



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on August 2, 2005

Date of Meeting: July 6, 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 5:36 p.m. on Wednesday, July 6, 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
Robert E. Walkup	Mayor

Absent/Excused:

Fred Ronstadt	Council Member Ward 6
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Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Liz R. Miller	Assistant City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Kathleen S. Detrick, City Clerk, after which the pledge of allegiance was led by the entire assembly.

Presentation:

- a. Mayor Walkup proclaimed July 10, 2005 to July 16, 2005 to be National Therapeutic Recreation Week. Beth Lucas, Therapeutic Recreation Supervisor with the Parks and Recreation Department, accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 389, dated July 6, 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 Council to report on current events and asked if there were any reports.

Council Member Scott announced the Ward 4 Council Office would hold their Fifth Annual Back to School Bash on August 13, 2005, at the William Clements Recreation Center.

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

Mayor Walkup announced City Manager's communication number 390, dated July 6, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Liz Miller, Assistant City Manager, reported:

On July 16, 2005, from 9:00 a.m. to 12:00 noon, at the Patrick Hardesty Police Substation, there would be a free workshop for all interested in becoming better informed about the liquor license application process. Questions could be directed to the Sunnyside Neighborhood Association at 991-3307.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 377, dated July 6, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New Licenses

1. The Moose on Congress, Ward 6
254 E. Congress Street
Series 12, City 44-05
Applicant: Tina Marie Kilcullen
Action must be taken by: July 17, 2005
Staff has indicated the applicant is in compliance with city requirements.
2. Apache Shell, Ward 2
8291 E. 22nd Street
Series 10, City 45-05
Applicant: Jasjit Singh Chopra
Action must be taken by: July 22, 2005
Public Opinion: Support Filed
Staff has indicated the applicant is in compliance with city requirements.
3. Kelsey's on University Restaurant & Pub, Ward 6
800 E. University Blvd., Suite #104
Series 12, City 46-05
Applicant: Seth James Muir
Action must be taken by: July 23, 2005
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Ronstadt absent/excused), to forward liquor license applications 5b1 through 5b3 to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA – ITEMS A THROUGH DD

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. FINANCIAL PARTICIPATION AGREEMENTS: WITH VARIOUS OUTSIDE AGENCIES FOR FISCAL YEAR 2006
 1. Report from City Manager JULY6-05-395 CITY-WIDE
 2. Resolution No. 20125 relating to outside agency activities; authorizing and approving the Financial Participation Agreements between the City of Tucson and various outside organizations for Fiscal Year 2006; and declaring an emergency.

- B. ASSURANCE AGREEMENT: (S03-004) SAN MARCOS TERRACE (RCP), LOTS 1 TO 33 AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JULY6-05-386 WARD 1
 2. Resolution No. 20126 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-004 of a Final Plat for the San Marcos Terrace, Lots 1 to 33 and Common Areas “A” to “C”; and declaring an emergency.
- C. FINAL PLAT: (S03-004) SAN MARCOS TERRACE (RCP), LOTS 1 TO 33 AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JULY6-05-387 WARD 1
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- D. ASSURANCE AGREEMENT: (S04-001) DOS TIBURONES SUBDIVISION, LOTS 1 TO 23 AND COMMON AREAS “A” AND “B” (RCP – DUPLEX RESIDENTIAL)
1. Report from City Manager JULY6-05-378 WARD 2
 2. Resolution No. 20127 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-001 of a Final Plat for the Dos Tiburones Subdivision, Lots 1 to 23 and Common Areas “A” and “B” RCP – Duplex Residential; and declaring an emergency.
- E. FINAL PLAT: (S04-001) DOS TIBURONES SUBDIVISION, LOTS 1 TO 23 AND COMMON AREAS “A” AND “B” (RCP – DUPLEX RESIDENTIAL)
1. Report from City Manager JULY6-05-379 WARD 2
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- F. ASSURANCE AGREEMENT: (S04-108) PANTANO OVERLOOK (RCP), LOTS 1 TO 152, BLOCKS “A” AND “B” AND COMMON AREA “A”
1. Report from City Manager JULY6-05-382 WARD 2
 2. Resolution No. 20128 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-108 of a Final Plat for the Pantano Overlook, Lots 1 to 152, Blocks “A” and “B” and Common Area “A”; and declaring an emergency.
- G. FINAL PLAT: (S04-108) PANTANO OVERLOOK (RCP), LOTS 1 TO 152, BLOCKS “A” AND “B” AND COMMON AREA “A”
1. Report from City Manager JULY6-05-383 WARD 2
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- H. ASSURANCE AGREEMENT: (S05-005) TIERRA VISTA PHASE III (RCP), LOTS 1 TO 13, 20 TO 53, 339 TO 344, AND COMMON AREAS “A” AND “B”
1. Report from City Manager JULY6-05-384 WARD 5
 2. Resolution No. 20129 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-005 of a Final Plat for the Tierra Vista, Phase III, Subdivision, Lots 1-13, 20-53, 339-344, and Common Areas “A” and “B”; and declaring an emergency.
- I. FINAL PLAT: (S05-005) TIERRA VISTA PHASE III (RCP), LOTS 1 TO 13, 20 TO 53, 339 TO 344, AND COMMON AREAS “A” AND “B”
1. Report from City Manager JULY6-05-385 WARD 5
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- J. ASSURANCE AGREEMENT: (S04-114) LIMBERLOST TOWNHOUSES SUBDIVISION (RCP), LOTS 1 TO 49 AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JULY6-05-396 WARD 3
 2. Resolution No. 20130 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-114 of a Final Plat for the Limberlost Townhouses Subdivision, Lots 1 to 49 and Common Areas “A” to “C”; and declaring an emergency.
- K. FINAL PLAT: (S04-114) LIMBERLOST TOWNHOUSES SUBDIVISION (RCP), LOTS 1 TO 49 AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JULY6-05-393 WARD 3
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- L. FINANCE: WRITE-OFF OF UNCOLLECTED ACCOUNTS RECEIVABLE
1. Report from City Manager JULY6-05-388 CITY-WIDE
 2. Resolution No. 20131 relating to finance; authorizing the write-off of certain uncollectible accounts, and declaring an emergency.
- M. WATER: UPDATED TUCSON WATER FINANCIAL PLAN FOR FISCAL YEARS 2005 THROUGH 2010
1. Report from City Manager JULY6-05-399 CITY-WIDE AND OUTSIDE CITY
 2. Resolution No. 20132 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan for the period from fiscal year 2005 to fiscal year 2010; and declaring an emergency.
- N. PROFESSIONAL SERVICES: RENEWAL OF CONTRACT WITH SACKS TIERNEY LAW FIRM FOR REPRESENTATION ON WATER ISSUES
1. Report from City Manager JULY6-05-398 CITY-WIDE AND OUTSIDE CITY

2. Resolution No. 20133 relating to professional services; approving an Agreement with Sacks Tierney P.A., Lawyers, for representation on water issues; and declaring an emergency.
- O. ASSURANCE AGREEMENT: (S04-015) PRESIDIO PARK CENTRAL SUBDIVISION (RCP), LOTS 1 TO 12 AND COMMON AREA "A"
1. Report from City Manager JULY6-05-394 WARD 3
 2. Resolution No. 20134 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-015 of a Final Plat for the Presidio Park Central Subdivision, Lots 1 to 12 and Common Area "A"; and declaring an emergency.
- P. FINAL PLAT: (S04-015) PRESIDIO PARK CENTRAL SUBDIVISION (RCP), LOTS 1 TO 12 AND COMMON AREA "A"
1. Report from City Manager JULY6-05-392 WARD 3
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- Q. REAL PROPERTY: SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR PROPERTY FORMERLY OWNED BY THE CITY OF TUCSON
1. Report from City Manager JULY6-05-376 WARD 1
 2. Ordinance No. 10174 relating to the Tucson Airport Authority; authorizing the execution of the second amendment to the Declaration of Covenants, Conditions, and Restrictions on property owned by the University of Arizona, located at Nogales Highway and Valencia Road, and 6th Avenue and Valencia Road; and declaring an emergency.

Kathleen S. Detrick, City Clerk, said in connection with Consent Agenda Item Q, at the request of Council Member Ibarra, she would read a letter from William H. Lloyd, LLDN Development, Treasurer, Vice-President, so it would become part of the record. The letter was dated July 1, 2005 and was received by the City Clerk's Office on that date. The letter was addressed to the City Clerk, in reference to the southwest corner of Valencia and Old Nogales Highway.

“I am writing this letter at the request of the Ward 1 Office. LLDN, as the owners of the above referenced property, has no intention to develop or sell to a developer, the subject property for residential use. Should you have any questions, please contact our agent, William Podolsky, at 881-2000.”

Ms. Detrick said the letter was signed by Mr. Lloyd.

- R. ASSURANCE AGREEMENT: (S04-083) BACH PROPERTY (RCP), LOTS 1 TO 20 AND COMMON AREAS “A-1” TO “A-4”, “B-1” TO “B-2”, AND “C-1”
1. Report from City Manager JULY6-05-380 WARD 2
 2. Resolution No. 20135 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-083 of a Final Plat for the Bach Property, Lots 1 to 20 and Common Areas “A-1” to “A-4”, “B-1” to “B-2”; and “C-1”; and declaring an emergency.
- S. FINAL PLAT: (S04-083) BACH PROPERTY (RCP), LOTS 1 TO 20 AND COMMON AREAS “A-1” TO “A-4”, “B-1” TO “B-2”, AND “C-1”
1. Report from City Manager JULY6-05-381 WARD 2
 2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- T. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE FOX TUCSON THEATRE FOUNDATION AND THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR RESTORATION, OPERATION AND MANAGEMENT OF THE HISTORIC FOX THEATRE
1. Report from City Manager JULY6-05-400 WARD 1
 2. Resolution No. 20136 relating to intergovernmental agreements; authorizing the Mayor to execute on behalf of the City of Tucson the amended Intergovernmental Agreement between the City, the Rio Nuevo Multipurpose Facilities District, and the Fox Tucson Theatre Foundation entitled Intergovernmental Development and Lease Agreement for Restoration, Operation and Management of the Historic Fox Theatre; and declaring an emergency.

U. REAL PROPERTY: VACATION AND SALE OF SURPLUS PROPERTY LOCATED AT 1931 WEST KING AVENUE TO JESUS E. AND VERONICA DURAZO

1. Report from City Manager JULY6-05-405 WARD 1
2. Ordinance No. 10175 relating to real estate; vacating and declaring certain City-owned real property located at 1931 West King Avenue to be surplus; authorizing and approving the sale thereof to Jesus E. and Veronica Durazo; and declaring an emergency.

V. BOARDS, COMMITTEES, AND COMMISSIONS: CREATING THE TECHNOLOGY POLICY ADVISORY COMMITTEE (TEHPAC)

1. Report from City Manager JULY6-05-403 CITY-WIDE
2. Ordinance No. 10176 relating to Boards and Commissions; amending the Tucson Code, Chapter 10A, Community Affairs, by adding a new Article XVI, Technology Policy Advisory Committee; and declaring an emergency.

W. ASSURANCE AGREEMENT: (S04-003) TRES PUEBLOS SUBDIVISION (RCP), LOTS 1 TO 595 AND COMMON AREAS "A-1" TO "A-4", "B-1" TO "B-7", AND "C-1" TO "C-6"

1. Report from City Manager JULY6-05-407 WARD 5
2. Resolution No. 20137 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-003 of a Final Plat for the Tres Pueblos Subdivision, Lots 1 to 595 and Common Areas "A-1" – "A-4", "B-1" – "B-7", and "C-1" – "C-6"; and declaring an emergency.

Item W was considered separately at the request of Council Member Leal.

X. FINAL PLAT: (S04-003) TRES PUEBLOS SUBDIVISION (RCP), LOTS 1 TO 595 AND COMMON AREAS "A-1" TO "A-4", "B-1" TO "B-7", AND "C-1" TO "C-6"

1. Report from City Manager JULY6-05-408 WARD 5
2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

Item X considered separately at the request of Council Member Leal.

Y. BOARDS, COMMITTEES, AND COMMISSIONS: LANDSCAPE ADVISORY COMMITTEE

1. Report from City Manager JULY6-05-410 CITY-WIDE
2. Ordinance No. 10180, relating to Boards and Commissions; amending the Tucson Code, Chapter 10A, Community Affairs, by adding a new Article XVII, Landscape Advisory Committee; and declaring an emergency.

Z. INTERGOVERNMENTAL AGREEMENT: WITH THE PIMA COUNTY DIVISION OF ELECTIONS FOR ELECTION SUPPORT SERVICES

1. Report from City Manager JULY6-05-409 CITY-WIDE
2. Resolution No. 20138 relating to Intergovernmental Agreements; repealing Resolution 20044; authorizing and approving the Intergovernmental Agreement between the City of Tucson and Pima County for election equipment and supplies; and declaring an emergency.

AA. ELECTION: RESOLUTION OF INTENTION TO HOLD A CHARTER AMENDMENT SPECIAL ELECTION ON NOVEMBER 8, 2005 RELATING TO THE RECOMMENDATION OF THE 2005 CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

1. Report from City Manager JULY6-05-411 CITY-WIDE
2. Resolution No. 20139 relating to elections: notice by the Mayor and the Council of the City of Tucson, Arizona, to the citizenry thereof, declaring the intention to call a special election on November 8, 2005, for the purpose of submitting to the qualified electors thereof questions relating to amending the charter of the City of Tucson to provide for an increase in the present salary of the Mayor from \$3,500 per month to \$4,340.00 per month; and, an increase in the present salary of each of the members of the Council from \$2,000 per month to \$2,480.00 per month; amending Sections 8 and 9 of Chapter V of the Charter of the City of Tucson; and declaring an emergency.

BB. APPROVAL OF MINUTES

1. Report from City Manager JULY6-05-412 CITY-WIDE
2. Approval of minutes for the regular meetings of the Mayor and Council held on September 27, 2004, October 4, 2004, and June 7, 2005.

CC: ASSURANCE AGREEMENT: (S05-044) VISTA MONTANA ESTATES, PHASE TWO SUBDIVISION (RCP), LOTS 216 TO 354 AND COMMON AREAS "A", "B", "C", "D" AND "F"

1. Report from City Manager JULY6-05-415 – WARD 4
2. Resolution No. 20140 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-044 of a Final Plat for the Vista Montana Estates, Phase Two Subdivision, Lots 216 to 354 and Common Areas "A" – "D" and "F"; and declaring an emergency.

DD: FINAL PLAT: (S05-044) VISTA MONTANA ESTATES, PHASE TWO SUBDIVISION (RCP), LOTS 216 TO 354 AND COMMON AREAS 'A', 'B', 'C', 'D' AND 'F'

1. Report from City Manager JULY6-05-414 WARD 4
2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

It was moved by Council Member Ibarra, duly seconded, that Consent Agenda Items A through DD, with the exception of Items W and X, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ronstadt

Consent Agenda Items A through DD, with the exception of Items W and X, were declared passed and adopted by a roll call vote of 6 to 0.

Kathleen S. Detrick, City Clerk, announced that Items W and X were removed from the Consent Agenda at the request of Council Member Leal.

Council Member Leal said he needed someone else to handle those items.

Vice Mayor Dunbar asked if the motion could be made as one motion.

Ms. Detrick clarified that because one of the items was an Assurance Agreement, if adopted by 5 to 0 it would not carry an Emergency Clause. Therefore, she said the Council might want to consider them as separate items and then take a second vote just for the Emergency Clause on Item W.

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

Upon roll call, the results were:

Aye: Council Members West and Scott
Vice Mayor Dunbar and Mayor Walkup

Nay: Council Members Ibarra and Leal

Absent/Excused: Council Member Ronstadt

Consent Agenda Item W was declared passed and adopted by a roll call vote of 4 to 2.

Ms. Detrick asked for a second roll call vote for the sole purpose of the Emergency Clause.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ronstadt

Consent Agenda Item W was declared passed and adopted by a roll call vote 6 to 0 with the Emergency Clause.

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

Upon roll call, the results were:

Aye: Council Members West and Scott;
Vice Mayor Dunbar and Mayor Walkup

Nay: Council Members Ibarra and Leal

Absent/Excused: Council Member Ronstadt

Consent Agenda Item X was declared passed and adopted by a roll call vote of 4 to 2.

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. Bruce Dusenberry spoke on behalf of Davis Monthan Fifty and presented Mayor and Council with a Davis Monthan poster. He thanked them for their support of Davis Monthan Air Force Base.
- b. Yolanda Herrera, President of the Sunnyside Neighborhood Association, thanked Liz Miller, Assistant City Manager, for making the announcement on the Liquor License Workshop. She also registered a complaint against City Staff she has dealt with in regards to flooding in her neighborhood on Calle Pinta.
- c. Michael Toney spoke on several issues, which included Rio Nuevo, the Science Center and the smells from the sewer system.

8. PUBLIC HEARING: PROPOSED ALTERNATIVE EXPENDITURE LIMITATION – HOME RULE OPTION

Mayor Walkup announced City Manager's communication number 397, dated July 6, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed alternative expenditure limitation, regarding the Home Rule Option. The public hearing was scheduled to last for no more than one hour. Speakers would be limited to five-minute presentations. Mayor Walkup asked if anyone wished to address the Council on this item. There was no one.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Ronstadt absent/excused), to close the public hearing.

Kathleen S. Detrick, City Clerk, announced there would be a second public hearing on this item on August 2, 2005, in the Mayor and Council Chambers of City Hall, 255 West Alameda, Tucson, Arizona, at or after 5:30 p.m.

9. PUBLIC HEARING: MAJOR STREETS AND ROUTES PLAN AMENDMENT – UPDATES RELATED TO RECENT ANNEXATION AND APPROVED ARTERIAL CHANGES

Mayor Walkup announced City Manager's communication number 406 dated July 6, 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 proposed amendments to the Major Streets and Routes Plan. He said staff would make a brief presentation before beginning the public hearing. He called on the City Manager.

Mike Hein, City Manager, said the Council had a thorough staff report in their packets and staff was available to answer any questions. He said there were three phases to the *Major Streets and Routes Plan*. The first phase was adopting classifications for newly annexed and rezoned areas. They expected to have more detailed discussions on the second and third phase. Mr. Hein said he would direct staff to meet with each of the offices individually before bringing those items to the Council for their attention.

Mayor Walkup asked if there was anyone who wished to address the Council on this item. There was no one.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Ronstadt absent/excused), to close the public hearing.

Mayor Walkup asked if there was any discussion.

Council Member West commented she appreciated the three phases and felt that was a good idea. However, she wondered if there was going to be a timeline. She said that councils change. They might get to the third phase in the year 2010. Some members of the Council might still be on the Council in 2010, but some might not. She asked how that would work and if there would be a timeline.

Andrew Singelakis, Deputy Director, Department of Urban Planning and Design, replied there was a timeline. Currently they were working with the consultants to update a traffic roadway network model. It was anticipated that the process would be completed in early 2007.

Council Member West said that was good to know. She also asked if they were coordinating with the Regional Transit Authority (RTA), the Arizona Department of Transportation and the Federal Government. She said she assumed they were.

Mr. Singelakis replied they were. That was the purpose of going forward and finding out what was passed by the Regional Transit Authority and incorporating that into the *Major Streets and Routes Plan*.

Council Member West concluded by stating she thought it was good the Council had this on their radar screen, because for too long it was not. During the Impact Fee process, this issue came forward and Council Member West was very pleased to know they were working on it. She thanked staff.

Mayor Walkup asked the Clerk to read Ordinance 10177 by number and title only.

Ordinance No. 10177 relating to planning and zoning; updating and amending the *Major Streets and Routes (MS&R) Plan* map updating street classification and right-of-way for those streets affected by recent annexations and approved arterial changes including portions of River Road, Houghton Road, Drexel Road, Los Reales Road, Rita Road, Hughes Access Road, Nogales Old Vail Extension, Wilmot Road, Kolb Road, Alvernon Way, Nexus Road, Voyager Road, Pantano Road, and Science Park Drive; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10177.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ronstadt

Ordinance 10177 was declared passed and adopted by a roll call vote of 6 to 0.

10. PUBLIC HEARING: TUCSON CODE, AMENDING CHAPTER 6, ADOPTION OF THE 2003 INTERNATIONAL ENERGY CONSERVATION CODE AND SUSTAINABLE ENERGY STANDARD WITH LOCAL AMENDMENTS.

Mayor Walkup announced City Manager's communication number 404, dated July 6 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the adoption of the *2003 International Energy Conservation Code and Sustainable Energy Standard* with local amendments. He said 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.

Al Nichols, Chair for the Building Code Subcommittee, said he has chaired the Subcommittee since the early nineties. Mr. Nichols said the latest round of energy updates to the *Tucson Code* brought to bear the latest in the technologies, mostly in the commercial sector, particularly in lighting. He continued their lighting efficiency upgrades have been the best efforts they have ever made in the energy efficiency business, because it creates a better working environment and a much lower energy use. Since the *Codes* were adopted in 1995, they presumed to have saved close to two hundred million dollars a year on a per capita basis, which all went back into the pockets of the constituents in Pima County.

Mr. Nichols said they were true leaders in the Country by using their energy standards and thinking forward. At the beginning of the energy code business they started, he said there were a lot who thought it might somehow disrupt the building industry, but it has not. They found that in the residential basis, without any efforts at all, they have only increased the cost of housing possibly three percent. On a commercial basis, they have reduced energy consumption at essentially no cost increase at all. He also said in their latest round of energy codes before the Council, the residential sector was relatively the same as it had been, which was still an excellent standard. The commercial was simply catching up from a decade of old standards that were used.

Mr. Nichols said stating in the future lighting standards changes, such as adopting the 2004 (inaudible) standards for lighting, would be made as amendments to the Code. Again, he said that had been the biggest profitable thing for anybody. Everyone who worked in a Tucson building has had their lighting upgrade by Vinnie Hunt and the Energy Group. They may or may not have noticed the difference, but if they ever went back to their old lighting, they would notice the difference.

He told the Council they were all heroes and nationally recognized as progressive. The City of Tucson has had robust growth and certainly the energy standards have put Tucson way up on top on the national scale. In fact, he said that nationally, they were just catching up with the City of Tucson. He urged the Council to proceed with the recommendation from the Code Committee, as there was no reason not to.

Hyman Kaplan stated he was appointed by Valerie Rauluk to represent the Metropolitan Energy Commission at the Mayor and Council meeting. The Metropolitan Energy Commission was strongly in favor of the passage of this Ordinance. To get to the very simple bottom line, Mr. Kaplan said the energy savings from adopting the *Energy Code* would be approximately ten million-kilowatt hours annually. He added that sounded like a lot of power, but said it would reduce approximately ten tons of pollution generated by the Electric Utilities and eliminate the usage of six-million gallons of water in the desert. He concluded by stating he felt it was very important to pass the Ordinance.

Mayor Walkup asked if there was anyone else who wished to address the Council on this item. There was none.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Ronstadt absent/excused), to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10178 by number and title only.

Ordinance No. 10178 relating to Building, Electricity, Plumbing and Mechanical Code, amending the Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article III Buildings, Division 1, Building Code, Section 6-40 Energy Conservation Code, by adopting the International Energy Conservation Code, 2003 Edition with local modifications; establishing penalties; establishing an effective date; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10178.

Council Member West said the City used to have a Sustainable Development Green Subcommittee of City staff and asked if that group was still meeting.

David Mann, Development Services Building Official, replied he believed they were. It was Vinnie Hunt's group.

Council Member West asked if they were working on ways for the City to conserve more energy, water and to build green.

Mr. Mann replied they were. He said several of them had become lead certified, as he had.

Council Member West said the Council was then sort of leading the way and making sure that buildings built by the City followed these standards. She knew that the Zoo Education building was one of those, but that was a society building so it could not really be counted as a City building. She asked if that was correct.

Mr. Mann replied he thought that was a City building and had the participation of a number of City staff and active participation from both the Zoo and the Development Services Department.

Council Member West said she would appreciate it if sometime Development Services staff could visit with her about what they were doing, because her staff was very interested in following that along. She was very glad to hear they were still meeting.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ronstadt

Ordinance 10178 was declared passed and adopted by a roll call vote of 6 to 0.

11. PUBLIC HEARING: ZONING (C9-02-32) A-C INVESTMENTS – AJO WAY, R-1, R-2 AND I-1 TO I-1, CHANGE OF PRELIMINARY DEVELOPMENT PLAN

Kathleen S. Detrick, City Clerk, announced they had received a written request from the applicant to continue the item for a minimum of one month. The applicant's representative was present. She also said this had been noticed as a public hearing, so there might be people in the audience who wished to address the Council.

Mayor Walkup asked if there was anyone in the audience who wished to address the Council on this item. There was no one.

Ms. Detrick stated that without objection, they would schedule a new public hearing on the item at a future date.

12. ZONING: (C9-03-17) VIEJO VILLA – ESCALANTE ROAD, SR TO R-1, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 401, dated July 6, 2005, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10179 by number and title only.

Ordinance No. 10179 relating to zoning: amending zoning district boundaries in the area located on the southeast corner of Escalante Road and Houghton Road in Case C9-03-17, Viejo Villa – Escalante Road, SR to R-1; and setting an effective date.

Kathleen S. Detrick, City Clerk, said this item required a three-fourths vote in order to be adopted. That meant it must be a unanimous vote of the Council present.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10179.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ronstadt

Ordinance 10179 was declared passed and adopted by a roll call vote of 6 to 0.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 391, dated July 6, 2005, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Ronstadt absent/excused), to reappoint Joan Lionetti and Grant McCormick to the Landscape Advisory Committee.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Scott appointed Mariadel Cousins to the Citizen's Water Advisory Committee.

14. ZONING: REQUEST FOR RECONSIDERATION OF ORDINANCE 10162 RELATING TO (C9-03-24) ABRAMS/ACEDO – 4TH STREET

Mayor Walkup announced City Manager's communication number 413, dated July 6, 2005, would be received into and made a part of the record. He said this was a request by Council Member Leal to reconsider the decision to deny Ordinance 10162.

Council Member Leal said that at the last Mayor and Council meeting, they voted to deny Ordinance 10162. After that meeting, he received calls from the neighborhood representative and from the developer. He had a good sense of the project beforehand and got an even better one after talking to them. He met with the neighborhood representative at the site, as they asked him to do. He met with the developer in the office and looked at all their paperwork. He said saw a number of things that were problematic, which had led to the Council voting "no".

Council Member Leal said recommendations were made that came out of the neighborhood. The recommendations were reviewed by two different departments in the City and the following agreements were made: the service entry road could be cut from twenty feet to twelve, with the remaining eight feet turned into curbsless landscaped area with ground cover and small shrubs and no trees; that the 165 foot section be rubberized asphalt; that Mr. Gavin's recommendations be in place; and that the developer's architect

meet with the homeowners on either side of that exit area to talk about exactly where between them that exit would go. If the above recommendations were met, then the reconsideration would be alright. Council Member Leal said it became alright with him at that point, because he thought they were meaningful changes. He then agreed to put this item back on the agenda for reconsideration.

It was moved by Council Member Leal, duly seconded, to reconsider Ordinance 10162.

Upon roll call, the results were:

Aye: Council Members West, Dunbar, Leal, and Mayor Walkup

Nay: Council Members Ibarra and Scott

Absent/Excused: Council Member Ronstadt

The motion to reconsider Ordinance 10162 passed by a roll call vote of 4 to 2.

Mayor Walkup announced the reconsideration of Ordinance 10162 would be scheduled for the Mayor and Council meeting of August 2, 2005.

15. ADJOURNMENT: 6:20 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, August 2, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 6th day of July 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:sac/sys