



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 17, 2007

Date of Meeting: December 5, 2006

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 Tuesday, December 5, 2006 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	Vice Mayor, Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Shirley C. Scott	Council Member Ward 4
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Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Roger Randolph	Deputy City Clerk
Mike Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Rebecca Partin, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Lori Jones Woods and Tim Johnson, Arizona Chapter of the American Society of Landscape Architects, presented the Friend of Landscape Architecture Award to the Mayor and Council of the City of Tucson for creating the position of Urban Landscape Manager.
- b. Mayor Walkup and Council Member Trasoff announced Tucson 12 was recognized as “Station of the Year” by the National Association of Telecommunications Officers and Advisors. Additionally, Mayor Walkup presented the four Emmy awards received by Tucson 12 from the Rocky Mountain Chapter of the Academy of Arts and Sciences National Association of Telecommunications Officers and Advisors to Martha Cantrell and Mitch Riley for “I am Tucson” in the program promotion category, and Mitch Riley and Terry Quinn for “Desert Drums” in the arts and entertainment category.

Roger Randolph, Deputy City Clerk, announced Susie Rogers would be assisting with Spanish language translation for items listed on the agenda for anyone in the audience.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 656, dated December 5, 2006, was 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 thanked Abby Wine, of the Oak Flower Neighborhood Association; Elizabeth Rainey, of the Dodge Flower Neighborhood Association, Tucson Electric Power, the American Red Cross, and members of the community for assisting the residents of the Nottinghill Apartments who were without heat during the recent cold weather.
- b. Council Member Trasoff announced there would be a downtown farmer’s market and arts and crafts mercado on December 13 and 14, 2006, on the south lawn of the Main Library, and the Ward 6 Council Office would host an open house to celebrate Council Member Trasoff’s first year in office on December 6, 2006. She congratulated Council Member Uhlich on her one-year anniversary in office and Council Member Leal who was elected at the same time. She also announced Paul Durham, Ward 6 Chief of Staff, would be leaving her staff. She thanked Mr. Durham for his contributions to her and her office.

- c. Mayor Walkup invited the public to the Downtown Christmas Tree Lighting Ceremony and Parade of Lights, which would be held on December 9, 2006.

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

Mayor Walkup announced City Manager's communication number 657, dated December 5, 2006, was 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 Letcher, Deputy City Manager, reported:

- a. Tucson was awarded third place in the Top Ten Cities of Over 250,000 population category in the Digital Cities Survey conducted by the Center for Digital Government. The award recognized, through an annual study, how cities were utilizing digital technologies to better serve their citizens and streamline operations.
- b. The Government Finance Officers Association recognized the Budget Department for Excellence in Budget Reporting. Mr. Letcher congratulated Ann Strine, Director of Information Technology, and Jim Cameron, Budget Director, for the awards their departments received.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 655, dated December 5, 2006, was received into and made a part of the record. He asked the Deputy City Clerk to read the Liquor License Agenda.

- b. Liquor License Applications

New License(s)

- 1. Chow Bella, Ward 6
944 E. University Blvd.
Applicant: Timothy Earl Hibsman
Series 12, City 113-06
Action must be taken by: December 30, 2006
Staff has indicated the applicant is in compliance with city requirements.

2. Clarion, Ward 5
6801 S. Tucson Blvd.
Applicant: Nirmal Nagra
Series 11, City 111-06
Action must be taken by: December 25, 2006
Staff has indicated the applicant is in compliance with city requirements.

Person Transfer

3. Bai Thong, Ward 6
4853 E. Speedway Blvd.
Applicant: Metta Leavens
Series 7, City 112-06
Action must be taken by: December 28, 2006
Staff has indicated the applicant is in compliance with city requirements.

Person/Location Transfer

4. RP Food Store, Ward 3
902 W. Miracle Mile
Applicant: Krishna Pal Singh
Series 9, City 110-06
Action must be taken by: December 24, 2006
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument Opposed Filed

This item was considered separately.

c. Special Event

NOTE: There are no Special Event Liquor License applications scheduled for this meeting.

d. Agent Change

NOTE: There are no agent changes scheduled for this meeting.

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

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

Person/Location Transfer

4. RP Food Store, Ward 3
902 W. Miracle Mile
Applicant: Krishna Pal Singh
Series 9, City 110-06
Action must be taken by: December 24, 2006
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument Opposed Filed

Council Member Uhlich asked if a representative of the applicant or the applicant was present and if there was any information or comment he would like to make.

Krishna Singh, owner of RP Food Store, said they had a Series 10 liquor license and currently sold beer and wine. Mr. Singh said when people came and asked if they sold other types of liquor he sent them to Circle K, who sold that type of liquor. He said a time came when they decided they should sell other types of liquor. A couple of months ago the City had additional licenses available from a lottery system. He said since he thought the population was probably increasing, he decided he should also have a liquor license, so he bought a license and applied for it.

Council Member Uhlich asked if a representative from the adjacent neighborhood was present since there was a written protest filed.

There was none.

Council Member Uhlich said she thought all the Council Members had received a copy of the protest letter. To summarize the letter, she said the president and vice president of the Miracle Manor Neighborhood Association expressed grave concern with the increasing presence of alcohol sales along this corridor. She invited Mr. Singh to participate with the coalition of business owners along Miracle Mile and Oracle Road. They were working hard with this coalition to address serious issues of crime and other concerns.

Council Member Uhlich said given the fact they were seeing this pattern and given the fact that there were twenty-eight licenses in the surrounding area already, she said she would be forwarding a recommendation to deny this request for a transfer. She invited the applicant to speak later to work together on some of the underlying concerns they were trying to address.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott Absent/Excused) to forward liquor license application 5b4 to the Arizona State Liquor Board with a recommendation for denial.

6. 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 for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Geoff Gonzales, representing Southern Arizona Network for Downs Syndrome, thanked the Mayor and Council for their contributions to the Fifth Annual Buddy Walk and reported on the Southern Arizona Network for Downs Syndrome's success and its continuing activities.
- b. Michael Toney suggested the Mayor and Council abandon the University of Arizona Science Center project in favor of the arena project.
- c. Russ Dove urged the Mayor and Council to assess their views on immigration and civil rights.

7. CONSENT AGENDA – ITEMS A THROUGH R

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

- A. MAYOR AND COUNCIL: AMENDING (CHAPTER 2) OF THE TUCSON CODE RELATING TO MEETINGS OF THE MAYOR AND COUNCIL; AND APPROVING THE MEETING SCHEDULE FOR 2007
 1. Report from City Manager DEC5-06-659 CITY-WIDE
 2. Ordinance No. 10352 relating to administration; establishing the meeting dates of the Mayor and Council; amending Tucson Code Section 2-26(2) to define the term “first full week of each month”; approving a schedule of meeting dates for 2007; and declaring an emergency.

- B. ASSURANCE AGREEMENT: (S06-061) KILBURN PLACE CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103, 2104, COMMON AREA "A", AND LIMITED COMMON AREAS "B", "C", "D", "E", "F", "G", AND "H"
1. Report from City Manager DEC5-06-663 WARD 3
 2. Resolution No. 20516 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. S06-061 of a final plat for the Kilburn Place Condominiums, a Condominium Conversion Project, Units 1101, 1102, 1103, 2101, 2102, 2103, and 2104, and Common Area "A", Limited Common Areas "B", "C", "D", "E", "F", "G", and "H"; and declaring an emergency.
- C. FINAL PLAT: (S06-061) KILBURN PLACE CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103, 2104, COMMON AREA "A", AND LIMITED COMMON AREAS "B", "C", "D", "E", "F", "G", AND "H"
1. Report from City Manager DEC5-06-664 WARD 3
 2. Staff 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: (S06-090) KILBURN MANOR CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103, 2104, COMMON AREA "A", AND LIMITED COMMON AREAS "B", "C", "D", "E", "F", "G", AND "H"
1. Report from City Manager DEC5-06-669 WARD 3
 2. Resolution No. 20517 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. S06-090 of a final plat for the Kilburn Manor Condominiums, a Condominium Conversion Project, Units 1101, 1102, 1103, 2101, 2102, 2103, and 2104, and Common Area "A", Limited Common Areas "B", "C", "D", "E", "F", "G", and "H"; and declaring an emergency.

- E. FINAL PLAT: (S06-090) KILBURN MANOR CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103, 2104, COMMON AREA "A", AND LIMITED COMMON AREAS "B", "C", "D", "E", "F", "G", AND "H"
1. Report from City Manager DEC5-06-670 WARD 3
 2. Staff 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: (S06-095) KILBURN VIEW CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103, 2104, COMMON AREA "A", AND LIMITED COMMON AREAS "B", "C", "D", "E", "F", "G", AND "H"
1. Report from City Manager DEC5-06-671 WARD 3
 2. Resolution No. 20518 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. S06-095 of a final plat for the Kilburn View Condominiums, a Condominium Conversion Project, Units 1101, 1102, 1103, 2101, 2102, 2103, and 2104, and Common Area "A", and Limited Common Areas "B", "C", "D", "E", "F", "G", and "H"; and declaring an emergency.
- G. FINAL PLAT: (S06-095) KILBURN VIEW CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103, 2104, COMMON AREA "A", AND LIMITED COMMON AREAS "B", "C", "D", "E", "F", "G", AND "H"
1. Report from City Manager DEC5-06-672 WARD 3
 2. Staff 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: (S04-182) LIMBERLOST COMMONS SUBDIVISION (RCP) LOTS 1 TO 20 AND COMMON AREAS “A” AND “B”
1. Report from City Manager DEC5-06-665 WARD 3
 2. Resolution No. 20519 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. S04-182 of a final plat for the Limberlost Commons Subdivision, Lots 1 to 20 and Common Areas “A” and “B”; and declaring an emergency.
- I. FINAL PLAT: (S04-182) LIMBERLOST COMMONS SUBDIVISION (RCP) LOTS 1 TO 20 AND COMMON AREAS “A” AND “B”
1. Report from City Manager DEC5-06-666 WARD 3
 2. Staff 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. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR IMPLEMENTATION OF APPROVED PROJECTS
1. Report from City Manager DEC5-06-660 CITY-WIDE
 2. Resolution No. 20523 relating to Intergovernmental Agreements; approving and authorizing execution of Intergovernmental Agreements (IGAs) between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for implementation of approved RTA projects in the Safety Element-Intersection Safety and Capacity Improvements Category; and declaring an emergency.
- K. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS LLC FOR A WIRELESS CELLULAR ANTENNA AT 4159 SOUTH ELIZABETH DRIVE
1. Report from City Manager DEC5-06-654 WARD 1
 2. Ordinance No. 10353 relating to real property; authorizing and approving the Lease Agreement between the City of Tucson and New Cingular Wireless PCS LLC for a certain portion of right-of-way located at 4159 South Elizabeth Drive (La Mar Park), Tucson, Arizona; and declaring an emergency

L. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS LLC FOR A WIRELESS CELLULAR ANTENNA AT 35TH STREET AND PANTANO ROAD

1. Report from City Manager DEC5-06-673 WARD 4
2. Ordinance No. 10354 relating to real property; authorizing and approving the Lease Agreement between the City of Tucson and New Cingular Wireless PCS LLC for a certain portion of right-of-way located at 2445 South Pantano Road, Tucson, Arizona; and declaring an emergency

This item was continued at the request of Council Member Scott.

M. REAL PROPERTY: TERMINATION OF LEASE AGREEMENT WITH SAGUARO ARTISANS AND APPROVAL OF NEW LEASE WITH KONSTANTINA MAHLIA FOR PROPERTY LOCATED AT THE HISTORIC DEPOT

1. Report from City Manager DEC5-06-674 WARD 6
2. Resolution No. 20522 relating to real estate; authorizing and approving the termination of the lease agreement with Saguaro Artisans for the property located at 410 North Toole Avenue, Suite B; and declaring an emergency.
3. Ordinance No. 10355 relating to real property; authorizing and approving the lease of certain City-owned real property located at 410 North Toole Avenue, Suite B, to Konstantina Mahlia; and declaring an emergency.

N. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SUDANESE PROMISE FUND FOR THE RACE FOR THE SUDANESE PROMISE

1. Report from City Manager DEC5-06-667 WARD 6
2. Resolution No. 20520 relating to Finance; approving and authorizing the allocation of one hundred dollars (\$100) from the Community Support Fund, Account No. 001-183-1898-268, to the Sudanese Promise Fund for the Race for the Sudanese Promise; and declaring an emergency.

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

O. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE WORLD WAR II MEMORIAL COMMITTEE FOR THE MEMORIAL BUILDING FUND

1. Report from City Manager DEC5-06-668 WARD 6
2. Resolution No. 20521 relating to Finance; approving and authorizing the allocation of five hundred dollars (\$500) from the Community Support Fund, Account No. 001-183-1898-268, to the World War II Memorial Committee for the Memorial Building Fund; and declaring an emergency.

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

This item was considered separately at the request of Council Member Trasoff.

P. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH THE STATE OF ARIZONA FOR THE VALENCIA RESERVE ANNEXATION DISTRICT

1. Report from City Manager DEC5-06-677(2) OUTSIDE CITY
2. Resolution No. 20526 relating to annexations; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and the State of Arizona (State Land Department for State Trust Land); and declaring an emergency.

Note: if annexed, area would be in Ward 5

Q. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH US HOME – LENNAR FOR THE VALENCIA RESERVE ANNEXATION DISTRICT

1. Report from City Manager DEC5-06-678(2) OUTSIDE CITY
2. Resolution No. 20528 relating to annexations; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and US Home/Lennar; and declaring an emergency.

Note: if annexed, area would be in Ward 5

Roger Randolph, Deputy City Clerk, announced they would be substituting the agreement, Exhibit A to Resolution 20528, with a signed version that contained minor technical corrections, which was different than what was submitted in the material the Mayor and Council received.

Mike Rankin, City Attorney, announced as he mentioned during Study Session there were several technical corrections to be made to Consent Agenda Item Q, specifically Exhibit A to Resolution 20528, the Pre-Annexation and Development Agreement.

Section 4.1, third sentence, to begin:

“U.S. Home, GMAC and their affiliates and successors...”

Section 4.3, first sentence, to begin:

“The City acknowledges that U.S. Home, GMAC and their successors have a vested right...”

Section 4.6, fourth sentence, to read:

“In consideration for City’s covenant to pay all impact fees relating to the Subdivision as provided herein, U.S. Home releases and assigns to the City, but effective only upon the effective date of annexation, any right it may have had to any offsets against City impact fees...”

Section 4.6, a fifth sentence was added to read:

“Such assignment shall be solely as to any credits that would then be available to be applied against City impact fees.”

Section 4.7 was amended to read:

“No impact fees shall be assessed for any dwellings and related improvements constructed or to be constructed under a valid, unexpired Pima County building permit.”

Section 4.8 was amended to read:

“Neither U.S. Home nor GMAC has any further obligations...”

An additional clause was added to the fifth sentence of the first paragraph of Section 5.4, to read:

“...including those provisions pertaining to transaction privilege tax, construction sales tax, speculative builder tax, owner builder tax, or similar tax.”

Mr. Rankin announced none of the corrections change the substantive provisions of the agreement, they simply identified that the rights flowed to the successors in interest, as well as the parties that were previously named.

R. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE UNIVERSITY OF ARIZONA CULTURE RHYTHM DANCE CREW

1. Report from City Manager DEC5-06-679 WARD 1
2. Resolution No. 20524 relating to Finance; approving and authorizing the allocation of six hundred dollars (\$600) from the Community Support Fund, Account No. 001-183-1898-268, to the University of Arizona Culture Rhythm Dance Crew for the December 9, 2006, performance showcase; and declaring an emergency.

This is a request by Council Member Ibarra . Allocation of funds is as follows:
Council Member Ibarra - \$600.00

It was moved by Council Member Leal, duly seconded, that Consent Agenda Items A through R, with the exception of L which was continued, and O which would be considered separately, and with the technical corrections read into the record to Consent Agenda Item Q, be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Scott

Consent Agenda Items A and R, with the exception of L which was continued to the meeting of December 12, 2006, and O which would be considered separately, and with the technical corrections to Consent Agenda Item Q, were declared passed and adopted by a roll call vote of 6 to 0.

7. CONSENT AGENDA – ITEM O

O. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE WORLD WAR II MEMORIAL COMMITTEE FOR THE MEMORIAL BUILDING FUND

1. Report from City Manager DEC5-06-668 WARD 6

2. Resolution No. 20521 relating to Finance; approving and authorizing the allocation of five hundred dollars (\$500) from the Community Support Fund, Account No. 001-183-1898-268, to the World War II Memorial Committee for the Memorial Building Fund; and declaring an emergency.

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

Council Member Trasoff said she requested this item be considered separately to allow her to publicly comment before she made the contribution to the World War II Memorial.

Council Member Trasoff said a ceremony was held downtown in the El Presidio Park on Veterans' Day. She said the work that had been done was incredibly impressive. She said she wanted to give credit to Council Member Leal, as it had been a project, a passion of his, for about a year and a half.

Council Member Trasoff said memorials were important and were ways to remember and recognize. She said the personal nature of the approach to the project was what touched her and was the reason why she wanted her ward and herself to be part of it. Painstakingly, they were tracing every person who served in World War II, where they lived in the community, and who they were. She said she did not know if it was a disproportionate amount of involvement, but it was amazing to look at the map and see the level of service and commitment from the community in the war.

Council Member Trasoff thanked Council Member Leal for getting the project started. She said unfortunately it was only beginning and there was a need for additional community support, but the Ward 6 office was honored to contribute five hundred dollars towards the effort.

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

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Scott

Consent Agenda Item O, was declared passed and adopted by a roll call vote of 6 to 0.

8. PUBLIC HEARING: ZONING (C9-06-25) THE POST – CONGRESS STREET, C-1 AND C-2 TO OCR-2, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager’s communication number 676, dated December 5, 2006, was received into and made a part of the record. He announced this was the time and place legally advertised for a public hearing to rezone property located on the south side of Congress Street between Stone and Scott Avenues. He also announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Michael Toney said as this was an item on rezoning he hoped it was appropriate to make comments in reference to the *Land Use Code (LUC)* as it related to downtown planning efforts and the *General Plan*. He said he attended an interesting meeting of the Design Review Board when they conscientiously reviewed this item.

Mr. Toney said his concern was not with the rezoning per se, as long as they tried to adhere to some of the criteria from the *LUC*. He read the following portion of *LUC* Section 3.5.9.7.B *Aesthetic Character of Buildings, “Facades and Exterior Walls Including Sides and Back*. The building shall be designed in a way which will reduce the massive scale and uniform and impersonal appearance and will provide visual interest consistent with the community’s identity...”

Mr. Toney said if they were serious about taking the best and making it better they had the Chase Bank, as well as the red brick from the Rialto Block. The way they had structured the street, the north side face of that building was pretty elementary. He said the building was flat and had little patches of red. He said he thought their choice was to use aluminum. The aesthetic was a pronounced tendency to shy away from smooth faced concrete block, prefabricated steel panel, and other similar materials. He said since there was an extension of the TIF to 2025, perhaps they would like to help these people if they were in a financial bind to be able to take the building to a more refined type of structure. He said he thought the setbacks would be nice and that contouring the building to make some public spaces there would allow considerably more vegetation than what was presented at the Design Review Board.

Mr. Toney read a portion of Section 3.5.9.7.B *Aesthetic Character of Buildings, 3. Roofs*: “The roof design shall provide variations in roof lines to add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining”... He said if they were going to build something that would last sixty to seventy-five years, he hoped they did not try to pinch their pockets and just do something passable, but build something to a higher level. He added with the amount of glass on the north face and the amount of morning sun, there would be a terrific glare especially from the west side down into Congress Street which would be very difficult for traffic.

Mr. Toney said they mentioned putting in a whimsical sidewalk. He said in terms of Rio Nuevo, and for himself, he understood it to be more of a cultural renaissance and perhaps not that many people shared that view, but he would rather see traditional American Indian designs done very nicely than a whimsical aesthetic. He said it was getting to be like Rainbow Bridge structure, which to him was boring. He said there was still much to be done it was not set in stone. He said he did not oppose the rezoning, but these considerations should be brought up. This might be the time to bring these things up and to bring about a design that would enhance the area.

Mayor Walkup asked if there was anyone else who would like to comment.

There was no one.

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

Mayor Walkup asked the Deputy City Clerk to read Ordinance 10356 by number and title only.

Ordinance No. 10356 relating to zoning: amending zoning district boundaries in the area located on the south side of Congress Street between Stone and Scott Avenues in Case C9-06-25, The Post – Congress Street, C-1 and C-2 to OCR-2; and setting an effective date.

It was moved by Council Member Trasoff, duly seconded, to approve the request for rezoning as recommended by the Zoning Examiner and pass and adopt Ordinance 10356.

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

Nay: None

Absent/Excused: Council Member Scott

Ordinance 10356 was declared passed and adopted by a roll call vote of 6 to 0.

9. ZONING: (C9-00-36) LEWIS FAMILY LLC – IRVINGTON ROAD, R-1 AND R-2 TO C-2, REACTIVATION AND TIME EXTENSION (CONTINUED FROM THE MEETING OF SEPTEMBER 6, 2006)

Mayor Walkup announced City Manager's communication number 661, dated December 5, 2006, was received into and made a part of the record. He announced this was a request for a reactivation and time extension for property located on the north side of Irvington Road west of County Club Road.

Mayor Walkup asked if the applicant or representative was present and also asked if the representative was agreeable to the proposed conditions.

Scott Lewis, on behalf of the property owners, said he was agreeable to the conditions.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott Absent/Excused) to approve the request as presented.

10. ZONING: (C9-06-24) ALTA VISTA COMMUNITIES – KOLB ROAD, O-3 TO OCR-1, CITY MANAGER'S REPORT

Mayor Walkup announced City Manager's communication number 662, dated December 5, 2006, was received into and made a part of the record. He announced this was a request to rezone property located at the southwest corner of Kolb Road and Calle La Paz. He also announced the Zoning Examiner and the Development Service Department recommended approval subject to certain conditions.

Mayor Walkup asked if the applicant or representative was present and if the representative was agreeable to the proposed conditions.

Mike Grassinger, the Planning Center, said he was agreeable to the recommendations.

It was moved by Vice Mayor West, duly seconded, to authorize the request for rezoning as recommended by the Zoning Examiner.

Ernie Duarte, Development Services Department Director, announced an update to the protest information on the communication written and transferred to the Mayor and Council. They had previously received ten protests, that number was now twenty-three. The additional protests were from outside the one hundred and fifty-foot notice area, and so only a simple majority vote would be needed to adopt an ordinance.

The motion to authorize the request for rezoning as recommended by the Zoning Examiner was passed by a voice vote of 6 to 0 (Council Member Scott Absent/Excused).

11. ANNEXATION: ANNEXATION OF CORAZON DEL PUEBLO RIGHT-OF-WAY, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 675, dated December 5, 2006, was received into and made a part of the record.

Mayor Walkup asked the Deputy City Clerk to read Ordinance 10351 by number and title only.

Ordinance No. 10351 relating to annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto certain portions of County right-of-way with no taxable real property in Section, T15S, R14E, S13, G. & S. R. B. & M., Pima County, Arizona, more particularly described in the body of this Ordinance and declaring an emergency.

It was moved by Council Member Leal, duly seconded to pass and adopt Ordinance 10351.

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

Nay: None

Absent/Excused: Council Member Scott

Ordinance 10351 was declared passed and adopted by a roll call vote of 6 to 0.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 658, dated December 5, 2006, 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 Trasoff, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Scott Absent/Excused), to reappoint Mark Clark and Donald Jorgensen to the Pima County/City of Tucson Commission on Addiction, Prevention and Treatment, and to appoint Adam B. Smith to the Citizens' Water Advisory Committee.

Vice Mayor West instructed the Water Department to work with the Citizens' Water Advisory Committee so the members understood what their charge was. She explained their charge was to be advisory to the Mayor and Council and they should not have any other agendas. Furthermore, she asked that their record reflect which members were City Manager appointments. She said it was true the Mayor and Council ratified those appointments, but they were made by the City Manager, and only the Mayor and Council appointments should be reflected as Mayor and Council appointments in the record.

Mayor Walkup asked if there were any personal appointments to be made. There were none.

13. ADJOURNMENT 6:26 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, December 12, 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 5th day of December 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:rm/cdj