



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 24, 2006

Date of Meeting: December 20, 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 5:44 p.m. on Tuesday, December 20, 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
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Vice-Mayor, Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Staff Members Present:

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Melinda Nay, Center for Joyful Living, after which the pledge of allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 682, dated December 20, 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.

- a. Council Member Uhlich announced an Open House on January 29, 2006 at the Ward 3 Office. She also announced the Old Pascua/Adelanto Community celebration of the Posada would be held Friday, December 23, 2005 at Santa Rosa Church.
- b. Council Member Trasoff announced the Tucson Lego Club Team Aqua Titans won the Research Quality Award at the 2005 Arizona Lego League State Tournament, where Tucson teams won eleven of seventeen awards given statewide.
- c. Mayor Walkup announced Council Member Scott was celebrating her birthday.

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

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

Mayor Walkup announced City Manager's communication number 683, dated December 20, 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.

Mike Hein, City Manager, reported:

- a. The Tucson Police Department and the Mental Health Division of the Tucson City Court were selected to receive the Schorr Family Award for promoting public understanding of mental illness. The ceremony was scheduled to be held on January 24, 2006 in the Copper Room at the Randolph Club House.
- b. The Silverbell Golf Course reopened and the first hole-in-one was recorded December 19, 2005 by the City's Parks and Recreation Superintendent, Carlos Guzman. Citizens were encouraged to visit the newly renovated park.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 688, dated December 20, 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. New Dragon's View Restaurant, Ward 1
400 N. Bonita Avenue
Applicant: Kuo (Jason) Kei Wong
Series 12, City 100-05
Action must be taken by: December 26, 2005
Staff has indicated the applicant is in compliance with city requirements.

Person/Location Transfer

2. New Dragon's View Restaurant, Ward 1
400 N. Bonita Avenue
Applicant: Kuo (Jason) Kei Wong
Series 07, City 102-05
Action must be taken by: December 31, 2005
Staff has indicated the applicant is in compliance with city requirements.

c. Agent Change

1. Fraternal Order of Eagles #180, Ward 3
1530 N. Stone Ave
Applicant: Woodrow Wilson Turner Jr.
Series 14, City AC12-05
Action must be taken by: December 24, 2005
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b2 and 5c1, to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA – ITEMS A THROUGH S

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. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE CULTURAL EXCHANGE COUNCIL OF TUCSON

1. Report from City Manager DEC20-05-685 WARD 2
2. Resolution No. 20249 relating to Finance; approving and authorizing the allocation of five hundred dollars (\$500) from the Community Support Fund to Organization 001-183-1898-268, Cultural Exchange Council of Tucson, Inc., to assist with a unique cultural exchange opportunity; and declaring an emergency.

This is a request by Council Member West. Allocation of funds is as follows: Council Member West - \$500.00

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

B. FINANCE: WRITE-OFF OF UNCOLLECTED ACCOUNTS RECEIVABLE

1. Report from City Manager DEC20-05-686 CITY-WIDE
2. Resolution No. 20250 relating to finance; authorizing the write-off of certain uncollectible accounts, and declaring an emergency.

Item B was considered separately at the request of Vice Mayor Leal.

C. REAL PROPERTY: TERMINATION OF LEASE FOR PROPERTY LOCATED AT 10 EAST BROADWAY

1. Report from City Manager DEC20-05-690 WARD 6
2. Resolution No. 20251 relating to budget; eliminating funds from the annual City budget for rental of outside office space for the Department of Human Resources for fiscal year 2006-2007; and declaring an emergency.

D. TUCSON CODE: AMENDING (CHAPTER 20) ESTABLISHING SPEED LIMIT ON MARY ANN CLEVELAND WAY - UPDATING CITY TRAFFIC ORDINANCE

1. Report from City Manager DEC20-05-687 WARD 4

2. Ordinance No. 10229 relating to motor vehicles and traffic; repealing ordinance No. 9966 of May 17, 2004; designating current streets or parts of streets where forty miles per hour speed limit is imposed, pursuant to Section 20-142 of the Tucson Code; and declaring an emergency.
 3. Ordinance No. 10230 relating to motor vehicles and traffic; repealing ordinance No. 9617 of October 8, 2001; designating current streets or parts of streets where forty-five miles per hour speed limit is imposed, pursuant to Section 20-143 of the Tucson Code; and declaring an emergency.
- E. FINAL PLAT AMENDMENT: (S05-096) SONTERRA AT WILLIAMS CENTRE, A CONDOMINIUM UNITS 2101 TO P50 AND COMMON ELEMENTS C1 TO C248, AND COMMON ELEMENTS “A”, “B”, AND “C”
1. Report from City Manager DEC20-05-681 WARD 6
 2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- F. ASSURANCE AGREEMENT: (S04-119) SAVAGE ADDITION AMENDED, LOTS 1 TO 13 AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager DEC20-05-691 WARD 2
 2. Resolution No. 20252 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. S04-119 of a final plat for the Savage Addition Amended Subdivision, Lots 1 to 13 and Common Areas “A” – “C”; and declaring an emergency.
- G. FINAL PLAT: (S04-119) SAVAGE ADDITION AMENDED, LOTS 1 TO 13 AND COMMON AREAS “A”, “B” AND “C”
1. Report from City Manager DEC20-05-680 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. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR A DNA ANALYSIS GRANT

1. Report from City Manager DEC20-05-689 CITY-WIDE
2. Resolution No. 20253 relating to law enforcement; approving and authorizing execution of a Grant Agreement between City of Tucson and the Arizona Criminal Justice Commission for a DNA Backlog I Grant Program; and declaring an emergency.

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

I. FINAL PLAT: (S04-141) RIVER WALK, LOTS 1 TO 140, BLOCKS A AND B AND COMMON AREAS "A", "B", "C", "D", "E", AND "F"

1. Report from City Manager DEC20-05-700 WARD 3

This item is being continued to the meeting of January 4, 2006 at the request of Staff

Item I was continued at the request of staff.

J. MAYOR AND COUNCIL: AMENDING (CHAPTER 2) OF THE TUCSON CODE RELATING TO MEETING DATES FOR THE MAYOR AND COUNCIL; AND APPROVING THE MEETING SCHEDULE FOR 2006

1. Report from City Manager DEC20-05-695 CITY-WIDE
2. Ordinance No. 10232 relating to administration; establishing the meeting dates of the Mayor and Council; amending Tucson Code Section 2-26 to allow Mayor and Council to approve by ordinance a schedule of meeting dates for the next calendar year; approving a schedule of meeting dates for 2006; and declaring an emergency.

K. REAL PROPERTY: AMENDMENT TO LEASE WITH CAFE POCA COSA FOR PROPERTY LOCATED AT 120 EAST PENNINGTON STREET

1. Report from City Manager DEC20-05-693 WARD 6
2. Ordinance No. 10233 relating to real property; authorizing and approving the First Amendment to lease with Cafe Poca Cosa, for real property located at 120 East Pennington, Tucson, Arizona; and declaring an emergency.

L. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR DESIGN FUNDING OF THE PIMA COUNTY WIRELESS INTEGRATED NETWORK

1. Report from City Manager DEC20-05-699 CITY-WIDE
2. Resolution No. 20254 relating to Intergovernmental Agreements; approving and authorizing an Intergovernmental Agreement between the City of Tucson and Pima County for the design funding of the Pima County Wireless Integrated Network; and declaring an emergency.

M. REAL PROPERTY: VACATION OF SAVAGE PLACE RIGHTS-OF-WAY, DRAINAGE WAY AND SALE OF WELL SITE

1. Report from City Manager DEC20-05-692 WARD 2
2. Ordinance No. 10235 relating to real property; vacating and declaring Savage Place rights-of-way, drainage way right-of-way and a well site to be surplus property; authorizing the conveyance of the Savage Place rights-of-way and drainage way right-of-way at no cost to the developer of Savage Addition pursuant to the Mayor and Council paper plat policy; authorizing the sale of the well site to developer of Savage Addition; and declaring an emergency.

N. REAL PROPERTY: ACQUISITION OF REAL PROPERTY LOCATED AT 945 EAST OHIO STREET (CONTINUED FROM THE MEETING OF DECEMBER 13, 2005)

1. Report from City Manager DEC20-05-698 WARD 5
2. Resolution No. 20247 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located at 945 East Ohio Street for use by the Tucson Police Department; and declaring an emergency.

Item N was considered separately at the request of Council Member Trasoff.

O. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR NEIGHBORHOOD REINVESTMENT GRANT FUNDS FOR IMPROVEMENTS IN THE FELDMAN NEIGHBORHOOD

1. Report from City Manager DEC20-05-697 WARD 6

2. Resolution No. 20255 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for Neighborhood Reinvestment Grant funds for Feldman's Neighborhood Association sidewalk and ADA accessibility improvements; and declaring an emergency.

P. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR NEIGHBORHOOD REINVESTMENT GRANT FUNDS FOR IMPROVEMENTS IN THE 'A' MOUNTAIN NEIGHBORHOOD

1. Report from City Manager DEC20-05-703 WARD 1
2. Resolution No. 20256 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for Neighborhood Reinvestment Grant funds for A Mountain Neighborhood Association traffic mitigation and sidewalk improvements; and declaring an emergency.

Q. RESOLUTION OF SUPPORT: APPROVING THE CITY MANAGER'S ADMINISTRATIVE DIRECTIVE REGARDING BREASTFEEDING

1. Report from City Manager DEC20-05-704 CITY-WIDE
2. Resolution No. 20257 relating to breastfeeding; approving the City Manager's Administrative Directive supporting breastfeeding on City property; and declaring an emergency.

R. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR FRIENDS OF MARTY BIRDMAN, MARTY BIRDMAN CENTER

1. Report from City Manager DEC20-05-706 WARD 3
2. Resolution No. 20258 relating to Finance; approving and authorizing the allocation of one hundred dollars (\$100) from the Community Support Fund to Organization 001-183-1898-268, the Marty Birdman Fund, to assist in furthering the work of the Balboa Heights Neighborhood Association; and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows: Council Member Uhlich - \$100.00

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

S. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR MIRACLE MANOR NEIGHBORHOOD ASSOCIATION

1. Report from City Manager DEC20-05-705 WARD 3
2. Resolution No. 20259 relating to Finance; approving and authorizing the allocation of four hundred eighty-four dollars (\$484) from the Community Support Fund to Organization 001-183-1898-268, the Miracle Manor Neighborhood Association, to assist with the development of a strategic plan for achieving the neighborhood's objectives; and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows: Council Member Uhlich - \$484.00

It was moved by Council Member Uhlich, duly seconded, that Consent Agenda Items A through S, with the exception of items A, B, H, N, and R, which would be considered separately and Item I, which was continued to a future meeting date, be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Items A through S, with the exception of items A, B, H, I, N and R were declared passed and adopted by a roll call vote of 7 to 0.

A. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE CULTURAL EXCHANGE COUNCIL OF TUCSON

1. Report from City Manager DEC20-05-685 WARD 2
2. Resolution No. 20249 relating to Finance; approving and authorizing the allocation of five hundred dollars (\$500) from the Community Support Fund to Organization 001-183-1898-268, Cultural Exchange Council of Tucson, Inc., to assist with a unique cultural exchange opportunity; and declaring an emergency.

This is a request by Council Member West. Allocation of funds is as follows: Council Member West - \$500.00

Council Member West stated the Danish Dance and Gymnast Group would be performing at Centennial Hall on January 18, 2006. She also said the group would offer interactive workshops for children. She requested Mayor and Council approve a Community Support Fund expenditure of \$500.00 from the Ward 2 Office Community Support Fund for the workshops.

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

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

Upon roll call, the results were:

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

Nay: None

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

B. FINANCE: WRITE-OFF OF UNCOLLECTED ACCOUNTS RECEIVABLE

1. Report from City Manager DEC20-05-686 CITY-WIDE
2. Resolution No. 20250 relating to finance; authorizing the write-off of certain uncollectible accounts, and declaring an emergency.

Vice Mayor Leal requested clarification on the fifty percent increase of uncollected fines from Tucson City Court.

Antonio J. Riojas, Presiding City Court Magistrate, stated the influx of cases varied year to year. Court fines may be written-off in the database for accounting purposes, but the Tucson City Court continued to collect fines on past cases.

Vice Mayor Leal asked if the three million dollars written-off this year was approximately the same percentage as the two million dollars written-off last year.

Judge Riojas stated the three million dollars was a reflection of old case accounts, not a reflection of annual case account.

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

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

Upon roll call, the results were:

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

Nay: None

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

H. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR A DNA ANALYSIS GRANT

1. Report from City Manager DEC20-05-689 CITY-WIDE
2. Resolution No. 20253 relating to law enforcement; approving and authorizing execution of a Grant Agreement between City of Tucson and the Arizona Criminal Justice Commission for a DNA Backlog I Grant Program; and declaring an emergency.

Council Member West requested an explanation of the purpose of the grant agreement.

Richard Miranda, Chief of Police, stated the non-matching grant purpose was to offset the cost of having to contract with other labs to assist with DNA workload.

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

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

Upon roll call, the results were:

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

Nay: None

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

N. REAL PROPERTY: ACQUISITION OF REAL PROPERTY LOCATED AT 945 EAST OHIO STREET (CONTINUED FROM THE MEETING OF DECEMBER 13, 2005)

1. Report from City Manager DEC20-05-698 WARD 5
2. Resolution No. 20247 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located at 945 East Ohio Street for use by the Tucson Police Department; and declaring an emergency.

Council Member Trasoff stated it was important for the public to hear the background and facts on Item N. She requested staff comment.

Mike Hein, City Manager, stated the Police Department recognized inadequacies of workspace and in the past staff was requested to find public spaces to accommodate growth but none were available. The Real Estate Division was directed to search private properties. The property on Ohio Street became available and after research, staff decided it would be in the City's best interest to acquire the property instead of leasing. He asked Roberto Villaseñor, Assistant Police Chief, to provide a background on the need for the facility.

Assistant Chief Roberto Villaseñor, Tucson Police Department, stated the Tucson Police Department had problems with evidence storage functions, which was interrelated to the crime lab and investigation services. The department was housing more than one million pieces of evidence in approximately fifteen thousand square feet of space. He also stated, for comparison purposes, the Pima County Sheriff's Department was housing approximately three hundred thousand pieces of evidence in a thirty thousand square foot facility and was considered to be at seventy-percent capacity. Assistant Chief Villaseñor stated the Tucson Police Department was well over their capacity and they paid annually for additional storage space throughout the City, in addition to contracted cold storage for DNA evidence. The facility on Ohio Street would provide three times the storage space currently used by the Tucson Police Department, and would provide workspace for the crime scene forensic personnel. The American Society of Crime Laboratory Directors recommended one thousand square feet per crime lab employee. Currently employees operate in four hundred and forty three square feet of workspace. He added the Tucson Police Department did not have enough employees due to the limited workspace, which resulted in outsourcing DNA testing to other labs. The facility on Ohio Street would meet current needs, in addition to future growth needs.

Council Member Trasoff asked if the need was due to growth.

Mr. Hein confirmed it accommodated current demand, while leaving room for growth.

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

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

Upon roll call, the results were:

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

Nay: None

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

R. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR FRIENDS OF MARTY BIRDMAN, MARTY BIRDMAN CENTER

1. Report from City Manager DEC20-05-706 WARD 3
2. Resolution No. 20258 relating to Finance; approving and authorizing the allocation of one hundred dollars (\$100) from the Community Support Fund to Organization 001-183-1898-268, the Marty Birdman Fund, to assist in furthering the work of the Balboa Heights Neighborhood Association; and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows: Council Member Uhlich - \$100.00

Council Member Uhlich stated the Ward 3 Council Office would contribute one hundred dollars from the community fund to the Marty Birdman Center, in Balboa Heights Neighborhood Association. She said that Mr. Birdman had recently passed away and he had contributed tremendously to improvements in the Balboa Heights Neighborhood. He was a champion of advancement in Ward 3 and in the neighborhood. She asked for support from Mayor and Council.

Council Member West stated she was there when the center was dedicated to Marty Birdman and she was pleased to join Council Member Uhlich by donating one hundred dollars from the Ward 2 community fund.

Council Member Trasoff announced she would like to participate, but she did not believe her office had funds left to contribute from.

Mayor Walkup and the Council Members each agreed to contribute one hundred dollars each from their ward office community funds towards the Marty Birdman Fund;

Vice-Mayor Leal agreed to contribute an extra one hundred dollars on behalf of the Ward 6 Council Office, which did not have any funds left to donate.

Kathleen S. Detrick, City Clerk, clarified that the amount had increased to seven hundred dollars, with one hundred dollars coming from each of the Ward Offices and Vice Mayor Leal contributing two hundred dollars, of which one hundred dollars was dedicated towards Council Member Trasoff's contribution.

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

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

Upon roll call, the results were:

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

Nay: None

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

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 on the agenda. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for fifteen minutes. He asked if there was anyone in the audience who wished to address the Council.

- a. Michael Toney stated his support of the underground freeway and opposition to the high steel suspension bridge. He provided information packets to Mayor and Council, and spoke about the Rio Nuevo Multipurpose Facilities District.
- b. Robert Shatz, President of the Cultural Exchange Council, thanked Mayor and Council for their support of and contributions toward events such as "Tucson Meet Yourself". He introduced members of the Cultural Exchange Council, Carmen Bonillas, the new President, and Vice Presidents Mia Hansen and Yolanda Cruz.

8. PUBLIC HEARING: TUCSON CODE, AMENDING (CHAPTER 7), RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS FOR MOBILE ICE CREAM VENDORS

Mayor Walkup announced City Manager's communication number 701, dated December 20, 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 adoption of an ordinance requiring criminal history background checks for mobile ice cream vendors. The public hearing was scheduled to last for no more than one hour and speakers would be 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.

Mayor Walkup called on the first speaker.

Sevda Murdick, representing Excel Ice Cream Company, said she was a former mobile ice cream vendor. She expressed support of ice cream truck vendors, and said a serious debate was impossible if facts were continuously misrepresented. She asked Mayor and Council to lift the veil of political correctness so that it did not trump the well being of any child or vendor. She cautioned the Council on appearing to drag vendors further underground. Some vendors were being taken advantage of by others who claimed to speak on their behalf. Strong leaders were not always popular with everyone, everyday.

Mayor Walkup asked if anyone else wished to speak on the matter at that time. Hearing no one, he asked for a motion to close the public hearing.

It was moved by Vice Mayor Leal, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10236 by number and title only.

Ordinance No. 10236 relating to business licenses and occupational license tax; amending Chapter 7 by adding a new Article XXIII providing for Licensing and Operational Requirements for ice cream truck vendors; amending Section 19-41 to add an Occupational License Tax on ice cream truck vendors; and declaring an emergency.

Vice Mayor Leal stated the Ward 5 Council Office, City Attorney's Office, law school members, union representatives and vendors attempted to evolve something that created safety for children who were potentially at risk. There were changes to the document that balanced function, justice and public safety. He thanked all who participated.

It was moved by Vice Mayor Leal, duly seconded, to pass and adopt Ordinance 10236 and request staff return in a year to follow up on the status.

Mike Rankin, City Attorney, stated changes to Ordinance 10236 were made which included narrowing the scope of convictions which disqualified one from obtaining a license. He stated that the ordinance presented tonight read that the disqualifying convictions were all related to sexual offenses.

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, Uhlich, Scott and Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance No. 10236 was declared passed and adopted by a roll call vote of 7 to 0.

9. ZONING: (C9-96-10) SCHOMAC – 22ND STREET, C-2 ZONING, ORDINANCE ADOPTION, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN

Kathleen S. Detrick, City Clerk, announced that both staff and the applicant had requested this public hearing be continued to the Mayor and Council meeting on January 4, 2006. She stated Item 9 was advertised as a public hearing, so anyone in the audience should be allowed an opportunity to speak on the item if they so desired. Ms. Detrick also stated the applicant was present.

Ms. Detrick said that she needed to make a correction, this item it had not been advertised as a public hearing.

It was moved by Vice Mayor Leal, duly seconded, and carried by a voice vote of 7 to 0, to continue Zoning Case C9-96-10, Schomac – 22nd Street, to January 4, 2006.

Ms. Detrick announced that there was some confusion. The communication had listed it as a public hearing. She asked if that was correct.

Mr. Rankin stated the communication did reflect that it was a public hearing, but that language did not carry over to the agenda notice. It would be appropriate to continue it to January 4, 2006.

Ms. Detrick said the public hearing would be continued to January 4, 2006 and take place at or after 5:30 p.m. in the Council Chambers on the first floor of City Hall at 255 W. Alameda and she asked the motion maker and the second to confirm that was the motion. It was confirmed.

Mr. Rankin said the Mayor and Council might want to ask if there was anyone in the audience.

Mayor Walkup asked if there was anyone in the audience to speak on that item at that time. There was no one.

Mayor Walkup asked all in favor of the adjusted motion to signify by saying "aye".

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

10. PUBLIC HEARING: ZONING (C9-02-32) A-C INVESTMENT – AJO WAY, R-1/R-2/I-1 TO I-1, CHANGE OF PRELIMINARY DEVELOPMENT PLAN (CONTINUED FROM THE MEETING OF DECEMBER 13, 2005)

Mayor Walkup announced City Manager's Communication number 702, dated December 20, 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 request to allow a change to the preliminary development plan for property located on the northeast corner of Kino Parkway and Ajo Way. Mayor Walkup asked if the applicant or representative was present, and if they had any brief comments.

Paul Iezzi, representing Rick Engineering, stated the City Manager's report and conditions had been read and were acceptable to the developer.

Mayor Walkup announced speakers would be limited to five-minute presentations. He called on the first speaker.

Michael Toney stated he received information from the Pima County Board of Supervisors regarding an annexation near River Road and that he was against development because it wiped out rabbit holes, flora and fauna. He also stated impact fees tended to be avoided and asked if the company was an intermediary for another developer. He questioned the nature of development and its environmental impact, including its contribution to smog and low levels of ground water.

Mayor Walkup asked if there was anyone else who wished to address the Council regarding this item. Hearing no one, he asked for a motion to close the public hearing.

It was moved by Vice Mayor Leal, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

Kathleen S. Detrick, City Clerk, announced that condition number 24 was deleted and asked the applicant if he concurred with conditions 1 through 23.

Mr. Iezzi confirmed he accepted conditions 1 through 23.

Vice Mayor Leal stated staff, the developer and the owner worked hard to create significant conditions to this inherently challenged land.

It was moved by Vice Mayor Leal, duly seconded, and carried by a voice vote of 7 to 0, to approve the change of preliminary development plan as presented, with the exception of condition 24.

11. PUBLIC HEARING: VALENCIA RESERVE ANNEXATION DISTRICT

Mayor Walkup announced City Manager's Communication number 694, dated December 20, 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 Valencia Reserve Annexation District. The public hearing was scheduled to last no more than one hour, and speakers would be limited to five-minute presentations. He called on the first speaker.

David Woodburn stated that he and his wife are residents of the proposed Valencia Reserve Annexation District and they opposed the annexation. He attended an informational meeting with Albert Elias, Department of Urban Planning and Design Director, at Desert View High School a few months ago. There was plenty of information provided at that meeting, but Mr. Elias stated this area was not in the City's immediate annexation plans. Therefore, he was surprised to be notified by mail of the current public hearing on this issue, being held two months after Mr. Elias's statement. Not being prepared for the annexation gave Mr. Woodburn and his wife pause to sign an annexation petition at that time. They did appreciate Mr. Elias's admission of no real financial benefit to being a part of the City compared to the county; their expenses would be virtually the same either way. He said Mr. Elias mentioned the new Tucson Fire Department and battalion headquarters being built across the street from the Woodburns' development, and expected to be operational sometime next year. Mr. Woodburn said it would be a nice convenience to have, but they did not expect a need for it, particularly until it was operational, so they did not see a need to join the City just yet.

Mr. Woodburn said joining the City was similar to a cell phone plan. To sign an annexation petition, they had to consider whether they received more benefits for the same amount of money, or the same benefits for less money. If they received neither, they were happy to stay with their current plan. In this case, annexing would benefit the greater good by infusing more State tax money into the City and county, but he asked what would be the benefit for the homeowners in the Annexation District. For the same price of currently living in Pima County, they would want to see their quality of living improved.

Mr. Woodburn said they would feel uncomfortable speaking on behalf of the more than three hundred fifty future homeowners who had not yet purchased homes in the development. Mr. Woodburn said they were at least a year away from having more than half of the six hundred forty one homesites sold and built. They imagined there would be some families who would buy, or had already bought homes in the

development partly because they were not part of the City. He imagined they would be frustrated to have bought a county home but move into a City home. Mr. Woodburn said they would not want to put these people in any kind of awkward position. He requested Mayor and Council postpone annexation of the District for a year to allow residents time to realize the full benefits to the City and the development from the annexation, and to assess their interest as the development grows.

Michael Toney stated he spoke against development at the Pima County Board of Supervisors meeting as well as at the Mayor and Council meeting. He said county policy stated any annexation of county property would not be rezoned after annexation. He could see the benefit of some clustering, to save surrounding urban space. However, the problem with future development would be ground-covered dwellings, asphalt, and concrete, which contributed to the problem of runoff and further depletion of the aquifer. He said the idea was to raise aquifer levels.

Mr. Toney questioned the fairness of making future residents sign a pre-annexation agreement. He said a plot of land could not be viewed in isolation from its surroundings; there was a cumulative impact. The population should be dealt with as a totality, not in separate groups as they presented themselves. Planning in Tucson was absent, as there was no totality, no comprehensive plan. He spoke in favor of maintaining vegetation and raising the water table.

Mayor Walkup asked if there were any other speakers. Hearing none, he asked for a motion to close the public hearing.

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

Vice Mayor Leal stated there was a significant deficit of parks and recreation facilities in the Southside area. This deficit would increase as industrially-zoned land was rezoned to residential. If the six hundred homes in the area were not annexed, the City impact fees could not be generated for parks and recreation budget use. Therefore, families would use facilities markedly less in quality whether they were annexed to City or not. He stated the annexation was beneficial for both current and future residents.

It was moved by Vice Mayor Leal, duly seconded, to proceed with the Valencia Reserve Annexation District.

Mayor Walkup asked if there was any discussion.

Council Member West stated Mr. Woodburn spoke eloquently and had a point. She would like to see more tax money come to the City of Tucson than be left in the City of Phoenix. She asked how much of the State-shared revenues would the City of Tucson receive for each resident in that area. She asked if it was three hundred eighty dollars for each resident.

Albert Elias, Department of Urban Planning and Design Director, confirmed that the City would receive approximately three hundred eighty dollars per resident. The information regarding funds was available in the attachment to the materials provided, under Shared State Taxes. Those were taxes already being collected, that the City would receive a share of because of the additional population within the City.

Council Member West stated Pima County did not receive this money; it was only for incorporated areas. This money could be used for services. She said the Ward 5 Council Office provided fine service to its constituents. A fire station could be advantageous in that no one knew when it would be needed. She also added that it was a good idea to annex the area because the emerging water conservation program would be easier to enforce. The more they were conscious of saving water and had ways to enforce that, the better off the City would be. She said she would support Vice Mayor Leal's motion.

Council Member Trasoff asked what the current county zoning was for the Annexation District.

Mr. Elias stated the majority of the area was zoned CR-3, a portion was zoned CR-4 and a southwest section was zoned CI-1.

Council Member West asked how that translated, in terms of City zoning.

Mr. Elias stated Pima County's CI-1 industrial zone was similar to the City of Tucson's I-1 industrial zoning; the CR-4 was similar to the City's R-2 zoning classification; and the CR-3, which was the vast majority of the site, was roughly equivalent to the City's R-1 zoning. It was likely that the land, particularly the State Trust land, at some point, would be disposed of and the future owner would go through a rezoning process. One of the advantages of moving forward with the annexation would be to allow better planning and land use decision-making on State Trust land, which would be within the City of Tucson's jurisdiction.

The motion to proceed with the Valencia Reserve Annexation District was carried by a voice vote of 7 to 0.

12. CITY MAGISTRATES: APPOINTING TWO CITY MAGISTRATES; ESTABLISHING COMPENSATION FOR MAGISTRATES; AND APPROVING A STANDARDIZED PROCESS FOR FUTURE SALARY ADJUSTMENTS AND AFFIRMING THE REPORTING REQUIREMENTS FOR CITY COURT

Mayor Walkup announced City Manager's Communication number 696, dated December 20, 2005, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10231 and Ordinance 10234, by number and title only.

Ordinance No. 10231 relating to City Magistrates; appointing Jeffrey A. Klotz as City Magistrate of the City of Tucson; setting compensation for Magistrates; and declaring an emergency.

Ordinance No. 10234 relating to City Magistrates; appointing Margarita B. Bernal as City Magistrate of the City of Tucson; setting compensation for Magistrates; and declaring an emergency.

It was moved by Vice Mayor Leal, duly seconded, to pass and adopt Ordinance 10231.

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, Uhlich, Scott, and Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance No. 10231 was declared passed and adopted by a roll call vote of 7 to 0.

It was moved by Vice Mayor Leal, duly seconded, to pass and adopt Ordinance 10234.

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, Uhlich, Scott, and Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance No. 10234 was declared passed and adopted by a roll call vote of 7 to 0.

It was moved by Vice Mayor Leal, duly seconded, and carried by a voice vote of 7 to 0, to approve a standardized process for future salary adjustments, and affirm the Magistrate performance reporting requirements.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 684, dated December 20, 2005, would be received into and made a part of the record. He asked if there were any personal appointments to be made. There were none.

14. ADJOURNMENT 6:54 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, January 4, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 20th day of December 2005, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:dg/sl