



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 20, 2007

Date of Meeting: February 6, 2007

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 5:33 p.m. on Tuesday, February 6, 2007 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
Shirley C. Scott	Council Member Ward 4
Steve Leal	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 Chaplain Wayne Jackson, Tucson Fire Department, after which the pledge of allegiance was led by Hawk Kelsch of Boy Scout Troop 233.

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

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 61, dated February 6, 2007, 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. Vice Mayor West shared a family pledge of non-violence that she received that included communicating with, respecting and listening to others, and said she would be distributing copies to the Mayor and Council and the Manager's Office. Vice Mayor West announced that the Ward 2 office would hold a Seniors Valentine Tea on February 14, 2007 and it would include a harp concert by Rebecca Foreman. Vice Mayor West also announced that she would be leading a Rio Nuevo Tour on February 17, 2007.
- b. Council Member Uhlich thanked the Dodge Flower and Oak Flower neighborhoods, the Meth-free alliance, the Tucson Police Department and in particular, Captain Neri, for being part of the anti-methamphetamine effort that lead to the arrest of over twenty-four people and the break up of a large methamphetamine ring in the midtown area. Council Member Uhlich announced that the Northwest Neighborhood Center and Mansfield Park neighborhood was inviting the public to attend a Harambee festival, which was the coming together of different cultures to celebrate Black History Month. It would be held on February 10, 2007 at Mansfield Park/Northwest Center.

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

Mayor Walkup announced City Manager's communication number 62, dated February 6, 2007, 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. Joanna Peled recently won accolades from the American Library Association's Teen Programs for "That's My Take." Teens wrote, directed, acted and produced a series of six movie trailers, including one produced in Spanish, in collaboration with Tucson 12. Ms. Peled would receive a one thousand-dollar cash award,

called the Sagebrush Award, to attend the American Library Association's Annual Conference.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 65, dated February 6, 2007, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New License

1. Prince Market, Ward 3
952 W. Prince Rd.
Applicant: Kholoud Bashir Hamdi
Series 10, City 127-06
Action must be taken by: February 15, 2007
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument Opposed Filed

Kathleen S. Detrick, City Clerk, announced Item 5b1, was a request for a new license. City staff had indicated the applicant was in compliance with City requirements; however, one written argument opposed was received within the required time period. This liquor license application is located in Ward 3.

Council Member Uhlich invited the applicant or representative to come forward, and asked him if he received a copy of the written argument opposed and if he had any comments related to that.

Jamil Qasim, representing the applicant, replied he did. He said he started his business, wanting to open a convenience store. He did sell a lot of tobacco. He had a lot of tobacco pipes and said the gentleman who sent the written argument opposed called it drug paraphernalia. Mr. Qasim said he had received a couple of complaints about it, so he took them out of the counter and put everything away. He said he just needed his license so he could do his business. He promised the Mayor and Council he would remove everything the neighborhood did not want him to sell. He also stated he had four children to care for. He stated he did not sell drugs as the gentleman mentioned in his report, and said he was not trying to make any trouble for anyone.

Council Member Uhlich invited the protester to come forward.

Timm Mains said he said he received the notice from the City Clerk's Office about a liquor license for a business that opened up right behind his house, called the Prince Market.

Mr. Mains proceeded to read a letter he sent to the City Clerk's Office in protest. He strongly opposed that the Prince Market be granted a liquor license for several reasons. The term 'market' did not describe the type of business that was conducted in the establishment. This store would best be termed as a "Head Shop or Smoke Shop",

which appeared to cater more to the illegal consumption of drugs with the drug paraphernalia on display.

Mr. Mains said there were many young children and teenagers in the neighborhood. He noted on his street alone there were twenty-four children who attended high school, or less, and that was a conservative number. There were two high schools and a city park less than a mile from the business. The children coming into the store for candy were being indoctrinated to a display of drug paraphernalia.

Mr. Mains stated the business was called a "market". When it first opened, he went into the store, and they sold candy, ice cream, sodas, cigarettes, crack pipes, bongs, all kinds of utensils/paraphernalia. He noted the applicant said it was for tobacco, but he said he had never seen anyone smoke tobacco out of a bong or out of a glass pipe. He said he found it to be a wrong thing to have in his neighborhood. He stated the selling of drug paraphernalia in the neighborhood was bad enough with the clientele it would attract. He said he was the only one who submitted protests. He spoke to many of his neighbors and businesses in the area and no one received a notice to be able to protest the application. Mr. Mains said he collected more letters, and had a total of eight. Six were from neighbors and two from businesses that were adjacent to the market in question. None were in favor of the business having a liquor license. He said he understood he could not present them to the Mayor and Council, because of the time limit requirement.

Mr. Mains stated selling drug paraphernalia in the neighborhood was bad enough with the clientele it attracts. One of his neighbors had his car broken into, and a few days later it was stolen. Just the other night this same neighbor's truck was vandalized. Also, the stores adjacent to the Prince Market, over the weekend, had the window broken out of the door of their vacuum shop. The locksmith shop next to it had their three vehicles tagged, which were kept in the lot. He asked if this business was causing that to happen. It was hard to say, other than the fact that it had not happened before. He stated the one locksmith shop business had been in the mini-mall for thirty years, and they never had anything happen to their vehicles. The homeowner whose car was stolen and others' who were vandalized, had been in that area for four years and never had anything happen until after this business opened up in November.

Mr. Mains said he and other neighbors felt that permitting the establishment to sell alcohol would be very unwise and detrimental to the neighborhood and other businesses in the area. He said the problem was they were catering to the drug paraphernalia, which the applicant stated they would not sell. Mr. Mains said he had doubts about that. There they were trying to battle drugs and everything else in their community and with their children; and permitting the business that was selling candy, tobacco, and ice cream soda. He said when he first went into the store to check it out, after hearing about it, there were two kids there who lived across the street. He asked them what they were doing there, and told them it was not a good place for kids to be. After they left the store, he asked the employee of the store why they were selling those types of things there. He was told that he did not own the business, he only worked there. Mr. Mains concluded stating that having the business selling alcohol, beer, and

wine, along with the drug paraphernalia, would not be a good business to have in his neighborhood, in his back yard.

Council Member Uhlich asked Mr. Qasim to come forward again. She said she had a couple staff members visit his store, and he had some communication with them. It was her understanding that he had removed the items that were expressed as a concern, and he agreed he would not sell those types of items. She wanted to confirm that to make sure.

Mr. Qasim replied that was correct. He said Mr. Mains could come into the store and take away whatever he did not like in his hands. He had children, and could not make money feeding four children, from selling chips and soda. He said there were complaints about the pipes, so he was applying for a liquor license to avoid that kind of business in the neighborhood. He asked for the Council's help.

Council Member Uhlich told Mr. Qasim that was going to be very important. It would be an act of good faith on her part to know her staff would continue to monitor and work with him on this. She told him the Council based their decisions on what was happening in the area in general. There was a high crime rate in the area; and they certainly wanted to continue to work towards lessening some of the stresses, which Mr. Mains identified. Council Member Uhlich said she also spoke with the neighborhood association, Flowing Wells, and they were not going to oppose the license. She said that given the applicant's willingness to work with the Council, as he took quick action on the feedback he was given, she would recommend forwarding the application with a neutral recommendation. She asked the City Attorney if a neutral recommendation was a possibility.

Mike Rankin, City Attorney, stated it could be a 'no recommendation'.

Council Member Uhlich said she thought that was what they would do, so they would not oppose the license. They would allow the Arizona State Liquor Board to make their decision.

Mr. Qasim stated that in two months, El Herdadero Carniceria down the block had their beer license with no protest. He was willing to do whatever he had to do. If they did not like his kind of business, he was willing to change it. He just wanted a chance.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b1, Prince Market, be forwarded to the Arizona State Liquor Board with "no recommendation."

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. Marty Medvec spoke about the plans to chip seal the streets in the Manana Vista, Yale Estates and Miramonte subdivisions, and said that chip sealing was not adequate as the streets have too much deterioration.
- b. Michael Toney spoke about the devastation of the natural landscape around the Silverbell development and the Tucson Airport and also thanked the Council for their opposition to the proposed Rosemont mine.
- c. Lynn Crawford spoke about the deterioration of streets in the Yale Estates, and requested assistance in getting the streets repaired.
- d. David Thompson spoke about neighborhood street conditions and also about the need for increased signage to point residents and visitors to state highways, interstates, and tourist attractions.
- e. Robert Chivers spoke about Item 10 and stated his opposition to the developer's plans to have an entrance onto Prospect Lane, and said that the only entrance should be on Limberlost.
- f. Matt Hogel thanked the Council for their strong opposition to the proposed Rosemont Mine and requested that Consent Agenda Item 7-A, El Capitan Court Condominiums, be continued for two weeks to allow the public more time to review.
- g. Russ Dove spoke about the duties of the Border Patrol, and said that they were being prevented from doing what was necessary for border safety.
- h. Ramon Gaanderse, Tucson Pima Alliance, spoke about Item 12, Impact Fee Ordinance changes, and said that this had been a great process to participate in and he supported the text changes to the Ordinance.

Council Member Trasoff asked if Jim Glock, the Transportation Department Director, could address some of the concerns that were brought up.

Mike Rankin, City Attorney, replied that, due to the Open Meeting Law, discussion was not allowed during Call to the Audience. Information could be received and they could direct staff to contact the individuals who spoke about the issues.

Council Member Trasoff said that negative things were said in a public context and it was important as a Council that they have staff clarify the efforts that were made in terms of sustainability, in terms of the depth of the problem, and in terms of finding resources and how decisions were made. She thought the public would be ill served, if left unaware of those facts.

Mike Rankin said he agreed with Council Member Trasoff, but the only thing the Open Meeting Law allows during Call to the Audience was response from individual Council Members who were the target of individual criticism during comments offered by speakers and staff could not be brought up address that.

Mayor Walkup asked Jim Glock to provide information to the individuals who had concerns.

(Note: This item was revisited after Item 8.)

7. CONSENT AGENDA – ITEMS A THROUGH I

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. FINAL PLAT: (S06-180) EL CAPITAN COURT CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1 THROUGH 12, LIMITED COMMON ELEMENTS G1 THROUGH G8, LIMITED COMMON ELEMENTS P1 THROUGH P15, AND COMMON ELEMENTS “A” AND “B”

1. Report from City Manager FEB6-07-~~64~~ 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.

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

B. APPROVAL OF MINUTES

1. Report from City Manager FEB6-07-59 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on January 9, 2007.

C. REAL PROPERTY: LEASE AGREEMENT WITH THE ARIZONA BOARD OF REGENTS FOR THE HISTORIC DEPOT

1. Report from City Manager FEB6-07-69 WARD 6

2. Ordinance No. 10373 relating to real property; authorizing and approving the lease of certain city-owned real property located at 410 North Toole Avenue, within the Historic Train Depot Complex to the Arizona Board of Regents for and on behalf of the University of Arizona; and declaring an emergency.
- D. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE FEDERALLY FUNDED HOME PROGRAM
1. Report from City Manager FEB6-07-66 CITY-WIDE
 2. Resolution No. 20576 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment 2 to the HOME Investment Partnership Subrecipient and the Intergovernmental Agreement between the City of Tucson and Pima County allocating funds for FY 2007; and declaring an emergency.
- E. REAL PROPERTY: TERMINATION OF DEVELOPMENT AGREEMENT FOR THE DEPOT PLAZA WITH CONGRESS STREET REINVESTORS
1. Report from City Manager FEB6-07-58 WARD 6
 2. Resolution No. 20577 relating to development; approving the agreement for the termination of the Development Agreement for the Depot Plaza Project with Congress Street Redevelopment; and declaring an emergency.
- F. MEMORIAL: IN OPPOSITION TO THE PROPOSED ROSEMONT MINE
1. Report from City Manager FEB6-07-70 CITY-WIDE
- Item F was considered separately at the request of Council Member Uhlich.
- G. ELECTIONS: AMENDMENT TO THE RULES AND REGULATIONS REGARDING THE ELECTION CAMPAIGN FINANCE ADMINISTRATION PUBLIC MATCHING FUNDS PROGRAM
1. Report from City Manager FEB6-07-72 CITY-WIDE
 2. Resolution No. 20578 relating to elections; pursuant to Tucson Charter Chapter XVI, Subchapter B, Section 8, approving the amendment of the Campaign Finance Administration Rules and Regulations to exempt from the definitions of contribution and expenditure certain uncompensated internet activity by individuals; approving the amendment of Part 1, Section II, Paragraphs L and N of the Campaign Finance Administration Rules and Regulations; and declaring an emergency.

H. REAL PROPERTY: AMENDMENT TO THE OFFER TO EXCHANGE PROPERTY WITH OASISTUCSON APPROVED NOVEMBER 2005

1. Report from City Manager FEB6-07-73 WARD 6
2. Resolution No. 20579 relating to real estate; authorizing and approving the first amendment to the Offer to Exchange Certain Real Property between the City of Tucson and Oasis Tucson to grant an option to purchase the “Extended Greyhound” parcel; and declaring an emergency.

I. FINANCE: TRANSFER OF FUNDS FROM THE WARD 3 OFFICE BUDGET TO THE COMMUNITY SUPPORT FUND FOR THE CHARLIE KING CONCERT AND MEAL

1. Report from City Manager FEB6-07-75 WARD 3
2. Resolution No. 20581 relating to Finance; approving and authorizing the allocation of two hundred dollars (\$200.00) from the Community Support Fund, Account No. 001-183-1898-268, to ITZABOUTIME, Inc. for the Charlie King Concert and Meal; and declaring an emergency.

This is a request by Council Member Uhlich. Allocation of funds is as follows: Council Member Uhlich - \$200.00

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Items B through I, with the exception of Items A and F, which would be considered separately, 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, Scott, Leal and Trasoff;
Vice Mayor West and Mayor Walkup

Nay: None

Consent Agenda Items B through I, with the exception of Items A and F, which would be considered separately, were declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM A

A. FINAL PLAT: (S06-180) EL CAPITAN COURT CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1 THROUGH 12, LIMITED COMMON ELEMENTS G1 THROUGH G8, LIMITED COMMON ELEMENTS P1 THROUGH P15, AND COMMON ELEMENTS “A” AND “B”

1. Report from City Manager FEB6-07-64 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.

Kathleen S. Detrick, City Clerk, announced that the first item to be considered separately would be Item A, which was removed by Council Member Trasoff.

Council Member Trasoff said she wanted to address this Item separately because she believed the efforts of the developers were exemplary and deserved recognition. It was a well-done renovation of a historic property that involved significant investment and hard work. She thought the most impressive thing was that they used energy efficient water on demand heaters and heating/cooling units. It was the type of renovation that was respectful of the environment and would increase home ownership in a neighborhood that was heavily impacted by a high percentage of rentals.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Item A, 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, Scott, Leal and Trasoff;
Vice Mayor West and Mayor Walkup

Nay: None

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

7. CONSENT AGENDA – ITEM F

F. MEMORIAL: IN OPPOSITION TO THE PROPOSED ROSEMONT MINE

1. Report from City Manager FEB6-07-70 CITY-WIDE
2. A Memorial relating to the City of Tucson’s opposition to the proposed Rosemont Mine.

Kathleen S. Detrick, City Clerk, announced the final item to be considered separately was Item F, which was removed by Council Member Uhlich.

Council Member Uhlich said she understood the Sierra Club’s desire to delay in order to give the public more opportunity to participate. The focal point was the United State Congress, their Congressional Delegation, and the Mayor and Council, thought it prudent, to adopt something that mirrored the Board of Supervisors resolution and offered full support and solidarity from the City of Tucson for their battle for that important piece of land.

Council Member Uhlich said she wanted to applaud the Sierra Club and other environmental activists in the community for helping to bring attention to a potential loss in the community and call into question what the environmental, water and other impacts might be if that project was allowed to proceed. She primarily wanted to make sure it was on the record that they support the Board of Supervisors, who were the lead in the matter with the Congressional Delegation.

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

Mayor Walkup asked if there was further discussion.

Vice Mayor West stated that mining is destructive to the land for all eternity, especially in the desert area. She felt there were a couple of things worth noting. First, section one on page three of the Memorial asks, “That the United States Forest Service formally withdraw all of Pima County natural reserve parks from mineral entry, as well as all Federal lands, included in National Parks, Monuments, and Forests within Pima County.” Vice Mayor West said she had thought that had already been done and was glad this was brought to them. Secondly, section two on page three of the Memorial says, “That the United States Forest Service include the lands including the proposed Rosemont Mine into the National Forest Federal Land and Water Conservation Funds for conservation purposes.”

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

Nay: None

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

8. PUBLIC HEARING: IMPLEMENTATION OF IMPACT FEE PROJECTS PLAN

Mayor Walkup announced City Manager's communication number 71, dated February 6, 2006 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 implementation of the Impact Fee Project Plans. The public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Lori Lustig, Southern Arizona's Home Builder Association, gave the City Clerk a letter to place into public record. She stated that they were not directly involved in the preparation of the project list, but they did applaud the City for tying the Impact Fees to a project list and looked forward to working with that process in the future.

Ms. Lustig stated that she would like to echo Mr. Gaanderse's comments. (regarding Item 12). They agreed that the process worked very well. She thanked Nicole Ewing-Gavin, Project Manager, Urban Planning and Design, Transportation, and other City staff.

Ms. Lustig stated there were two minor issues, the maps on the website were confusing, they were in black and white, and the written list was getting updated and copies would be distributed. The other part that would be important while going forward, was the actual cost calculations related to credits, that had not been prepared yet. She looked forward to working with Mr. Glock and other City staff as that moves forward.

Kathy Stubbs stated that the area of Camino Seco, between Wrightstown and Speedway was an area that they were promised several years ago, when a new housing development came in, that there would be a divided roadway with safe streets for the children that go to two elementary schools. There is one middle school and one charter school and the children all walk on the unpaved dirt roads. She said that to enter into her cul-de-sac from the intersection of Speedway and Camino Seco, she must make a sharp left turn between yellow barricades, go down approximately forty-five degrees, and then continue on an unpaved access road to get to her home.

Ms. Stubbs said they were promised, when Barrio Solana was built, that the City was going to make improvements so that their streets, Camino Seco from Wrightstown to Speedway, would be paved, divided and landscaped, as it was between Speedway and

Twenty-Second Street. There were a lot of children walking on the streets, a big church with service on Wednesday, Saturday and Sunday nights, which added to the traffic congestion because people park on the road. She said that there was a safer way to do that.

Marion Jacob said that Kathy Stubbs covered everything, but she wanted to stress that Camino Seco, between Speedway and Wrightstown was a cut through by people who were not going to homes on Camino Seco, but using it to come off of Wrightstown to go to Speedway, so there was a lot more traffic and it had increased over the years. They had to drive on a dirt access road and if cars were parked on Camino Seco, which was legal, it was hard because there was not room for three cars on that road, it was not divided. She said they had to play “chicken” with the car coming in the opposite direction and decide who was going to pull over. It was dangerous and an eye sore and she said she was embarrassed to drive on that road

Phil Swaim stated that Camino Seco between Speedway and Wrightstown, was a very important component that needed to be improved. The transportation on that area of town was horrendous and has been neglected for some time. He was concerned about the money intended to go towards the center left turn lane at Harrison Road. The traffic on Wrightstown and Harrison had become arterial. There were three schools within half a mile. The road did not handle the amount of cars there now, cars pull out in front of each other and adding a center lane would give a false sense of security.

Mr. Swaim stated that Harrison Road was currently under construction between Speedway and Twenty-second Street and when that opens, traffic was going to increase further. A corridor study should be set up for Wrightstown, it was arterial, two lanes, another school was being proposed on the corner and putting in a center lane was a false sense of security and was a significant problem. The Regional Transportation Authority has not addressed Wrightstown. He said he realized the City’s funds were limited, but there was no need for a band aid solution, but instead a significant solution before school kids were killed there.

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

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

It was moved by Vice Mayor West, duly seconded, and carried by a voice vote of 7 to 0 to approve staff recommendations.

6. CALL TO THE AUDIENCE

Mayor Walkup announced they would return to Item 6, Call to the Audience.

Council Member Trasoff requested a Study Session update on the efforts to bring City streets into good condition, the limited funding that was available and the efforts that were being undertaken. She also asked that Mr. Glock cover how the technology in chip sealing had dramatically improved over the last twenty years.

9. PUBLIC HEARING: ZONING (C9-01-18) STREAMS IN THE DESERT LUTHERAN – LEE STREET R-1 TO R-2, REQUEST FOR REACTIVATION AND TIME EXTENSION

Mayor Walkup announced City Manager's communication number 60, dated February 6, 2007, 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 to request for a reactivation and time extension for a completion of the zoning conditions. This public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Paul Olsen representing the applicant and the church, Olsen Shaheen Architects and Streams in the Desert, stated they had no objections to the added conditions on the retention detention requirements. They ran into some pastoral problems that delayed them in getting financed on that project. He said it was still a good and needed project for that area of Tucson and hoped they were given an extension.

Shaveen King stated she was speaking on behalf of the neighbors that were against the proposed zoning changes. She delivered and had copies of about ten letters. They were very much opposed, some have lived there less than five years, and she had been there less than two months. She stated the property was zoned as R-1 per city records. She said she did not understand why this was a continuation. They would have never bought a home across from R-2 zoning. She just put quarter of a million dollars into a home across the street from the vacant lot, which she thought was the church's additional property. She said she never would have knowingly wasted her entire networth.

Ms. King said one of the letters addressed an individual trying to find care for an uncle and she did not believe having an adult daycare facility met with requirements of R-2 zoning. She stated there was no need for adult daycare center in the area considering there are many in the area. A lot of people worked and could not attend the meeting, but they were very much against the whole project.

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

Council Member Trasoff stated she was at a loss having not seen the letters, she had only seen the forms filed. She asked this be delayed for one week to have a chance to learn more about the concerns.

Ernie Duarte announced that it was the Council's prerogative to delay and reminded them that it was a reactivation of the case. The developer would have five years to perfect the rezoning, however action could be delayed if that was the Council's pleasure.

Vice Mayor West recommended they approve the request for the reactivation, but that there be neighborhood meetings with the Ward 6 office to work out the concerns. There had been a considerable time lapse, however she would respect what Council Member Trasoff decided.

Council Member Trasoff said her main concern was within the special considerations on Lee Street. All of the units were going to be a maximum of one story. She stated she would like to have two weeks to have her staff listen to the neighbor's concerns. She said that she did not feel comfortable going one direction or another on this item.

Paul Olsen said that those were very good suggestions. He said the new Pastor at Streams in the Desert had invited Council Member Trasoff and her staff to a meeting on February 17, 2007. They arranged a community meeting with school, police, and community leaders because Streams in the Desert was very interested in determining what their best role was in the community needs. It would be a great opportunity to have a discussion. He said he felt the meeting that was already set up would fit into that.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0 to continue this item to the meeting of February 21, 2007.

10. ZONING: (C9-06-29) BURNS – PROSPECT LAND, MH-1 AND R-2 TO R-1, CITY MANAGER'S REPORT

Kathleen S. Detrick, City Clerk, state this item included a Zoning Examiner's Report.

Mayor Walkup announced City Manager's communication number 67, dated February 6, 2007, would be received into and made a part of the record. He also announced this was a request to rezone property located between Limberlost Drive and Prospect Lane, approximately one-quarter mile west of Campbell Avenue.

Michael Owen, on behalf of the property owner, stated that this project had been discussed with the neighbors extensively. There were some disagreements, but they had compromised on many issues and still believed it was a very appropriate project. They have looked at all the rezoning conditions and they seemed appropriate and they were willing to go along with all of them.

Council Member Uhlich stated that she had met a couple of times with a group of neighbors along Prospect Lane who were concerned about maintaining the life along their quiet street. She had also met with Mr. Owen. This had been a difficult decision, but she

was in support of the project. This project had been six years in evolution, which started with a single point of entry on Prospect Lane. Since that time, it had evolved and gone through a couple of machinations, which now include two entries, one on Prospect Lane and one on Limberlost.

Council Member Uhlich said the projected traffic studies that had been available indicated that since there were existing residences and horse corrals on the property, the projection was the number of trips would likely be the same as the current load. The existing zoning would allow for a development that could generate similar traffic. She had discussed with neighbors and Mr. Owen that there were pressure points along that roadway, Rio Vista School was at the end of Prospect Lane and other developments. Two speed bumps had been installed and she had spoken with Mr. Owen to install another two to mitigate the traffic. They certainly wanted to work with the school district. Where the road curves was a concern and they would pay particular attention to that. This project, because of opposition of the adjacent neighbors would require a super majority vote for the ordinance down the road. That work would be a good investment of time to iron out any other challenges.

Council Member Uhlich asked Mr. Glock about the right of way issues, Prospect Lane narrows considerably just to the east of the entrance to the property. She asked him to share that information in terms of right of way, should that road ever be expanded.

Jim Glock, Director of Transportation, explained that Prospect Lane had a sixty-foot right of way to the west of the development. He said the Tucson City Code, required an improvement to Prospect Lane across the frontage of the development. He said it was unclear whether or not the improvements to establish a two-lane roadway to the satisfaction of the neighborhood association could be done within that existing right of way which was thirty feet. He said to his understanding there was not a desire on part of the neighborhood association to establish sidewalks and curbing, a development modification request would be required to confirm that. There may be a need for some property to be dedicated to accommodate the improvement.

Council Member Uhlich asked that in order for that dedication to occur, were there steps required at that point or would that have to be ironed out with the owners.

Mr. Glock stated that those details were worked out during the plating process. The developers seeking authorization would do the detail work and bring back an ordinance for Council once completed.

Council Member Uhlich stated that this was carefully reviewed by the Zoning Examiner, Peter Gavin, and she thanked him for the time spent answering the questions she had. She emphasized that adjacent neighbors were concerned and that the project itself, was one she supported and wanted to work with the developers and neighbors.

Mr. Owen stated that this had previously been discussed in great detail. He felt that they had all of the facts and they have agreed to provide any additional right of way

within reason. He said a few feet could be worked out with Mr. Duarte's staff. He felt everything was in order.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0 to authorize the request for rezoning as recommended by the Zoning Examiner.

11. ZONING: (C9-06-30) PALO VERDE IMPORT/EXPORT – SPEEDWAY BOULEVARD, R-1 TO O-2, CITY MANAGER'S REPORT

Kathleen S. Detrick, City Clerk, state this item included a Zoning Examiner's Report.

Mayor Walkup announced City Manager's communication number 68, dated February 6, 2007, would be received into and made a part of the record. He also announced this was a request to rezone property located on the northwest corner of Speedway Boulevard and Norton Avenue. Zoning Examiner and Developmental Services Department recommended approval under certain conditions.

Mayor Walkup asked if the applicant was present.

The applicant was not present.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 7 to 0, to authorize the request for rezoning as recommended by the Zoning Examiner.

12. TUCSON CODE: AMENDING (CHAPTER 23A) IMPACT FEE REGULATIONS - CREDITS, WAIVERS, AND EXPENDITURE OF FUNDS

Mayor Walkup announced City Manager's communication number 74, dated February 6, 2007, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10372 by number and title only.

Ordinance No. 10372 relating to development fees; amending the Tucson Code, Chapter 23A, Development Compliance Code, Article III, Impact Fees; Division 1, Applicability and Intent, Section 23A-72, Intent; Division 2, Fee Calculation, Sections 23A-81, Fee Determination, 23A-82, Credits, 23A-83, Exemptions, 23A-84, Expenditure of Funds, 23A-85, Independent Fee Calculation, and 23A-87, Offsets; Division 3, General Provisions, Sections 23A-91, Miscellaneous Provisions and 23A-92, Appeals and Interpretations; Article IV, Definitions, Division 2, Listing of Words and Terms, Sections 23A-113, Definitions-C, 23A-125, Definitions-O, and 23A-129, Definitions-S; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded to pass and adopt Ordinance 10372.

Mayor Walkup asked if there was further discussion.

Vice Mayor West commented on comments made by Lori Lustig. When going through the adoption of the impact fees, one of the things that had come up was the fact that streets and routes were not updated regularly, she asked if that was now being done.

Albert Elias, Director of Urban Planning and Design, stated that they were doing that, and there was another update in process. There would be a study session in front of the Planning Commission on February 7, 2007, and he anticipated Council would see that in about a month and a half. There was also better map making in order to share a better product with the public in regards to the streets on the Major Streets and Routes (MSR) Plan.

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

Upon roll call, the results were:

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

Nay: None

Ordinance 10372 was declared passed and adopted by a roll call vote of 7 to 0.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 63, dated February 6, 2007, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

Kathleen S. Detrick, City Clerk, announced a request for the reappointment of Sarah Evans to the Citizen's Water Advisory Committee.

It was moved by Vice Mayor West, duly seconded, and carried by a voice vote of 7 to 0 to re-appoint Sarah Evans to the Citizen's Water Advisory Committee.

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

Council Member Leal announced his appointment of Michael Boreale to the Citizen's Transportation Advisory Committee, Ernie Guthrie to the Rio Nuevo Citizen's Advisory Committee and Joseph C. Dhuey to the Tucson Rodeo Grounds/ Parade Citizen's Oversight Committee.

Council Member Scott announced her appointment of Charles L. Sherman as Ward 4 appointee to the Tucson rodeo Grounds/Parade Citizen's Oversight Committee.

14. ADJOURNMENT: 6:50 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 13, 2007, 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 February 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:cdj/jmg