financial tools were out there and they were going to come together as a community and make it happen. Council Member West had repeated what was said earlier, that they had the time and breathing room to make sober decisions about how it could be financed responsibly, not just off the cuff to make points. He stated the reality was they did have time to do this and, right now, they had funding priorities with the Zoo School. They were not acting irresponsibly, but making a solid commitment. The America Zoo and Aquarium Association had already told them it was a solid commitment, and it was what the community wanted to see.

Mayor Walkup asked for a roll call on the main motion to pass and adopt Item C as presented on the Consent Agenda.

Upon roll call, the results were:

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

Nay: None

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

I. FINANCE: TRANSFER OF FUNDS FROM THE WARD 1 OFFICE BUDGET TO THE PARKS AND RECREATION DEPARTMENT FOR THE SENIOR SOFTBALL LEAGUE

1. Report from City Manager JUNE21-05-354 WARD 1
2. Resolution No. 20113 relating to finance; authorizing and approving the transfer of one thousand, two hundred sixteen dollars (\$1,216.00) from the Ward 1 Office budget to the Parks and Recreation Department for the Senior Softball League softball field rental fees; and declaring an emergency.

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

It was moved by Council Member Ibarra, duly seconded, that Consent Agenda Item I be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none. He asked for a roll call.

Upon roll call, the results were:

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

Nay: Council Member West

Consent Agenda Item I was declared passed and adopted by a roll call vote of 6 to 1.

J. FINANCE: TRANSFER OF FUNDS FROM THE WARD 3 OFFICE BUDGET TO THE TUCSON POLICE DEPARTMENT FOR NEIGHBORHOOD RESOURCE GUIDES ON METHAMPHETAMINE LABS

1. Report from City Manager JUNE21-05-355 WARD 3
2. Resolution No. 20114 relating to finance; authorizing and approving the transfer of six thousand, two hundred fifty dollars (\$6,250.00) from the Ward 3 Office budget to the Tucson Police Department to purchase Neighborhood Resource Guides on Methamphetamine Labs; and declaring an emergency.

Kathleen S. Detrick, City Clerk, stated Consent Agenda Item J was removed at the request of Council Member West.

It was moved by Vice Mayor Dunbar, duly seconded, that Consent Agenda Item J be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none. He asked for a roll call.

Upon roll call, the results were:

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

Nay: Council Member West

Consent Agenda Item J was declared passed and adopted by a roll call vote of 6 to 1.

K. FINANCE: TRANSFER OF FUNDS FROM THE MAYOR'S OFFICE BUDGET TO JOB PARTNERSHIP, JUNIOR ACHIEVEMENT, AND THE TUCSON POLICE DEPARTMENT FOR VARIOUS PROJECTS

1. Report from City Manager JUNE21-05-356 CITY-WIDE
2. Resolution No. 20115 relating to finance; authorizing and approving the transfer of five thousand dollars (\$5,000.00) from the Mayor's Office budget to be disbursed to Job Partnership, Junior Achievement and the Tucson Police Department; and declaring an emergency.

Kathleen S. Detrick, City Clerk, stated the last item to be considered separately was Consent Agenda Item K, which was removed at the request of Council Member West.

It was moved by Council Member Ibarra, duly seconded, that Consent Agenda Item K be passed and adopted and the proper action taken.

Mayor Walkup asked for a roll call.

Council Member Ronstadt declared a conflict of interest because his wife was the executive director of Junior Achievement.

Upon roll call, the results were:

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

Nay: Council Member West

Consent Agenda Item K was declared passed and adopted by a roll call vote of 5 to 1 (Council Member Ronstadt abstaining).

Kathleen S. Detrick, City Clerk, asked the Mayor for a separate vote for the sole purpose of the emergency clause.

Mayor Walkup requested a roll call.

Upon roll call, the results were:

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

Nay: Council Member West

Ms. Detrick stated that was an insufficient number of Council Members to enact the emergency clause. She also responded yes to Council Member Leal's statement that it would then be necessary to wait a month.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Susan Parker-Hotchkiss, President of the Tucson Zoological Society, thanked the Mayor and Council for their time and unanimous support of the elephants issue at Reid Park Zoo. The society was looking forward to working with Mayor and Council and staff.
- b. Cassandra Rogge, an elephant keeper at the Reid Park Zoo spoke on behalf of the elephant team. She said if the new exhibit was approved, the standard of care could be even greater than it already was. It would allow the elephants to stay together as they served as ambassadors to their wild counterparts. She thanked the Mayor and Council for their support.
- c. Chris Aguilar thanked the Mayor and Council for their vote. She remembered going to the Zoo as a child, and now as a parent on school trips with her children. She would like to see it continue to grow and to save the elephants, as they were a big part of the Zoo.
- d. Michael Toney suggested the Mayor and Council research the St. Louis Science Center's profitability and commented on the five hundred year floodplain.

8. PUBLIC HEARING: UNIVERSITY OF ARIZONA SCIENCE AND TECHNOLOGY PARK ANNEXATION DISTRICT

Mayor Walkup announced City Manager's communication number 339, dated June 21, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a proposed annexation district located primarily within the University of Arizona Science and Technology Park.

Mayor Walkup asked if any speaker cards had been received. There were none. Mayor Walkup then called on staff for comments.

Albert Elias, Director of Urban Planning and Design, said KB Home and the University of Arizona initiated this annexation. Both had representatives available if there were any questions. He said Mayor and Council had approved a pre-annexation development agreement between the State of Arizona and the City of Tucson in March and that information was reviewed in the agenda. Mr. Elias stated an error had been found in page two of Attachment C in the materials. The City Clerk was distributing the proper information for the record. If there were any further questions, staff was available to answer them.

Mayor Walkup asked if there was anyone who wished to speak on the item.

Michael Toney said he understood that they were building a hotel and a meeting room. He thought someone local should be the one to name the street as it was originally Indian land.

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

Council Member Scott said she was very supportive of this annexation. She asked what the engineer's estimate was for the cost of the road improvements.

Mr. Elias did not have a precise cost estimate, but it could be provided. He noted the developers would build the road.

Council Member Scott said she was aware of the developers building the road, but it stated in the contract that the impact fees were not going to be charged because the cost of the road would exceed the amount of the impact fees. There should be some knowledge of what it would cost because there was some knowledge that if collected, costs would exceed impact fees.

Mr. Elias stated the developers of the property would have to pay impact fees, but they would earn credits against those fees based on the value of the improvements made.

Council Member Scott asked if credits were earned, what became of the credits and where could they be used.

Mr. Elias explained that credits would be accrued by the entity that paid for the road improvement and could be used for other impact fees owed or for future fees charged within that benefit area. Credits could only be applied in the same benefit area.

Council Member Scott said her office had received a question about the benefit area. She asked if the area was a concentric circle that encompassed an area of a half-mile, a mile, or sixty acres. She also asked if there was a perimeter as to where the credits could be applied.

Mr. Elias stated there was a definite benefit area defined by the Development Impact Fee Ordinance. It was a large area including much of the southeast community.

Council Member Scott confirmed the impact fee and the credit could be used interchangeably, but must be within that area boundary.

Mr. Elias said that was correct. He said there was a defined area that was the benefit district but he did not have the exact acreage of the area.

It was moved by Council Member Scott, duly seconded, to proceed with the University of Arizona Science and Technology Park Annexation District.

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

Upon roll call, the results were:

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

Nay: None

The motion to direct staff to proceed with the University of Arizona Science and Technology Park Annexation District passed by a roll call vote of 7 to 0.

Mayor Walkup said this was a memorable day and a long time coming. He appreciated the Council being unanimous in the movement forward for the annexation of this portion of the Science Technology Park.

6. CONSENT AGENDA ITEMS A THROUGH K

K. FINANCE: TRANSFER OF FUNDS FROM THE MAYOR'S OFFICE BUDGET TO JOB PARTNERSHIP, JUNIOR ACHIEVEMENT, AND THE TUCSON POLICE DEPARTMENT FOR VARIOUS PROJECTS

1. Report from City Manager JUNE21-05-356 CITY-WIDE
2. Resolution No. 20115 relating to finance; authorizing and approving the transfer of five thousand dollars (\$5,000.00) from the Mayor's Office budget to be disbursed to Job Partnership, Junior Achievement and the Tucson Police Department; and declaring an emergency.

Item K was considered separately at the request of Council Member West.

Kathleen S. Detrick, City Clerk, asked the Mayor if they could return to Consent Agenda Item K, as Council Member West had agreed to make a motion to reconsider her vote on the emergency clause only, not on the item itself.

Mayor Walkup called on Council Member West.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to reconsider the emergency clause on Consent Agenda Item K.

Ms. Detrick asked the Mayor for a separate roll call vote for the sole purpose of the emergency clause.

Mayor Walkup asked for a roll call.

Upon roll call, the results were:

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

Nay: None

Council Member Ronstadt declared a conflict of interest because his wife was the executive director of Junior Achievement.

Consent Agenda Item K was declared passed and adopted by a roll call vote of 6 to 0 (Council Member Ronstadt abstaining) with the emergency clause.

7. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23), THE LAND USE CODE; REGARDING HEIGHT LIMITS FOR ORNAMENTAL ELEMENTS OF BUILDINGS AND STRUCTURES

Mayor Walkup announced City Manager's communication number 347, dated June 21, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on an amendment to the Chapter 23, the *Land Use Code* regarding height limits for elements of buildings and structures.

Mayor Walkup said the public hearing was scheduled to last no more than one hour and speakers were limited to five-minute presentations. He asked the speakers to come forward when their names were called, to state their name and address, and whether they lived in the city or not. He called Jeff Brodsky as the first speaker.

Jeff Brodsky spoke against the *Land Use Code* change. This change was instigated to allow a church to build a sixty-seven foot steeple, seventeen feet above the current fifty foot zoning regulations, which already included a ten foot exemption for steeples and other limited architectural features. He said for the record he was not against the construction of the building, nor was he against the intended use. Current regulations had a process to allow exemptions. In residential neighborhoods, other houses of worship seemed fine without a sixty-seven foot steeple. He said that was six and half stories tall. He was surprised by the arrogance of the people looking to build this building. He wondered why they would not consider all the alternatives to fit within the architectural flow of Rita Ranch and the existing area. Mr. Brodsky asked if they had designed an architectural marvel for Tucson to be proud of and appropriate for Tucson. It was to be built behind an auto parts store. He stated the land was purchased with the full knowledge of the fifty-foot height restriction. A single building design was chosen with a sixty-seven foot steeple. If alternatives were considered, other options were not presented to residents of the area, including himself and the building would be right behind his backyard. The owners went through the process to request a zoning variance. This process worked, but it did not work to give the desired outcome to the property owners. He said the church architect did not meet the exemption criteria and he could not make a case, so they dropped the variance request and instead requested a change to the law. This law already contained an exemption that failed to get them their way. He felt it was an exemption to an exemption to grant special privilege to a church. Mr. Brodsky thought the zoning regulations in place had worked quite well for the City of Tucson. He said if a person were to come to southeast Tucson and looked around, he or she would not find big steeples or towers. Tucson is Tucson. It was not St. George, Tempe, or Mesa. He asked that there not be build buildings more suited to other cities, and asked that the rules stay as they were. Mr. Brodsky said there was already a zoning variance, it was ten feet, and there was no need to change the law to allow a variance on a variance.

Glen Spendlove spoke in favor of the ordinance. He believed the process was a reasonable one. It had allowed conversations with government and with citizens. He was thankful there was a government in place that allowed these types of conversations to

take place and come to resolutions in a manner that was not physically harmful. He said there were a number of churches and buildings throughout the area that did have steeples and were built before the ordinance was put into place. He believed that they were very much a part of the Tucson neighborhood and the culture here, and that people appreciated these buildings. Mr. Spendlove said it was true that on the southeast side of Tucson you would not see these types of buildings because it was a newer part of town, and had not been able to benefit from the fact that there could be some diversity in the culture. He felt everything did not have to look exactly the same way, but there could be diversity and room for some variance. He approved of this ordinance. He thought one of the more interesting things that happened was that a Council Member said that they should change the setback for every foot in height that went above this ordinance. He thought that was a reasonable proposal.

John Simpson did not wish to speak, but the card he submitted said he was in support of the item.

Clint Hilton attended a church in Tucson and was in favor of the amendment. He did not believe the height of the steeple would be negatively distracting in any way. He believed that buildings and ornamental structures served important purposes. Mr. Hilton thought they served as religious symbols to those who believed and as important identifiers of church buildings.

Shawn Vause expressed his support of the ordinance. It was his opinion that this great nation was founded on the principals of religion and of people that were able to express their religion in whatever way they saw fit. He felt if people chose to make steeples on churches, synagogues, or any other building, that expressed their desire to look to a higher power, the City should give support to such things.

Sherilyn Tyler did not wish to speak, but she supported the amendment.

Elvera Green did not wish to speak, but said she supported the item.

Robert Garcia did not wish to speak, but was in favor of the code change.

Jim Taylor said he stood in support of the amendment.

Joseph Scott said he did not need to speak, but stated he was in favor of this item.

Jeremy Stroup said he was in support of this item.

Bruce Call wanted to thank the Council for the very thorough approach that had been taken by the City in the process of analyzing this particular amendment. He said that although it was long in coming, he believed it was appropriate for the City. The City staff had done an excellent job in checking out locations throughout the City, a number of which, if the ordinance had been in place at the time, the City would have been deprived of some beautiful architectural elements. Mr. Call requested a modification to the

wording in the current proposed ordinance. The Planning and Zoning Commission stated the applicant must demonstrate how the proposal minimizes impact on existing land uses. He believed that that was a great way to state it. He thought that the existing Item C, which states it somewhat differently, identified it in such a way that allows for any capricious dissent to be able to essentially make it impossible to pass. He requested that the ordinance be modified to include the language as actually recommended by the Planning and Zoning Commission. He appreciated the process that had been used. He said though support in the community led him to request the ordinance changes, there were also representatives present in the audience from various other places throughout Tucson, not just this community. The support not only extended beyond the boundaries of this one particular area, but to all people who wanted to benefit in the City of Tucson.

Dana Staggs said as a native of Tucson, he loved the diversity of the City, and though he went away to school in Iowa, he and his wife decided to return to Tucson because they wanted to raise their children in a diverse community. He thought that the diversity went beyond the people to the buildings themselves. He grew up around Broadway and Swan, and he wondered if the City would have had these ordinances in place then what life would have been without the St. Joseph's Catholic Church bell tower. He said people probably would not have been able to see as much of San Xavier Mission as it would have been limited. He thought if done with taste and dignity, this would add to the City. Mr. Staggs said he was in favor of the motion and recommended that Mayor and Council passed the ordinance.

Jeremy Evans said that he did not need to speak, but supported the ordinance.

Eric Buckley said that he did not need to speak, but supported the ordinance.

Jim Slade did not wish to speak, but stated he was for the change.

Lared Hansen stated he was in favor of the amendment and he wished the Mayor and Council would vote in favor of the amendment. He said church buildings provided a place of peace in an otherwise congested society. Mr. Hansen thought by allowing steeples and other types of structures these places of refuge would become slightly more prominent, bringing greater beauty and peace to an otherwise fast-paced and functionally based society. Opening the meeting with a prayer impressed him. Mr. Hansen wanted to show the City's priorities by allowing the beautification of churches and passing the amendment.

Judd Richards said he supported the amendment, but did not need to speak.

Richard Jensen was active in various church activities and said churches built in his area do not have steeples because of the current ordinance. The church he attended at 2002 North Silverbell, dedicated in April of 2003, had no steeple. He thought it should be viewed as adding character to the community, rather than a blanket statement of how high they could be. Mr. Jensen thought something built outlandish should be turned

down, but if it added to the character of the community and identified that people looked higher for their belief, it should be possible for that to occur.

Dora Green did not speak, but supported the amendment.

Eugene Wager was from the southwest part of town and wanted to repeat what he thought when the Planning Commission was considering the issue. He said it was ironic that the weekend before the Planning Commission considered the issue, he and his wife were driving along Ft. Lowell and passed by the big, beautiful church at Tucson Boulevard. He thought the church was beautiful and had a calming influence on the area. Mr. Wager attended church at 2002 North Greasewood and it had no steeple. The church looked like a dental office or some type of office building. He said it did not look like a church until a person walked inside. Mr. Wager encouraged the Council to consider giving churches the option to look like churches and structures like monuments and other types of commemorative structures as well.

Jonathan Gardener stood in support of the amendment, but said one issue that had not been brought up was if the owner in question would take care of the property. He thought that it was important that as churches were built, and represented the community, it was more of a benefit to the community if they were taken care of properly. He thought that with this particular ordinance, the maintenance, upkeep, and architectural beauty should be considered.

Aaron Kelley was also in favor of the amendment to the ordinance. He thought to see some buildings with variation would help to provide a better variety of the landscape.

Mr. Estras had been in Tucson fifty-two years. He felt it was a wonderful city and loved the community. He would not like to tell people what they could and could not do, when it had been done in the past. Tucson had beautiful buildings that had been standing for years and he had brought visitors from other cities and other countries to these buildings. He thought the City should continue to embrace the diversity of art, architecture, and brotherhood of this community.

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

Mayor Walkup wanted to let everyone know how much he appreciated this public hearing. He said it was one of the most efficient and effective public hearings he had experienced in the last six years. It was very meaningful for the Council to hear what the audience had to say, but it was also meaningful that they were here and expressed themselves in some manner. The cards that the audience filled out were part of the official record. The Council was very appreciative of this process and they had a very good feel for what the audience thought they should do, which was the next step in the process.

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

Kathleen S. Detrick, City Clerk, asked if she could address the proposed amendment that Mr. Call raised and get an indication from staff as to whether or not that was acceptable.

Michael Rankin, City Attorney, said if the maker of the motion desired to insert the alternative language that Mr. Call suggested, they were prepared to read it into the record. Mr. Rankin did not believe that staff had any objection to the alternative language.

Council Member Ibarra stated the maker would like to add the amendment.

Mr. Rankin said the alternative language would make subsection 3.2.7.3.A.3(c) on page two of the proposed ordinance so that it read as follows: “the applicant must demonstrate how the proposal minimizes impacts on the existing land uses by including a viewshed analysis and an analysis of the project site grades and adjacent property grades as part of their submittal.”

Ms. Detrick read the ordinance by title and number.

Ordinance No. 10166 relating to Planning and Zoning; amending Tucson Code Chapter 23, Land Use Code, Article III, Development Regulations, Division 2, Development Criteria, Section 3.2.7 STRUCTURE HEIGHT MEASUREMENT; and declaring an emergency.

It was moved by Council Member Ibarra, duly seconded, to pass Ordinance 10166 with the amendment read by the City Attorney.

Mayor Walkup asked if there was any discussion. He recognized Council Member Scott.

Council Member Scott thanked the Urban Planning and Design staff and members of the Planning Commission for working with Mr. Bruce Call to see this item through to a successful solution for all parties involved. She knew that compromises were made on all sides and she commended and thanked them once again.

Council Member Dunbar said she was glad the gentleman had mentioned Northminster Presbyterian Church. The church on Ft. Lowell and Tucson Boulevard sat in her backyard and was identified throughout the City by its steeple, as it could be seen for miles around. She had never heard any one complain about that steeple. If the church came forward today with that building plan it would be turned down. That beautiful part of Tucson could not be built today. She thought the Planning Commission had come up with a reasonable alternative. There still was a process of going through special exception review with the Design Review Board and it had to be approved by the Zoning

Commissioner. Council Member Dunbar said she was thankful for Mr. Call's perseverance and was anxious for the vote.

Mayor Walkup asked for roll call.

Upon roll call, the results were:

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

Nay: None

Ordinance 10166, as amended was declared passed and adopted by a roll call vote of 7 to 0.

8. CITY MAGISTRATES: APPOINTING A CITY MAGISTRATE

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

9. CITY MAGISTRATES: APPOINTING A SPECIAL CITY MAGISTRATE

(Note: This item followed Item 10, which was discussed after Item 4)

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 344, dated June 21, 2005, would be received into and made a part of the record. He asked if there were any personal appointments to be made at the time.

Council Member Scott announced her personal appointment of Rudolph Lopez as the Ward 4 appointee to the Citizen Transportation Advisory Committee.

13. ADJOURNMENT 7:25 p.m.

Mayor Walkup announced the Council would stand adjourned. The next regularly scheduled meeting would be held on Tuesday, June 28, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda Street, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 21st day of June 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD;jr/ao